

U.S. Department of
Homeland Security

United States
Coast Guard



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CG-BSX
Policy Letter 01-22
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From: T. P. Glendye, CAPT /s/
COMMANDANT (CG-BSX)

To: Distribution

Subj: REQUIREMENTS FOR MECHANICALLY PROPELLED PERSONAL
HYDROFOILS (EFOILS) AND MOTORIZED SURFBOARDS (JETBOARDS)

Ref:

- a. COMMANDANT (CG-BSX-2), Vessel Determination Letter, dated 9/23/21
- b. 46 U.S.C. Chapter 43
- c. 46 U.S.C. Chapter 123
- d. 33 CFR Subchapter S

1. Purpose. This policy letter provides guidance to U.S. Coast Guard Maritime Law Enforcement, state titling and registration offices, state maritime law enforcement agencies, manufactures, and the public on requirements for Motorized Personal Hydrofoils, (AKA eFoils, electric Hydrofoils) and Motorized Surfboards (AKA jetboards). Internet release of this letter is authorized.

2. Background. Per reference (a), Mechanically Propelled Personal Hydrofoils (MPPH) and Motorized Surfboards (MSB) have been determined to be vessels and are therefore subject to all laws and regulations pertaining to recreational vessels propelled by machinery. However, these vessels are not of the traditional recreational vessel design as they do not have a steering system, gunwales, and have limited freeboard. The design is that of a flat board that is human powered or mechanically propelled by an internal combustion engine or electric motor; the vast majority being electric powered.

These mechanically propelled vessels can reach speeds in excess of 35 miles per hour. Based on the unique design and operation of these vessels, applying typical prescriptive vessel requirements may create unsafe conditions. Accordingly, this policy letter was developed to facilitate safe and enjoyable operation of these vessels. The National State Boating Law Administrator's (NASBLA) Vessel Identification Registration and Titling (VIRT) committee provided input on these policies.

3. Definitions.

- a. Mechanically Propelled Personal Hydrofoil (MPPH), also known as an eFoil, is a vessel that consists of a board fitted with a mast extending below the board that is attached to a fuselage with a forward wing, rear stabilizer and electric motor or gasoline engine. Non-motorized hydrofoils also exist, and while they are vessels, they are not subject to the Certificate of Numbering (CON) requirements but may be registered by the state.
- b. Motorized Surfboard (MSB), also known as a jetboard, is a vessel that consists of a board using a surfboard-type design fitted with propulsion machinery (either electric or internal combustion). The operator controls the speed using a handheld remote control and uses body weight transfer to maneuver the board.
- c. Personal watercraft (PWC), as defined in 33 CFR 174.3, means a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing within the vessel's hull.

4. Action.

- a. Vessel Numbering
 - i. Per reference (d), a Hull Identification Number (HIN) is required and must be validated prior to issuing a CON. If no HIN has been assigned by the manufacturer, the state issuing authority should contact the Recreational Boating Product Assurance Branch (CG-BSX-23) via email at: rbscompliance@uscg.mil. No further numbering action shall be taken until a valid HIN for the vessel can be verified.
 - ii. Motorized personal hydrofoils and motorized surfboards will be issued a certificate of number by the State of principle operation in accordance with 33 CFR 174.17 and 174.19. States may indicate these vessels as either "Personal Watercraft" or as "Other" with the appropriate propulsion and engine drive type.
 - iii. Each number is required by 33 CFR 173.27 to:
 1. Be painted on or permanently attached to the forward half of the vessel's deck or freeboard;
 2. Be in plain vertical block characters of not less than 3 inches in height;
 3. Contrast with the color of the background to be distinctly visible and legible;
 4. Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: DC 5678 EF or DC-5678-EF); and
 5. Read from left to right.

b. Incident Reporting

- i. In order to facilitate data collection and analysis, the States and the U.S. Coast Guard should record these vessels as shown on the vessel's certificate or number when submitting reportable incidents as per 33 CFR 173 Subpart C – Casualty and Accident Reporting.
- ii. When reporting an incident to the Coast Guard, states should make a comment in the incident narrative reported to the Coast Guard that the vessel is either a mechanically propelled personal hydrofoil or motorized surfboard.

c. Equipment Requirement Variance

- i. The unique hull configuration and operation of these vessels can make the carriage of a fire extinguisher unsafe for the operator. Carrying a fire extinguisher may create the potential for injury to the operator (tripping hazard, etc.) and a degradation of the extinguisher due to environmental exposure. In the event of a fire, the best course of action is for the operator to turn off the engine or motor if feasible and abandon the craft. Therefore, under the authority granted in 46 U.S.C. 4305, the Coast Guard considers that safety will not be adversely affected. A fire extinguisher is not required on a gasoline powered MPPH or MSB when the operator and any other person on board are wearing a U.S. Coast Guard approved Personal Flotation Device (PFD) suitable for the activity.

d. Manufacturer Compliance

- i. Manufacturers of MPPH and MSB must comply with all requirements found in references (b) and (d), including installation of an ABYC A-33 compliant engine cut-off switch (ECOS), or receive a written exemption from COMMANDANT (CG- BSX). Manufactures may contact RBSInfo@uscg.mil for a copy of A-33.

e. Owner and Operator Compliance

Owners and operators of MPPH and MSB shall, in accordance with 33 CFR Subchapter S, Parts 173 - 175:

- i. Comply with State numbering requirements, including Hull Identification Number verification;
- ii. Comply with the numbering requirements as amended by this policy;
- iii. Carry the Certificate of Number when underway;
- iv. Carry and/or wear a PFD in accordance with state and federal regulations;
- v. Carry a fire extinguisher if required, unless all persons onboard the vessel are wearing a USCG-approved personal flotation device;
- vi. Carry a sound producing device, such as a whistle;
- vii. Comply with 33 CFR 83 Inland Navigation Rules, which includes proper lighting if operated during periods of reduced visibility or between sunset and sunrise following both state and federal law; and
- viii. Comply with ECOS requirements. If the MPH or MSB has an installed Engine Cutoff System, the operator must comply with engine cut-off switch use requirements.

Disclaimer. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is not intended to nor does it impose legally binding requirements on any party. It represents the Coast Guard's current thinking on this topic and may assist industry, mariners, the general public, and the Coast Guard, as well as other federal and state regulators, in applying statutory and regulatory requirements. You can use an alternative approach for complying with these requirements if the approach satisfies the requirements of the applicable statutes and regulations. If you want to discuss an alternative approach (you are not required to do so), or you require information regarding the requirement to report a vessel incident (death, injury, etc.), you may contact Commandant (CG-BSX-2), Boating Safety Division, Office of Auxiliary and Boating Safety, who is responsible for implementing this guidance, at RBSInfo@uscg.mil.

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Dist: Coast Guard Headquarters (MLE)
 Coast Guard District Prevention Divisions
 State Boating Law Administrators
 State Boat Titling and Registration Managers