

1 IN THE HOUSE

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2 HOUSE BILL NO. 109

8 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIRST LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act providing for the regulation of  
7 watercraft; and providing penalties for  
8 violations."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 Section 1. DECLARATION OF POLICY. It is the policy of this  
11 state to promote safety for persons and property in and connected  
12 with the use, operation and equipment of vessels and to promote  
13 uniformity of laws relating thereto.

14 Sec. 2. DEFINITIONS. As used in this Act, unless the con-  
15 text clearly requires a different meaning:

16 (1) "Vessel" means every description of watercraft, other  
17 than a seaplane on the water, used or capable of being used as a  
18 means of transportation on water.

19 (2) "Motorboat" means any vessel propelled by machinery,  
20 whether or not such machinery is the principal source of propul-  
21 sion, but shall not include a vessel which has a valid marine  
22 document issued by the Bureau of Customs of the United States  
23 government or any Federal agency successor thereto,

24 (3) "Owner" means a person, other than a lien holder, hav-  
25 ing the property in or title to a motorboat. The term includes  
26 a person entitled to the use or possession of a motorboat sub-  
27 ject to an interest in another person, reserved or created by  
28 agreement and securing payment or performance of an obligation,  
29 but the term excludes a lessee under a lease not intended as

1 security.

2 (4) "Waters of this state" means any waters within the  
3 territorial limits of this state, and the marginal sea adjacent  
4 to this state and the high seas when navigated as a part of a  
5 journey or ride to or from the shore of this state.

6 (5) "Person" means an individual, partnership, firm, corp-  
7 oration, association, or other entity.

8 (6) "Operate" means to navigate or otherwise use a motor-  
9 boat or a vessel.

10 Sec. 3. OPERATION OF UNNUMBERED MOTORBOATS PROHIBITED.

11 Every motorboat on the waters of this state shall be numbered.

12 No person shall operate or give permission for the operation of  
13 any motorboat on such waters unless the motorboat is numbered in  
14 accordance with this Act, or in accordance with applicable Fed-  
15 eral law, or in accordance with a federally approved numbering  
16 system of another state, and unless (1) the certificate of number  
17 awarded to such motorboat is in full force and effect, and (2)  
18 the identifying number set forth in the certificate of number is  
19 displayed on each side of the bow of such motorboat.

20 Sec. 4. IDENTIFICATION NUMBER.

21 (1) The owner of each motorboat requiring numbering by this  
22 state shall file an application for number with the Department of  
23 State Police on forms approved by it. The application shall be  
24 signed by the owner of the motorboat and shall be accompanied by  
25 a fee of five (\$5.00) dollars. Upon receipt of the application  
26 in approved form, the Department of State Police shall enter the  
27 same upon the records of its office and issue to the applicant  
28 a certificate of number stating the number awarded to the motor-  
29 boat and the name and address of the owner. The owner shall

1 paint on or attach to each side of the bow of the motorboat the  
2 identification number in such manner as may be prescribed by  
3 rules and regulations of the Department of State Police in order  
4 that it may be clearly visible. The number shall be maintained  
5 in legible condition. The certificate of number shall be  
6 pocket size and shall be available at all times for inspection  
7 on the motorboat for which issued, whenever such motorboat is in  
8 operation.

9 (2) The owner of any motorboat already covered by a number  
10 in full force and effect which has been awarded to it pursuant  
11 to then operative Federal law or a federally approved numbering  
12 system of another state shall record the number prior to opera-  
13 ting the motorboat on the waters of this state in excess of the  
14 ninety day reciprocity period provided for in Sec. 6 (1) of this  
15 Act. Such recordation shall be in the manner and pursuant to the  
16 procedure required for the award of a number under subsection  
17 (1) of this section, except that no additional or substitute  
18 number shall be issued.

19 (3) Should the ownership of a motorboat change, a new  
20 application form with fees, shall be filed with the Department of  
21 State Police and a new certificate of number shall be awarded in  
22 the same manner as provided for in an original award of number.

23 (4) In the event that an agency of the United States  
24 Government shall have in force an over-all system of identifi-  
25 cation numbering for motorboats within the United States, the  
26 numbering system employed pursuant to this Act by the Depart-  
27 ment of State Police shall be in conformity therewith.

28 (5) The Department of State Police may award any certifi-  
29 cate of number directly or may authorize any person to act as

1 agent for the awarding thereof. In the event that a person  
2 accepts such authorization, he may be assigned a block of numbers  
3 and certificates therefor which upon award, in conformity with  
4 this Act and with any rules and regulations of the Department of  
5 State Police, shall be valid as if awarded directly by the Depart-  
6 ment of State Police.

7 (6) All records of the Department of State Police made or  
8 kept pursuant to this section shall be public records.

9 (7) Every certificate of number awarded pursuant to this Act  
10 shall continue in full force and effect for a period of two (2)  
11 years unless sooner terminated or discontinued in accordance with  
12 the provisions of this Act. Certificates of number may be renewed  
13 by the owner in the same manner provided for in the initial se-  
14 curing of the same.

15 (8) The Department of State Police shall fix a day and  
16 month of the year on which certificates of number due to expire  
17 during the calendar year shall lapse and no longer be of any  
18 force and effect unless renewed pursuant to this Act.

19 (9) The owner shall furnish the Department of State Police  
20 notice of the transfer of all or any part of his interest other  
21 than the creation of a security interest in a motorboat numbered  
22 in this state pursuant to subsections (1) and (2) of this section  
23 or of the destruction or abandonment of such motorboat, within  
24 fifteen (15) days thereof. Such transfer, destruction, or aban-  
25 donment shall terminate the certificate number for such motorboat  
26 except, that in the case of a transfer of a part interest which  
27 does not affect the owner's right to operate such motorboat, such  
28 transfer shall not terminate the certificate of number.

29 (10) Any holder of a certificate of number shall notify the

1 Department of State Police within fifteen (15) days, if his ad-  
2 dress no longer conforms to the address appearing on the certifi-  
3 cate and shall, as a part of such notification, furnish the  
4 Department of State Police with his new address. The Department  
5 of State Police may provide in its rules and regulations for the  
6 surrender of the certificate bearing the former address and its  
7 replacement with a certificate bearing the new address or for the  
8 alteration of an outstanding certificate to show the new address  
9 of the holder.

10 (11) No number other than the number awarded to a motorboat  
11 or granted reciprocity pursuant to this Act shall be painted,  
12 attached, or otherwise displayed on either side of the bow of  
13 such motorboat.

14 Sec. 5. CLASSIFICATION AND REQUIRED EQUIPMENT.

15 (1) Motorboats subject to the provisions of this Act shall  
16 be divided into four classes as follows:

17 Class A. Less than sixteen feet in length.

18 Class 1. Sixteen feet or over and less than twenty-six  
19 feet in length.

20 Class 2. Twenty-six feet or over and less than forty  
21 feet in length.

22 Class 3. Forty feet or over.

23 (2) Every motorboat in all weathers from sunset to sunrise  
24 shall carry and exhibit the following lights when under way, and  
25 during such time no other lights which may be mistaken for those  
26 prescribed shall be exhibited.

27 (a) Every motorboat of classes A and 1 shall carry the  
28 following lights:

29 First. A bright white light aft to show all around the

1 horizon.

2           Second. A combined lantern in the fore part of the  
3 vessel and lower than the white light aft, showing green to star-  
4 board and red to port, so fixed as to throw the light from right  
5 ahead to two points abaft the beam on their respective sides.

6           (b) Every motorboat of classes 2 and 3 shall carry the  
7 following lights:

8           First. A bright white light in the fore part of the  
9 vessel as near the stem as practicable, so constructed as to show  
10 an unbroken light over an arc of the horizon of twenty points of  
11 the compass, so fixed as to throw the light ten points on each  
12 side of the vessel; namely, from right ahead to two points abaft  
13 the beam on either side.

14           Second. A bright white light aft to show all around the  
15 horizon and higher than the white light forward.

16           Third. On the starboard side a green light so construct-  
17 ed as to show an unbroken light over an arc of the horizon of ten  
18 points of the compass, so fixed as to throw the light from right  
19 ahead to two points abaft the beam on the starboard side. On the  
20 port side a red light so constructed as to show an unbroken light  
21 over an arc of the horizon of ten points of the compass, so fixed  
22 as to throw the light from right ahead to two points abaft the  
23 beam on the port side. The side lights shall be fitted with in-  
24 board screens of sufficient height so set as to prevent these  
25 lights from being seen across the bow.

26           (c) Motorboats of classes A and 1 when propelled by  
27 sail alone shall carry the combined lantern, but not the white  
28 light aft, prescribed by this section. Motorboats of classes 2  
29 and 3, when so propelled, shall carry the colored side lights,

1 suitably screened, but not the white lights, prescribed by this  
2 section. Motorboats of all classes, when so propelled, shall  
8 carry, ready at hand, a lantern or flashlight showing a white  
4 light which shall be exhibited in sufficient time to avert col-  
5 lision.

6 (d) Every white light prescribed by this section shall  
7 be of such character as to be visible at a distance of at least  
8 two miles. Every colored light prescribed by this section shall  
9 be of such character as to be visible at a distance of at least  
10 one mile. The word "visible" in this subsection, when applied to  
11 lights, shall mean visible on a dark night with clear atmosphere.

12 (e) When propelled by sail and machinery any motorboat  
13 shall carry the lights required by this section for a motorboat  
14 propelled by machinery only.

15 (3) Any vessel may carry and exhibit the lights required  
16 by the Federal Regulations for Preventing Collisions at Sea, 1948,  
17 Federal Act of October 11, 1951, (33 USC 143-147d) as amended, in  
18 lieu of the lights required by subsection (2) of this section.

19 (4) Every motorboat of class 1, 2 or 3 shall be provided  
20 with an efficient whistle or other sound-producing mechanical  
21 appliance.

22 (5) Every motorboat of class 2 or 3 shall be provided with  
23 an efficient bell.

24 (6) Every motorboat shall carry at least one life preserver,  
25 or life belt, or ring buoy, or other device of the sort pres-  
26 cribed by the regulations of the Department of State Police for  
27 each person on board, so placed as to be readily accessible: Pro-  
28 vided, that every motorboat carrying passengers for hire shall  
29 carry so placed as to be readily accessible at least one life

1 preserver of the sort prescribed by the regulations of the De-  
2 partment of State Police for each person on board.

3 (7) Every motorboat shall be provided with such number,  
4 size, and type of fire extinguishers, capable of promptly and  
5 effectually extinguishing burning gasoline, as may be prescribed  
6 by the regulations of the Department of State Police, which fire  
7 extinguishers shall be at all times kept in condition for imme-  
8 diate and effective use and shall be so placed as to be readily  
9 accessible.

10 (8) The provisions of subsections (4), (5) and (7) of this  
11 section shall not apply to motorboats while competing in any race  
12 conducted pursuant to Sec. 13 of this Act or, if such boats be  
13 designed and intended solely for racing, while engaged in such  
14 navigation as is incidental to the tuning up of the boats and  
15 engines for the race.

16 (9) Every motorboat shall have the carburetor or carburetors  
17 of every engine therein (except outboard motors) using gasoline  
18 as fuel, equipped with such efficient flame arrestor, backfire  
19 trap, or other similar device as may be prescribed by the regula-  
20 tions of the Department of State Police.

21 (10) Every such motorboat and every such vessel, except open  
22 boats, using as fuel any liquid of a volatile nature, shall be pro-  
23 vided with such means as may be prescribed by the regulations of  
24 the Department of State Police for properly and efficiently ven-  
25 tilating the bilges of the engine and fuel tank compartments so  
26 as to remove any explosive or inflammable gases.

27 (11) The Department of State Police is hereby authorized to  
28 make rules and regulations modifying the equipment requirements  
29 contained in this section to the extent necessary to keep these

1 requirements in conformity with the provisions of the Federal  
2 Navigation Laws or with the navigation rules promulgated by the  
3 United States Coast Guard.

4 (12) The Department of State Police is hereby authorized to  
5 establish and maintain for the operation of vessels on the waters  
6 of this state pilot rules in conformity with the pilot rules con-  
7 tained in the Federal Navigation Laws or the navigation rules  
8 promulgated by the United States Coast Guard.

9 (13) No person shall operate or give permission for the  
10 operation of a vessel which is not equipped as required by this  
11 section or modification thereof.

12 Sec. 6. EXEMPTION FROM NUMBERING PROVISIONS OF THIS ACT.

13 A motorboat shall not be required to be numbered under this Act  
14 if it is:

15 (1) Already covered by a number in full force and effect  
16 which has been awarded to it pursuant to Federal law or a feder-  
17 ally approved numbering system of another state: Provided, that  
18 such boat shall not have been within this state for a period in  
19 excess of ninety (90) consecutive days.

20 (2) A motorboat from a country other than the United States  
21 temporarily using the waters of this state.

22 (3) A motorboat whose owner is the United States, a state  
23 or a subdivision thereof.

24 (4) A ship's lifeboat.

25 (5) A motorboat belonging to a class of boats which has  
26 been exempted from numbering by the Department of State Police  
27 after said department has found that the numbering of motorboats  
28 of such class will not materially aid in their identification;  
29 and, if an agency of the Federal government has a numbering sys-

1 tem applicable to the class of motorboats to which the motorboat  
2 in question belongs, after the Department of State Police has fur-  
3 ther found that the motorboat would also be exempt from numbering  
4 if it were subject to the Federal law.

5 Sec. 7. BOAT LIVERIES.

6 (1) The owner of a boat livery shall cause to be kept a  
7 record of the name and address of the person or persons hiring  
8 any vessel which is designed or permitted by him to be operated  
9 as a motorboat; the identification number thereof; and the depart-  
10 ture date and time, and the expected time of return. The record  
11 shall be preserved for at least six (6) months.

12 (2) Neither the owner of a boat livery, nor his agent or  
13 employee shall permit any motorboat or any vessel designed or per-  
14 mitted by him to be operated as a motorboat to depart from his pre-  
15 mises unless it shall have been provided, either by owner or rent-  
16 er, with the equipment required pursuant to Sec. 5 of this Act and  
17 any rules and regulations made pursuant thereto.

18 Sec. 8. MUFFLING DEVICES. The exhaust of every internal  
19 combustion engine used on any motorboat shall be effectively  
20 muffled by equipment so constructed and used as to muffle the  
21 noise of the exhaust in a reasonable manner. The use of cut-outs  
22 is prohibited, except for motorboats competing in a regatta or  
23 boat race approved as provided in Sec. 13 of this Act, and for  
24 such motorboats while on trial runs, during a period not to exceed  
25 forty-eight (48) hours immediately preceding such regatta or race  
26 and for such motorboats while competing in official trials for  
27 speed records during a period not to exceed forty-eight (48) hours  
28 immediately following such regatta or race.

29 Sec. 9. PROHIBITED OPERATION.

1 (1) No person shall operate any motorboat or vessel, or manipu-  
2 late any water skis, surfboard, or similar device in a reckless or  
3 negligent manner so as to endanger the life, or property of any person.

4 (2) No person shall operate any motorboat or vessel, or  
5 manipulate any water skis, surfboard, or similar device while in-  
6 toxicated or under the influence of any narcotic drug, barbitur-  
7 ate or marijuana.

8 Sec. 10. COLLISIONS, ACCIDENTS, AND CASUALTIES.

9 (1) It shall be the duty of the operator of a vessel in -  
10 volved in a collision, accident, or other casualty, so far as he  
11 can do so without serious danger to his own vessel, crew, and pas-  
12 sengers (if any) to render to other persons affected by the col-  
13 lision, accident, or other casualty such assistance as may be  
14 practicable and as may be necessary in order to save them from or  
15 minimize any danger caused by the collision, accident, or other  
16 casualty, and also to give his name, address, and identification of  
17 his vessel in writing to any person injured and to the owner of  
18 any property damaged in the collision, accident, or other casualty.

19 (2) In the case of collision, accident, or other casualty in-  
20 volving a vessel, the operator thereof, if the collision, accident  
21 or other casualty results in death or injury to a person or damage  
22 to property in excess of one hundred (\$100.00) dollars shall file  
23 with the Department of State Police a full description of the col-  
24 lision, accident or other casualty, including such information as  
25 said department may, by regulation, require.

26 Sec. 11. TRANSMITTAL OF INFORMATION. In accordance with any  
27 request duly made by an authorized official or agency of the  
28 United States, any information compiled or otherwise available to  
29 the Department of State Police pursuant to Sec. 10(2) shall be

1 transmitted to said official or agency of the United States.

2 Sec. 12. WATER SKIS AND SURFBOARDS.

3 (1) No person shall operate a vessel on any waters of this  
4 state for towing a person or persons on water skis, or a surf-  
5 board, or similar device unless there is in such vessel a person,  
6 in addition to the operator, in a position to observe the pro-  
7 gress of the person or persons being towed.

8 (2) No person shall operate a vessel on any waters of this  
9 state towing a person or persons on water skis, a surfboard, or  
10 similar device, nor shall any person engage in water skiing, surf-  
11 boarding, or similar activity at any time between the hours from  
12 one hour after sunset to one hour before sunrise.

13 (3) The provisions of subsection (1) and (2) of this section  
14 do not apply to a performer engaged in a professional exhibition  
15 or a person or persons engaged in an activity authorized under  
16 Sec. 13 of this Act.

17 (4) No person shall operate or manipulate any vessel, tow  
18 rope or other device by which the direction or location of water  
19 skis, a surfboard, or similar device may be affected or con-  
20 trolled in such a way as to cause the water skis, surfboard, or  
21 similar device, or any person thereon to collide with or strike  
22 against any object or person.

23 Sec. 13. REGATTAS, RACES, MARINE PARADES, TOURNAMENTS OR  
24 EXHIBITIONS.

25 (1) The Department of State Police may authorize the holding  
26 of regattas, motorboat or other boat races, marine parades, tour-  
27 naments or exhibitions on any waters of this state. It shall  
28 adopt and may, from time to time, amend regulations concerning the  
29 safety of motorboats and other vessels and persons thereon,

1 either observers or participants. Whenever a regatta, motorboat  
2 or other boat race, marine parade, tournament or exhibition is  
3 proposed to be held, the person in charge thereof, shall, at  
4 least fifteen (15) days prior thereto, file an application with  
5 the Department of State Police for permission to hold such re-  
6 gatta, motorboat or other boat race, marine parade, tournament or  
7 exhibition. The application shall set forth the date, time and  
8 location where it is proposed to hold such regatta, motorboat or  
9 other boat race, marine parade, tournament or exhibition, and it  
10 shall not be conducted without authorization of the Department of  
11 State Police in writing.

12 (2) The provisions of this section shall not exempt any  
13 person from compliance with applicable Federal law or regulation,  
14 but nothing contained herein shall be construed to require the se-  
15 curing of a state permit pursuant to this section if a permit  
16 therefor has been obtained from an authorized agency of the  
17 United States.

18 Sec. 14. LOCAL REGULATION PROHIBITED.

19 (1) The provisions of this Act, and of other applicable  
20 laws of this state shall govern the operation, equipment, num-  
21 bering and all other matters relating thereto whenever any vessel  
22 shall be operated on the waters of this state, or when any activ-  
23 ity regulated by this Act shall take place thereon; but nothing  
24 in this Act shall be construed to prevent the adoption of any  
25 ordinance or local law relating to operation and equipment of  
26 vessels the provisions of which are identical to the provisions  
27 of this Act, amendments thereto or regulations issued thereunder:  
28 Provided, that such ordinances or local laws shall be operative  
29 only so long as and to the extent that they continue to be iden-

1 tical to provisions of this Act, amendments thereto or regula-  
2 tions issued thereunder.

3 (2) Any subdivision of this state may, at any time, but only  
4 after public notice, make formal application to the Department of  
5 State Police for special rules and regulations with reference to  
6 the operation of vessels on any waters within its territorial  
7 limits and shall set forth therein the reasons which make such  
8 special rules or regulations necessary or appropriate.

9 (3) The Department of State Police is hereby authorized to  
10 make special rules and regulations with reference to the operation  
11 of vessels on any waters within the territorial limits of any  
12 subdivision of this state.

13 Sec. 15. OWNER'S CIVIL LIABILITY. The owner of a vessel  
14 shall be liable for any injury or damage occasioned by the negli-  
15 gent operation of such vessel, whether such negligence consists of  
16 a violation of the provisions of the statutes of this state, or  
17 neglecting to observe such ordinary care and such operation as  
18 the rules of the common law require. The owner shall not be  
19 liable, however, unless such vessel is being used with his or her  
20 express or implied consent. It shall be presumed that such ves-  
21 sel is being operated with the knowledge and consent of the owner,  
22 if at the time of the injury or damage, it is under the control  
23 of his or her spouse, father, mother, brother, sister, son,  
24 daughter, or other immediate member of the owner's family. Noth-  
25 ing contained herein shall be construed to relieve any other per-  
26 son from any liability which he would otherwise have, but nothing  
27 contained herein shall be construed to authorize or permit any  
28 recovery in excess of injury or damage actually incurred.

29 Sec. 16. FILING OF REGULATIONS. A copy of the regulations

1 adopted pursuant to this Act, and of any amendments thereto,  
2 shall be filed in the office of the Department of State Police,  
3 and in the office of the Governor. Rules and regulations shall  
4 be published by the Department of State Police in a convenient  
5 form.

6 Sec. 17. ENFORCEMENT. Every peace officer of this state  
7 and its subdivisions shall have the authority to enforce the pro-  
8 visions of this Act and in the exercise thereof shall have the  
9 authority to stop and board any vessel subject to this Act.

10 Sec. 18. PENALTIES.

11 (1) Any person who violates any provision of sections 3, 4,  
12 5, 8, 10 and 13 of this Act shall be guilty of a misdemeanor and  
13 shall be subject to a fine of not to exceed fifty (\$50.00) dollars  
14 for each such violation.

15 (2) Any person who violates any provision of sections 7 and  
16 12 of this Act shall be guilty of a misdemeanor and shall be sub-  
17 ject to a fine of not to exceed one hundred (\$100.00) dollars  
18 for each violation.

19 (3) Any person who violates any provision of section 9 of  
20 this Act shall be guilty of a misdemeanor and shall be subject to  
21 a fine of not to exceed five hundred (\$500.00) dollars, or im-  
22 prisonment for not to exceed six (6) months, or both for each  
23 violation.