

§3.9

§3.9 May I operate my personal watercraft (PWC) in park waters?

(a) A person may operate a PWC only in park areas where authorized by special regulation. Special regulations may only be promulgated in the 21 parks listed in the following table:

Name	Water type	State
Amistad National Recreation Area.	Impounded Lake	TX
Assateague Island National Seashore.	Open Ocean/Bay	MD/VA
Bighorn Canyon National Recreation Area.	Impounded Lake	MT
Big Thicket National Preserve ...	River	TX
Cape Cod National Seashore ...	Open Ocean/Bay	MA
Cape Lookout National Seashore.	Open Ocean/Bay	NC
Chickasaw National Recreation Area.	Impounded Lake	OK
Cumberland Island National Seashore.	Open Ocean/Bay	GA
Curecanti National Recreation Area.	Impounded Lake	CO
Delaware Water Gap	River	PA/NJ
Fire Island National Seashore ...	Open Ocean/Bay	NY
Gateway National Recreation Area.	Open Ocean/Bay	NY
Glen Canyon National Recreation Area.	Impounded Lake	AZ/UT
Gulf Islands National Seashore	Open Ocean/Bay	FL/MS
Indiana Dunes National Lakeshore.	Natural Lake	IN
Lake Mead National Recreation Area.	Impounded Lake	AZ/NV
Lake Meredith National Recreation Area.	Impounded Lake	TX
Lake Roosevelt National Recreation Area.	Impounded Lake	WA
Padre Island National Seashore	Open Ocean/Bay	TX
Pictured Rocks National Lakeshore.	Natural Lake	MI
Whiskeytown-Shasta-Trinity National Recreation Area.	Impounded Lake	CA

(b) Where authorized, operation of a PWC on park waters is subject to the following conditions:

(1) No person may operate a PWC unless each person aboard is wearing a Type I, II, III, or V PFD approved by the United States Coast Guard.

(2) A person operating a PWC equipped by the manufacturer with a lanyard-type engine cut-off switch must attach such lanyard to his person, clothing, or PFD, as appropriate for the specific vessel.

(3) No person may operate a PWC anytime between sunset and sunrise.

(4) No person may operate a PWC by jumping the wake, becoming partially airborne or completely leaving the water while crossing the wake of another vessel within 100 feet of the vessel creating the wake.

(5) If a park area is located within a State that has more restrictive regulations for the operation of PWC, then applicable State law applies in lieu of paragraphs (b)(1) through (b)(4) of this section.

§3.10 What are the regulations regarding operating a vessel while under the influence of alcohol and/or drugs?

(a) Operating or being in actual physical control of a vessel is prohibited while:

(1) Under the influence of alcohol, a drug or drugs, or any combination thereof, to a degree that renders the operator incapable of safe operation; or

(2) The alcohol concentration in the operator's blood or breath is 0.08 grams or more of alcohol per 100 milliliters of blood or 0.08 grams or more of alcohol per 210 liters of breath.

(b) If State law that applies to operating a vessel while under the influence of alcohol establishes more restrictive limits of alcohol concentration in the operator's blood or breath, those limits apply rather than the limits specified in paragraph (a) of this section.

(c) The provisions of this section also apply to an operator who is or has been legally entitled to use alcohol or drugs.

§3.11 When is testing for alcohol or drugs required?

(a) At the request or direction of an authorized person who has probable cause to believe that an operator of a vessel has violated provisions of §3.10, the operator must submit to one or more testing procedures of the blood, breath, saliva or urine for the purpose of determining blood alcohol and/or drug content.

(1) Refusal by an operator to submit to a test is prohibited and proof of refusal may be admissible in any related judicial proceeding.

(2) Any test or tests for the presence of alcohol and drugs must be determined by and administered at the direction of an authorized person.

(3) Any test must be conducted by using accepted scientific methods and equipment of proven accuracy and reliability operated by personnel certified in its use.