

1 IN THE HOUSE

BY STATE AFFAIRS COMMITTEE

2 CS FOR 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 water-  
7 craft in recreational pursuits in inland  
8 waters; providing criminal penalties; and  
9 providing for an 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 recreational  
14 pursuits in inland waters and to promote uniformity of laws relat-  
15 thereto.

16 Sec. 2. DEFINITIONS. As used in this Act, unless the contents  
17 clearly requires a different meaning:

18 (1) "watercraft" means every description of vessel,  
19 other than a seaplane on the water, used or capable of being used  
20 as a means of transportation on water and devoted to recreational  
21 pursuits unless otherwise expressly provided in this Act.

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

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

26 (4) "operate" means to navigate or otherwise use a  
27 watercraft for recreational purposes as opposed to business, sub-  
28 sistence or commercial purposes.

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

CS for HB #27

-1-

1           Sec. 3. PROHIBITED OPERATION. a. No person shall operate  
2 any watercraft whether for recreational purposes or any other pur-  
3 pose or manipulate any water skis, surfboard, or similar device  
4 on the inland waters of this state in a reckless or negligent  
5 manner so as to endanger the life or property of any person.

6           b. No person shall operate any watercraft whether for  
7 recreational purposes or any other purpose or manipulate any water  
8 skis, surfboard, or similar device on the inland waters while under  
9 the influence of any intoxicating liquor, narcotic drug, barbituate  
10 or marijuana.

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

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

22           c. Every motor-driven watercraft operated for hire shall  
23 carry a fire extinguisher capable of promptly and effectually  
24 extinguishing burning gasoline.

25           Sec. 5. WATER SKIS AND SURFBOARDS. a. No person may operate  
26 a watercraft on the inland waters of this state for towing a person  
27 on water skis, or a surfboard, or similar device unless the water-  
28 craft is equipped with a rearview mirror in which the person or  
29 persons being towed can be viewed.

1           b. No person may operate a watercraft on any inland waters  
2 towing a person on water skis, a surfboard, or similar device,  
3 nor shall any person engage in water skiing, surfboarding, or  
4 similar activity at any time between the hours from one hour after  
5 sunset to one hour before sunrise.

6           Sec. 6. COLLISIONS, ACCIDENTS AND CASUALTIES. a. It shall  
7 be the duty of the operator of a watercraft involved in a collision,  
8 accident or casualty to render to other persons affected by the  
9 collision, accident or casualty such assistance as may be necessary  
10 in order to save them from or minimize any danger caused by the  
11 collision, accident or casualty, and also to give his name, address  
12 and identification of his watercraft in writing to any person  
13 injured and to the owner of any property damaged in the collision,  
14 accident or casualty.

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

21           Sec. 7. EXEMPTIONS. Watercraft and persons operating water-  
22 craft are exempt from the provisions of this Act except Sec. 3 b.  
23 above when participating in the area set aside for any public  
24 regattas, races, marine parades, tournaments or exhibitions on  
25 any inland waters of this state.

26           Sec. 8. OWNER'S CIVIL LIABILITY. The owner of a watercraft  
27 is liable for any injury or damage caused by the negligent opera-  
28 tion of his watercraft, whether the negligence consists of a  
29 violation of the provisions of the statutes of this state, or

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

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

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

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