

**Cherokee Nation Code Annotated**  
**Title 21: Crimes and Punishments**  
**Part IX. Boating Safety**  
**Chapter 80: Boating Safety Act of 2021**  
**§ 4201. Definitions**

Cite as: 21 CNCA § 4201

In addition to the terms defined by 63 O.S. § 4002, for the purposes of this Act:

1. “Buoy” means an anchored marker for marking a position on the water, or a hazard, shoal or mooring, or any other prohibitive activity area;
2. “Capacity plate” means a sign posted in view of the operator’s station on a vessel which designates the maximum weight capacity and horsepower restrictions of a vessel for safe operation;
3. “Diver’s flag” means a red flag not less than twenty (20) inches by twenty-four (24) inches with a four-inch white stripe running from one upper corner to a diagonal lower corner, and such flag is used to indicate a submerged diver;
4. “Emergency vessel” means any law enforcement vessel which is legally authorized to operate in the emergency mode;
5. “Law enforcement vessel” means any vessel legally authorized to operate under the color of law;
6. “Lienholder” means a person holding a security interest in a vessel, as shown on the vessel title;
7. “Manipulate” means to guide, steer or otherwise control;
8. “Marine sewage” means any substance, treated or untreated, that contains any of the waste products of humans or animals or foodstuffs;
9. “Marine toilet” means any latrine, head, lavatory or toilet intended to receive marine sewage and which is located on or in any vessel;
10. “Operator” means the person who operates, has actual physical control, or has charge of the navigation or use of a vessel;
11. “Parasail” means any device which, when airborne, is used or capable of being used for lifting or suspending a person who is being or will be towed by a vessel;
12. “Passenger” means any person riding in or upon any vessel or being towed for recreation on water skis, an inner tube, kneeboard, parasail or any similar device;

13. “Personal flotation device” means only a United States Coast Guard approved flotation device;

14. “Personal watercraft” means a vessel which uses an inboard motor powering a water jet pump as its primary source of motive power and which is designed to be operated by a person sitting, standing or kneeling on the vessel, rather than the conventional manner of sitting or standing inside the vessel, or a vessel which is similar in appearance and operation to a personal watercraft but which is powered by an outboard or propeller driven motor, or a vessel less than sixteen (16) feet in length which travels across the water above or on a cushion of air provided by engines, propellers or other means of propulsion;

15. “Sanctioned event” means any organized event on the waters of this Nation, including but not limited to regattas, motorboat or other boat races, marine parades, tournaments and exhibitions, which is approved and permitted by an authorizing agency;

16. “Under way” means the movement of a vessel whether by mechanical or non-mechanical means which is other than incidental to the force of wind, waves or current; and

17. “Wake” means the track of waves left by a vessel or other object moving through the water, and such waves are greater than the natural waves in the immediate area of the vessel, or are cresting and showing white water, or may cause injury or damage to any person or property.

#### Historical Data

LA 18-21, eff. May 17, 2021.