

# ALASKA STATE LEGISLATURE

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## Senate Bill 148

### *Boating Safety Education*

#### Sectional Analysis for Version W

“An Act relating to mandatory boating safety education; relating to operating a boat; providing for an effective date by repealing the effective dates of secs. 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27, ch. 28 SLA 2000, sec. 3, ch. 119, SLA 2003, sec. 2, ch. 31, SLA 2012, and secs. 5 and 8, ch. 111, SLA 2018; and providing for an effective date.”

- Sec. 1 Amends AS 05.25.053(b), relating to the statewide boating safety education program, by removing the program duties — Which are inserted into a new subsection (d) in section 2 of the bill.
- Sec. 2 Creates new subsections AS 05.25.053(d) and (e), which lay out the responsibilities of the Department of Natural Resources (DNR) in implementing the statewide boating safety education program.
- Sec. 3 Establishes a new section AS 05.25.054, which
- (a) directs DNR to issues boating safety education cards to persons that pass the course.
  - (b) requires anyone age 16 and older to have acceptable proof that they are trained to operate a boat.
- Sec. 4 Establishes a fine of \$50 for a violation of carrying acceptable proof that they are trained to operate a boat.
- Sec. 5 Authorizes the Division of Motor Vehicles to create an indicator of boating safety

training to be placed on drivers' licenses.

Sec. 6 Authorizes the Division of Motor Vehicles to create an indicator of boating safety training to be placed on State identification cards.

Sec. 7 Repeals the reverting sections of the original enacting legislation for the boating safety program, and later amendments to it, that were tied to conditional repealing language in HB 108 (2000).

Sec. 8 Repeals the repealer section of the original enacting legislation for the boating safety program, and later amendments to it, that was tied to conditional repealing language in HB 108 (2000).

For reference:

Section 30, Chapter 28, SLA 2000 reads:

**Sec. 30.** Sections 3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, and 27 of this Act take effect on the earlier of the following dates:

(1) July 1, 2005; or

(2) 90 days after the date the chair of the Alaska Legislative Council notifies the revisor of statutes that in the previous state fiscal year the state did not receive and does not anticipate receiving federal funding for a statewide boating and safety education program; the director of the division of legislative finance shall notify the chair of the Alaska Legislative Council when the state, in the previous fiscal year, did not receive federal funding for a statewide boating and safety program; the chair of the Alaska Legislative Council may not give the notice described in this paragraph unless the notice is approved by a vote of a majority of the members of the Alaska Legislative Council.

Session Law:	Passed As:	Repealing Section(s):	Change made:
Ch. 28, SLA 2000	HB 108	3, 5, 7, 9, 11, 14, 16, 18, 20, 23, 26, 27, 28, 30	Original Bill. Sections are reverting to prior language if conditional effect is triggered.
Ch. 119, SLA 2003	SB 98	3, 5	Section 3 Amended section 9 of HB 108 to include the civil liability exception under AS 09.65.112 Section 5 is conforming effective date language.
Ch. 121, SLA 2003	SB 175	4	Updated the amendment to section 9 of HB108 to reference the civil liability exception now found at AS 09.65.290

Ch. 34, SLA 2004	HB 93	3	Extended sunset to July 1, 2010
Ch. 12, SLA 2006	HB 410	41	Technical change to section 26 of HB 108 found in the 2006 revisor's bill
Ch. 19, SLA 2009	HB 151	1	Extended sunset to July 1, 2011
Ch. 29, SLA 2010	HB 386	8, 24, 64	Section 8 repeals and reenacts section 18 of HB 108 to ensure new enforcement language would survive the conditional effect.  Section 24 repeals and reenacts section 26 of HB 108 to ensure new citation language would survive the conditional effect.  Section 64 is conforming effective date language.
Ch. 47, SLA 2010	HB 294	1	Extended sunset to July 1, 2013
Ch. 31, SLA 2012	HB 301	2, 3, 4	Section 2 added an exclusion from federal government employees as enforcement agents.  Section 3 repealed the sunset date completely.  Section 4 is conforming effective date language.
Ch. 111, SLA 2018	SB 92	5, 8, 33, 37, 38	Section 5 updates section 20 of HB 108 to prevent citations under AS 05.25.055 from being repealed by the conditional effect.  Section 8 updates section 23 of HB 108 to include new definitions.  Section 33 removes AS 05.25.055 from the repealer section of HB 108.  Sections 37 and 38 are conforming effective date language.