

Introduced: 1/30/87
Referred: Transportation,
Judiciary and Finance

1 IN THE HOUSE BY TAYLOR

2 HOUSE BILL NO. 94

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boat numbering, accidents, and
7 safety; and providing for an effective date."

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

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

10 ARTICLE 1. NUMBERING AND REGISTRATION.

11 Sec. 05.25.200. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A
12 person may not operate a boat on state water, and an owner of a boat
13 may not knowingly allow another to operate the owner's boat on state
14 water, unless

15 (1) the owner of the boat holds a current, valid certifi-
16 cate of number issued in the owner's name as owner

17 (A) under this chapter;

18 (B) by an agency of the federal government; or

19 (C) by the state of principal use that issued the
20 certificate of number under a federally approved numbering sys-
21 tem; and

22 (2) the certificate of number is carried on the boat and is
23 available for inspection by a peace officer.

24 (b) A certificate of number for a boat less than 26 feet in
25 length and leased or rented to another for the latter's noncommercial
26 operation of fewer than seven days may be retained on shore by the
27 boat's owner or representative at the place from which the boat de-
28 parts or returns to the possession of the owner or the owner's rep-
29 resentative.

1 Sec. 05.25.205. IDENTIFYING NUMBER ON FORWARD HALF OF BOAT. (a)

2 A person may not operate a boat on state water unless there is painted
3 on or permanently attached to each side of the forward half of the
4 boat a current, valid identifying number awarded to the boat

5 (1) under this chapter;

6 (2) by an agency of the federal government; or

7 (3) subject to the provisions of AS 05.25.215, by another
8 state that awards identifying numbers under a federally approved
9 numbering system.

10 (b) An identifying number shall be painted on or permanently
11 attached to each side of the forward half of the vessel in a position
12 that provides clear legibility for identification. Each number must
13 read from left to right and must be in plain vertical block characters
14 of good proportion not less than three inches in height. The number
15 must be of a color that contrasts with the color of the background and
16 shall be maintained so that it is clearly visible and legible. Each
17 number must have spaces or hyphens that are equal to the width of a
18 letter other than "I" or a number other than "1" between the letter
19 and number groupings.

20 (c) On boats so configured that a number on the hull or super-
21 structure would not be easily visible, the number shall be painted on
22 or attached to a backing plate that is attached to the forward half of
23 the boat so that the number is visible from each side of the boat.

24 (d) A number other than the identifying number may not appear on
25 the forward half of the boat.

26 (e) A person or dealer may not sell or display for sale a boat
27 previously numbered by the state, by an agency of the federal govern-
28 ment, or by another state that issued a certificate of number under a
29 federally approved numbering system, unless the identifying number

1 appears on each side of the forward half of the boat.

2 Sec. 05.25.210. APPLICATION FOR BOAT NUMBER. Subject to the
3 provisions of AS 05.25.220, the owner of a boat that is operated
4 principally on state water shall apply to the department for an iden-
5 tifying number. The application must include the true name of the
6 owner, the residence or business address of the owner, a description
7 of the boat, and other information required by the department. The
8 application shall be signed by the owner and must be accompanied by
9 the prescribed fee.

10 Sec. 05.25.215. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
11 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat covered by a
12 number that is still in effect and that has been issued under federal
13 law or a federally approved numbering system of another state shall
14 apply to the department for an identifying number within 10 days after
15 the expiration of the applicable reciprocity period provided in
16 AS 05.25.245(6).

17 Sec. 05.25.220. APPLICATION BY DEALER OR BOAT MANUFACTURER. (a)
18 A dealer or boat manufacturer

19 (1) may apply to the department for one or more identifying
20 numbers issued under this section;

21 (2) shall display an identifying number issued under this
22 section on a boat while operating or using the boat for a purpose
23 related to the testing, buying, selling, or exchanging of the boat.

24 (b) An application for one or more numbers under this section
25 must include the name and the business address of the dealer or boat
26 manufacturer.

27 (c) An application for a number under this section must be
28 accompanied by the following fees:

29 (1) first number applied for \$28

1 (2) each additional number applied for in an application .
2 6
3 (3) renewal. 6

4 (d) The department shall issue a certificate of number for each
5 identifying number awarded under this section in the same manner as
6 provided in AS 05.25.230. Numbers and certificates of number issued
7 under this section are subject to the following:

8 (1) an identifying number is valid for not more than two
9 years;

10 (2) a boat may not be described in the certificate of
11 number, and each certificate of number shall state that the identify-
12 ing number has been awarded to a dealer or boat manufacturer;

13 (3) a certificate of number issued under this section
14 expires on December 31 of the year indicated on the certificate.

15 (e) The provisions of AS 05.25.235(b) and (d) apply to a certif-
16 icate of number issued under this section.

17 (f) An identifying number issued under this section shall be
18 displayed on a boat of a dealer or boat manufacturer in the same
19 manner as provided in AS 05.25.205(b), except that the number may be
20 temporarily attached.

21 (g) A person other than a dealer or boat manufacturer, or a
22 representative of a dealer or boat manufacturer, may not display or
23 use an identifying number issued under this section.

24 (h) A person may not use an identifying number issued under this
25 section for a purpose other than a purpose described in (a) of this
26 section.

27 Sec. 05.25.225. CERTIFICATE OF NUMBER FEES. (a) Biennial fees
28 for original or renewal certificates of number are as follows:

29 (1) motorboat less than 12 feet in length \$11

1 (2) motorboat or sailboat 12 feet in length or more but
2 less than 16 feet. 17
3 (3) motorboat or sailboat 16 feet in length or more but
4 less than 20 feet. 21
5 (4) motorboat or sailboat 20 feet or more in length . . 21
6 plus \$2 for each foot or part of a foot in excess of 20 feet in length
7 (5) boats owned by charitable organizations operated pri-
8 marily as a part of organized activities for the purpose of teaching
9 youths scoutcraft, camping, seamanship, self-reliance, patriotism,
10 courage, and kindred virtues 0
11 (b) The fee for a certificate of number shall be prorated ac-
12 cording to the number of months the certificate will be in effect.
13 (c) The fees in this section are in lieu of any other tax or
14 license fee.

15 Sec. 05.25.230. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION
16 STICKERS; STICKERS PLACED ON BOATS. (a) If the application is in
17 order, the department shall issue to the owner a certificate of number
18 that shall state the identifying number awarded to the boat, the name
19 and address of the owner, the description of the boat, the issue date,
20 and the expiration date of the certificate of number. The certificate
21 of number shall be pocket size.
22 (b) The department shall issue a set of validation stickers
23 bearing the year through which the certificate of number is issued.
24 The year shall be indicated by the colors blue, international orange,
25 green, and red, in rotation beginning with red for stickers that
26 expire in 1988. A validation sticker must be approximately three
27 inches square. The stickers shall be placed three inches to the rear
28 of the identifying number placed on the boat as required under AS 05.-
29 25.205.

1 Sec. 05.25.235. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF
2 CERTIFICATE AND STICKERS. (a) A certificate of number expires on
3 December 31 of the year indicated on the certificate.

4 (b) The department may require the surrender of the expired cer-
5 tificate of number before issuing a new certificate of number.

6 (c) The identifying number awarded to a boat by the department
7 remains the same.

8 (d) An application for renewal of a certificate of number shall
9 be made in the same manner as provided in AS 05.25.210. The applica-
10 tion shall be accompanied by the fee required under AS 05.25.225. The
11 department shall renew certificates of number and issue validation
12 stickers in the same manner as provided in AS 05.25.230.

13 Sec. 05.25.240. REPORT OF TRANSFER, ABANDONMENT OR DESTRUCTION
14 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) Within 15 days after the
15 transfer of all or a part of the interest of the owner in a boat, or
16 the abandonment or destruction of a boat, for which a certificate of
17 number has been awarded under this chapter, the owner shall notify the
18 department of the transfer of interest, destruction, or abandonment.

19 (b) Within 15 days after a change of address, the owner of a
20 boat for which a certificate of number has been awarded under this
21 chapter shall report the change to the department.

22 Sec. 05.25.245. APPLICATION OF AS 05.25.200 - 05.25.240.
23 AS 05.25.200 - 05.25.240 do not apply to:

24 (1) a boat that has a valid marine document issued by the
25 United States Coast Guard;

26 (2) a foreign boat operated only temporarily in state
27 water;

28 (3) a boat owned and operated by the United States or a
29 state or by an entity or political subdivision of the United States or

- 1 a state, except recreational type public vessels;
- 2 (4) a ship's lifeboat used solely for lifesaving purposes;
- 3 (5) a boat belonging to a class of boats that has been
- 4 exempted from the provisions of AS 05.25.200 - 05.25.240 by the de-
- 5 partment as provided in AS 05.25.910;
- 6 (6) a boat already covered by a number that is still in
- 7 effect and that has been issued to it under
- 8 (A) federal law and the boat has not been in this
- 9 state for more than one year; or
- 10 (B) a federally approved numbering system of another
- 11 state and the boat has not been in this state for more than 60
- 12 consecutive days; and
- 13 (7) a boat that is not propelled by machinery.

14 ARTICLE 2. BOATING ACCIDENTS.

15 Sec. 05.25.300. DUTIES OF OPERATORS AND WITNESSES AT ACCIDENTS.

16 (a) The operator of a boat involved in an accident that results in

17 injury or death to a person or causes damage to property immediately

18 shall stop the boat as close as possible to the scene of the accident

19 and shall remain at the scene of the accident until the operator has

20 fulfilled the requirements of (b) of this section.

21 (b) The operator of a boat involved in an accident resulting in

22 injury or death to a person or damage to property shall

23 (1) give to the other operator, to the owner or a surviving

24 occupant of the other boat or damaged property, or to another

25 appropriate person, the name, address, and identifying number of the

26 boat that the operator is operating, and the name and address of any

27 other occupants of the boat; and

28 (2) render reasonable assistance to every person injured in

29 the accident, including the conveying or the making of arrangements

1 for the conveying of the person to a physician, surgeon, or hospital
2 for medical or surgical treatment, if it is apparent that treatment is
3 necessary or if conveyance is requested by an injured person.

4 (c) A witness to the accident shall furnish to the operator,
5 occupant, or injured person, the name and address of the witness.

6 Sec. 05.25.305. ACCIDENT REPORT REQUIRED. (a) The operator of
7 a boat involved in an accident shall submit a report of the accident
8 to the department in the form and manner the department prescribes if
9 the accident results in

10 (1) the death of a person;

11 (2) injury to a person requiring medical treatment beyond
12 first aid;

13 (3) the disappearance from the boat of a person under
14 circumstances indicating death or injury;

15 (4) damage to the boat or other property in an aggregate
16 amount of more than \$200; or

17 (5) complete loss of the boat.

18 (b) The department may require a person who submits an insuffi-
19 cient report under this section to file a supplemental report, and may
20 require a witness to the accident to submit a report to the depart-
21 ment.

22 (c) If the operator of a boat is incapable of submitting a
23 required accident report, the owner of the boat, if different from the
24 operator, or a person who was in the boat at the time of the accident
25 who is capable of submitting a report, shall submit the report or
26 cause the report to be submitted.

27 (d) A report required under this section shall be submitted

28 (1) within 48 hours after the accident if a person dies
29 within 24 hours after the accident;

1 (2) within 48 hours after the accident if a person is
2 injured and requires medical treatment beyond first aid, or disappears
3 from a boat; and

4 (3) within 10 days after the accident or death if an
5 earlier report is not required under this subsection.

6 Sec. 05.25.310. FORM OF REPORT; SENDING DEATH CERTIFICATE TO
7 DEPARTMENT. (a) The department shall prepare and make available to
8 the public forms for accident reports required under AS 05.25.305.
9 The report form must call for the information required in casualty and
10 accident reports under United States Coast Guard regulations and other
11 information the department may require. The form must provide that
12 the person who completes the form shall sign and date it upon
13 completion.

14 (b) The state registrar of vital statistics shall, on or before
15 the 15th day of each month, forward to the department a copy of the
16 death certificate covering each death that occurred during the second
17 preceding calendar month and that resulted from a boat accident in
18 state water.

19 Sec. 05.25.315. CONFIDENTIAL NATURE OF REPORT. (a) An accident
20 report submitted to the department shall be without prejudice to the
21 individual reporting and shall be for the confidential use of
22 administrative and enforcement agencies only.

23 (b) The department upon written request, shall, if available,
24 disclose the following information to a party involved in the acci-
25 dent, or, in the event of the party's death, to a member of the
26 party's family, or to the party's personal representatives:

27 (1) the identity of the owner, operator, and occupants, and
28 the identifying number of a boat involved in an accident;

29 (2) the names of companies insuring the owner or operator;

1 and

2 (3) the identity of witnesses to the accident.

3 (c) A report under AS 05.25.300 - 05.25.315 may not be used as
4 evidence in a civil or criminal trial arising out of the accident.
5 The department shall furnish, upon demand of a person who has or
6 claims to have made a report or upon demand of a court, a certificate
7 showing that a specified accident report has or has not been made to
8 the department, solely to prove a compliance or a failure to comply
9 with the requirement that a report be submitted to the department.

10 (d) The department shall compile and may analyze all accident
11 reports and shall publish annually, or at more frequent intervals,
12 statistical information relating to boat accidents.

13 (e) In response to a request from an authorized official or
14 agency of the United States, or in compliance with United States Coast
15 Guard regulations or any requirement under 46 U.S.C. 6101 - 6103, the
16 department shall transmit information compiled or otherwise available
17 to the department from the accident reports required under AS 05.-
18 25.305.

19 Sec. 05.25.320. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
20 PEARANCE; DUTIES OF PASSENGERS. (a) When, as a result of an occur-
21 rence that involves a boat or its equipment, a person dies or disap-
22 pears from a boat, the operator shall, without delay, by the quickest
23 means available, notify the department of the

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

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

26 (3) number and name of the boat; and

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

28 (b) When the operator of a boat cannot give the notice required
29 under (a) of this section, each person on board the boat shall notify

1 the department or determine that the notice has been given.

2 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)
3 Except as otherwise provided in this section or under AS 05.25.910,
4 the provisions of AS 05.25.300 - 05.25.320 apply to all boats operated
5 in state water, except when inconsistent with an applicable law or
6 regulation of an agency of the United States, in which case the fed-
7 eral law or regulation shall prevail.

8 (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to

- 9 (1) a boat that has a valid document issued by the United
10 States Coast Guard;
- 11 (2) foreign boats operated temporarily in state water;
- 12 (3) a boat owned and operated by the United States or by an
13 entity of the United States;
- 14 (4) a lifeboat used solely for lifesaving purposes; or
- 15 (5) a boat required to have a certificate of inspection
16 under 46 C.F.R., Chapter I.

17 Sec. 05.25.330. OWNER'S CIVIL LIABILITY. An owner of a boat is
18 liable for injury or damage caused by the negligent operation of the
19 boat, whether the negligence consists of a violation of a state stat-
20 ute or failure to observe ordinary care in the operation of the boat
21 as the rules of the common law require. The owner is not liable,
22 however, unless the boat is used with the owner's express or implied
23 consent. It is rebuttably presumed that the boat is being operated
24 with the knowledge and consent of the owner if, at the time of the
25 injury or damage, it is under the control of the owner's spouse,
26 father, mother, brother, sister, son, daughter, or other member of the
27 owner's immediate family. This chapter does not relieve any other
28 person from a liability that the person would otherwise incur, and
29 does not authorize or permit recovery in excess of injury or damage

1 actually incurred.

2 ARTICLE 3. BOATING SAFETY.

3 Sec. 05.25.400. BOATING SAFETY EDUCATION. The department, in
4 cooperation with the Department of Education, shall offer public
5 education programs designed to reduce boating accidents.

6 Sec. 05.25.405. SAFETY EQUIPMENT. (a) A boat operated on
7 inland water shall carry and exhibit between sunset and sunrise at
8 least one white light to show all around the horizon.

9 (b) A boat operated on inland water shall carry at least one
10 readily accessible life preserver, lifebelt, ring buoy, or other
11 device of the type approved by the United States Coast Guard for each
12 person on board. A boat carrying passengers for hire shall carry at
13 least one readily accessible life preserver of the type approved by
14 the United States Coast Guard for passenger-carrying boats for each
15 person on board.

16 (c) A motor-driven boat operated for hire shall carry a fire
17 extinguisher capable of promptly and effectively extinguishing burning
18 gasoline.

19 Sec. 05.25.410. ADDITIONAL EQUIPMENT. The commissioner may
20 require by regulation that a boat or class of boats shall carry or
21 install additional equipment necessary for the safety of persons and
22 property. To the extent considered by the commissioner to be consis-
23 tent with the safety of persons and property, the regulations must
24 conform to the regulations of the United States Coast Guard for inland
25 water.

26 Sec. 05.25.415. DIVER'S FLAG. A person who is in the water
27 using an underwater breathing device may display a diver's flag con-
28 structed of rigidly supported material at least 12 inches by 12 inches
29 in area of red background with a white diagonal stripe. The diver's

1 flag may be displayed on a boat or surface float and must extend a
2 minimum distance of three feet from the surface of the water. The
3 diver's flag shall be placed at or near the point of submergence and
4 constitutes a warning that a diver is submerged and may be within 100
5 feet of the flag. A diver shall remain within 100 feet of the diver's
6 flag while at or near the surface. A boat operator within sight of a
7 diver's flag shall proceed with caution, steering clear of the flag by
8 a distance of at least 100 feet. If, because of the location of the
9 diver's flag, it is impossible to steer clear of the flag by at least
10 100 feet, then the boat operator shall proceed at no-wake speeds or
11 five miles per hour, whichever is necessary to maintain steerage in
12 the seaway. A diver's flag shall be displayed only while diving
13 operations are underway.

14 Sec. 05.25.420. WATER SKIS AND SURFBOARDS. A person may not
15 operate a boat on the inland waters of this state for towing a person
16 on water skis, or a surfboard, or similar devices unless

17 (1) the boat is equipped with a rearview mirror in which the
18 person being towed can be viewed; or

19 (2) there is in the boat a person 12 years of age or older,
20 in addition to the operator, in a position to observe the progress of
21 the person being towed.

22 Sec. 05.25.425. PROHIBITED OPERATION. (a) A person may not
23 operate a boat or manipulate water skis, a surfboard, or a similar
24 device on state water in a reckless or negligent manner so as to
25 endanger the life or property of another person.

26 (b) A person may not operate or give permission for another
27 person to operate a boat that is not equipped as required under this
28 chapter and regulations adopted under this chapter.

29 ARTICLE 4. GENERAL PROVISIONS.

1 Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The commis-
2 sioner of administration shall separately account for fees collected
3 under this chapter that the department deposits in the general fund.
4 The annual estimated balance in the account may be used by the
5 legislature to make appropriations to the department to carry out the
6 purposes of this chapter.

7 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with
8 federal laws and regulations, the commissioner may exempt from a
9 provision of this chapter a class of boats if the commissioner deter-
10 mines that the safety of persons and property will not be materially
11 promoted by the applicability of the provision to the class of boats.
12 The commissioner may not exempt a class of boats from the numbering
13 requirements of this chapter unless the commissioner determines that
14 the numbering will not materially aid in their identification and
15 unless the Secretary of Transportation has exempted from numbering the
16 same boats or class of boats.

17 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this
18 chapter and in the exercise of enforcement may stop and board boats
19 that the officer reasonably believes are or may be subject to this
20 chapter.

21 Sec. 05.25.930. PENALTIES. A person who violates a provision
22 of this chapter is guilty of a misdemeanor and is punishable by a fine
23 of not more than \$500, or by imprisonment of not more than six months,
24 or by both.

25 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt
26 regulations necessary for the implementation of this chapter.

27 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
28 text requires otherwise,

29 (1) "boat" means every type of watercraft used or capable

1 of being used as a means of transportation on water, but does not
2 include aircraft equipped to land on water, boathouses, floathouses,
3 air mattresses, beach and water toys, or single inner tubes;

4 (2) "commissioner" means the commissioner of the Department
5 of Public Safety;

6 (3) "dealer" means a person who engages wholly or in part
7 in the business of buying, selling, or exchanging boats, either out-
8 right or on conditional sale, bailment lease, chattel mortgage, or
9 otherwise;

10 (4) "department" means the Department of Public Safety;

11 (5) "length" means the length of a boat measured from end
12 to end over the deck excluding sheer;

13 (6) "motorboat" means a boat propelled in whole or in part
14 by machinery, including boats temporarily equipped with detachable
15 motors;

16 (7) "operate" means to navigate or otherwise use a boat on
17 water;

18 (8) "owner" means a person who has a property interest
19 other than a security interest in a boat and the right of use or
20 possession of the boat, but does not include a lessee unless the lease
21 is intended as security;

22 (9) "ownership" means a property interest other than a
23 security interest;

24 (10) "passenger" means a person on board a boat who is not
25 the master, operator, crew member, or other person engaged in a
26 capacity in the business of the boat;

27 (11) "state water" means water within the territorial
28 limits of the state, the marginal sea adjacent to the state, and the
29 high seas when navigated as part of a journey or ride to or from the

1 shore of the state.

2 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
3 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
4 repealed.

5 * Sec. 3. This Act takes effect January 1, 1988.