

Original sponsor: Sturgulewski

1 IN THE SENATE BY THE TRANSPORTATION COMMITTEE

2 CS FOR SENATE BILL NO. 265 (Transportation)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - SECOND 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 emended 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 in a
23 manner that protects the certificate from the elements, and is avail-
24 able for inspection by a state, federal, or municipal law enforcement
25 officer.

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

1 departs or returns to the possession of the owner or the owner's rep-
2 resentative. If the certificate of number is retained on shore, then
3 a copy of the lease or rental agreement must be carried on the boat.
4 The lease or rental agreement must

5 (1) be signed by the owner of the boat or the owner's
6 representative, and by the person leasing or renting the boat; and

7 (2) specify the period for which the boat is leased or
8 rented.

9 Sec. 05.25.205. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)

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

13 (1) under this chapter;

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

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

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

28 (c) On boats so configured that a number on the hull or super-
29 structure would not be easily visible, the number shall be painted on

1 or attached to a backing plate that is attached to the forward half of
2 the boat so that the number is visible from each side of the boat.

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

5 (e) A decal issued under AS 05.25.225 shall be placed three
6 inches to the rear of the identifying number.

7 Sec. 05.25.210. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The
8 owner of a boat that is operated principally on state water, or a
9 dealer who wishes to demonstrate one or more boats on state water,
10 shall apply to the department for a certificate of number. The appli-
11 cation must include

12 (1) the true name of the owner;

13 (2) the residence or business address of the owner;

14 (3) a description of the boat, or in the case of a dealer a
15 description of the lengths and types of boats, to be operated under
16 the certificate; and

17 (4) other information required by the department or under
18 United States Coast Guard regulations.

19 (b) The application shall be signed by the owner and must be
20 accompanied by the prescribed fee.

21 (c) A certificate of number may be issued to a dealer for use on
22 more than one boat.

23 Sec. 05.25.215. APPLICATION BY OWNER HAVING NUMBER AWARDED BY
24 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat covered by a
25 certificate of number that is still in effect and that has been issued
26 under federal law or a federally approved numbering system of another
27 state shall apply to the department for an identifying number within
28 10 days after the expiration of the applicable reciprocity period
29 provided in AS 05.25.240(6) or (7).

1 **Sec. 05.25.220. CERTIFICATE OF NUMBER FEES.** (a) The commis-
2 sioner shall adopt regulations establishing fees for original, renew-
3 al, and duplicate certificates of number, and for dealer demonstration
4 certificates of number.

5 (b) The fee for a certificate of number shall be prorated ac-
6 cording to the number of months the certificate will be in effect.

7 (c) The fees in this section are in addition to any other tax or
8 license fee for a boat.

9 **Sec. 05.25.225. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION**
10 **DECALS.** (a) If the application is in order, the department shall
11 issue to the owner a certificate of number that shall state the iden-
12 tifying number awarded to the boat, the name and address of the owner,
13 the state of principal use, the normal use of the boat, the descrip-
14 tion of the boat, the manufacturer's hull identification number if one
15 exists, make, year, length, type of hull material, type of propulsion
16 and type of fuel, the issue date, and the expiration date of the
17 certificate of number. The certificate of number must be wallet size.

18 (b) The department shall issue a set of validation decals bear-
19 ing the year in which the certificate of number expires. The year
20 shall also be indicated by the color blue, international orange,
21 green, or red, in rotation beginning with red for stickers that expire
22 in 1992. A validation decal must be approximately three inches
23 square.

24 **Sec. 05.25.230. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF**
25 **CERTIFICATE AND DECALS.** (a) A certificate of number expires three
26 years after the last day of the month in which the certificate is
27 issued.

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

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

3 (d) An application for renewal of a certificate of number shall
4 be made in the same manner as provided in AS 05.25.210. The applica-
5 tion shall be accompanied by the fee required under AS 05.25.220. The
6 department shall renew certificates of number and issue validation
7 decals in the same manner as provided in AS 05.25.225.

8 (e) A certificate of number issued under this chapter is invali-
9 dated if

10 (1) the boat is subsequently documented or required to be
11 documented;

12 (2) the boat is sold, destroyed, or abandoned;

13 (3) the applicant supplies false information in the appli-
14 cation for the certificate;

15 (4) the fees for issuance or renewal of the certificate are
16 not paid;

17 (5) 60 days have passed since the boat ceased to be used
18 principally in the state; or

19 (6) the owner, through legal process, involuntarily loses
20 the ownership interest in the boat for which the certificate is is-
21 sued.

22 Sec. 05.25.235. REPORT OF TRANSFER, ABANDONMENT OR DESTRUCTION
23 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for
24 which a certificate of number has been issued under this chapter shall
25 notify the department of any of the following events within 15 days
26 after the event occurs:

27 (1) the transfer of all or a part of the ownership interest
28 in the boat;

29 (2) the theft or recovery of the boat;

1 (3) the destruction of the certificate of number; or

2 (4) an event described in AS 05.25.230(e).

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

6 Sec. 05.25.240. EXEMPTIONS. The following classes of boats are
7 exempt from the provisions of AS 05.25.200 - 05.25.235:

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

10 (2) a foreign boat operated only temporarily in state
11 water;

12 (3) a boat, other than a recreational type public boat,
13 owned and operated by the United States or an entity or political
14 subdivision of the United States, or owned and operated for government
15 purposes by a state or an entity or political subdivision of a state;

16 (4) a ship's lifeboat;

17 (5) a boat belonging to a class of boats that has been
18 exempted from the provisions of AS 05.25.200 - 05.25.235 by the de-
19 partment under AS 05.25.910;

20 (6) a boat with a certificate of number issued by the
21 United States Coast Guard, for a period of three years after the date
22 of issuance;

23 (7) a boat with a current, valid certificate of number
24 issued by another state having a federally approved numbering system,
25 for a period of 60 days after arriving in the state; and

26 (8) a boat that is not propelled by machinery.

27 ARTICLE 2. BOATING ACCIDENTS.

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

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

1 injury or death to a person or causes damage to property immediately
2 shall stop the boat as close as possible to the scene of the accident
3 and shall remain at the scene of the accident until the operator has
4 fulfilled the requirements of (b) of this section.

5 (b) The operator of a boat involved in an accident resulting in
6 injury or death to a person or damage to property shall

7 (1) give to the other operator, to the owner or a surviving
8 occupant of the other boat or damaged property, or to another appro-
9 priate person, the name, address, and identifying number of the boat
10 that the operator is operating, and the name and address of any other
11 occupants of the boat; and

12 (2) render reasonable assistance to every person injured in
13 the accident, including the conveying or the making of arrangements
14 for the conveying of the person to a physician, surgeon, or hospital
15 for medical or surgical treatment, if it is apparent that treatment is
16 necessary or if conveyance is requested by an injured person.

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

19 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-
20 PPEARANCE; 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. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of
3 a boat involved in an accident shall submit a report of the accident
4 to the department in the form and manner the department prescribes if
5 the accident results in

6 (1) the death of a person;

7 (2) injury to a person requiring medical treatment beyond
8 first aid;

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

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

13 (5) complete loss of the boat.

14 (b) The department may require a person who submits an insuffi-
15 cient report under this section to file a supplemental report, and may
16 require a witness to the accident to submit a report to the depart-
17 ment.

18 (c) If the operator of a boat is incapable of submitting a
19 required accident report, the owner of the boat, if different from the
20 operator, shall submit the report or cause the report to be submitted.

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

22 (1) within 48 hours after the accident if a person dies
23 within 24 hours after the accident;

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

27 (3) within 10 days after the accident or death if an earli-
28 er report is not required under this subsection.

29 Sec. 05.25.315. FORM OF REPORT; SENDING DEATH CERTIFICATE TO

1 DEPARTMENT. (a) The department shall prepare and make available to
2 the public forms for accident reports required under AS 05.25.310.
3 The report form must call for the information required in casualty and
4 accident reports under United States Coast Guard regulations and other
5 information the department may require. The form must provide that
6 the person who completes the form shall sign and date it upon com-
7 pletion.

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

13 Sec. 05.25.320. CONFIDENTIAL NATURE OF REPORT. (a) An accident
14 report submitted to the department shall be without prejudice to the
15 individual reporting and shall be for the confidential use of adminis-
16 trative and enforcement agencies only.

17 (b) The department upon written request, shall, if available,
18 disclose the following information to a party involved in the acci-
19 dent, or, in the event of the party's death, to a member of the par-
20 ty's family, or to the party's personal representatives:

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

23 (2) the names of companies insuring the owner or operator;
24 and

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

26 (c) A report under AS 05.25.310 - 05.25.320 may not be used as
27 evidence in a civil or criminal trial arising out of the accident.
28 The department shall furnish, upon demand of a person who has or
29 claims to have made a report or upon demand of a court, a certificate

1 showing that a specified accident report has or has not been made to
2 the department, solely to prove a compliance or a failure to comply
3 with the requirement that a report be submitted to the department.

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

7 (e) In response to a request from an authorized official or
8 agency of the United States, or in compliance with United States Coast
9 Guard regulations or any requirement under 46 U.S.C. 6101 - 6103, the
10 department shall transmit information compiled or otherwise available
11 to the department from the accident reports required under AS 05.-
12 25.310.

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

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

20 (1) a boat that has a valid document issued by the United
21 States Coast Guard and that is operated only for nonrecreational
22 purposes;

23 (2) foreign boats operated temporarily in state water only
24 for nonrecreational purposes;

25 (3) a boat owned and operated for government purposes by
26 the United States or by an entity of the United States; or

27 (4) a ship's lifeboat.

28 **ARTICLE 3. BOATING SAFETY.**

29 **Sec. 05.25.400. BOATING SAFETY EDUCATION.** The department, in

1 cooperation with the Department of Education, shall offer public
2 education programs designed to reduce boating accidents.

3 Sec. 05.25.405. SAFETY EQUIPMENT. (a) A boat operated on
4 nonnavigable water shall carry and exhibit between sunset and sunrise
5 at least one white light to show all around the horizon.

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

13 Sec. 05.25.410. ADDITIONAL EQUIPMENT. The commissioner may
14 require by regulation that a boat or class of boats when operated on
15 inland water shall carry additional equipment necessary for the safety
16 of persons and property. To the extent considered by the commissioner
17 to be consistent with the safety of persons and property, the regula-
18 tions must conform to the regulations of the United States Coast Guard
19 for water subject to the jurisdiction of the United States.

20 Sec. 05.25.415. DIVER'S FLAG. (a) A person who is in the water
21 using an underwater breathing device may display a diver's flag con-
22 structed of rigidly supported material at least 12 inches by 12 inches
23 in area of red background with a white diagonal stripe. The diver's
24 flag may be displayed on a boat or surface float and must extend a
25 minimum distance of three feet from the surface of the water. The
26 diver's flag shall be placed at or near the point of submergence and
27 constitutes a warning that a diver is submerged and may be within 100
28 feet of the flag. A diver shall remain within 100 feet of the diver's
29 flag while at or near the surface. A diver's flag shall be displayed

1 only while diving operations are underway.

2 (b) A boat operator within sight of a diver's flag shall proceed
3 with caution, steering clear of the flag by a distance of at least 100
4 feet. If, because of the location of the diver's flag, it is impossi-
5 ble to steer clear of the flag by at least 100 feet, then the boat
6 operator shall proceed at no-wake speeds or five miles per hour,
7 whichever is necessary to maintain steerage in the seaway.

8 (c) A diver's flag under this section may be used with, but not
9 in place of, an International Code flag "A" if required under 33
10 U.S.C. following 1602 (Rule 27, International Regulations for Prevent-
11 ing Collisions at Sea, 1972).

12 Sec. 05.25.420. PROHIBITED OPERATION. (a) A person may not
13 operate a boat or manipulate water skis, a surfboard, or a similar
14 device on state water in a reckless or negligent manner so as to
15 endanger the life or property of another person.

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

19 ARTICLE 4. GENERAL PROVISIONS.

20 Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The commis-
21 sioner of administration shall separately account for fees collected
22 under this chapter that the department deposits in the general fund.
23 The annual estimated balance in the account may be used by the legis-
24 lature to make appropriations to the department to carry out the
25 purposes of this chapter.

26 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with
27 federal laws and regulations, the commissioner may exempt from a
28 provision of this chapter a class of boats if the commissioner deter-
29 mines that the safety of persons and property will not be materially

1 promoted by the applicability of the provision to the class of boats.
2 The commissioner may not exempt a class of boats from the numbering
3 requirements of this chapter unless the commissioner determines that
4 the numbering will not materially aid in their identification and
5 unless the United States Secretary of Transportation has exempted from
6 numbering the same boats or class of boats.

7 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this
8 chapter and in the exercise of enforcement may stop and board boats
9 that the officer reasonably believes are or may be subject to this
10 chapter.

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

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

17 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the con-
18 text requires otherwise,

19 (1) "boat" means every type of watercraft used or capable
20 of being used as a means of transportation on water, but does not
21 include aircraft equipped to land on water;

22 (2) "commissioner" means the commissioner of the Department
23 of Public Safety;

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

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

29 (5) "inland water" means water that is inland of the

1 territorial sea baseline and not subject to the jurisdiction of the
2 United States;

3 (6) "length" means the length of a boat measured from end
4 to end over the deck excluding sheer;

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

8 (8) "nonnavigable water" means lakes, rivers, and other
9 waterways in the state that are not classified under federal law or
10 regulation as navigable water of the United States and to which
11 33 U.S.C. 1601-1608 do not apply;

12 (9) "operate" means to navigate or otherwise use a boat on
13 water;

14 (10) "owner" means a person who has a property interest
15 other than a security interest in a boat and the right of use or
16 possession of the boat, but does not include a lessee unless the lease
17 is intended as security;

18 (11) "ownership" means a property interest other than a
19 security interest;

20 (12) "passenger" means a person on board a boat who is not
21 the master, operator, crew member, or other person engaged in a capac-
22 ity in the business of the boat;

23 (13) "state of principal use" means the state on whose water
24 a boat is used or is to be used during most of a calendar year;

25 (14) "state water" means water within the territorial limits
26 of the state.

27 * Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,
28 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are
29 repealed.

1 * Sec. 3. This Act takes effect January 1, 1989.