

Wake Boats

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Issue

This report provides information about the use of wake boats on lakes. It addresses (1) Connecticut laws governing these vessels, including Department of Energy and Environmental Protection (DEEP) rules or guidance for their use; (2) any related local ordinances; and (3) examples of wake boat laws or regulations from other nearby states.

Summary

Wake boats, also known as tow boats or ballast boats, are designed to create large wakes for wake boarders or wake surfers to jump wakes side to side while sometimes doing aerial tricks with or without a towrope.

In Connecticut, wake boarders are regulated as water skiers, and those engaged in wake boarding, including those operating the wake boat, are required to (1) comply with various waterskiing safety rules and (2) obtain a DEEP-issued safe waterskiing endorsement in addition to their safe boating certificate.

Local boating ordinances must receive DEEP approval. According to DEEP, it would not allow ordinances that ban a certain vessel (i.e., wake boat) because of federal preemption issues, but would consider approving ordinances that restrict how wake boards and other boats are used (e.g., horsepower, time limits) or ban waterskiing on a given lake or pond.

Although we found no other nearby states that regulate wake boats in ways beyond what Connecticut already does, other states are beginning to look into wake boat restrictions given the

recent rise in water sports using them. Two examples are New Hampshire, which studied the issue in 2019-2020 and updated requirements in 2021, and Vermont, which currently has draft rules under development. We discuss these further below.

Connecticut

State Laws and Regulations

According to DEEP, there are currently no Connecticut laws or regulations specific to the use or operation of wake boats. However, those engaged in wake boarding or wake surfing are, by definition, engaged in “waterskiing” ([CGS § 15-127](#)). As a result, those engaged in the activity and those operating the vessel must abide by certain safety requirements under law ([CGS § 15-134](#)). These include the requirements for an observer to be on board, use in authorized areas only, time of day restrictions, and not operating in a dangerous manner.

Additionally, the law requires operators to obtain a safe waterskiing endorsement in addition to a safe boating certificate ([CGS § 15-140e\(f\)](#)). Operators engaged in water skiing activities must be at least 16 years of age ([CGS § 15-140h](#)).

DEEP also notes that state laws prohibit the reckless operation of a vessel in a manner that threatens another person’s life, limb, or property (including by causing damaging wakes) ([CGS §§ 15-140k & 15-140m](#)).

Lastly, except for allowing a water skier to take off or land, vessels may not exceed the slow-no-wake speed within 100 feet of shore, a dock, pier, float, or anchored or moored vessel ([Conn. Agencies Regs., § 15-121-B14](#)). “Slow-no-wake” generally means operating a vessel at a speed that does not produce more than a minimum wake and is not greater than six miles per hour over ground unless a higher minimum speed is necessary to maintain steerage when traveling with a strong current. (The regulation allows municipalities to enact ordinances with more stringent speed limits or distance from shore limits.)

Local Ordinances

All local boating ordinances are subject to DEEP’s approval ([CGS § 15-136](#)). According to DEEP, because of federal preemption issues, the department will not approve an ordinance that bans a specific kind of vessel (i.e., a wake boat). However, DEEP will consider approving ordinances that restrict waterskiing, horsepower, speed, and time of operation, among other limits.

There are ordinances in place for various Connecticut lakes and ponds, as noted in DEEP's [2023 Boater's Guide](#). (There appear to be at least 40 bodies of water that prohibit waterskiing in Connecticut, many by regulation and some by local ordinance.)

Other States

We were unable to find examples of other nearby states that prohibit wake boating or regulate it in ways beyond what Connecticut already does. However, DEEP shared a recent study in New Hampshire on wake boats, and we found reference to draft wake boat regulations in Vermont, which we describe below.

New Hampshire

New Hampshire created a commission to study wake boats in 2019. In its [June 30, 2020, report](#), the commission noted that “[t]he recent increased interest in wakeboarding, wake surfing, and other water sports employing the use of wake, tow or ballast boats has given rise to concerns by many users of New Hampshire’s waters” (p. 3).

In its conclusion, the commission agreed on several educational proposals to be implemented by the water sports industry; the private business sector; and the New Hampshire Department of Safety, State Police–Marine Patrol Unit. One such educational program is a “Wake Responsibly Campaign.” The main messages of this campaign are to (1) minimize repetitive passes along residential shorelines; (2) play music at reasonable levels; and (3) always tow at least 200 feet from shorelines and docks, steering clear of parked boats and smaller watercraft (p. 12).

The commission also considered safety legislation proposals and agreed that wake surfing legislation should be considered to (1) require the presence of an observer in a boat engaged in wake surfing, (2) require the wake surfer to wear a U.S. Coast Guard-approved personal flotation device, and (3) prohibit wake surfing during the hours of darkness (i.e., between sunset and sunrise) (p. 17). In 2021, New Hampshire enacted these safety measures ([N.H. Rev. Stat. Ann. § 270-D:3](#)).

Vermont

The Vermont Department of Environmental Conservation (DEC) is currently working on a draft rule that, if enacted, would regulate wake boats on certain public waters. (This resulted from residents petitioning the agency in 2022 to take regulatory action.)

DEC's proposed draft rule, which incorporates eligibility, operating, and home-lake guidelines, would allow wake boats to engage in wake sports on public waters under the following three conditions:

1. they can operate on lakes, ponds, and reservoirs with a minimum of 50 contiguous acres that are 500 feet from shore on all sides and 20 feet deep (i.e., eligibility rule);
2. wake boats must be 500 feet from shore at all times while engaging in wake sports (i.e., operating rule); and
3. a wake boat must stay in one lake per calendar year unless the boat is decontaminated by a DEC-approved entity (i.e., home-lake rule).

While a [final rulemaking](#) package is not yet available (a public hearing will be in August 2023), this [presentation](#) summarizes DEC's findings and recommendations as of the February 15, 2023, public meeting to discuss the proposal.

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