

ADMIRALTY COMMITTEE

WAKE CIVILITY ON THE WATER: IT'S THE LAW



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One measure of civility on the water is the operator's control of the boat's wake so as to avoid causing distress to other boaters on the water. Civility on the water is not just obeying signs ordering reduced or "No Wake." It also means obeying the General Maritime Law and the navigation Rules of the Road, which mandate prudent operation to avoid producing wakes which cause property damage or personal injury to other boaters, boats, or property along the water. There is Rule 2, the Prudential Seaman Rule, whereby "due regard shall be had to all dangers of navigation and collision and to any special circumstances, including the limitations of the vessels involved." There is Rule 9, the Narrow Channel Rule, "A vessel of less than 20 meters in length or a sailing vessel shall not impede the passage of a vessel that can safely navigate only within a narrow channel or fairway." There is the judge-made General Maritime Law, applying general negligence principles, which provides that a moving vessel owes a duty of reasonable care to control its wake and thereby holds a boater liable for injury to persons or property caused by the boater's wake.

Civility on the water means being aware of and responding prudently to the capabilities and occupants of boats being overtaken or of approaching, anchored, or moored boats. A large or small power boat can generate a damaging wake for the dinghy with dog and owner aboard or kayaker out for a pleasant Sunday excursion, as well as for a large trawler or sailboat with only low speed capability and limited maneuverability. It's the law!

Email me at barbcook@barbcooklaw.com for questions about this article or this area of law.