

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 27

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to safe operation of
7 watercraft in inland waters, providing
8 criminal penalties; and providing for an
9 effective date."

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

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

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

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

20 (2) "inland waters" means the waters in any lake or
21 navigable river or stream within the territorial limits of this
22 state.

23 (3) "person" means an individual, partnership, firm,
24 corporation, association, or other entity.

25 (4) "operate" means to navigate or otherwise use a
26 watercraft.

27 (5) "department" means the Department of Public
28 Safety.

29 Sec. 3. PROHIBITED OPERATION. a. No person shall operate

1 any watercraft or manipulate any water skis, surfboard, or
2 similar device on the inland waters of this state in a reckless
3 or negligent manner so as to endanger the life or property of
4 any person.

5 b. No person shall operate any watercraft or manipulate any
6 water skis, surfboard, or similar device on the inland waters
7 while under the influence of any intoxicating liquor, narcotic
8 drug, barbituate or marijuana.

9 Sec. 4. SAFETY REQUIREMENT. a. Every watercraft operated
10 on the inland waters shall carry and exhibit between sunset and
11 sunrise at least one white light to show all around the horizon.

12 b. Every watercraft operated on inland waters shall carry
13 at least one life preserver, or life belt, or ring buoy, or other
14 device of the sort approved by the United States Coast Guard for
15 each person on board, so placed as to be readily accessible;
16 provided, that every watercraft carrying passengers for hire shall
17 carry, so placed as to be readily accessible, at least one life
18 preserver of the sort approved by the United States Coast Guard
19 for passenger carrying watercraft for each person on board.

20 c. Every motor-driven watercraft shall carry a fire
21 extinguisher capable of promptly and effectually extinguishing
22 burning gasoline.

23 Sec. 5. WATER SKIS AND SURFBOARDS. a. No person may operate
24 a watercraft on the inland waters of this state for towing a
25 person on water skis, or a surfboard, or similar device unless
26 there is in the watercraft a person of 12 years of age or older,
27 in addition to the operator, in a position to observe the progress
28 of the person being towed.

29 b. No person may operate a watercraft on any inland waters

1 towing a person on water skis, a surfboard, or similar device,
2 nor shall any person engage in water skiing, surfboarding, or
3 similar activity at any time between the hours from one hour after
4 sunset to one hour before sunrise.

5 Sec. 6. COLLISIONS, ACCIDENTS AND CASUALTIES. a. It shall
6 be the duty of the operator of a watercraft involved in a colli-
7 sion, accident, or other casualty, so far as he can do so without
8 serious danger to his own watercraft, crew, and passengers, if
9 any, to render to other persons affected by the collision,
10 accident, or other casualty such assistance as may be practicable
11 and as may be necessary in order to save them from or minimize
12 any danger caused by the collision, accident, or other casualty,
13 and also to give his name, address, and identification of his
14 watercraft in writing to any person injured and to the owner of
15 any property damaged in the collision, accident, or other casualty.

16 b. In the case of collision, accident, or other casualty
17 involving a watercraft, the operator thereof, if the collision,
18 accident, or other casualty results in death or injury to a
19 person or damage to property in excess of \$100.00 shall file with
20 the department a full description of the collision, accident or
21 other casualty, including such information as said department may,
22 by regulation, require.

23 Sec. 7. EXEMPTIONS. Watercraft and persons operating water-
24 craft are exempt from the provisions of this Act when participating
25 in any public regattas, races, marine parades, tournaments, or
26 exhibitions on any inland waters of this state.

27 Sec. 8. OWNER'S CIVIL LIABILITY. The owner of a watercraft
28 is liable for any injury or damage caused by the negligent
29 operation of his watercraft, whether the negligence consists of a

1 violation of the provisions of the statutes of this state, or
2 neglecting to observe the ordinary care and the operation as the
3 rules of the common law require. The owner is not liable, how-
4 ever, unless his watercraft is being used with his express or
5 implied consent. It is presumed that his watercraft is being
6 operated with the knowledge and consent of the owner, if at the
7 time of the injury or damage, it is under the control of his
8 spouse, father, mother, brother, sister, son, daughter, or other
9 immediate member of the owner's family. Nothing contained herein
10 is to be construed to relieve any other person from a liability
11 which he would otherwise incur, but nothing contained herein is
12 to be construed to authorize or permit any recovery in excess
13 of injury or damage actually incurred.

14 Sec. 9. ENFORCEMENT. Every peace officer of this state and
15 its subdivisions has the authority to enforce the provisions of
16 this Act and in the exercise thereof have the authority to stop
17 and board any watercraft subject to this Act.

18 Sec. 10. PENALTIES. Any person who violates any provision
19 of this Act is guilty of a misdemeanor and is subject to a fine
20 not to exceed \$500.00, or imprisonment not to exceed six months,
21 or both, for each violation.

22 Sec. 11. EFFECTIVE DATE. This Act takes effect on the day
23 after its passage and approval or on the day it becomes law
24 without such approval.

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