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Referred: Resources and  
Judiciary

1 IN THE HOUSE

BY BUCHHOLDT

2 HOUSE BILL NO. 390

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety."

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

8 \* Section 1. AS 05 is amended by adding a new chapter to read:

9 CHAPTER 26. WATER SAFETY.

10 ARTICLE 1. NUMBERING OF VESSELS.

11 Sec. 05.26.010. OPERATION OF UNNUMBERED VESSELS PROHIBITED. A  
12 vessel using state waters must be numbered, except a vessel exempt under  
13 AS 05.26.020. A person may not operate or give permission for the  
14 operation of a vessel on state waters unless the vessel is numbered in  
15 accordance with this chapter and unless

16 (1) a valid certificate of number issued to the vessel is on  
17 board; and

18 (2) the identifying number set out in the certificate of  
19 number is displayed on each side of the forward half of the vessel.

20 Sec. 05.26.020. EXEMPTION FROM NUMBERING REQUIREMENT. A vessel is  
21 not required to be numbered under this chapter if it is

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

29 (2) from a country other than the United States if the vessel

1 is not used on state waters longer than 90 consecutive days;

2 (3) a vessel whose owner is a state, or a municipality, used  
3 principally for governmental purposes and which is clearly identifiable  
4 as a government vessel;

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

9 (5) a military or public vessel of the United States govern-  
10 ment, except a recreational-type public vessel;

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

13 (7) operating under a valid temporary certificate of number  
14 while an application for a certificate of number is pending approval.

15 Sec. 05.26.030. IDENTIFICATION NUMBER APPLICATION. The owner of  
16 each vessel required to be numbered by this chapter shall file an appli-  
17 cation for number with the department on forms approved by it. The  
18 application shall be signed by the owner of the vessel and shall be  
19 accompanied by the fee required by AS 05.26.040.

20 Sec. 05.26.040. FE&S. Original application fees for a certificate  
21 of number and the fees for renewal or transfer of a certificate of  
22 number are as follows:

- 23 (1) vessels less than 16 feet in length..... \$6  
24 (2) vessels 12 feet in length or more,  
25 but less than 26 feet..... \$10  
26 (3) vessels 26 feet in length or more,  
27 but less than 40 feet..... \$14  
28 (4) vessels 40 feet in length or more,  
29 but less than 65 feet.....\$18

- 1 (5) vessels 65 feet in length or more..... \$26
- 2 (6) recreational-type public vessels of
- 3 the United States or a state..... no
- 4 fee

5 Sec. 05.26.050. CERTIFICATE OF NUMBER. (a) After receipt of the  
6 application in approved form, the department shall enter the application  
7 upon its records and issue to the applicant a certificate of number  
8 which states the number assigned to the vessel, the name and address of  
9 the owner, and any additional information required by regulations  
10 adopted by the department. The owner shall paint on or attach to each  
11 side of the forward half of the vessel the number in a manner required  
12 by regulations of the department in order that it may be clearly  
13 visible. The number shall be maintained in legible condition. The  
14 certificate of number shall be pocket size and shall be available at all  
15 times for inspection on the vessel for which issued whenever the vessel  
16 is in operation.

17 (b) A temporary certificate of number which is valid for not more  
18 than 60 days after issue may be issued by the department pending the  
19 issuance of a certificate of number. A temporary certificate of number  
20 is not valid after the date that the owner receives the certificate of  
21 number from the department.

22 (c) If a certificate of number is lost or destroyed, a replacement  
23 certificate may be issued to the owner if he applies and pays \$2.

24 (d) A certificate of number issued under this chapter is valid for  
25 one year after date of issue.

26 Sec. 05.26.060. EXEMPTION FROM TAX. All vessels numbered under  
27 this chapter, and all vessels documented under federal law whose owners  
28 have paid the appropriate fees under this chapter, are exempt from any  
29 state or municipal personal property tax.

1           Sec. 05.26.070. CERTIFICATE FOR DOCUMENTED VESSEL. A certificate  
2 of registration shall be issued for a documented vessel, the owner of  
3 which has paid the application fee required by AS 05.26.040, but a state  
4 number may not be issued to the vessel.

5           Sec. 05.26.080. RECORDING NUMBER OF OUT-OF-STATE VESSEL. The  
6 owner of a vessel with a valid number which has been assigned to it  
7 under federal law in another state or a federally approved numbering  
8 system of another state shall record the number before operating the  
9 vessel on the waters of the state for more than 90 days. The recorda-  
10 tion shall, upon payment of the fee prescribed by AS 05.26.040, be in  
11 the manner required by regulations of the department but no additional  
12 or substitute number may be issued. This section does not apply if the  
13 state of principal use of the vessel has been changed.

14           Sec. 05.26.090. CHANGE OF OWNER. If the ownership of a numbered  
15 vessel changes, a new application form with a fee as required in AS 05.-  
16 26.040 shall be filed with the department not later than 30 days after  
17 the change of ownership. The department shall issue a new certificate  
18 of number in the same manner as an original assignment of number, except  
19 that the number assigned shall be identical with the previous one if the  
20 state of principal use remains unchanged.

21           Sec. 05.26.100. CONFORMITY WITH FEDERAL NUMBERING SYSTEM. The  
22 numbering system used under this chapter shall be identical to the  
23 numbering system used by the United States Coast Guard for identifying  
24 and numbering vessels in the United States under the Federal Boat Safety  
25 Act of 1971 (85 Stat. 213, 46 U.S.C. 1451).

26           Sec. 05.26.110. RENTED OR LEASED VESSELS. A certificate of number  
27 may be retained by the owner of a vessel or his representative at the  
28 place from which the vessel departs or returns to the possession of the  
29 owner or his representative if the vessel is less than 26 feet in length

1 and is leased or rented to another person for that person's noncommer-  
2 cial use for less than seven days and if a copy of the rental or lease  
3 agreement signed by the owner or his authorized representative and the  
4 person leasing or renting the vessel is carried on board. The rental or  
5 lease agreement must state

6 (1) the vessel number that appears on the certificate of  
7 number;

8 (2) the period of time for which the vessel is rented or  
9 leased.

10 Sec. 05.26.120 RECORDS TO BE PUBLIC. All records of the depart-  
11 ment made or kept under AS 05.26.010 - 05.26.170 are public records.

12 Sec. 05.26.130. NOTIFICATION TO THE DEPARTMENT. A person whose  
13 name appears as the owner of a vessel on a certificate of number shall  
14 notify the department not later than 15 days after the occurrence of the  
15 following:

16 (1) a change in the owner's address;

17 (2) the theft or recovery of the vessel;

18 (3) the loss or destruction of a valid certificate of number;

19 (4) the transfer of all or a part of his interest in the  
20 vessel; or

21 (5) the destruction or abandonment of the vessel.

22 Sec. 05.26.140. NO OTHER NUMBER ON VESSEL. A number other than  
23 the number assigned to a vessel may not be painted, attached, or other-  
24 wise displayed on either side of the forward half of the vessel.

25 ARTICLE 2. REQUIRED EQUIPMENT.

26 Sec. 05.26.150. CLASSIFICATION. Motorboats are divided into four  
27 classes as follows:

28 (1) Class A: less than 16 feet in length;

29 (2) Class 1: 16 feet or over and less than 26 feet in

length;

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

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

Sec. 05.26.160. MOTORBOAT LIGHTS. (a) Every motorboat in all weather from sunset to sunrise shall carry and exhibit the following lights when underway, and during that time no other lights which may be mistaken for those prescribed may be exhibited:

(1) motorboats of classes A and 1 shall carry:

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

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

(2) motorboats of classes 2 and 3 shall carry:

(A) a bright white light in the fore part of the motorboat as near the stem as practicable which is constructed to show an unbroken light over an arc of the horizon of 225 degrees and which is fixed to throw the light 112-1/2 degrees on each side of the motorboat from right ahead to 22-1/2 degrees abaft the beam on either side;

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

(C) on the starboard side a green light which is constructed to show an unbroken light over an arc of the horizon of 112-1/2 degrees and which is fixed to throw the light from right ahead to 22-1/2 degrees abaft the beam on the starboard side; on

1 the port side a red light which is constructed to show an unbroken  
2 light over an arc of the horizon of 112-1/2 degrees which is fixed  
3 to throw the light from right ahead to 22-1/2 degrees abaft the  
4 beam on the port side; the side lights shall be fitted with inboard  
5 screens which are set to prevent these lights from being seen  
6 across the bow;

7 (3) motorboats of class A and class 1 when propelled by sail  
8 alone shall exhibit the combined light prescribed by (1)(B) of this  
9 subsection but not the white light required by (1)(A) of this subsec-  
10 tion; motorboats of class 2 and class 3 when propelled by sail alone  
11 shall exhibit the colored side lights, suitably screened, prescribed by  
12 (2)(C) of this subsection but not the white light aft required by (1)(A)  
13 of this subsection; motorboats of all classes when propelled by sail  
14 alone shall carry ready for use a lantern or flashlight which shows a  
15 white light.

16 (b) White lights prescribed by this section shall be visible for  
17 at least two miles. Colored lights prescribed by this section shall be  
18 visible for at least one mile. In this subsection, "visible" means  
19 visible on a dark night with clear atmosphere.

20 (c) When propelled by both sail and machinery, a motorboat shall  
21 carry the lights required by this section for a motorboat propelled by  
22 machinery only.

23 Sec. 05.26.170. LIGHTS ON MANUALLY PROPELLED VESSELS. Manually  
24 propelled vessels shall carry, ready at hand, a lantern or flashlight  
25 showing a white light which shall be exhibited in sufficient time to  
26 avert collision.

27 Sec. 05.26.180. INTERNATIONAL LIGHTS. Any vessel may carry and  
28 exhibit the lights required by the Federal Regulations for Preventing  
29 Collisions at Sea, 1972, 33 U.S.C. 1051-1053 and 33 U.S.C. 1061-1094 in

1 place of the lights required by AS 05.26.160.

2 Sec. 05.26.190. LIGHTS ON VESSELS OVER 65 FEET AND THOSE PRO-  
3 Pelled SOLELY BY WIND. Vessels over 65 feet in length and those pro-  
4 pelled solely by wind effect on sails shall display lights as prescribed  
5 by regulations adopted by the United States Coast Guard on the effective  
6 date of this section under the Motor Boat Act of 1940, 54 Stat. 163, 46  
7 U.S.C. 526-526t.

8 Sec. 05.26.200. WHISTLES AND BELLS. (a) Motorboats of class 1,  
9 2, or 3 shall be provided with an efficient whistle or other sound-  
10 producing mechanical appliance capable of producing signals required by  
11 the regulations adopted by the United States Coast Guard on the effec-  
12 tive date of this section under the Motor Boat Act of 1940, 54 Stat.  
13 163, 46 U.S.C. 526-526t.

14 (b) Motorboats of class 2 or 3 shall be provided with an efficient  
15 bell.

16 Sec. 05.26.210. OTHER REQUIRED EQUIPMENT. (a) Vessels shall  
17 carry at least one United States Coast Guard-approved lifesaving device  
18 of the sort prescribed by the regulations of the department for each  
19 person on board, so placed as to be readily accessible. Motorboats  
20 carrying passengers for hire shall carry at least one United States  
21 Coast Guard-approved life preserver of the sort prescribed by regula-  
22 tions adopted by the department for each person on board. All life-  
23 saving devices shall be readily accessible and shall be in good and  
24 serviceable condition.

25 (b) Motorboats shall carry fire extinguishers of the number, size,  
26 and type approved by the United States Coast Guard, capable of promptly  
27 and efficiently extinguishing burning gasoline, as prescribed by regula-  
28 tions adopted by the department. The fire extinguishers shall be kept  
29 in condition for immediate and effective use and shall be readily

1 accessible.

2 (c) Vessels over 16 feet in length which are required to be  
3 numbered under this chapter or documented shall carry at least one flare  
4 or smoke signal approved by the United States Coast Guard.

5 (d) Motorboats shall have the carburetor of every engine, except  
6 outboard motors using gasoline as fuel, equipped with the efficient  
7 United States Coast Guard-approved flame arrestor, backfire trap, or  
8 other similar device as may be prescribed by the regulations of the  
9 department.

10 (e) Vessels, except open boats as defined by regulations adopted  
11 by the department, using as fuel any liquid of a volatile nature, shall  
12 be provided with a method for efficiently ventilating the bilges of the  
13 engine and fuel tank compartments which removes explosive or flammable  
14 gases. The department shall adopt regulations which specify approved  
15 methods of ventilation.

16 Sec. 05.26.220. EQUIPMENT EXEMPTIONS FOR AUTHORIZED RACES. The  
17 provisions in AS 05.26.160 and 05.26.210 do not apply to motorboats  
18 while competing in a race conducted under AS 05.26.330 - 05.26.340 or,  
19 to motorboats designed and intended solely for racing, while engaged in  
20 navigation incidental to the tuning up of the motorboats and engines for  
21 the race.

22 Sec. 05.26.230. MUFFLING DEVICES. The exhaust of an internal  
23 combustion engine used on a motorboat shall be muffled by an efficient  
24 muffling device or system which muffles the noise of the exhaust in a  
25 reasonable manner. The use of cut-outs is prohibited, except for motor-  
26 boats competing in a regatta or boat race approved as provided in  
27 AS 05.26.330 - 05.26.340, and except for those motorboats while on trial  
28 runs, during a period not to exceed 48 hours before the regatta or race  
29 and except for those motorboats while competing in official trials for

1 speed records during a period not to exceed 48 hours after the regatta  
2 or race.

3 ARTICLE 3. ACCIDENTS AND CASUALTY REPORTING.

4 Sec. 05.26.240. IMMEDIATE NOTICE OF DEATH OR DISAPPEARANCE. (a)  
5 If, as a result of an occurrence that involves a vessel or its equip-  
6 ment, a person dies or disappears from a vessel, the operator shall,  
7 without delay, by the quickest means available, notify the department of

8 (1) the date, time, and exact location of the occurrence;

9 (2) the name of each person who died or disappeared;

10 (3) the number and name of the vessel; and

11 (4) the names and addresses of the owner and operator.

12 (b) If the operator of a vessel cannot give the notice required by  
13 (a) of this section, each person on board the vessel shall notify the  
14 department or determine that the notice has been given.

15 Sec. 05.26.250. REPORT OF CASUALTY OR ACCIDENT. (a) The operator  
16 of a vessel shall submit a casualty or accident report to the department  
17 if, as a result of an occurrence that involves a vessel or its equip-  
18 ment,

19 (1) a person dies;

20 (2) a person loses consciousness or receives medical treat-  
21 ment or is disabled for more than 24 hours;

22 (3) damage to the vessel and other property damage totals  
23 more than \$100; or

24 (4) a person disappears from the vessel under circumstances  
25 that indicate death or injury.

26 (b) The casualty or accident report required by (a) of this sec-  
27 tion shall be made

28 (1) not later than 48 hours after the occurrence if a person  
29 dies within 24 hours of the occurrence;

1 (2) not later than 48 hours after the occurrence if a person  
2 loses consciousness or receives medical treatment or is disabled for  
3 more than 24 hours or disappears from a vessel; and

4 (3) not later than five days after the occurrence or death if  
5 an earlier report is not required by this subsection.

6 (c) The department may require the operator to submit a supple-  
7 mental casualty or accident report and may require any witness to the  
8 occurrence to submit a report if the department determines that the  
9 initial report is insufficient.

10 (d) If the operator of the vessel is physically incapable of  
11 making the report required by (a) of this section, the owner and any  
12 occupant of the vessel at the time of the occurrence shall submit the  
13 casualty or accident report.

14 (e) The casualty or accident report required by (a) of this sec-  
15 tion shall be made on a form prepared by the department.

16 Sec. 05.26.260. DUTY TO GIVE ASSISTANCE. (a) It is the duty of  
17 the operator of a vessel involved in a collision, accident, or other  
18 casualty, if he can do so without danger to his own vessel, crew and  
19 passengers, to assist other persons affected by the casualty in order to  
20 save them from any danger or to minimize any danger caused by the  
21 casualty. The operator shall give his name, address, and name and  
22 number of his vessel to the operator of the other vessel or the owner of  
23 property damaged during the accident or other casualty.

24 (b) A person who complies with (a) of this section or who, without  
25 expecting compensation, gives assistance at the scene of a vessel  
26 accident or other casualty without objection from any person assisted,  
27 may not be held liable for damages resulting from the assistance given  
28 or for any act or omission to act while providing or arranging salvage,  
29 towage, medical treatment, or other assistance if the person who gives

1 assistance acts as a ordinary, reasonably prudent man would have acted  
2 under the same or similar circumstances.

3 ARTICLE 4. OPERATION.

4 Sec. 05.26.270. RECKLESS OR NEGLIGENT OPERATION. A person may not  
5 operate a vessel, or manipulate water skis, aquaplane, surfboard, or  
6 similar devices on state waters in a manner which endangers the life,  
7 limb, or property of another person.

8 Sec. 05.26.280. OPERATION UNDER THE INFLUENCE OF ALCOHOL OR DRUGS.  
9 A person may not operate a vessel, or manipulate water skis, aquaplane,  
10 surfboard, or similar devices while under the influence of alcohol, a  
11 narcotic drug, barbiturate or marijuana.

12 Sec. 05.26.290. PROHIBITION AGAINST OPERATION OF IMPROPERLY  
13 EQUIPPED VESSEL. A person may not operate or give permission for the  
14 operation of a vessel on state waters which is not equipped as required  
15 by AS 05.26.160 - 05.26.230 or by the regulations adopted by the depart-  
16 ment to implement those provisions.

17 Sec. 05.26.300. OBSERVER. A person may not operate a vessel on  
18 state waters to tow a person on water skis, aquaplane, surfboard, or  
19 similar devices unless there is in the vessel a competent person, in  
20 addition to the operator, in a position to observe the progress of the  
21 person or persons being towed.

22 Sec. 05.26.310. NO SKIING SUNSET TO SUNRISE. A person may not op-  
23 erate a vessel on state waters towing a person on water skis, aquaplane,  
24 surfboard, or similar devices, nor may any person engage in water  
25 skiing, aquaplaning, surfboarding, or similar activity at any time  
26 between the hours from sunset to sunrise.

27 Sec. 05.26.320. EXCEPTION FOR PERFORMER. The provisions of AS 05.-  
28 26.300 - 05.26.310 do not apply to a performer engaged in a professional  
29 exhibition or to a person engaged in an activity authorized under AS 05.-

1 26.330 or under regulations adopted by the United States Coast Guard.

2 ARTICLE 5. REGATTAS, RACES, MARINE PARADES,  
3 TOURNAMENTS OR EXHIBITIONS

4 Sec. 05.26.330. DEPARTMENT MAY REGULATE EVENTS. The department  
5 may regulate the holding of regattas, motorboat or other boat races,  
6 marine parades, tournaments or exhibitions on state waters, which, by  
7 their nature or location may introduce extra or unusual hazards to the  
8 safety of life. At least 30 days before a regatta, motorboat or other  
9 boat race, marine parade, tournament or exhibition is proposed to be  
10 held, the person in charge of it shall file an application with the  
11 department for permission to hold the event. The application shall set  
12 out the date, time and proposed location of the event and other informa-  
13 tion the department may by regulation require. The department shall  
14 adopt regulations concerning the safety of other vessels and persons on  
15 them, either observers or participants.

16 Sec. 05.26.340. PERMIT BY U. S. AGENCY. The provisions of AS 05.-  
17 26.330 do not exempt a person from compliance with applicable federal  
18 laws or regulations, nor do they require him to secure a state permit if  
19 a permit for the event has been obtained from the United States Coast  
20 Guard.

21 ARTICLE 6. GENERAL PROVISIONS.

22 Sec. 05.26.350. OWNER'S CIVIL LIABILITY. The owner of a vessel is  
23 liable for injury or damage caused by the negligent operation of the  
24 vessel whether the negligence consists of a violation of the provisions  
25 of state statutes, or results from neglecting to observe such ordinary  
26 care in the operation as the rules of common law require. The owner is  
27 not liable, however, unless the vessel is being used with his express or  
28 implied consent. It shall be presumed that the vessel is being operated  
29 with the knowledge and consent of the owner, if at the time of the

1 injury or damage, the vessel is under control of the spouse, father,  
2 mother, brother, sister, son, daughter or other member of the immediate  
3 family of the owner.

4 Sec. 05.26.360. AUTHORITY OF PEACE OFFICER. (a) A peace officer  
5 has the authority to stop and board a vessel subject to this chapter for  
6 the purpose of inspection or to determine compliance with this chapter  
7 and also has the authority to issue a summons for appearance in court or  
8 before a magistrate for violations of this chapter or of the regulations  
9 adopted under it. Vessels of law enforcement personnel shall be marked  
10 to identify them as designated enforcement vessels.

11 (b) If a peace officer observes a vessel being used without the  
12 safety equipment required by AS 05.26.150 - 05.26.230 or in an over-  
13 loaded or other unsafe condition as defined by regulations adopted by  
14 the department, and the use creates a hazardous condition, he shall  
15 direct the operator of the vessel to take immediate and reasonable steps  
16 necessary for the safety of those on the vessel, including directing the  
17 operator to return to mooring and to remain there until the situation  
18 creating the hazard is corrected or ended.

19 Sec. 05.26.370. VESSELS REQUIRED TO COOPERATE. Every vessel  
20 subject to this chapter, if underway and upon being hailed by a peace  
21 officer, shall stop immediately and lay to or shall permit the officer  
22 to come aboard.

23 Sec. 05.26.380. ENFORCEMENT OFFICERS. Every peace officer and  
24 every person designated by the department to enforce the provisions of  
25 this chapter has the power to

26 (1) arrest for a boating violation and for a violation of  
27 regulations adopted by the department under this chapter which occurs in  
28 his presence;

29 (2) execute warrants and search warrants required for a

1 violation of this chapter and regulations adopted by the department to  
2 implement the provisions of this chapter;

3 (3) serve subpoenas issued for the examination, investiga-  
4 tion, and trial for a violation of this chapter and regulations adopted  
5 by the department to implement the provisions of this chapter;

6 (4) board a vessel which is in use for the purpose of  
7 examining documents and safety equipment and to search without warrant a  
8 vessel which is not at its regular mooring or berth, if the officer  
9 believes that a state law or a regulation of the department relating to  
10 boating has been violated;

11 (5) detain and arrest the operator of a suspected stolen  
12 vessel;

13 (6) enter upon any land or water in the performance of his  
14 duty; and

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

16 Sec. 05.26.390. PENALTIES. (a) A person who violates a provision  
17 of AS 05.26.010, 05.26.030, 05.26.080 - 05.26.090, 05.26.130 - 05.26.140,  
18 05.26.240 - 05.26.250, 05.26.300 - 05.26.310, 05.26.330 - 05.26.340 or  
19 the implementing regulations is guilty of a misdemeanor and upon convic-  
20 tion is punishable by a fine of not less than \$10 or more than \$50 for  
21 each violation.

22 (b) A person who violates a provision of AS 05.26.290 or the  
23 regulations which implement AS 05.26.130 - 05.26.230 is guilty of a mis-  
24 demeanor and upon conviction is punishable by a fine of not less than  
25 \$25 or more than \$100 for each violation.

26 (c) A person who violates a provision of AS 05.26.270 - 05.26.280  
27 is guilty of a misdemeanor and upon conviction is punishable by a fine  
28 of not more than \$1,000, or by imprisonment for not more than one year,  
29 or by both, for each violation.

1 (d) A person convicted of reckless or negligent operation of a  
2 vessel or of operating a vessel while under the influence of intoxi-  
3 cating liquids, narcotic drugs, barbiturates, or marijuana may, in  
4 addition to the penalties provided in this chapter, be prohibited by the  
5 court, from operating a vessel on state waters for a period of not more  
6 than three years.

7 Sec. 05.26.400. REGULATIONS. (a) The department shall adopt  
8 regulations under the Administrative Procedure Act (AS 44.62) to carry  
9 out the provisions of this chapter.

10 (b) The department may adopt regulations under the Administrative  
11 Procedure Act which add or delete safety equipment or vessel lights  
12 required by AS 05.26.130 - 05.26.230. The department shall prescribe an  
13 effective date for a regulation adopted under this subsection. This  
14 date may not be earlier than the 56th day of the next regular session of  
15 the legislature following adoption of the regulation.

16 (c) Within 10 days after the convening of a regular session of the  
17 legislature, the commissioner shall submit to the legislature the regula-  
18 tions adopted under this section which are not yet in effect along with  
19 findings of fact and other information which it considers appropriate.

20 (d) Notwithstanding AS 44.62.320, a regulation adopted under this  
21 section may not be annulled by resolution. A regulation adopted under  
22 this section which is annulled by law may not be again adopted within  
23 three years after its annulment.

24 (e) If the Motor Boat Act of 1940, 54 Stat. 163, 46 U.S.C. 526 -  
25 526t, the Federal Boat Safety Act of 1971, 85 Stat. 213, 46 U.S.C. 1451,  
26 or the International Regulations for Preventing Collisions at Sea 1972,  
27 33 U.S.C. 1051 and 33 U.S.C. 1061-1094 or a regulation adopted by the  
28 United States Coast Guard to implement those laws is amended or repealed  
29 and notice of the amendment or repeal is given to the Department of Law,

1 the commissioner shall give notice under AS 44.62.190 of proposed adop-  
2 tion of a regulation making a corresponding change in Alaska law and  
3 shall hold a hearing under AS 44.62.210. If the commissioner decides  
4 not to adopt the regulation, he shall file a notice of that decision and  
5 findings of fact with the lieutenant governor.

6 Sec. 05.26.410. DEFINITIONS. In this chapter,

7 (1) "commissioner" means the commissioner of public safety;

8 (2) "department" means the Department of Public Safety;

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

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

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

15 (6) "owner" means a person, other than a lien holder, having  
16 the property in or title to a vessel; the term includes a person enti-  
17 tled to the use or possession of a vessel subject to an interest of  
18 another person reserved or created by agreement and securing payment or  
19 performance of an obligation, but the term excludes a lessee under a  
20 lease not intended as security;

21 (7) "state waters" means the waters within the territorial  
22 limits of this state, and the high seas when navigated as a part of a  
23 journey or ride to or from the shore of this state, but excludes private  
24 waters.

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

29 (9) "vessel" means every description of watercraft, other

1 than a seaplane on the water, used or capable of being used as a means  
2 of transportation on water;

3 Sec. 05.26.420. SHORT TITLE. This chapter may be cited as the  
4 Alaska Boating Act.

5 \* Sec. 2. AS 44.41 is amended by adding new sections to read:

6 Sec. 44.41.030. DIVISION OF MARINE SAFETY. The governor shall  
7 establish, within the Department of Public Safety, a division of marine  
8 safety to carry out the provisions of AS 05.26 and to carry out other  
9 appropriate duties designated by the governor. The director of the  
10 division of marine safety shall be experienced in law enforcement and  
11 marine safety.

12 Sec. 44.41.040. MARINE SAFETY EDUCATION. (a) The Department of  
13 Public Safety shall plan, develop and execute public education and  
14 safety programs designed to reduce pleasure boating accidents. The  
15 Department of Education shall cooperate with the Department of Public  
16 Safety in the development of these programs.

17 (b) The Department of Public Safety shall cooperate with official  
18 and unofficial organizations which are interested in the promotion of  
19 boating safety so that resources are organized and used to reduce  
20 accidental death and injury caused by boating accidents.

21 (c) All state agencies shall cooperate with the Department of  
22 Public Safety in presenting boating safety campaigns and educational  
23 programs to promote boating safety on state waters.

24 \* Sec. 3. AS 05.25 is repealed.  
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