

## NASBLA MODEL ACT FOR MAXIMUM LOADING AND HORSEPOWER CAPACITY COMPLIANCE

*This act originally was adopted by the membership of the National Association of State Boating Law Administrators on Sept. 15, 2004. In 2005, the NASBLA Boats & Associated Equipment and Law Enforcement Committees reviewed, approved and recommended this version of the act to the NASBLA membership as part of the Association's Model Act Review and Standardization Project. The act was approved in revised form by the membership on Sept. 21, 2005.*

*The act prohibits the operation of certain recreational vessels when those vessels exceed their loading or powering capacities or exceed the capacity limits identified on the vessel's capacity label or through calculations presented in the Code of Federal Regulations.*

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1 Section 1. [*Short Title.*] This act may be cited as the Maximum Loading and Horsepower  
2 Capacity Compliance Act.

1 Section 2. [*Definitions.*] As used in this act:

2 (1) "Boat" means any vessel manufactured or used primarily for noncommercial use, or leased,  
3 rented or chartered for noncommercial use.

4 (2) "Capacity label" means the vessel manufacturer's panel that indicates maximum loading or  
5 powering capacity as prescribed under 33 CFR Part 183.

6 (3) "Manufacturer" means any person engaged in the business of manufacturing or importing  
7 new for the purpose of sale or trade.

8 (4) "Monohull boat" means a boat on which the line of intersection of the water's surface and  
9 the boat, at any operating draft, forms a single closed curve.

10 (5) "Operate" means to navigate or otherwise control the movement of a vessel, including  
11 control of the vessel's propulsion system.

12 (6) "Vessel" means every description of watercraft, other than a seaplane on water, used or  
13 capable of being used as a means of transportation on the water.

1 Section 3. [*Applicability.*] The provisions of this act apply:

2 (1) On all waters within the jurisdiction of this state.

3 (2) To the following types of vessels:

4 (i) Monohull boats less than 20 feet in length, other than sailboats, canoes, kayaks and  
5 inflatable boats, that are designed or intended to use one or more outboard engines for  
6 propulsion;

7 (ii) All other recreational boats for which the manufacturer has affixed a maximum loading  
8 or powering capacity label.

1 Section 4. [*Vessel Capacity Enforcement.*] No person shall operate any vessel described in  
2 Section 3(2) of this act when said vessel exceeds:

3 (1) The maximum weight capacity; or

4 (2) The maximum persons capacity; or

5 (3) The maximum horsepower; or

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6 (4) The capacity limits as identified on the vessel's capacity label, or by calculations provided  
7 in 33 CFR Part 183, Subparts C and D.

1 Section 5. [*Penalty for Violation.*] A violation of this act constitutes a [insert offense and  
2 penalty(ies)].

1 Section 6. [*Effective Date.*] [Insert effective date.]