

Introduced: 2/5/69  
Referred: Resources, Commerce  
and Judiciary

BY KERTTULA, MCVEIGH AND RAY  
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act creating the Alaska Boating Act."

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

8 \* Section 1. AS 05.25 is amended by adding new sections to read:

9 ARTICLE 1. NUMBERING OF VESSELS.

10 Sec. 05.25.011. OPERATION OF UNNUMBERED VESSELS PROHIBITED.

11 Every vessel using the waters of this state shall be numbered except  
12 those exempted by sec. 21 of this chapter. No person may operate or  
13 give permission for the operation of a vessel on state waters unless  
14 the vessel is numbered in accordance with this chapter and unless  
15 (1) the certificate of number issued to the vessel is on board and in  
16 full force and effect and (2) the identifying number set out in the  
17 certificate of number is displayed on each side of the bow of the  
18 vessel.

19 Sec. 05.25.021. EXEMPTION FROM NUMBERING REQUIREMENT. A vessel  
20 is not required to be numbered under this chapter if it is:

21 (1) covered by a certificate of number in full force and  
22 effect which has been issued to it under federal law in another state  
23 or a federally approved numbering system of another state; provided  
24 that a vessel registered under the numbering system of another state  
25 may not be used on the waters of this state for a period in excess of  
26 90 consecutive days, and a vessel with an Alaska certificate of number  
27 issued by the United States Coast Guard may not be used on the waters  
28 of this state for a period in excess of one year.

29 (2) from a country other than the United States; provided

1 that the vessel may not be used on the waters of this state for a  
2 period in excess of 90 consecutive days;

3 (3) a vessel whose owner is the United States, a state, or  
4 a subdivision of one of these, used exclusively in the public service  
5 and which is clearly identifiable as such;

6 (4) a vessel's lifeboat, if the boat is used solely for  
7 lifesaving purposes; this exemption does not include dinghies, tenders  
8 speedboats or other types of craft carried aboard vessels and used  
9 for other than lifesaving purposes;

10 (5) a vessel belonging to a class of boats which has been  
11 exempted from numbering by the department after it has found that  
12 (A) the numbering of vessels of this class will not materially aid  
13 in its identification, (B) an agency of the federal government has a  
14 numbering system applicable to the class of vessel to which the vessel  
15 in question belongs, and (C) the vessel would also be exempt from  
16 numbering if it were subject to the federal law;

17 (6) documented by the United States Coast Guard or other  
18 federal agency responsible for documenting vessels;

19 (7) operating temporarily by virtue of evidence that a  
20 recent application for a certificate of number has been submitted.

21 Sec. 05.25.031. IDENTIFICATION NUMBER APPLICATION. (a) The  
22 owner of each vessel required to be numbered by this chapter shall  
23 file an application for number with the department on forms approved  
24 by it. The application shall be signed by the owner of the vessel and  
25 shall be accompanied by the fee required by (b) of this section.

26 (b) Original application fees are as follows:

27 (1) vessels less than 12 feet in length ..... \$3

28 (2) vessels 12 feet in length or more,

29 but less than 16 feet ..... \$6

1 (3) vessels 16 feet in length or more,  
2 but less than 26 feet ..... \$8

3 (4) vessels 26 feet in length or more ..... \$8  
4 plus \$1 for each foot or part of a foot in excess of 26 feet.

5 (5) vessels 65 feet in length or more .....\$47  
6 plus 50 cents for each foot or part of a foot in excess of 65 feet.

7 (6) vessels owned by eleemosynary organizations  
8 which are operated primarily as part of organized activities  
9 for the purpose of teaching youths scoutcraft, camping, sea-  
10 manship, self-reliance, patriotism, courage, and similar  
11 virtues..... no fee

12 (7) vessels owned by the head of a family or a  
13 dependent member of his family, or one solely dependent upon  
14 himself for support, upon proof presented by the applicant  
15 that he has an annual family gross income of less than  
16 \$3,600 for the year preceding application..... \$1

17 Sec. 05.25.041. ANNUAL RENEWAL FEES. The annual renewal fees  
18 required by sec. 140 of this chapter are as follows:

19 (1) vessels less than 12 feet in length..... \$2

20 (2) vessels 12 feet in length or more,  
21 but less than 16 feet ..... \$4

22 (3) vessels 16 feet in length or more,  
23 but less than 26 feet ..... \$6

24 (4) vessels 26 feet in length or more ..... \$6  
25 plus \$1 for each foot or part of a foot in excess of 26 feet.

26 (5) vessels 65 feet in length or more .....\$45  
27 plus 50 cents for each foot or part of a foot in excess of 65 feet.

28 (6) vessels owned by eleemosynary organizations  
29 which are operated primarily as part of organized activities

1 for the purpose of teaching youths scoutcraft, camping,  
2 seamanship, self-reliance, patriotism, courage and  
3 similar virtues..... no fee

4 (7) vessels owned by the head of a family  
5 or a dependent member of his family, or one solely  
6 dependent upon himself for support, upon proof presented  
7 by the applicant that he has an annual family gross  
8 income of less than \$3,600 for the year preceding  
9 application..... \$1

10 Sec. 05.25.051. PORTION OF FEES TO MUNICIPALITY. All money  
11 collected in excess of \$4 per vessel shall be transmitted by the  
12 department to the municipality declared on the application as the  
13 principal location of the vessel for the forthcoming year.

14 Sec. 05.25.061. CERTIFICATE OF NUMBER. Upon receipt of the  
15 application in approved form, the department shall enter the appli-  
16 cation upon its records and issue to the applicant a certificate of  
17 number stating the number assigned to the vessel, the name and address  
18 of the owner and any additional information prescribed by regulation  
19 of the department. The owner shall paint on or attach to each side  
20 of the bow of the vessel the identification number in a manner pre-  
21 scribed by regulations of the department in order that it may be  
22 clearly visible. The number shall be maintained in legible condition.  
23 The certificate of number shall be pocket size and shall be available  
24 at all times for inspection on the vessel for which issued whenever  
25 the vessel is in operation.

26 Sec. 05.25.071. EXEMPTION FROM TAX. All vessels registered  
27 under this chapter, and all vessels documented under federal law  
28 whose owners have paid the appropriate fees under this chapter, shall  
29 be exempt from any personal property tax.

1           Sec. 05.25.081. CERTIFICATE FOR DOCUMENTED VESSEL. A certificate  
2 of registration shall be issued for a documented vessel, the owner of  
3 which has paid the registration fee, but a state registration number  
4 may not be issued to the vessel.

5           Sec. 05.25.091. RECORDING OF CURRENT NUMBER BEFORE USE IN EXCESS  
6 OF 90 DAYS. The owner of a vessel already covered by a number in full  
7 force and effect which has been assigned to it under federal law in an  
8 other state or a federally approved numbering system of another state  
9 shall record the number before operating the vessel on the waters of  
10 this state in excess of the 90 day reciprocity period provided for in  
11 sec. 21(1) of this chapter. The recordation shall, upon payment of  
12 the fee prescribed by sec. 31(b) of this chapter, be in the manner  
13 prescribed by regulation of the department but no additional or substi-  
14 tute number may be issued. This section does not apply if the state  
15 of principal use has been changed.

16           Sec. 05.25.101. CHANGE OF OWNER. When the ownership of a numbered  
17 vessel changes, a new application form with a fee of \$2 shall be filed  
18 within 30 days with the department and a new certificate of number  
19 shall be issued in the same manner as provided for in an original assign-  
20 ment of number, except that if the state of principal use remains un-  
21 changed the number assigned shall be identical with the previous one.

22           Sec. 05.25.110. CONFORMITY WITH FEDERAL NUMBERING SYSTEM. If an  
23 agency of the federal government has in force an overall system of  
24 identification or numbering for vessels in the United States, the  
25 numbering system employed under this chapter shall be in conformity  
26 with it.

27           Sec. 05.25.120. ISSUING AGENTS. The department may issue a  
28 certificate of number directly or may authorize a person to act as  
29 agent for the issuing. If a person accepts this authorization, he may

1 be allotted a block of numbers and certificates which upon assignment  
2 and issue in conformity with this chapter and regulations of the de-  
3 partment shall be valid as if assigned and issued directly by the  
4 department. A person appointed and authorized by the department to  
5 sell registrations under this section, except salaried employees of the  
6 state, shall retain 5 per cent of all money collected.

7 Sec. 05.25.130. RECORDS TO BE PUBLIC. All records of the depart-  
8 ment made or kept under this chapter are public records.

9 Sec. 05.25.140. REGISTRATION PERIOD. Every certificate issued  
10 under this chapter is valid from December 15 of one year until April 1  
11 of the year after the year following. A boat registered for the first  
12 time between October 1 and December 15 shall be charged one-fourth of  
13 the annual rate. The basic registration period shall be from April 1  
14 of one year through March 31 of the year following, with an overlap  
15 grace period as described.

16 Sec. 05.25.150. NOTICE OF TRANSFER, DESTRUCTION OR ABANDONMENT.  
17 The owner shall furnish the department written notice of the transfer  
18 of all or any part of his interest other than the creation of a security  
19 interest in a vessel numbered in the state under this chapter, or the  
20 destruction or abandonment of the vessel within 15 days of the event.  
21 The transfer, destruction or abandonment terminates the certificate of  
22 number for the vessel except that in the case of a transfer of a part  
23 interest which does not affect the owner's right to operate the vessel,  
24 the transfer does not terminate the certificate of number.

25 Sec. 05.25.160. CHANGE OF ADDRESS. A holder of a certificate of  
26 number shall notify the department in writing within 15 days if his  
27 address no longer conforms to the address appearing on the certificate  
28 and shall, as a part of this notification, furnish the department with  
29 his new address.

1           Sec. 05.25.170. NO OTHER NUMBER ON BOW. No number other than the  
2 number validly assigned to a vessel may be painted, attached, or other-  
3 wise displayed on either side of the bow of the vessel.

4           Sec. 05.25.180. REGULATIONS. The department shall promulgate  
5 regulations to carry out the provisions of this chapter.

6                           ARTICLE 2. REQUIRED EQUIPMENT.

7           Sec. 05.25.190. CLASSIFICATION. Motorboats subject to the pro-  
8 visions of this chapter are divided into four classes as follows:

9                   (1) Class A: Less than 16 feet in length

10                   (2) Class 1: 16 feet or over and less than 26 feet in  
11 length

12                   (3) Class 2: 26 feet or over and less than 40 feet in  
13 length

14                   (4) Class 3: 40 feet or over and not more than 65 feet in  
15 length.

16           Sec. 05.25.200. MOTORBOAT LIGHTS. (a) Every motorboat in all  
17 weathers from sunset to sunrise shall carry and exhibit the following  
18 lights when underway, and during that time no other lights which may  
19 be mistaken for those prescribed may be exhibited:

20                   (1) every motorboat of classes A and 1 shall carry the  
21 following lights:

22                           (A) a bright white light aft to show all around the  
23 horizon, and

24                           (B) a combined light in the fore part of the vessel  
25 and lower than the white light aft, showing green to starboard and  
26 red to port, so fixed as to throw the light from right ahead to  
27 two points (22 1/2 degrees) abaft the beam on their respective  
28 sides;

29                   (2) every motorboat of classes 2 and 3 shall carry the

1 following lights:

2 (A) a bright white light in the fore part of the vessel  
3 as near the stem as practicable, so constructed as to show the  
4 unbroken light over an arc of the horizon of twenty points (225  
5 degrees) of the compass, so fixed as to throw the light ten points  
6 (112 1/2 degrees) on each side of the vessel, namely, from right  
7 ahead to two points (22 1/2 degrees) abaft the beam on either side

8 (B) a bright white light aft to show all around the  
9 horizon and higher than the white light forward;

10 (C) on the starboard side a green light so constructed  
11 as to show an unbroken light over an arc of the horizon of ten  
12 points (112 1/2 degrees) of the compass, so fixed as to throw the  
13 light from right ahead to two points (22 1/2 degrees) abaft the  
14 beam on the starboard side; on the port side a red light so con-  
15 structed as to show an unbroken light over an arc of the horizon  
16 of ten points (112 1/2 degrees) of the compass, so fixed as to  
17 throw the light from right ahead to two points (22 1/2 degrees)  
18 abaft the beam on the port side; the side lights shall be fitted  
19 with inboard screens so set as to prevent these lights from being  
20 seen across the bow;

21 (3) motorboats of classes A and 1 when propelled by sail  
22 alone shall exhibit the combined light prescribed by (1) of this sec-  
23 tion and a 12 point (135 degrees) white light aft; motorboats of  
24 classes 2 and 3, when so propelled shall exhibit the colored side  
25 lights, suitably screened prescribed by (2) of this section and a  
26 12 point (135 degrees) white light aft;

27 (b) Every white light prescribed by this section shall be of such  
28 character as to be visible at a distance of at least two miles. Every  
29 colored light prescribed by this section shall be of such character as

1 to be visible at a distance of at least one mile. The word "visible"  
2 in this subsection, when applied to lights, means visible on a dark  
3 night with clear atmosphere.

4 (c) When propelled by both sail and machinery every motorboat  
5 shall carry the lights required by this section for a motorboat pro-  
6 pelled by machinery only.

7 Sec. 05.25.210. LIGHTS ON MANUALLY PROPELLED VESSELS. Manually  
8 propelled vessels shall carry, ready at hand, a lantern or flashlight  
9 showing a white light which shall be exhibited in sufficient time to  
10 avert collision.

11 Sec. 05.25.220. INTERNATIONAL LIGHTS. Any vessel may carry and  
12 exhibit the lights required by the Federal Regulations for Preventing  
13 Collisions at Sea, 1960, Act of September 24, 1963 (33 USC 1051 -  
14 1053) and (33 USC 1061 - 1094) as amended to January 1, 1969 in lieu  
15 of the lights required by sec. 200 of this chapter.

16 Sec. 05.25.230. LIGHTS ON VESSELS OVER 65 FEET AND THOSE PRO-  
17 PELLERD SOLELY BY WIND. Vessels over 65 feet in length and those pro-  
18 pelled solely by wind effect on sails shall display lights as pre-  
19 scribed by federal regulations as amended to January 1, 1969.

20 Sec. 05.25.240. WHISTLES AND BELLS. (a) Every motorboat of  
21 class 1, 2, or 3 shall be provided with an efficient whistle or other  
22 sound-producing mechanical appliance capable of producing signals  
23 required by the federal regulations as amended to January 1, 1969.

24 (b) Every motorboat of class 2 or 3 shall be provided with an  
25 efficient bell.

26 Sec. 05.25.250. OTHER REQUIRED EQUIPMENT. (a) Every vessel  
27 shall carry at least one U. S. Coast Guard approved lifesaving device  
28 of the sort prescribed by the regulations of the department for each  
29 person on board, so placed as to be readily accessible. Every

1 motorboat carrying passengers for hire shall carry, so placed as to be  
2 readily accessible, at least one U. S. Coast Guard approved life pre-  
3 server of the sort prescribed by regulations of the department for  
4 each person on board. All lifesaving devices shall be in good and  
5 serviceable condition.

6 (b) Every motorboat shall be provided with the number, size, and  
7 type of U. S. Coast Guard approved fire extinguishers, capable of  
8 promptly and effectually extinguishing burning gasoline, prescribed by  
9 the regulations of the department, and which shall be at all times  
10 kept in condition for immediate and effective use and shall be so  
11 placed as to be readily accessible.

12 (c) Every vessel over 16 feet in length which is required to be  
13 numbered or documented under this chapter shall carry at least one  
14 flare or smoke signal approved by the U. S. Coast Guard.

15 (d) Every motorboat shall have the carburetor of every engine,  
16 except outboard motors using gasoline as fuel, equipped with such  
17 efficient U. S. Coast Guard approved flame arrestor, backfire trap,  
18 or other similar device as may be prescribed by the regulations of the  
19 department.

20 (e) Every motorboat and every vessel, except open boats as de-  
21 fined by the regulations of the department, using as fuel any liquid  
22 of a volatile nature, shall be provided with such means as may be  
23 prescribed by the regulations of the department for properly and  
24 efficiently ventilating the bilges of the engine and fuel tank com-  
25 partments so as to remove explosive or flammable gases.

26 Sec. 05.25.260. EQUIPMENT EXEMPTIONS IN AUTHORIZED RACES. The  
27 provisions in secs. 240 and 250(b) of this chapter do not apply to  
28 motorboats while competing in a race conducted under secs. 470 - 480  
29 of this chapter or, if the boats are designed and intended solely for

1 racing, while engaged in navigation incidental to the tuning up of the  
2 boats and engines for the race.

3 Sec. 05.25.270. MUFFLING DEVICES. The exhaust of every internal  
4 combustion engine used on a motorboat shall be effectively muffled by  
5 an efficient muffling device or system used so as to muffle the noise  
6 of the exhaust in a reasonable manner. The use of cut-outs is pro-  
7 hibited, except for motorboats competing in a regatta or boat race  
8 approved as provided in secs. 470 - 480 of this chapter, and for these  
9 motorboats while on trial runs, during a period not to exceed 48 hours  
10 immediately preceding the regatta or race and for these motorboats  
11 while competing in official trials for speed records during a period  
12 not to exceed 48 hours immediately following the regatta or race.

13 Sec. 05.25.280. PILOT RULES. The department is authorized to  
14 establish and maintain for the operation of vessels on the waters of  
15 this state pilot rules not in conflict with the pilot rules contained  
16 in the federal navigation laws or the navigation rules promulgated by  
17 the United States Coast Guard.

18 Sec. 05.25.290. PROHIBITION AGAINST OPERATION OF IMPROPERLY  
19 EQUIPPED VESSEL. No person may operate or give permission for the  
20 operation of a vessel which is not equipped as required by this chapter  
21 or the regulations made under it.

### 22 ARTICLE 3. BOAT LIVERIES.

23 Sec. 05.25.300. LIVERY RECORD. The owner of a boat livery shall  
24 keep a record of the name and address of the person hiring a motorboat  
25 or vessel, its identification number, the departure date and time, and  
26 the expected time of return. The record shall be preserved for at  
27 least six months.

28 Sec. 05.25.310. RESPONSIBILITY FOR REQUIRED EQUIPMENT. Neither  
29 the owner of a boat livery nor his agent or employees may permit a

1 motorboat or vessel to depart from his premises unless it has been  
2 provided, either by the owner or renter, with the equipment required  
3 by secs. 190 - 270 of this chapter and the regulations made under them

4 ARTICLE 4. OPERATION.

5 Sec. 05.25.320. RECKLESS OR NEGLIGENT. No person may operate a  
6 motorboat or vessel, or manipulate water skis, aquaplane, surfboard, or  
7 similar devices in a reckless or negligent manner so as to endanger  
8 the life, limb, or property of another person.

9 Sec. 05.25.330. UNDER THE INFLUENCE OF ALCOHOL OR DRUGS. No  
10 person may operate a motorboat or vessel, or manipulate water skis,  
11 aquaplane, surfboard, or similar devices while under the influence of  
12 alcohol, a narcotic drug, barbiturate or marijuana.

13 Sec. 05.25.340. DUTY TO RENDER ASSISTANCE AND IDENTIFY VESSEL  
14 AND SELF. It is the duty of the operator of a vessel involved in a  
15 collision, accident, or other casualty, so far as he can do so without  
16 serious danger to his own vessel, crew and passengers, to render to  
17 other persons affected by the casualty such assistance as may be  
18 practicable and as may be necessary in order to save them from or min-  
19 imize any danger caused by the casualty, and also to give his name,  
20 address, and identification of his vessel in writing to a person  
21 injured and to the owner of property damaged in casualty.

22 Sec. 05.25.350. ACCIDENT REPORT REQUIRED. In the case of a  
23 reportable boating accident the operator of any vessel involved shall  
24 file with the department a full description of the accident including  
25 information the department may, by regulation, require. If the opera-  
26 tor or owner is incapable of making the report the investigating  
27 officer shall submit the report.

28 Sec. 05.25.360. PROTECTION OF ACCIDENT REPORTS. (a) The report  
29 made under sec. 350 of this chapter is without prejudice, is for the

1 information of the department and is not open to public inspection.  
2 The fact that the report has been made is admissible in evidence solely  
3 to show compliance with sec. 350 of this chapter but no report and no  
4 statement contained in it is admissible as evidence for any purpose in  
5 a trial, civil or criminal.

6 (b) In accordance with a request made by an authorized official  
7 or agency of the United States, information compiled or otherwise  
8 available to the department under (a) of this section shall be trans-  
9 mitted to the official or agency of the United States for analytical  
10 and statistical purposes.

11 Sec. 05.25.370. OBSERVER. No person may operate a vessel on any  
12 waters of this state for towing a person on water skis, aquaplane,  
13 surfboard, or similar devices unless there is in the vessel a competent  
14 person, in addition to the operator, in a position to observe the pro-  
15 gress of the person or persons being towed.

16 Sec. 05.25.380. NO SKIING SUNSET TO SUNRISE. No person may  
17 operate a vessel on any waters of this state towing a person on water  
18 skis, aquaplane, surfboard, or similar devices, nor may any person  
19 engage in water skiing, aquaplaning, surfboarding, or similar activity  
20 at any time between the hours from sunset to sunrise.

21 Sec. 05.25.390. A PERFORMER ENGAGED IN AN AUTHORIZED ACTIVITY.  
22 The provisions of secs. 370 - 380 of this chapter do not apply to a  
23 performer engaged in a professional exhibition or a person or persons  
24 engaged in an activity authorized under secs. 470 - 480 of this  
25 chapter.

26 Sec. 05.25.400. VESSELS REQUIRED TO DISPLAY CAPACITY PLATE.  
27 Every vessel less than 26 feet in length designed to carry two or more  
28 persons and to be propelled by machinery as its principal source of  
29 power or designed to be propelled by oars, shall, if manufactured or

1 offered for sale in this state, have affixed permanently to it by the  
2 manufacturer a capacity plate as required by secs. 400 - 460 of this  
3 chapter. Canoes and sailboats are exempt from these provisions. As  
4 used in secs. 400 - 460 of this chapter "manufacture" means to con-  
5 struct or assemble a vessel or alter a vessel in such manner as to  
6 change its weight carrying capacity. This section applies only to  
7 vessels manufactured after January 1, 1970.

8 Sec. 05.25.410. CAPACITY PLATE INFORMATION AND LOCATION. A ca-  
9 pacity plate shall bear the following information permanently marked  
10 in such a manner as to be clearly visible and legible from the position  
11 designed or normally intended to be occupied by the operator of the  
12 vessel when underway:

13 (1) for all vessels designed for or represented by the  
14 manufacturer as being suitable for use with outboard motor:

15 (A) the total weight of persons, motor, gear, and  
16 other articles placed aboard which the vessel is capable of carry-  
17 ing with safety under normal conditions;

18 (B) the recommended number of persons commensurate  
19 with the weight capacity of the vessel and the presumed weight in  
20 pounds of each person; in no instance may the presumed weight per  
21 person be less than 150 pounds;

22 (C) clear notice that the information appearing on the  
23 capacity plate is applicable under normal conditions and that the  
24 weight of the outboard motor and associated equipment is consid-  
25 ered to be part of total weight capacity;

26 (D) the maximum horsepower of the motor the vessel is  
27 designed or intended to accommodate;

28 (2) for all other vessels to which this section applies:

29 (A) the total weight of persons, gear, and other

1 articles placed aboard which the vessel is capable of carrying  
2 with safety under normal conditions;

3 (B) the recommended number of persons commensurate with  
4 the weight capacity of the vessel and the presumed weight in  
5 pounds of each such person; in no instance may the presumed weight  
6 per person be less than 150 pounds;

7 (C) clear notice that the information appearing on the  
8 capacity plate is applicable under normal conditions.

9 Sec. 05.25.420. REGULATIONS FOR DETERMINING CAPACITY. The  
10 information relating to maximum load capacity required to appear on  
11 capacity plates by sec. 410 of this chapter shall be determined in  
12 accordance with methods and formulas prescribed by regulation adopted  
13 by the department. In prescribing these methods and formulas, the  
14 department shall be guided by and give due regard to the necessity  
15 for uniformity in methods and formulas lawful for use in determining  
16 small vessel capacity in the several states and to methods and for-  
17 mulas which may be recognized or recommended by the United States  
18 Coast Guard.

19 Sec. 05.25.430. VESSELS NOT HAVING A CAPACITY PLATE AFFIXED. A  
20 vessel to which sec. 400 of this chapter applies not having a capacity  
21 plate meeting the requirements of law affixed to it by the manufacture  
22 may have it affixed by any other person in accordance with regulations  
23 the department may prescribe, and may thereafter be offered for sale  
24 in this state. No action taken under this section relieves a manu-  
25 facturer from liability for failure to comply with the requirements  
26 of sec. 400 of this chapter.

27 Sec. 05.25.440. WARRANTY. The information appearing on a capa-  
28 city plate shall be considered to warrant that the manufacturer, or  
29 the person affixing the capacity plate as permitted by sec. 430 of

1 this chapter has correctly and faithfully employed a method and for-  
2 mula for the calculation of maximum weight capacity prescribed by the  
3 department and that the information appearing on the capacity plate  
4 with respect to maximum weight capacity and recommended number of  
5 persons is the result of the application of this method and formula,  
6 and with respect to information concerning horsepower limitations that  
7 the information is not a deliberate or negligent misrepresentation.

8 Sec. 05.25.450. IMPRACTICAL TO AFFIX CAPACITY PLATE. If a  
9 vessel required by sec. 400 of this chapter to have a capacity plate  
10 affixed to it is of a design or construction which makes it impracti-  
11 cable or undesirable to affix the plate, the manufacturer, or other  
12 person having the responsibility for affixing the plate, may represent  
13 this impracticability or undesirability to the department in writing.  
14 Upon determination by the department that the representation has merit  
15 and that a proper and effective substitute for the capacity plate  
16 which will serve the same purpose is feasible, the department may  
17 authorize alternative compliance.

18 Sec. 05.25.460. UNCONVENTIONAL DESIGN. The department may by  
19 regulations exempt from the requirements of sec. 400 of this chapter  
20 vessels which it finds to be of such unconventional design or con-  
21 struction that the information required on capacity plates would not  
22 assist in promoting safety or is not reasonably obtainable.

23 ARTICLE 5. REGATTAS, RACES, MARINE PARADES,  
24 TOURNAMENTS OR EXHIBITIONS

25 Sec. 05.25.470. AGENCY MAY REGULATE. The department may regu-  
26 late the holding of regattas, motorboat or other boat races, marine  
27 parades, tournaments or exhibitions which, by their nature, circum-  
28 stance or location will introduce extra or unusual hazards to the  
29 safety of life on any waters of this state. It shall adopt

1 regulations concerning the safety of motorboats and other vessels and  
2 persons on them, either observers or participants. When a regatta,  
3 motorboat or other boat race, marine parade, tournament or exhibition  
4 is proposed to be held, the person in charge of it shall, at least 30  
5 days before it, file an application with the department for permission  
6 to hold the event. The application shall set out the date, time and  
7 location where it is proposed to hold the event and other information  
8 the department may by regulation require, and it may not be conducted  
9 without authorization of the department.

10 Sec. 05.25.480. PERMIT BY U. S. AGENCY. The provisions of secs.  
11 470 - 480 of this chapter do not exempt a person from compliance with  
12 applicable federal law or regulation, nor require him to secure a  
13 state permit if a permit for the event has been obtained from an  
14 authorized agency of the United States.

15 ARTICLE 6. UNIFORM STATE WATERWAY  
16 MARKER SYSTEM

17 Sec. 05.25.490. STATE AGENCY MAY MAKE REGULATIONS. The Depart-  
18 ment of Public Works may make regulations for the uniform marking of  
19 the water areas in this state through the placement of aids to navi-  
20 gation and regulatory markers. The regulations shall establish a  
21 marking system compatible with the system of aids to navigation pre-  
22 scribed by the United States Coast Guard. No city, county, or person  
23 may mark or obstruct the waters of this state in any manner so as to  
24 endanger the operation of watercraft or conflict with the marking  
25 system prescribed by the Department of Public Works.

26 Sec. 05.25.500. VIOLATION OF OR INTERFERENCE WITH REGULATORY  
27 TYPE MARKERS. (a) It is unlawful for a person to operate a vessel on  
28 the waters of this state in a manner other than that prescribed or  
29 permitted by regulatory markers.

1 (b) No person may moor or fasten a vessel to or wilfully damage,  
2 tamper, remove, obstruct, or interfere with an aid to navigation or  
3 regulatory marker established under this chapter.

4 Sec. 05.25.510. APPLICATION FOR SPECIAL REGULATIONS. A borough  
5 or city of the state may, at any time, but only after public notice  
6 make formal application to the department for special regulations with  
7 reference to the operation of vessels on waters within its territorial  
8 limits and shall set out the reasons which make the special regulations  
9 necessary or appropriate.

10 ARTICLE 7. GENERAL PROVISIONS

11 Sec. 05.25.520. COMPREHENSIVE SAFETY AND EDUCATIONAL PROGRAM.  
12 The department is authorized to inaugurate a comprehensive boating  
13 safety and boating educational program, and to seek the cooperation of  
14 boatmen, the federal government and other states. The department may  
15 issue safety certificates to persons who complete courses in boating  
16 safety education.

17 Sec. 05.25.530. OWNER'S CIVIL LIABILITY. The owner of a vessel  
18 is liable for injury or damage caused by the negligent operation of  
19 the vessel whether the negligence consists of a violation of the pro-  
20 visions of the statutes of the state, or neglecting to observe such  
21 ordinary care in the operation as the rules of common law require.  
22 The owner is not liable, however, unless the vessel is being used with  
23 his express or implied consent. It shall be presumed that the vessel  
24 is being operated with the knowledge and consent of the owner, if at  
25 the time of the injury or damage, it is under control of his or her  
26 spouse, father, mother, brother, sister, son, daughter or other immedi-  
27 ate member of the owner's family. Nothing in this section may be  
28 construed to relieve another person from liability which he would  
29 otherwise have.

1           Sec. 05.25.540. AUTHORITY TO STOP AND BOARD. Members of the  
2 department empowered to enforce the provisions of this chapter and  
3 regulations adopted under it have the authority to stop and board a  
4 vessel subject to this chapter for the purpose of inspection or deter-  
5 mining compliance with this chapter and are empowered to issue a  
6 summons for appearance in court or before a magistrate for all viola-  
7 tions of this chapter or of the regulations adopted under it. Vessels  
8 of law enforcement personnel shall be marked to identify them as  
9 designated enforcement vessels.

10           Sec. 05.25.550. VESSELS REQUIRED TO COOPERATE. Every vessel  
11 subject to this chapter, if underway and upon being hailed by a desig-  
12 nated law enforcement officer, shall stop immediately and lay to or  
13 shall permit the officer to come aboard.

14           Sec. 05.25.560. ENFORCEMENT OFFICERS. Every peace officer and  
15 every person designated by the department to enforce the provisions  
16 of this chapter has the power to

17           (1) arrest on view for a violation relating to boating and  
18 all regulations prescribed by the department under this chapter;

19           (2) execute all warrants and search warrants for the  
20 violations of the boat law and regulations;

21           (3) serve subpoenas issued for the examination, investiga-  
22 tion, and trial of all offenses against the laws and regulations  
23 relating to boats;

24           (4) board vessels in use for purposes of examining docu-  
25 ments and safety equipment and search without warrant a boat which is  
26 not at its regular mooring or berth, when he believes that a law of  
27 this state or a regulation of the department relating to boating has  
28 been violated;

29           (5) detain the boat and arrest the operator of a suspected

1 stolen boat;

2 (6) enter upon any land or water in the performance of his  
3 duty;

4 (7) demand and secure proper assistance in case of emergency.

5 Sec. 05.25.570. PENALTIES. (a) A person who violates a pro-  
6 vision of secs. 11, 31 - 290, 340 - 360, or 470 - 480 of this chapter  
7 or the implementing regulations is guilty of a misdemeanor and upon  
8 conviction is punishable by a fine of not less than \$10 or more than  
9 \$50 for each violation.

10 (b) A person who violates a provision of secs. 300 - 310 or  
11 370 - 390 of this chapter or the implementing regulations is guilty of  
12 a misdemeanor and upon conviction is punishable by a fine of not less  
13 than \$25 or more than \$100 for each violation.

14 (c) A person who violates a provision of secs. 320 - 330, 400 -  
15 460, or 490 - 500 of this chapter or the implementing regulations is  
16 guilty of a misdemeanor and upon conviction is punishable by a fine of  
17 not less than \$50 or more than \$500, or by imprisonment for not to  
18 exceed six months, or by both, for each violation.

19 (d) A person convicted of reckless or negligent operation of a  
20 vessel or of operating a vessel while under the influence of intoxi-  
21 cating liquids, narcotic drugs, barbiturates, or marijuana may, in  
22 addition to the penalties provided in this chapter, be prohibited by  
23 the court having jurisdiction of the violation, from operating a vesse  
24 on the waters of this state for a period of not more than three years.

25 Sec. 05.25.580. DEFINITIONS. In this chapter, unless the con-  
26 text otherwise requires:

27 (1) "aids to navigation" means buoys, beacons or other  
28 fixed objects in the water which are used to mark obstructions to navi-  
29 gation or to direct navigation through safe channels;

1 (2) "boat livery" means a business which holds a vessel  
2 for renting, leasing, or chartering;

3 (3) "department" means the Department of Public Safety;

4 (4) "motorboat" means any vessel not more than 65 feet  
5 in length propelled by machinery whether or not the machinery is the  
6 principal source of propulsion;

7 (5) "operate" means to navigate or otherwise use a vessel;

8 (6) "operator" means the person who operates or has charge  
9 of the navigation or use of a vessel;

10 (7) "owner" means a person, other than a lien holder,  
11 having the property in or title to a vessel; the term includes a per-  
12 son entitled to the use or possession of a vessel subject to an  
13 interest in another person reserved or created by agreement and secur-  
14 ing payment or performance of an obligation, but the term excludes a  
15 lessee under a lease not intended as security;

16 (8) "regulatory markers" means an anchored or fixed marker  
17 in or on the water or sign on the shore or on a bridge over the water  
18 or at any harbor facilities other than aids to navigation and includes  
19 but is not limited to bathing markers, speed zone markers, information  
20 markers, danger zone markers, boat keep out areas, and mooring buoys;

21 (9) "reportable boating accident" means an accident, col-  
22 lision or other casualty involving a vessel subject to this chapter  
23 which results in loss of life, injury sufficient to require first aid  
24 or medical attention, or actual physical damage to property, including  
25 vessels in excess of \$100;

26 (10) "undocumented vessel" means a vessel which is not  
27 required to have and does not have a valid marine document issued by  
28 the United States Coast Guard or other federal agency responsible for  
29 documenting vessels;

1 (11) "vessel" means every description of watercraft, other  
2 than a seaplane on the water, used or capable of being used as a means  
3 of transportation on water;

4 (12) "waters of this state" means the waters within the  
5 territorial limits of this state, and the marginal sea adjacent to  
6 this state and the high seas when navigated as a part of a journey or  
7 ride to or from the shore of this state, but excludes private waters,

8 Sec. 05.25.590. SHORT TITLE. This chapter may be cited as the  
9 Alaska Boating Act.

10 \* Sec. 2. AS 05.25.010 - 05.25.100 are repealed.  
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