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Referred: Resources and
Judiciary

1 IN THE HOUSE

BY LAKTONEN

2 HOUSE BILL NO. 622

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND 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
16 board and in full force and effect and

17 (2) the identifying number set out in the certificate of
18 number is displayed on each side of the bow of the 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 for
9 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
13 materially aid in its identification,

14 (B) an agency of the federal government has a numbering
15 system applicable to the class of vessel to which the vessel in
16 question belongs, and

17 (C) the vessel would also be exempt from numbering if
18 it were subject to the federal law;

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

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

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

28 (b) Original application fees are as follows:

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

- 1 (2) vessels 12 feet in length or more,
- 2 but less than 16 feet..... \$6
- 3 (3) vessels 16 feet in length or more,
- 4 but less than 26 feet..... \$8
- 5 (4) vessels 26 feet in length or more..... \$8
- 6 plus \$1 for each foot or part of a foot in excess of 26 feet
- 7 (5) vessels 65 feet in length or more..... \$47
- 8 plus 50 cents for each foot or part of a foot in excess of 65 feet
- 9 (6) vessels owned by eleemosynary organizations
- 10 which are operated primarily as part of organized activities
- 11 for the purpose of teaching youths scoutcraft, camping, sea-
- 12 manship, self-reliance, patriotism, courage, and similar
- 13 virtues..... no fee
- 14 (7) vessels owned by the head of a family or a
- 15 dependent member of his family, or one solely dependent upon
- 16 himself for support, upon proof presented by the applicant
- 17 that he has an annual family gross income of less than
- 18 \$3,600 for the year preceding application..... \$1
- 19 Sec. 05.25.041. ANNUAL RENEWAL FEES. The annual renewal fees
- 20 required by sec 140 of this chapter are as follows:
- 21 (1) vessels less than 12 feet in length..... \$2
- 22 (2) vessels 12 feet in length or more,
- 23 but less than 16 feet..... \$4
- 24 (3) vessels 16 feet in length or more,
- 25 but less than 26 feet..... \$6
- 26 (4) vessels 26 feet in length or more,
- 27 plus \$1 for each foot or part of a foot in excess of 26 feet
- 28 (5) vessels 65 feet in length or more..... \$45
- 29 plus 50 cents for each foot or part of a foot in excess of 65 feet

1 (6) vessels owned by eleemosynary organizations
2 which are operated primarily as part of organized activities
3 for the purpose of teaching youths scoutcraft, camping,
4 seamanship, self-reliance, patriotism, courage and
5 similar virtues..... no fee

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

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

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

28 Sec. 05.25.071. EXEMPTION FROM TAX. All vessels registered under
29 this chapter, and all vessels documented under federal law whose owners

1 have paid the appropriate fees under this chapter, shall be exempt from
2 any personal property tax.

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

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

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

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

1 Sec. 05.25.120. ISSUING AGENTS. The department may issue a
2 certificate of number directly or may authorize a person to act as
3 agent for the issuing. If a person accepts this authorization, he may
4 be allotted a block of numbers and certificates which upon assignment
5 and issue in conformity with this chapter and regulations of the depart-
6 ment shall be valid as if assigned and issued directly by the depart-
7 ment. A person appointed and authorized by the department to sell
8 registrations under this section, except salaried employees of the
9 state, shall retain 5 per cent of all money collected.

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

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

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

28 Sec. 05.25.160. CHANGE OF ADDRESS. A holder of a certificate of
29 number shall notify the department in writing within 15 days if his

1 address no longer conforms to the address appearing on the certificate
2 and shall, as a part of this notification, furnish the department with
3 his new address.

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

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

9 ARTICLE 2. REQUIRED EQUIPMENT.

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

- 12 (1) Class A: Less than 16 feet in length
13 (2) Class 1: 16 feet or over and less than 26 feet in length
14 (3) Class 2: 26 feet or over and less than 40 feet in length
15 (4) Class 3: 40 feet or over and not more than 65 feet in
16 length.

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

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

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

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

1 (2) every motorboat of classes 2 and 3 shall carry the
2 following lights:

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

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

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

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

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

1 colored light prescribed by this section shall be of such character as
2 to be visible at a distance of at least one mile. The word "visible"
3 in this subsection, when applied to lights, means visible on a dark
4 night with clear atmosphere.

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

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

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

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

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

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

27 Sec. 05.25.250. OTHER REQUIRED EQUIPMENT. (a) Every vessel shall
28 carry at least one U. S. Coast Guard approved lifesaving device of the
29 sort prescribed by the regulations of the department for each person

1 on board, so placed as to be readily accessible. Every motorboat
2 carrying passengers for hire shall carry, so placed as to be readily
3 accessible, at least one U. S. Coast Guard approved life preserver of
4 the sort prescribed by regulations of the department for each person on
5 board. All lifesaving devices shall be in good and 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 kept
10 in condition for immediate and effective use and shall be so placed as
11 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, or
18 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 effi-
24 ciently ventilating the bilges of the engine and fuel tank compartments
25 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 es-
14 tablish and maintain for the operation of vessels on the waters of this
15 state pilot rules not in conflict with the pilot rules contained in the
16 federal navigation laws or the navigation rules promulgated by the
17 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 employee 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,
7 or 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 in-
21 jured 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
4 no statement contained in it is admissible as evidence for any purpose
5 in 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 op-
17 erate 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 capa-
9 city plate shall bear the following information permanently marked in
10 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 other
16 articles placed aboard which the vessel is capable of carrying
17 with safety under normal conditions;

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

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

3 (B) the recommended number of persons commensurate with
4 the weight capacity of the vessel and the presumed weight in pounds
5 of each such person; in no instance may the presumed weight per
6 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 infor-
10 mation relating to maximum load capacity required to appear on capacity
11 plates by sec. 410 of this chapter shall be determined in accordance
12 with methods and formulas prescribed by regulation adopted by the depart-
13 ment. In prescribing these methods and formulas, the department shall
14 be guided by and give due regard to the necessity for uniformity in
15 methods and formulas lawful for use in determining small vessel capacity
16 in the several states and to methods and formulas which may be recog-
17 nized or recommended by the United States Coast Guard.

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

26 Sec. 05.25.440. WARRANTY. The information appearing on a capacity
27 plate shall be considered to warrant that the manufacturer, or the
28 person affixing the capacity plate as permitted by sec. 430 of this
29 chapter has correctly and faithfully employed a method and formula for

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

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

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

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

24 Sec. 05.25.470. AGENCY MAY REGULATE. The department may regulate
25 the holding of regattas, motorboat or other boat races, marine parades,
26 tournaments or exhibitions which, by their nature, circumstance or
27 location will introduce extra or unusual hazards to the safety of life
28 on any waters of this state. It shall adopt regulations concerning the
29 safety of motorboats and other vessels and persons on them, either

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

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

14 ARTICLE 6. UNIFORM STATE WATERWAY
15 MARKER SYSTEM

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

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

29 (b) No person may moor or fasten a vessel to or wilfully damage,

1 tamper, remove, obstruct, or interfere with an aid to navigation or
2 regulatory marker established under this chapter.

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

9 ARTICLE 7. GENERAL PROVISIONS.

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

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

28 Sec. 05.25.540. AUTHORITY TO STOP AND BOARD. Members of the
29 department empowered to enforce the provisions of this chapter and

1 regulations adopted under it have the authority to stop and board a
2 vessel subject to this chapter for the purpose of inspection or deter-
3 mining compliance with this chapter and are empowered to issue a
4 summons for appearance in court or before a magistrate for all viola-
5 tions of this chapter or of the regulations adopted under it. Vessels
6 of law enforcement personnel shall be marked to identify them as desig-
7 nated enforcement vessels.

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

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

15 (1) arrest on view for a violation relating to boating and
16 all regulation prescribed by the department under this chapter;

17 (2) execute all warrants and search warrants for the viola-
18 tions of the boat law and regulations;

19 (3) serve subpoenas issued for the examination, investiga-
20 tion, and trial of all offenses against the laws and regulations rela-
21 ting to boats;

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

26 (5) detain the boat and arrest the operator of a suspected
27 stolen boat;

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

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

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

7 (b) A person who violates a provision of secs. 300 - 310 or 370 -
8 390 of this chapter or the implementing regulations is guilty of a mis-
9 demeanor and upon conviction is punishable by a fine of not less than
10 \$25 or more than \$100 for each violation.

11 (c) A person who violates a provision of secs. 320 - 330, 400 -
12 460, or 490 - 500 of this chapter or the implementing regulations is
13 guilty of a misdemeanor and upon conviction is punishable by a fine of
14 not less than \$50 or more than \$500, or by imprisonment for not more
15 than six months, or by both, for each violation.

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

22 Sec. 05.25.580. DEFINITIONS. In this chapter, unless the context
23 otherwise requires:

24 (1) "aids to navigation" means buoys, beacons or other fixed
25 objects in the water which are used to mark obstructions to navigation
26 or to direct navigation through safe channels;

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

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

1 (4) "motorboat" means any vessel not more than 65 feet in
2 length propelled by machinery whether or not the machinery is the prin-
3 cipal source of propulsion;

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

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

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

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

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

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

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

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

5 Sec. 05.25.590. SHORT TITLE. This chapter may be cited as the
6 Alaska Boating Act.

7 * Sec. 2. AS 05.25.010 - 05.25.100 are repealed.
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