

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 rela-  
15 ting thereto.

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

18 (1) "watercraft" means every description of vessel, other  
19 than a seaplane on the water, used or capable of being used as a  
20 means of transportation on water and devoted to recreational pur-  
21 suits unless otherwise expressly provided in this Act; and excep-  
22 ting vessels having a valid marine document issued by the United  
23 States or foreign governments.

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

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

28 (4) "operate" means to navigate or otherwise use a water-  
29 craft for recreational purposes as opposed to business, subsistence

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1 or commercial purposes.

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

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

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

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

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

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

27 Sec. 5. WATER SKIS AND SURFBOARDS. No person may operate  
28 a watercraft on the inland waters of this state for towing a person  
29 on water skis, or a surfboard, or similar device unless (1) the

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1 watercraft is equipped with a rearview mirror in which the person  
2 or persons being towed can be viewed, (2) or there is in the water-  
3 craft a person of 12 years of age or older in addition to the  
4 operator, in a position to observe the progress of the person being  
5 towed.

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 in-  
13 jured 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 full  
19 description of the collision, accident or casualty, including such  
20 information as said department may, by regulation, require.

21 Sec. 7. EXEMPTIONS. Watercraft and persons operating  
22 watercraft are exempt from the provisions of this Act except Sec.3b.  
23 above when participating in the area set aside for any public regat-  
24 tas, races, marine parades, tournaments or exhibitions on any in-  
25 land 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 has 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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