115-30-10. Personal watercraft; definition, requirements, and restrictions. (a) Personal watercraft ~~means~~ shall mean any vessel that uses an inboard motor powering a jet pump as ~~its~~ the vessel's primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.

(b) Personal watercraft shall be subject to all applicable laws and regulations that govern the operation, equipment, registration, numbering, and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state, except as ~~modified below.~~ follows:

(1) A personal watercraft ~~may~~ shall not be operated unless each person aboard the personal watercraft is wearing a type I, type II, type III, or type V United States coast guard-approved personal floatation device.

(2) Each person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the operator's person, clothing, or personal floatation device, as appropriate.

(3) A person shall not operate a personal watercraft between sunset and sunrise.

(4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within ~~100~~ 200 feet of the following:

(A) A dock;

(B) a boat ramp;

(C) a person swimming;

(D) a bridge structure;

(E) a moored or anchored vessel;

(F) a sewage pump-out facility; ~~or~~

(G) a nonmotorized watercraft;

(H) a boat storage facility; or

(I) a concessionaire's facility.

(5) A person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers that unreasonably or unnecessarily endanger life, limb, or property shall be prohibited. This prohibition shall include weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.

(6) A person shall not operate a personal watercraft unless the person is facing forward.

(7) A person shall not operate or use a personal watercraft to tow a person on waterskis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

(8) ~~A person under 16 years of age shall not operate a personal watercraft on the waters of this state unless a person 17 years of age or older is aboard the personal watercraft. However, any person under 16 years of age, but not less than 12 years of age, may operate a personal watercraft if the person has successfully completed a boating safety course of study approved by the department and has been~~

~~issued a valid boating safety certificate.~~

~~(9)~~ No person in possession of a personal watercraft shall permit another person ~~under 16 years of age to operate the personal watercraft, unless a person above 17 years of age is aboard the personal watercraft, or unless the operator is at least 12 years of age and has met the boating safety and certificate requirements of paragraph (b)(8)~~ to operate the personal watercraft unless that person has met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(c) A boat livery shall not lease, hire, or rent a personal watercraft to, or for the operation by, any person who ~~is under 16 years of age unless the person is at least 12 years of age and has met the boating safety and certificate requirements of paragraph (b)(8)~~ has not met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.

(d) The provisions of paragraphs (b) (4), (5), (6), and (8) shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition that has been authorized or permitted by the department or is otherwise exempt from this authorization or permit requirement.

(e) This regulation shall be effective on and after January 1, 2008. (Authorized by and implementing K.S.A. 32-1103 and K.S.A. 2006 Supp. 32-1119; effective June 13, 1994; amended June 11, 1999; amended P-_____.)