HOUSE BILL NO. 125

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES TAYLOR BY REQUEST, Hudson, Zawacki

Introduced: 2/8/91
Referred: Transportation, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

"An Act relating to boat and water safety, boating accidents, and boat numbering; and providing for an effective date."

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

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

ARTICLE 1. BOATING SAFETY EDUCATION AND EQUIPMENT.

Sec. 05.25.200. BOATING SAFETY EDUCATION PROGRAMS. (a) The Department of Public Safety shall coordinate and offer a statewide program of boating safety education using, to the maximum extent possible, the programs offered by the United States Coast Guard and United States Coast Guard Auxiliary. The department shall coordinate with and may award contracts to government agencies, the United States Coast Guard Auxiliary, and private organizations to provide boating safety education programs.

(b) The department shall take additional actions necessary to gain federal acceptance of the state boating safety program under 43 U.S.C. 13102.

Sec. 05.25.210. SAFETY EQUIPMENT. (a) Except as otherwise provided by state law,

1 each boat on state water must carry, store, maintain, and use safety equipment as required by
2 United States Coast Guard safety equipment requirements as though the boat was on water
3 subject to the jurisdiction of the United States Coast Guard.
4 (b) Each boat on state water must display the lights and shapes required by United States
5 Coast Guard regulations or (a) of this section.
6 (c) The use of a siren or a flashing or revolving red or blue emergency light on a boat
7 is prohibited, except on a boat operated by a law enforcement officer in the performance of
8 official duties.
9 Sec. 05.25.220. PROHIBITED OPERATION. A person may not operate a boat or
10 manipulate water skis, a surfboard, or a similar device on state water in a reckless or negligent
11 manner so as to endanger the life or property of another person.
12 ARTICLE 2. BOATING ACCIDENTS.
13 Sec. 05.25.250. ACCIDENTS; DUTY OF OPERATOR. The operator of a boat involved
14 in a collision, accident, or casualty shall
15 (1) render assistance, as is practicable and necessary, to save other persons from
16 danger or to minimize the danger to other persons to the extent that the operator can do so
17 without serious danger to the operator's boat, crew, and passengers; and
18 (2) give the operator's name and address and identification number of the
19 operator's boat in writing to each person injured in the collision, accident, or other casualty and
20 to the owner of property damaged in the collision, accident, or other casualty.
21 Sec. 05.25.260. ACCIDENT REPORTS. (a) The operator of a boat involved in a
22 collision, accident, or other casualty that results in death or injury to a person or damage to
23 property in excess of $500 shall file an accident report with the department on or before the 30th
24 day after the incident. The accident report must include a full description of the collision,
25 accident, or casualty, and other information required by regulations adopted by the department.
26 The department shall prepare accident report forms and shall provide the forms to the public.
27 The accident report form must request the information required in casualty and accident reports
28 under United States Coast Guard regulations.
29 (b) An accident report submitted to the department under this section is confidential and
30 is inadmissible as evidence in court.
31 (c) The department shall compile all accident reports and publish at least annually

statistical information relating to boat accidents.

(d) In response to a request from an authorized official or agency of the United States or in compliance with United States Coast Guard regulations, the department shall provide information compiled or otherwise available to the department from the accident reports required under this section.

ARTICLE 3. NUMBERING AND OWNERSHIP OF BOATS.

Sec. 05.25.300. REQUIRED NUMBERING. (a) Each undocumented boat used on state water must be numbered in accordance with the provisions of AS 05.25.300 - 05.25.450 unless specifically exempted under AS 05.25.460. The numbering system adopted by the department shall be in accordance with the standard system of numbering established by the secretary of the department in which the United States Coast Guard operates.

(b) A person may not operate or give permission for the operation of a boat on state water, unless the certificate of number awarded to the boat is valid and the identification number awarded to the boat is displayed as required under AS 05.25.380.

Sec. 05.25.310. BOATS NUMBERED UNDER FEDERAL OR OTHER STATE LAW. If a boat is operated on state water for more than 90 consecutive days, the owner of a boat for which a current certificate of number has been awarded under federal law or a federally approved numbering system of another state shall apply for a certificate of number under AS 05.25.300 - 05.25.450.

Sec. 05.25.320. APPLICATION FOR IDENTIFICATION NUMBER. (a) The owner of a boat required to obtain an identification number under AS 05.25.300 - 05.25.450 shall apply for a certificate of number on a form approved by the department. The application form shall be signed by the owner of the boat and shall be accompanied by the fee set by the department.

(b) Upon receipt of the application in satisfactory form, the department shall issue to the owner a certificate of number stating the identification number awarded to the boat and the name and address of the owner.

(c) The department shall prescribe by regulation the form of application, the form of the certificate of number, and the manner of renewal.

Sec. 05.25.330. RENEWAL OF CERTIFICATE OF NUMBER. (a) An application for the renewal of a certificate of number shall be prepared by the department and mailed to the owner of the boat during the period of the last 90 days before the expiration date of the certifi-

1 cate. The same identification number shall be issued on renewal of the certificate.

2 (b) The owner of the boat may return the application for renewal to the department or
3 to an agent of the department.

4 (c) Applications not returned by the owner during the last 90 days before the expiration
5 of the certificate of number shall be treated as original applications for an identification number.

6 Sec. 05.25.340. CERTIFICATE OF NUMBER. The certificate of number shall be
7 pocket size. The certificate or a facsimile of the certificate shall be carried on board the boat at
8 all times.

9 Sec. 05.25.350. TERM OF CERTIFICATE OF NUMBER. A certificate of number
10 awarded under AS 05.25.300 - 05.25.450 is valid for three years unless sooner terminated or
11 discontinued under this chapter.

12 Sec. 05.25.360. DUPLICATE CERTIFICATE. If a certificate of number is lost,
13 mutilated, or illegible, the owner of the boat for which the certificate was issued may obtain a
14 duplicate by applying to the department for a duplicate certificate and paying a fee of $5.

15 Sec. 05.25.370. NUMBERING SYSTEM. (a) The identification number consists of the
16 letters AK followed by a combination of four numerals then followed by two letters. The
17 numerals appearing between the letters shall be separated from the letters by hyphens or equiva-
18 lent spaces.

19 (b) The letters I, O, and Q may not be used in letter sequences.

20 Sec. 05.25.380. NUMBERING ON BOW. The owner shall paint or permanently attach
21 the identification number on each side of the boat near the bow. The identification number and
22 a validation decal shall be displayed in the manner prescribed by the department. The
23 identification number must read from left to right and must be of block characters of good
24 proportion of not less than three inches in height. The identification number must be of a color
25 that contrasts with the color of the hull of the boat. The identification number shall be main-
26 tained as to be clearly visible and legible.

27 Sec. 05.25.390. UNAUTHORIZED NUMBERS PROHIBITED. (a) A person may not
28 paint, attach, or otherwise display a number on either side of the bow of a boat other than the
29 identification number awarded to the boat.

30 (b) A person may not deface or alter the certificate of number or the identification
31 number assigned to and appearing on the bow of a boat.

1 Sec. 05.25.400. ISSUANCE OF CERTIFICATES OF NUMBERS; AGENTS FOR
2 DEPARTMENT. (a) The department may issue a certificate of number directly or may
3 authorize a person to act as its agent for issuing certificates. An authorized agent may issue
4 certificates of number that are valid as if issued directly by the department.
5 (b) An authorized agent who is authorized to issue certificates of number shall execute
6 a performance bond of not less than $1,000 in favor of the department.
7 Sec. 05.25.410. COPIES OF REGULATIONS. Copies of regulations adopted under this
8 chapter shall be provided without cost with each certificate of number that is issued.
9 Sec. 05.25.420. PROOF OF OWNERSHIP. (a) A certified statement on an application
10 for an identification number is the minimum evidence necessary to establish ownership of a boat
11 for the purposes of this chapter.
12 (b) Liens, including reservations or transfers of title to secure debts or claims, are
13 disregarded in determining ownership of a boat. A lienholder who acquired possession and title
14 by virtue of a default in the terms of the lien instrument, or a person who acquires ownership
15 through an action as a lienholder, may apply for a certificate of number and shall attach an
16 affidavit of repossession to the application for certificate of number.
17 (c) A person who acquires ownership of a boat by inheritance, devise, or bequest may
18 apply for a certificate of number and shall include an affidavit of heirship with the application
19 for certificate of number.
20 (d) A person who acquires ownership of a boat by bankruptcy proceedings, through
21 receivership, or by other involuntary divestiture of ownership may apply for a certificate of
22 number and shall include a copy of the court order authorizing the action with the application
23 for certificate of number.
24 Sec. 05.25.430. CHANGE IN OWNERSHIP INTEREST; NOTICE TO DEPARTMENT.
25 (a) The owner of a boat for which an identification number has been issued in this state shall
26 notify the department within 20 days of the destruction or abandonment of the boat or of the
27 transfer of all or part of the owner's interest in the boat, other than the creation of a security
28 interest. The notice shall be accompanied by a surrender of the certificate of number.
29 (b) If a boat is destroyed or abandoned, the department shall cancel the certificate of
30 number for the boat and enter the cancellation in the department's records.
31 (c) The purchaser of a boat shall present evidence of ownership to the department within

1 20 days after the date of purchase along with the owner's name, address, and the identification
2 number of the boat and shall at the same time pay a fee of $5 to the department. On receipt of
3 the application and fee, the department shall transfer the certificate of number issued for the boat
4 to the new owner. Unless the application is made and fee paid within 20 days after the purchase
5 of the boat, the boat is without a certificate of number. A person may not operate the boat until
6 a certificate of number is issued.
7 Sec. 05.25.440. CHANGE OF ADDRESS; NOTICE TO DEPARTMENT. (a) The
8 owner of a boat shall notify the department of the owner's new address within 20 days after the
9 change of the owner's address.
10 (b) The department may provide by regulation for the surrender of a certificate of number
11 bearing the former address and its replacement with a certificate bearing the new address or for
12 the alteration of the outstanding certificate to show the new address of the holder. Changes of
13 address shall be noted on the records of the department.
14 Sec. 05.25.450. PUBLIC RECORDS. All records of ownership of boats kept by the
15 department under this chapter are public records.
16 Sec. 05.25.460. EXEMPTIONS. (a) The following classes of boats are exempt from the
17 provisions of AS 05.25.300 - 05.25.450:
18 (1) a boat with a current, valid certificate of number issued by another state
19 having a federally approved numbering system that is operated in the state for a period not
20 exceeding 90 consecutive days;
21 (2) a foreign boat operated only temporarily in state water;
22 (3) a boat owned by the United States or an entity or political subdivision of the
23 United States, or owned by a state or an entity or political subdivision of a state;
24 (4) a ship's lifeboat.
25 (b) The department may exempt a class of boats from AS 05.25.300 - 05.25.450 if the
26 department finds that the numbering of that class of boats will not materially aid in identifying
27 those boats. The department may also exempt a boat from AS 05.25.300 - 05.25.450 if the
28 department finds that the boat belongs to a class of boats that would be exempt from numbering
29 under the numbering system of a federal agency if the boat were subject to federal law.
30 (c) All canoes, punts, rowboats, sailboats, and rubber rafts when paddled, poled, rowed,
31 or powered by wind are exempt from the numbering provisions of AS 05.25.300 - 05.25.450.

1 ARTICLE 4. GENERAL PROVISIONS.

2 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with federal law and
3 regulations, the commissioner may exempt a class of boats from a provision of this chapter if the
4 commissioner determines that the safety of persons and property will not be materially promoted
5 by applying that provision to the class of boats or if the United States Secretary of Transportation
6 has exempted that class of boats from numbering.

7 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this chapter and in the
8 exercise of enforcement power may stop and board a boat that the officer reasonably believes is
9 or may be subject to this chapter. A peace officer may issue a citation as provided in
10 AS 12.25.180 to a person who violates a provision of this chapter.

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

14 Sec. 05.25.940. REGULATIONS. The commissioner shall adopt regulations under the
15 Administrative Procedure Act (AS 44.62) that are necessary for the implementation of this
16 chapter.

17 Sec. 05.25.990. DEFINITIONS. In this chapter, unless the context requires otherwise,

18 (1) "boat" means any type of watercraft used or capable of being used as a means
19 of transportation on water;

20 (2) "certificate of number" means the document bearing the identification number
21 issued to a boat by the department under this chapter, by a federal agency, or by the state of
22 principal use under a federally approved numbering system;

23 (3) "commissioner" means the commissioner of public safety;

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

25 (5) "operate" means to navigate or otherwise use a boat on water;

26 (6) "owner" means a person who has a property interest other than a security
27 interest in a boat and the right of use or possession of the boat, but does not include a lessee
28 unless the lease is intended as security;

29 (7) "ownership" means a property interest other than a security interest;

30 (8) "passenger" means a person on board a boat who is not the master, operator,
31 crew member, or other person engaged in a capacity in the business of the boat;

1 (9) "state water" means water within the territorial limits of the state whether
2 navigable or nonnavigable.
3 * **Sec. 2.** AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040, 05.25.050, 05.25.060, 05.25.070,
4 05.25.080, 05.25.090, and 05.25.100 are repealed.
5 * **Sec. 3.** This Act takes effect January 1, 1992.