

NASBLA MODEL ACT FOR SAFE PRACTICES DURING LAW ENFORCEMENT AND PUBLIC SAFETY OPERATIONS

This issue was originally brought to the Enforcement and Training Committee of the National Association of State Boating Law Administrators (NASBLA) in September 2022 from C-PORT, an associate member of the committee and a nonprofit organization representing the marine assistance industry. Although initially proposed to support marine assistance operations, NASBLA membership identified marine law enforcement operations as at risk when not protected by safe boating practices requiring vessels to slow to no-wake speed in the vicinity of law enforcement and public safety.

Since the mid-1990s, states have enacted Move Over laws requiring drivers to give a one lane buffer to stopped emergency vehicles. In recent years, state legislatures began enacting maritime Move Over laws for vessels, akin to laws enacted for land-based vehicles. These Move Over laws do not apply as neatly to the marine environment, however, as wakes—the waves created by the hull of the vessel as it moves through the water—can impact other vessels downstream from the moving vessel. Given the unique risks only present in the water, law enforcement and public safety are exposed to heightened danger while conducting the activities defined within this model act. For boaters, knowledge of this danger is critical as courts hold that a vessel's wake is an extension of the vessel, making the operator responsible for the wake created.

This model act was adopted by the NASBLA membership on September 22, 2023.

1 Section 1. [Short Title.] This act may be cited as the Safe Practices during Law Enforcement and Public Safety
2 Operations Act.

1 Section 2. [Applicability.] The provisions of this act apply to all waters within the jurisdiction of this state.

1 Section 3. [Definitions.] As used in this act:

- 2 (1) “Law enforcement vessel” means any vessel conducting inspection, enforcement or assistance while
3 displaying flashing *blue* lights [or *enforcement lighting configuration consistent with state authorization*],
4 located so that it does not interfere with the visibility of the vessel’s navigation lights.
5 (2) “Public safety vessel” means any vessel conducting marine inspection, enforcement, towing, or assistance
6 while displaying alternating *red* and *yellow* flashing lights, [or *lighting configuration consistent with state*
7 *authorization*], located so that it does not interfere with the visibility of the vessel’s navigation lights.
8 (3) “Operate” means to navigate or otherwise control the movement of a vessel, including control of the
9 vessel’s propulsion system.
10 (4) “Operator” means the person who navigates or is otherwise in control or in charge of the movement of the
11 vessel, including control of the vessel’s propulsion system.
12 (5) “Slow no wake” means operation of a vessel at the slowest speed necessary to maintain steerage and that
13 reduces or eliminates the disturbance of the water (waves) resulting from the passage of the vessel’s hull.
14 (6) “Vessel” means any vessel propelled in whole or in part by machinery, including a vessel temporarily
15 equipped with a detachable engine.

1 Section 4. [Requirements.]

- 2 (1) Upon the immediate approach of a law enforcement or public safety vessel, with flashing lights engaged,
3 the approaching vessel operator shall immediately slow to no-wake speed, so as not to inhibit or interfere with
4 the operation of the law enforcement or public safety vessel.
5 (2) The operator of an approaching vessel, passing within 200 feet of vessels conducting law enforcement or
6 public safety operations, shall proceed at a slow no wake speed until more than 200 feet beyond the area of
7 operation of the law enforcement or public safety vessel.

1 Section 5. [Exemptions.] The provisions of this act do not apply to a vessel operator if otherwise directed by an
2 official in the law enforcement or public safety vessel.

1 Section 6. [*Penalty for Violation.*] A violation of this act constitutes a [*insert offense and penalty(ies)*].

1 Section 7. [*Effective Date.*] [*Insert effective date.*]