

ALASKA LEGISLATURE COMMITTEE FILES 1987-1988 8672

4662 HJUD HB 94 - HB 106

234

## SAFE BOATING BILL

### Questions and Answers

Q. Why does the Coast Guard want Alaska to pass a Boating Bill?

A. Because Alaska has the highest boating death rate in the U.S.

Because the Coast Guard does not have jurisdiction over all waters of the state and there is no law applicable to many Alaskan boats.

Because a law forms the basis from which to educate people on a local level, on how they should equip their boats for their own safety.

Because an acceptable law will allow the federal government, through the Coast Guard, to enter into a mutual agreement with the state for conducting a coordinated educational program (and enforcement when and where necessary) throughout the state.

Because the state can receive federal funds to assist in boating safety activities.

Q. How can you legislate safety on boats?

A. You can't really. People must be simultaneously educated regarding the NEED for safety. A good example is traffic laws. They don't prevent all the accidents and deaths on the road - but they do give most people a safe guideline by which to drive.

Q. Would the state law be similar to federal law?

A. Yes. It would require boats to carry the same equipment required by Federal law. At present in Alaska there is no law requiring such things as red and green lights at night, fire extinguishers on boats of appropriate size and type, Coast Guard approved life-saving devices, etc.. In 61% of the 1985 fatalities, either there were no personal flotation devices on board or approved devices that were accessible were not used.

Q. Why would the state want to take over the job of boat registration from the Coast Guard?

A. Net revenues to the state could amount to over 300K. This is

A. If past statistics can prove a point . . . YES!. Since the passage of the Safe Boating Law of 1971, fatalities have decreased across the nation by 30% while the number of boats has increased by 50%. This statistic has to prove that a better educated public is a safer public. The Bill will provide a springboard for education and reasonable enforcement to the safety of all, and by this it will hopefully reduce our tragically high boating accident fatalities.

Q. Where can answers be obtained to questions not listed here?

A. Contact: Chief, Boating Safety Division  
Seventeenth Coast Guard District  
Box 3-5000  
Juneau, AK 99802-1217  
PH: 907 586 7072

FY 1986  
\$27992250.00

FEDERAL GRANTS FOR  
STATE BOATING SAFETY FY 86

state	total authorized	percentage of total	boats registered	percentage of boats	amount for boats	state funds expended	percentage of expended	amount for expended	equal amounts
1 AL	\$660020.97	2.36%	229890	2.44%	\$227265.89	\$2126989.00	2.79%	\$259963.41	\$172791.67
4 AZ	\$387272.55	1.38%	112047	1.19%	\$110768.02	\$848566.00	1.11%	\$103712.86	\$172791.67
5 AR	\$536281.27	1.92%	309831	3.28%	\$306294.39	\$467964.25	0.61%	\$57195.21	\$172791.67
6 CA	\$1682130.42	6.01%	619087	6.56%	\$612020.34	\$7341750.00	9.62%	\$897318.41	\$172791.67
8 CO	\$271690.89	0.97%	66016	0.70%	\$65262.45	\$275212.00	0.36%	\$33636.78	\$172791.67
9 CT	\$350394.07	1.25%	72591	0.77%	\$71762.40	\$865970.00	1.13%	\$105840.00	\$172791.67
10 DE	\$272876.86	0.97%	37402	0.40%	\$36975.07	\$516559.33	0.68%	\$63110.12	\$172791.67
11 DC	\$284246.60	1.02%	3391	0.04%	\$3352.29	\$884499.00	1.16%	\$108104.64	\$172791.67
12 FL	\$1439786.27	5.14%	517365	5.48%	\$511459.46	\$6181696.52	8.10%	\$755535.14	\$172791.67
13 GA	\$607124.94	2.17%	225812	2.39%	\$223234.44	\$1777185.00	2.26%	\$211098.84	\$172791.67
15 HI	\$321305.30	1.15%	13112	0.14%	\$12962.33	\$1109064.25	1.45%	\$135551.30	\$172791.67
16 ID	\$297765.24	1.06%	67471	0.71%	\$66700.84	\$476944.00	0.62%	\$58292.73	\$172791.67
17 IL	\$510455.30	1.82%	275470	2.92%	\$272325.61	\$534260.51	0.70%	\$65298.03	\$172791.67
18 IN	\$443259.69	1.58%	173006	1.83%	\$171031.20	\$813520.00	1.07%	\$99436.23	\$172791.67
19 IA	\$494735.79	1.73%	175470	1.86%	\$173467.07	\$1133002.38	1.49%	\$139477.05	\$172791.67
20 KS	\$280495.71	1.00%	83305	0.88%	\$82354.10	\$207410.11	0.27%	\$25349.94	\$172791.67
21 KY	\$474225.22	1.69%	114546	1.21%	\$113238.50	\$1539789.05	2.02%	\$168195.06	\$172791.67
22 LA	\$648080.05	2.32%	312119	3.31%	\$308556.27	\$1364131.86	1.79%	\$166732.11	\$172791.67
23 ME	\$339453.59	1.11%	117842	1.25%	\$116496.88	\$464989.00	0.22%	\$20165.05	\$172791.67
24 MD	\$1358420.31	4.65%	142795	1.51%	\$241165.05	\$815674.00	11.19%	\$1244463.50	\$172791.67
25 MA	\$558219.87	1.99%	184140	1.95%	\$182038.11	\$1664113.00	2.18%	\$203390.10	\$172791.67
26 MI	\$1215350.24	4.34%	665540	7.05%	\$657943.10	\$3146877.00	4.12%	\$384615.48	\$172791.67
27 MN	\$1049184.96	3.82%	629291	6.67%	\$622107.87	\$2244170.00	2.94%	\$274285.43	\$172791.67
28 MS	\$425481.03	1.52%	122237	1.30%	\$120841.71	\$1080397.83	1.42%	\$132047.65	\$172791.67
29 MO	\$694537.58	2.50%	328440	3.48%	\$324690.97	\$1645007.09	2.15%	\$251054.94	\$172791.67
30 MT	\$234935.52	0.84%	34395	0.36%	\$34002.39	\$230250.00	0.30%	\$28141.46	\$172791.67
31 NE	\$232723.61	0.83%	54913	0.58%	\$54286.19	\$46192.89	0.06%	\$5645.76	\$172791.67
32 NV	\$262346.78	0.94%	31288	0.33%	\$30930.86	\$479656.49	0.43%	\$58624.25	\$172791.67
33 NH	\$229804.24	0.82%	0	0.00%	\$0.00	\$466469.96	0.61%	\$57012.58	\$172791.67
34 NJ	\$703745.56	2.51%	140284	1.49%	\$139275.86	\$3204662.00	4.20%	\$391678.04	\$172791.67
35 NM	\$233612.00	0.83%	34114	0.36%	\$33724.60	\$221694.00	0.29%	\$27095.73	\$172791.67
36 NY	\$947557.07	3.39%	331742	3.51%	\$327955.28	\$3655746.00	4.79%	\$446815.12	\$172791.67
37 NC	\$477882.78	1.71%	202908	2.15%	\$200591.88	\$855000.00	1.12%	\$104499.23	\$172791.67
38 ND	\$210357.37	0.75%	33723	0.36%	\$33338.06	\$34590.00	0.05%	\$4227.64	\$172791.67
39 OH	\$1013734.56	3.62%	338184	3.58%	\$334323.75	\$4145096.13	5.43%	\$506619.14	\$172791.67
40 OK	\$545640.47	1.95%	193022	2.05%	\$190818.72	\$1489348.00	1.95%	\$182030.09	\$172791.67
41 OR	\$436772.76	1.56%	140003	1.48%	\$138404.92	\$1027449.00	1.35%	\$125576.18	\$172791.67
42 PA	\$726693.31	2.60%	217293	2.30%	\$214812.68	\$2774384.61	3.63%	\$339088.96	\$172791.67
44 RI	\$211159.29	0.75%	31231	0.33%	\$30874.51	\$61307.76	0.08%	\$7493.12	\$172791.67
45 SC	\$598602.20	2.14%	221339	2.35%	\$218812.49	\$1693632.72	2.22%	\$206998.04	\$172791.67
46 SD	\$215001.93	0.77%	33091	0.35%	\$32713.28	\$77703.17	0.10%	\$9496.98	\$172791.67
47 TN	\$467556.32	1.67%	196446	2.08%	\$194203.64	\$822778.00	1.08%	\$100561.02	\$172791.67
48 TX	\$1305017.00	4.66%	599591	6.35%	\$592746.88	\$4413947.00	5.78%	\$539478.45	\$172791.67
49 UT	\$286849.57	1.02%	51781	0.55%	\$51189.94	\$514378.00	0.67%	\$62867.96	\$172791.67
50 VT	\$217448.48	0.78%	29774	0.32%	\$29434.14	\$124550.03	0.16%	\$15222.67	\$172791.67
51 VA	\$417509.76	1.49%	148999	1.58%	\$147298.23	\$797077.48	1.04%	\$97419.87	\$172791.67
53 WA	\$472885.41	1.69%	253980	2.69%	\$251989.91	\$401017.08	0.53%	\$49012.84	\$172791.67
54 WV	\$226136.76	0.81%	38742	0.41%	\$38299.77	\$123099.09	0.16%	\$15045.32	\$172791.67
55 WI	\$779879.92	2.79%	436221	4.62%	\$431241.69	\$1438747.00	1.89%	\$175945.56	\$172791.67
56 WY	\$203470.90	0.73%	19831	0.21%	\$19604.64	\$90611.00	0.12%	\$11074.60	\$172791.67
57 AZ	\$172868.78	0.62%	78	0.00%	\$77.11	\$0.00	0.00%	\$0.00	\$172791.67
72 PR	\$215220.98	0.77%	23083	0.24%	\$22819.52	\$160445.00	0.21%	\$19609.20	\$172791.67
75 PT	\$172979.50	0.62%	190	0.00%	\$187.63	\$0.00	0.00%	\$0.00	\$172791.67
78 VI	\$124981.47	0.47%	3425	0.04%	\$3325.90	\$87578.00	0.11%	\$10703.90	\$172791.67
<hr/>									
	\$27992250.00		9438487		\$9330750.00	\$76343060.40		\$9330750.00	\$7330750.00

\* Based on non federal share in Budget Information Section of FY 85 Application.

# STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

H. JUD.	4-15-87	Mary Van Nimwegen 1:30p.m.
H. JUD	4-7-87	12:30p.m.
H. JUD.	3-31-87	1:30p.m.

# HOUSE COMMITTEE REPORT

(7)

Date referred: 3/11/87

FURTHER REFERRALS: Finance

DATE: 4-15-87

The Judiciary Committee has considered HB 94

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

**RECOMMENDS:**

- replace with CS HB 94 (508)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Chairman's signature

A M E N D M E N T #1

Offered in the HOUSE

TO: CSHB 94(Trsp)

By Sund

*Adopted*

Page 14, after line 22:

Insert a new bill section to read:

"\* Sec. 2. AS 05.25.210(a), as enacted by sec. 1 of this Act, is repealed and reenacted to read:

(a) The owner of a boat that is operated principally on state water, or a dealer who wishes to demonstrate one or more boats on state water, shall apply to the department for an identifying number. The application must include the true name of the owner, the residence or business address of the owner, a description of the boat or boats, and other information required by the department or under United States Coast Guard regulations. The application shall contain a statement by the applicant, made under penalty of perjury, that the boat has not been painted in violation of AS 46.03.715. The application shall be signed by the owner and must be accompanied by the prescribed fee."

Renumber the following bill section accordingly.

Page 14, line 26:

Delete "Sec. 3. This Act takes"

Insert "Sec. 4. Sections 1 and 3 of this Act take"

Page 14, after line 26:

Insert a new bill section to read:

"\* Sec. 5. Section 2 of this Act takes effect January 1, 1988, but only if a version of an Act regulating the sale and use of TBT-based marine antifouling paints and coatings has taken effect before that date."

WORK DRAFT

WORK DRAFT

WORK DRAFT

5-0314X  
Hein  
3/31/87

Original sponsor: Taylor

1 IN THE HOUSE

2 CS FOR 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 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 through which the certificate of number is issued. The  
20 year shall be indicated by the colors blue, international orange,  
21 green, and red, in rotation beginning with red for stickers that  
22 expire in 1988. 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  
29

1 certificate of number before issuing a new certificate of number.

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

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

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

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

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

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

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

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

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

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

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

- 1 (2) the theft or recovery of the boat;  
2 (3) the destruction of the certificate of number; or  
3 (4) an event described in AS 05.25.230(e).

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

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

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

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

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

17 (4) a ship's lifeboat;

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

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

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

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

28 ARTICLE 2. BOATING ACCIDENTS.

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

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

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

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

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

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

20 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-  
21 PEARANCE; DUTIES OF PASSENGERS. (a) When, as a result of an occur-  
22 rence that involves a boat or its equipment, a person dies or disap-  
23 pears from a boat, the operator shall, without delay, by the quickest  
24 means available, notify the department of the

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

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

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

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

29 (b) When the operator of a boat cannot give the notice required

1 under (a) of this section, each person on board the boat shall notify  
2 the department or determine that the notice has been given.

3 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of  
4 a boat involved in an accident shall submit a report of the accident  
5 to the department in the form and manner the department prescribes if  
6 the accident results in

7 (1) the death of a person;

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

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

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

14 (5) complete loss of the boat.

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

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

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

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

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

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

1           Sec. 05.25.315. FORM OF REPORT; SENDING DEATH CERTIFICATE TO  
2 DEPARTMENT. (a) The department shall prepare and make available to  
3 the public forms for accident reports required under AS 05.25.310.  
4 The report form must call for the information required in casualty and  
5 accident reports under United States Coast Guard regulations and other  
6 information the department may require. The form must provide that  
7 the person who completes the form shall sign and date it upon com-  
8 pletion.

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

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

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

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

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

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

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

1 claims to have made a report or upon demand of a court, a certificate  
2 showing that a specified accident report has or has not been made to  
3 the department, solely to prove a compliance or a failure to comply  
4 with the requirement that a report be submitted to the department.

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

8 (e) In response to a request from an authorized official or  
9 agency of the United States, or in compliance with United States Coast  
10 Guard regulations or any requirement under 46 U.S.C. 6101 - 6103, the  
11 department shall transmit information compiled or otherwise available  
12 to the department from the accident reports required under AS 05.-  
13 25.310.

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

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

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

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

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

28 (4) a ship's lifeboat.

29 ARTICLE 3. BOATING SAFETY.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

1 claims to have made a report or upon demand of a court, a certificate  
2 showing that a specified accident report has or has not been made to  
3 the department, solely to prove a compliance or a failure to comply  
4 with the requirement that a report be submitted to the department.

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

8 (e) In response to a request from an authorized official or  
9 agency of the United States, or in compliance with United States Coast  
10 Guard regulations or any requirement under 46 U.S.C. 6101 - 6103, the  
11 department shall transmit information compiled or otherwise available  
12 to the department from the accident reports required under AS 05.-  
13 25.310.

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

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

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

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

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

28 (4) a ship's lifeboat.

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

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

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

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

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

1 flag while at or near the surface. A diver's flag shall be displayed  
2 only while diving operations are underway.

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

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

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

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

#### 20 ARTICLE 4. GENERAL PROVISIONS.

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

27 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with  
28 federal laws and regulations, the commissioner may exempt from a

1 determines that the safety of persons and property will not be mate-  
2 rially promoted by the applicability of the provision to the class of  
3 boats. The commissioner may not exempt a class of boats from the  
4 numbering requirements of this chapter unless the commissioner deter-  
5 mines that the numbering will not materially aid in their identi-  
6 fication and unless the United States Secretary of Transportation has  
7 exempted from numbering the same boats or class of boats.

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

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

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

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

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

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

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

*Issue no: Feb in SE ocean boat 58' limit.*

1 (5) "inland water" means water that is inland of the terri-  
2 torial sea baseline and not subject to the jurisdiction of the United  
3 States;

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

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

9 (8) "nonnavigable water" means lakes, rivers, and other  
10 waterways in the state that are not classified under federal law or  
11 regulation as navigable water of the United States and to which  
12 33 U.S.C. 1601-1608 do not apply;

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

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

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

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

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

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

WORK DRAFT

WORK DRAFT

WORK DRAFT

1 repealed.

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

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5-0314L ✓

Hein  
2/27/87

Original sponsor: Taylor

1 IN THE HOUSE

2 CS FOR 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, unless15 (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; and22 (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. IDENTIFYING NUMBER ON FORWARD HALF OF BOAT. (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 Sec. 05.25.210. APPLICATION FOR BOAT NUMBER. (a) The owner of  
6 a boat that is operated principally on state water, or a dealer who  
7 wishes to demonstrate one or more boats on state water, shall apply to  
8 the department for an identifying number. The application must in-  
9 clude the true name of the owner, the residence or business address of  
10 the owner, a description of the boat or boats, and other information  
11 required by the department or under Coast Guard regulations. The  
12 application shall be signed by the owner and must be accompanied by  
13 the prescribed fee.

14 (b) A certificate of number may be issued to a dealer for use on  
15 more than one boat.

16 Sec. 05.25.215. APPLICATION BY OWNER HAVING NUMBER AWARDED BY  
17 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat covered by a  
18 number that is still in effect and that has been issued under federal  
19 law or a federally approved numbering system of another state shall  
20 apply to the department for an identifying number within 10 days after  
21 the expiration of the applicable reciprocity period provided in  
22 AS 05.25.240(6).

23 Sec. 05.25.220. CERTIFICATE OF NUMBER FEES. (a) The commis-  
24 sioner shall adopt regulations establishing fees for original, renew-  
25 al, and duplicate certificates of number, and for dealer demonstration  
26 certificates of number.

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

29 (c) The fees in this section are in addition to any other tax or

1 license fee for a boat.

2 Sec. 05.25.225. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION  
3 STICKERS; STICKERS PLACED ON BOATS. (a) If the application is in  
4 order, the department shall issue to the owner a certificate of number  
5 that shall state the identifying number awarded to the boat, the name  
6 and address of the owner, the state of principal use, the normal use  
7 of the boat, the description of the boat, the hull identification num-  
8 ber, make, year, length, type of hull material, type of propulsion and  
9 type of fuel, the issue date, and the expiration date of the certifi-  
10 cate of number. The certificate of number shall be wallet size.

11 (b) The department shall issue a set of validation stickers  
12 bearing the year through which the certificate of number is issued.  
13 The year shall be indicated by the colors blue, international orange,  
14 green, and red, in rotation beginning with red for stickers that  
15 expire in 1988. A validation sticker must be approximately three  
16 inches square. The stickers shall be placed three inches to the rear  
17 of the identifying number placed on the boat as required under AS 05.-  
18 25.205.

19 Sec. 05.25.230. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF  
20 CERTIFICATE AND STICKERS. (a) A certificate of number expires three  
21 years after the last day of the month in which the certificate is  
22 issued.

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

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

27 (d) An application for renewal of a certificate of number shall  
28 be made in the same manner as provided in AS 05.25.210. The applica-  
29 tion shall be accompanied by the fee required under AS 05.25.220. The

1 department shall renew certificates of number and issue validation  
2 stickers in the same manner as provided in AS 05.25.225.

3 (e) A certificate of number is invalidated if

4 (1) the boat is subsequently documented or required to be  
5 documented;

6 (2) the boat is sold or destroyed;

7 (3) the applicant supplies false information in the appli-  
8 cation for the certificate;

9 (4) the owner, through legal process, involuntarily loses  
10 the ownership interest in the boat for which the certificate is is-  
11 sued.

12 Sec. 05.25.235. REPORT OF TRANSFER, ABANDONMENT OR DESTRUCTION  
13 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) Within 15 days after the  
14 transfer of all or a part of the interest of the owner in a boat, or  
15 the abandonment or destruction of a boat, for which a certificate of  
16 number has been awarded under this chapter, the owner shall notify the  
17 department of the transfer of interest, destruction, or abandonment.

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

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

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

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

27 (3) a boat owned and operated by the United States or a  
28 state or by an entity or political subdivision of the United States or  
29 a state, except recreational type public vessels;

1 (4) a ship's lifeboat used solely for lifesaving purposes;

2 (5) a boat belonging to a class of boats that has been  
3 exempted from the provisions of AS 05.25.200 - 05.25.235 by the de-  
4 partment as provided in AS 05.25.910;

5 (6) a boat already covered by a number that is still in  
6 effect and that has been issued to it under

7 (A) federal law and the boat has not been in this  
8 state for more than one year; or

9 (B) a federally approved numbering system of another  
10 state and the boat has not been in this state for more than 60  
11 consecutive days; and

12 (7) a boat that is not propelled by machinery.

13 ARTICLE 2. BOATING ACCIDENTS.

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

15 (a) The operator of a boat involved in an accident that results in  
16 injury or death to a person or causes damage to property immediately  
17 shall stop the boat as close as possible to the scene of the accident  
18 and shall remain at the scene of the accident until the operator has  
19 fulfilled the requirements of (b) of this section.

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

22 (1) give to the other operator, to the owner or a surviving  
23 occupant of the other boat or damaged property, or to another appro-  
24 priate person, the name, address, and identifying number of the boat  
25 that the operator is operating, and the name and address of any other  
26 occupants of the boat; and

27 (2) render reasonable assistance to every person injured in  
28 the accident, including the conveying or the making of arrangements  
29 for the conveying of the person to a physician, surgeon, or hospital

1 for medical or surgical treatment, if it is apparent that treatment is  
2 necessary or if conveyance is requested by an injured person.

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

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

9 (1) the death of a person;

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

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

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

16 (5) complete loss of the boat.

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

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

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

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

29 (2) within 48 hours after the accident if a person is

1 injured and requires medical treatment beyond first aid, or disappears  
2 from a boat; and

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

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

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

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

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

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

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

29 and

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

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

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

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

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

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

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

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

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

27 (b) When the operator of a boat cannot give the notice required  
28 under (a) of this section, each person on board the boat shall notify  
29 the department or determine that the notice has been given.

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

7           (b) The provisions of AS 05.25.300 - 05.25.320 do not apply to  
8           (1) a boat that has a valid document issued by the United  
9 States Coast Guard;  
10           (2) foreign boats operated temporarily in state water;  
11           (3) a boat owned and operated by the United States or by an  
12 entity of the United States;  
13           (4) a lifeboat used solely for lifesaving purposes; or  
14           (5) a boat required to have a certificate of inspection  
15 under 46 C.F.R., Chapter I.

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

## ARTICLE 3. BOATING SAFETY.

1  
2       Sec. 05.25.400. BOATING SAFETY EDUCATION. The department, in  
3 cooperation with the Department of Education, shall offer public  
4 education programs designed to reduce boating accidents.

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

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

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

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

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

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

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

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

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

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

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

28 ARTICLE 4. GENERAL PROVISIONS.

29 Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The

1 commissioner of administration shall separately account for fees col-  
2 lected under this chapter that the department deposits in the general  
3 fund. The annual estimated balance in the account may be used by the  
4 legislature to make appropriations to the department to carry out the  
5 purposes of this chapter.

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

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

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

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

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

28 (1) "boat" means every type of watercraft used or capable  
29 of being used as a means of transportation on water, but does not

include aircraft equipped to land on water, boathouses, or personal flotation devices;

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

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

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

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

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

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

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

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

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

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

(12) "state water" means water within the territorial limits of the state, the marginal sea adjacent to the state, and the

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

1 include aircraft equipped to land on water, boathouses, or personal  
2 flotation devices;

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

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

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

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

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14 motors;

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16 water;

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

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

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

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

28 (12) "state water" means water within the territorial  
29 limits of the state, the marginal sea adjacent to the state, and the

1 high seas when navigated as part of a journey or ride to or from the  
2 shore of the state.

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

6 \* Sec. 3. This Act takes effect January 1, 1988.  
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# STATE OF ALASKA

DEPARTMENT OF PUBLIC SAFETY

OFFICE OF THE COMMISSIONER

STEVE COWPER, GOVERNOR

P.O. BOX N  
JUNEAU, ALASKA 99801-2200  
PHONE: 465-4322

March 9, 1987

The Honorable Robin Taylor  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Representative Taylor:

We have the following suggestions for CSHB94.

Section 05.25.200(a)(2) states, "The certificate of number is carried on the boat in a manner that protects the certificate from the elements, and is available for inspection by a state, federal, or municipal law enforcement officer."

If we want a certificate carried on open boats, we should design it so it could be kept on board and protected from the elements. Perhaps a card embossed on plastic like a credit card would be appropriate.

Section 05.25.210, entitled "Application for Boat Number," should probably be entitled "Application for Dealer Certificate." I do not believe it is possible to describe the boat or boats (see line 10, page 3 of the working draft dated 3/06/87). Instead, this certificate should identify the dealer and the lengths of vessels which can be operated or demonstrated under the certificate. This would also allow us to charge different dealers different fees.

Section 05.25.225 should be entitled "Issuance of certificate and validation decals."

I find 05.25.200, 05.25.205, and 05.25.225(b) confusing as written. Section 05.25.225(b) should be broken down and include display of decals, placement of numbers, and carrying and displaying certificate, under Section 05.25.200.

Section 05.25.230 should be entitled "Expiration and Renewal of Certificates." We do not need to address "stickers" in any event; they should be addressed as "decals."

The Honorable Robin Taylor

-2-

March 9, 1987

If we charge an appropriate fee of \$10.00 per year for an outboard, we would collect \$30.00 for the certificate. However, if we charge \$100.00 or more for a \$100,000.00+ yacht, they may have to pay \$300.00 up front. Unless the Coast Guard's computer cannot handle it, perhaps it would be more reasonable to propose a two-year certificate, at \$15.00 per year, particularly since the certificate becomes void if the vessel is transferred.

Section 05.25.320 should be renumbered to 05.25.305.  
Section 05.25.305 should be renumbered to 05.25.310.  
Section 05.25.310 should be renumbered to 05.25.315, and  
Section 05.25.315 should be renumbered to 05.25.320.

We agree that this is an important bill. We are attempting to be very conservative in our fiscal note. The Coast Guard is attempting to sell this bill as something that will save lives. If that is true, then there must be enforcement.

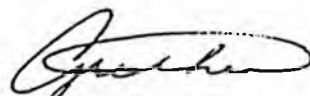
Our Fish and Wildlife Protection Troopers are attempting to protect the resources. That is their primary responsibility. There is a conflict when you think these officers can patrol effectively for both. In most cases, sport fishing enforcement will suffer the most by our present budget reductions. There will be few state enforcement officers to tackle this added responsibility. We need this modest fiscal note to provide a minimal enforcement presence.

As Deputy Commissioner Vaden said, "If you just want a registration and numbering program, let's not take the federal money. We can register the boats for about \$50,000.00 a year and collect \$300,000.00."

However, if we are going to take the federal dollars, then we must provide for a "boating safety program" which complies with federal mandates. This would be a minimal enforcement effort.

To do this job correctly and save lives would cost the State a tremendous amount of money.

Sincerely,



Gretchen A. Derr  
Special Assistant



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
**BILL ANALYSIS**

DEPARTMENT Health & Social Services	DIVISION Public Health, Emergency Medical Svcs.	BILL NUMBER HB 94	SPONSOR Representative Taylor
DEPARTMENT POSITION The Department of Health and Social Services supports this legislation			
PREPARED BY Mark Johnson	DATE 2/10/87	COMMISSIONER'S SIGNATURE <i>Myra H. Meason</i>	DATE 2/11/87

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) AFFECTED BY BILL Boat owners and manufacturers
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

This Act amends AS 05.25 by adding sections requiring boats to register with the Department of Public Safety, to display registration numbers on the boat, and to maintain a current registration on the boat when in operation. This bill also contains provisions for the reporting of accidents and boating safety requirements.

ANALYSIS OF BILL/PROGRAM EFFECTS

The Department of Health and Social Services supports the passage of HB 94 and its intent to reduce boating accidents and their associated deaths and injuries. Unintentional injuries are the leading cause of death in Alaska. Among the causes of these injuries, water transport related deaths are second only to deaths from motor vehicle accidents. In 1985 there were 94 deaths reported related to water transport accidents and 25 additional deaths due to drowning were recorded.

This bill includes the provision of boating safety education programs. DHSS has developed a water safety curriculum for children ("Cold Water Winners"). In cooperation with the Dept. of Public Safety, the University of Alaska's Marine Advisory program, and various private agencies, DHSS has also developed an extensive marine safety and survival curriculum. The continuation of these activities should be supported by the passage of this bill. Appropriations made to carry out the purposes of this bill should specifically include the provision of boating safety training as well as the administration of registration and accident reporting functions.

AMENDMENTS PROPOSED

N/A

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

DEPARTMENT OF TRANSPORTATION  
UNITED STATES COAST GUARD

JAN 04 1988  
Address reply to:  
Commander (b)  
Seventeenth Coast Guard District  
P. O. Box 3-5000  
Juneau, Alaska 99802-1217  
(907) 586-7467

16790

DEC 16 1987

Representative John L. Sund  
Alaska State Legislature  
P.O. Box V (MS 3100)  
Juneau, Alaska 99811

Dear Representative Sund:

During the last legislative session House Bill 94 was introduced, a bill concerning recreational boating safety. This Bill easily passed through the Transportation and Judiciary Committees before reaching the Finance Committee at the end of the 1987 session.

Alaska remains the only state in the union that does not have a Boating Safety Law. Alaska also leads the nation in recreational boating deaths, 28 times the national average in 1986. Fifty-three people died in Alaska in 1986 with 40 reported deaths so far in 1987. I feel many of these deaths could have been prevented through a proper education and enforcement program that would make boaters aware of the dangers inherent in boating and by requiring minimum safety equipment to be carried in boats.

The Coast Guard and the CG Auxiliary try to reach as many boaters as possible through our safe boating programs and classes. However, we are usually restricted to federal waters and coastal communities. Seventy percent of Alaska's fatalities occur in the inland regions where no boating safety programs exist and where the State alone has responsibility and authority.

The Department of Public Safety has submitted a positive fiscal note for this bill (enclosure 1). Funds for this program would come from a State Boating Registration Program and from the Federal Government through the National Recreational Boating Safety Financial Assistance Program. Presently, the Coast Guard handles boat registration with the fees going to the General Fund of the Federal Government, and because Alaska does not have a safe boating program it loses approximately 250 thousand dollars per year from the Financial Assistance Program.

The boating fatalities in your area from 1985 to the present are listed in enclosure (2). As you examine this list keep in mind that some of these fatalities may have been prevented if Alaska had its own boating safety program. If you have any questions concerning this Bill, please contact Commander G. M. Harben of the Boating Safety Division at 586-7467.

Sincerely,



E. NELSON, JR.

Rear Admiral, U.S. Coast Guard  
Commander, Seventeenth Coast Guard District

Encl: (1) Positive fiscal note  
(2) Boating fatalities from 1985 to present

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

DRAFT

REQUEST

Revision Date: \_\_\_\_\_  
Title: An Act relating to boat numbering...  
Sponsor: Rep. Taylor  
Requestor: House Transportation

Bill Version: CSHB 94 (TRSP)

Publish Date: \_\_\_\_\_

Agency Affected: Public Safety  
BRU: DPS Administration

Components: Boating & Water Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		192.2	395.8	407.7	419.9	432.5
TRAVEL		19.9	41.0	42.2	43.5	44.8
CONTRACTUAL		113.5	117.0	120.5	124.1	127.8
SUPPLIES		49.5	51.0	52.5	54.1	55.7
EQUIPMENT		132.0	7.2	7.4	7.6	7.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	507.1	612.0	630.3	649.2	668.6
CAPITAL						
REVENUE	0	515.0	515.0	515.0	515.0	515.0

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	257.1	322.0	340.3	359.2	378.6
FEDERAL FUNDS		250.0	290.0	290.0	290.0	290.0
OTHER						
TOTAL	0	507.1	612.0	630.3	649.2	668.6

POSITIONS:

FULL-TIME	0	4	4	4	4	4
PART-TIME		13	13	13	13	13
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note contains a 3% inflation factor. Equipment costs on five boats are one-time costs and will not continue beyond FY 88.

FY 88 funding level in Personal Services and Travel lines assumes start-up of January 1, 1988.

Prepared by: Gretchen Derr, Special Ass't  
Division: Commissioner's Office

Phone: 465-4322

Date: 3/06/87

Approved by Commissioner: [Signature]  
Agency: Public Safety

Date: 3/9/87

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

RECREATIONAL BOATING FATALITIES

NAME	DATE	LOCATION	CAUSE
Donna Loch	23JAN85	Fredrick Sound	Flooding, Sinking, No Life No Life Jacket used .
R. T. Johnson	8JUN85	Ketchikan, AK (Gateway)	Capsizing, No Life Jacket on Vessel
Robert C. Crowder, Jr.	6AUG85	Ward Cove, Ketchikan, AK	Capsizing, No Life Jacket on Vessel
LeCrissa Rae Walker Joseph L. Walker	26OCT85	Clover Pass	Capsizing, No Life Jacket on Vessel
Warren C. Pellett, Sr.	25DEC85	Thorne Bay - Kaasaw Bay	Capsizing, Fell overboard, No Life Jacket on Vessel
Eric Walter Finke	28MAR86	Wrangell Narrows	Capsizing, No Life Jacket on Vessel
Richard D. Shaw	6AUG86	Bradfield Canal	Capsizing, No Life Jacket on Vessel, Hazardous waters
Maynard M. Geiger	14JUL87	Coffman Cove, Ketchikan	Fell overboard, No Life Jacket on Vessel
		ENCLOSURE(2)	

BILL NO: CSHB 94 (Trsp)

DATE: 3/31/87

TITLE: "An Act relating to boat numbering, accidents, and safety..."

CONTACT: James D. Vaden  
Deputy Commissioner

DEPARTMENT OF PUBLIC SAFETY

This bill was drafted to allow the State of Alaska to receive federal funds for registering boats in Alaska.

This bill would require the Department of Public Safety to:

1. Develop a boating numbering system;
2. develop and maintain a record keeping system;
3. develop an accident reporting system;
4. develop and present a boating safety education program;
5. promulgate regulations.

As a result of this bill, extensive public information and education would be required prior to implementation or enforcement.

Federal funding is available until April 1, 1989. These funds are distributed to the states using the following criteria:

- a. one-third of funds are allocated equally each fiscal year among eligible states;
- b. one-third of funds based on reported number of vessels registered;
- c. one-third of funds based on state obligations and expenditures for RSB programs during the prior fiscal year.

This would give the state approximately \$250.0 for the first year, and up to \$290.0 thereafter.

In order to receive funds from the Aquatic Resource Trust Fund, the Department must provide the following:

1. There are sufficient state matching funds available from general revenues, vessel numbering and licensing fees, state marine fund tax, or from a fund established from those funds to finance a state recreational boating safety program.
2. An approved vessel numbering system.

3. Cooperative boating assistance program between the U.S. Coast Guard and the state to include:
  - a. law enforcement,
  - b. accident investigation,
  - c. search and rescue,
  - d. marine events,
  - e. Coast Guard Auxiliary assistance on state waters.
4. Adequate patrol to insure laws are enforced to include:
  - a. sufficient uniform patrol to insure compliance with all aspects of boating and regulations,
  - b. that the individuals have received in-service training,
  - c. procedures to selectively assign individuals to vessel traffic.
5. Adequate boating education programs:
  - a. must meet or exceed minimum standards established by the National Association of State Boating Law Administrators,
  - b. classes must be offered both in classroom and through correspondence.
6. Approved system for reporting marine fatalities.

As with most federal funds which require certification that the grantee has complied, the requirements and audits become more stringent with the passage of time. In this case, boat registration and record keeping could be accomplished with one or two clerks. Analyzing accident data would initially require the collection and input of the data, the analysis, and an Annual Report. If the number of accidents reported remain constant (62 in 1985), this could be accomplished by a part-time clerk. However, this bill requires all accidents with more than \$200.00 damage be reported; there are few accidents that would not involve \$200.00 damage. If those are reported, it could result in a significant quantity of work.

The Coast Guard requires uniformed officers to patrol and enforce the state's laws and regulations concerning boating safety. This could create a tremendous responsibility if we are expected to patrol all state waters, to include the three-mile limit and virtually all streams and lakes.

Certainly we could be asked why we are not patrolling the Kenai River during peak salmon runs, or Big Lake during the summer. Neither the Troopers nor Fish and Wildlife Protection have the manpower available for these patrols. Additionally, the bill requires in-service training for officers who are assigned these enforcement responsibilities.

Position Paper  
CSHB 94 (Trsp)  
Page 3

In order to fully comply with the bill and the Coast Guard's requirements, we would need some level of enforcement officer assigned to nearly every community which enjoys recreational boating activities.

Proposed Amendments are as follows:

AS 05.25.210. Should be retitled "Application for Certificate of Number." I do not believe it would be possible for a dealer to describe the 'boat or boats' to be operated or demonstrated under a certificate. Instead, a dealer's certificate should specify the length of vessels to be operated under a certificate. This would allow the Department to charge different dealers different fees.

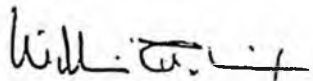
The term "stickers" is an incorrect term and should be replaced with "decals" throughout the bill.

AS 05.25.205(b). Add "The decal issued under AS 05.25.225 should be placed three inches to the rear of the identifying number". Delete sentence reading, "the sticker should be placed three inches...under As 05.25.205" from Sec. 05.25.225(b). By doing this, the placement of numbers and decals is listed in one area of the bill.

AS 05.25.225. Should be entitled "Issuance of Certificate of Number and Validation Decals."

Section 05.25.320 should be renumbered to 05.25.305; .305 should be renumbered to .310; .310 should be renumbered to .315; .315 should be renumbered to .320. This would make the requirements for accident reporting easier to understand and follow.

The Department of Public Safety is neutral on this legislation.



---

William R. Nix  
Acting Commissioner

JOHN SUND, REPRESENTATIVE

2504 2nd Avenue  
Ketchikan, Alaska 99901  
(907) 225-5552

---

While in Juneau  
P. O. Box V  
Juneau, Alaska 99811  
(907) 465-4919

January 14, 1988

Mr. Doug Ensley, Director  
Port and Harbors Department  
City of Ketchikan  
334 Front Street  
Ketchikan, AK 99901


Dear Doug:

Thank you for your letter regarding the federal boating safety registration and safety regulations program in Alaska. I share your interest in these programs.

I scheduled HB 94 in the Judiciary Committee and it passed out on April 17, 1987. It is currently waiting to be heard by the House Finance Committee. Senator Sturgulewski sponsored the companion bill SB 265. It has been stuck in the Senate Transportation Committee where it was first heard on April 21, 1988.

I appreciate your thoughtful comments Doug, and look forward to working with you on this and other important issues.

Sincerely,

  
John Sund  
Representative



**City of  
Ketchikan**

January 11, 1988

Representative John Sund  
P. O. Box V  
Mail Stop 3100  
Juneau, Alaska 99811

Dear Representative Sund:

As Harbormaster for the City of Ketchikan I am dismayed with the diminishing effectiveness of the federal boating safety registration and safety regulations program in Alaska. Our friends and neighbors are dying and nothing is being done other than reporting statistics.

House Bill 94, when passed, will provide the state with legislation that requires boat numbering; the reporting of accidents; and, most importantly, a safety program which should help reduce the number of lives lost each year in boating accidents.

As Harbormaster, the numbering of boats is important for collecting use fees and maintaining up-to-date records of our harbor users. As an Alaskan, I am concerned for the safety of all those persons who work or recreate on our lakes, streams, and coastal waters. The sea is a cruel mistress who will claim even the most experienced and prepared boater. The sad fact is that too many Alaskan boaters are not prepared due to the lack of an effective boating safety program.

The State presently has the infra-structure to implement the provisions of House Bill 94. The Department of Motor Vehicles computer system could handle the numbering system. The State's law enforcement network, which could be expanded to include Harbormasters, could be used for enforcement of the statute. Educating the public could possibly be accomplished by the University of Alaska Sea Grant Program, regional community colleges, and the State by use of the state satellite program, as well as the enforcement divisions.

HW (7)

JAN 12 1988

334 Front Street  
Ketchikan, Alaska 99901  
907-225-3111

*The bill passed  
through Judiciary  
last year -  
Is presently in House Finance*

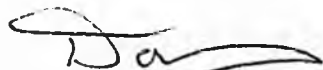
Representative John Sund

-2-

January 11, 1988

I urge you to support House Bill 94 and ask that you encourage the Senate to pass unanimously this important Bill for the betterment of our boating public.

Sincerely,



A. D. Emslev II, Director  
Port & Harbors Department

ADE:sd

2.01

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

DRAFT

Bill Version: CSHB 94 (TRSP)

Publish Date: \_\_\_\_\_

REQUEST

Revision Date: \_\_\_\_\_

Title: An Act relating to boat numbering..."

Sponsor: Rep. Taylor

Requestor: House Transportation

Agency Affected: Public Safety

BRU: DPS Administration

Components: Boating & Water Safety

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		192.2	395.8	407.7	419.9	432.5
TRAVEL		19.9	41.0	42.2	43.5	44.8
CONTRACTUAL		113.5	117.0	120.5	124.1	127.8
SUPPLIES		49.5	51.0	52.5	54.1	55.7
EQUIPMENT		132.0	7.2	7.4	7.6	7.8
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	507.1	612.0	630.3	649.2	668.6
CAPITAL						
REVENUE	0	515.0	515.0	515.0	515.0	515.0

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	257.1	322.0	340.3	359.2	378.6
FEDERAL FUNDS		250.0	290.0	290.0	290.0	290.0
OTHER						
TOTAL	0	507.1	612.0	630.3	649.2	668.6

POSITIONS:

FULL-TIME	0	4	4	4	4	4
PART-TIME		13	13	13	13	13
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This fiscal note contains a 3% inflation factor. Equipment costs on five boats are one-time costs and will not continue beyond FY 88.

FY 88 funding level in Personal Services and Travel lines assumes start-up of January 1, 1988.

Prepared by: Gretchen Derr, Special Ass't  
Division: Commissioner's Office

Phone: 465-4322  
Date: 3/06/87

Approved by Commissioner: [Signature]  
Agency: Public Safety

Date: 3/9/87

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary

JNR  
3/7/87

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 94 (TRSP)

\* FY 88 - with program implementation effective on January 1, 1988 - budget estimates include start-up costs for equipment: 5 boats, \$125.0; 5 vehicles, \$41.4; enforcement and training position costs, \$192.2. FY 89 (and each fiscal year continuing) salary and benefit costs are summarized: Administrative Officer, Accounting Clerk, Education Specialist, Publication Specialist, 2 Data Processing Clerks, Clerk Typist; and 10 Coast Guard Officers (Seasonal): \$395.8. Space will come from currently available facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

Costs are derived from broad-brush estimates due to short time-frame preparation. A 3% inflation rate is added.

I. Restricted

Federal funds for boat safety training may be available in the sum of \$250.0 for the first year and approximately \$290.0 for subsequent years.

II. Unrestricted Revenues (see chart pg. 3)

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 94 (TRSP)

Revenue estimates:

II. Unrestricted

	Registered Boats 30,000	Boats Currently Not Registered Carried Through the Triennial Cycle					Fines Aprox. \$17.0 Year	TOTAL REVENUE
		6,600 1st Yr \$30 X	6,600 2nd Yr \$30 X	6,600 3rd Yr \$30 X	6,600 4th Yr \$30 X	6,600 5th Yr \$30 X		
Number of Boats to Register By Year	\$30 X							
1st Year (88) 10000+6600	\$300.0	\$198.0	- - -	- - -	- - -	- - -	\$17.0	\$515.0
2nd Year (89) 10000+6600	300.0	- - -	\$198.0	- - -	- - -	- - -	17.0	515.0
3rd Year (90) 10000+6600	300.0	- - -	- - -	\$198.0	- - -	- - -	17.0	515.0
4th Year (91) 10000+6600	300.0	- - -	- - -	- - -	\$198.0	- - -	17.0	515.0
5th Year (92) 10000+6600	300.0	- - -	- - -	- - -	- - -	\$198.0	17.0	515.0

Notes:

1. Boat registration fee, average, is \$30 triennial.
2. According to our estimates, by the fourth year there will be approximately 50,000 boats registered.
3. Of the 30,000 boats already registered, we estimate 33 1/3% (or 10000 boats) will register during the 1st year, 10000 in the 2nd year, and the remainder (10000) in the 3rd year.
4. Register 6,600 boats currently not registered during each year for three years (Coast Guard estimates 20,000 boats not registered). Anticipate three-year period before majority of citizens would be in compliance.
5. Estimate \$17.0 in fines levied per year.

Position Title Clerk Typist II		No. of Positions 1	Range/Step 7A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0 months	Location Juneau		Election District 4
Type of Expenditure		Justification		
1	2	3		
Salary	18.5	This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents.		
Benefits	6.0			
Premium Pay				
Other				
Other Personal Services	24.5			
Travel				
Contractual	6.0			
Commodities	2.5			
Equipment	2.0			
Other				
Total Cost		35.0		
Funding Source for Total Cost				
Federal Receipts	1002	17.3		
G.F. Match	1003			
General Fund	1004	17.7		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

REQUEST FOR  
NEW POSITION

Agency Public Safety  
BRU DPS Administration  
Component Boating and Water Safety

Page 4 of 13  
Revised Date

FY 88

Position Title Data Processing Clerk II		No. of Positions 2	Range/Step 9A	Barg. Unit GGJ
Time Status PFT	Staff Months 12.0	Location Juneau		Election District 4
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	41.5	////////////////////		
Benefits	13.5	////////////////////		
Premium Pay		////////////////////		
Other		////////////////////		
Other Personal Services	////////////////////	55.0		
Travel				
Contractual		6.0		
Commodities		2.0		
Equipment				
Other				
Total Cost		63.0		
Funding Source for Total Cost				
Federal Receipts	1002	31.1		
G.F. Match	1003			
General Fund	1004	31.9		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
////////////////////				

These positions will be responsible for the accepting and processing data on boating and watercraft material, i.e. registration and accident data. These positions will also be responsible for maintenance of data.

Support costs include minimal contractual and supply costs.

REQUEST FOR  
NEW POSITION

Agency Public Safety  
 BRU DPS Administration  
 Component Boating and Watercraft Safety

Page 5 of 13  
 Revised Date

FY 88





Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit GGU
Time Status S	Staff Months 6.0 months	Location Fairbanks		Election District 20
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary	28.2	////////////////////		
Benefits	10.5	////////////////////		
Premium Pay	4.0	////////////////////		
Other		////////////////////		
Other Personal Services	////////////////////	42.7		
Travel		4.0		
Contractual		10.3		
Commodities		7.0		
Equipment		25.0		
Other				
Total Cost		89.0		
Funding Source for Total Cost				
Federal Receipts	1002	43.9		
G.F. Match	1003			
General Fund	1004	45.1		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
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////////////////////////////////////				
////////////////////////////////////				

These positions will be responsible for the seasonal enforcement of the statutes modified by HB 94. These positions will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigating accidents as necessary; inspect boats for required safety equipment and navigation lights; verify compliance with ski observer requirements; patrol marine events; investigate reports of reckless or negligent vessel operation; and, cite suspected violators.

Approximately 10 hours of overtime for each month of position funding will be required.

Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for 5 HwCF pickup expenses. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of 5 18-21' Boston Whaler type boats to be used by Compliance Officers (one-time expense).

REQUEST FOR  
NEW POSITION

Agency Public Safety  
BRU DPS Administration  
Component Boating & Watercraft Safety

Page 8 of 13  
Revised Date

FY 88



Position Title Publication Specialist I		No. of Positions 1	Range/Step 13A	Barg. Unit GGJ
Time Status PPT	Staff Months 6.0	Location Juneau		Election District 4
Type of Expenditure		Justification		
1	2	3		
Salary	13.2	//////		
Benefits	4.3	//////		
Premium Pay		//////		
Other		//////		
Other Personal Services	//////	17.5		
Travel				
Contractual		31.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		52.5		
//////				
Funding Source for Total Cost				
Federal Receipts	1002	25.9		
G.F. Match	1003			
General Fund	1004	26.6		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
//////				

This position would be responsible for assisting in designing a boating safety printed program in coordination with Federal, State and local authorities, as well as with private organizations. Contractual costs include funds needed for video and printed material for the boating safety program. Additional minimal support costs are included.

REQUEST FOR  
NEW POSITION

Agency Public Safety  
 BRU DPS Administration  
 Component Boating and Watercraft Safety

Page 10 of 13  
 Revised Date

FY 88



REQUEST FOR  
NEW POSITION

Agency  
DPS Administration  
Component  
Boating and Watercraft Safety

Page 12 of 13  
Revised Date

FY 88

Position Title	Accounting Clerk III	No. of Positions	Range/Step	Barg. Unit
Time Status	ppt			
Staff Months	6.0			
Location	Juneau			
Election District	4			
Justification				
Type of Expenditure	1	2	3	
Salary	10.4	10.4	3.4	//////
Benefits	3.4	3.4	//////	//////
Premium Pay	//////	//////	//////	//////
Other	//////	//////	//////	//////
Other Personal Services	//////	13.8	//////	//////
Travel				
Contractual	1.0	1.0		
Commodities	2.0	2.0		
Equipment	1.0	1.0		
Other				
Total Cost		17.8		
Funding Source for Total Cost				
Federal Receipts	1002	8.7		
G.F. Match	1003			
General Fund	1004	9.1		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
//////				
This part-time position will perform all accounting duties for the division, including the three field offices. Duties will include vendor payments, research and communications, document filing, petty cash, reconciliation of statements, travel payments, record keeping and reports required for adequate administrative controls.				

Position Title Administrative Officer I		No. of Positions 1	Range/Step 17A	Barg. Unit GGU
Time Status PPT	Staff Months 6 Months	Location Juneau		Election District 4
Type of Expenditure		Justification		
1	2	3	This position will manage all aspects of contracting with other agencies for performance of registration and record keeping; will provide oversight of activity, reporting statistics, federal training grants, accounting and other fiscal responsibilities of the new division. The Administrative Officer I will supervise the Accounting Clerk III and the Data Entry Clerk II and be responsible for the collection and analyzing of data and the preparation of annual reports.	
Salary	17.4	//////		
Benefits	5.6	//////		
Premium Pay		//////		
Other		//////		
Other Personal Services	//////	23.0		
Travel		.8		
Contractual		3.0		
Commodities		2.0		
Equipment		2.0		
Other				
Total Cost		30.8		
Funding Source for Total Cost				
Federal Receipts	1002	15.2		
G.F. Match	1003			
General Fund	1004	15.6		
I-A Receipts	1006			
CIP Receipts	1061			
Other				
//////				

REQUEST FOR  
NEW POSITION

Agency Department of Public Safety  
BRU DPS Administration  
Component Boating and Watercraft Safety

Page 13 of 13  
Revised Date

FY 68

# HOUSE COMMITTEE REPORT

3/11

(5)

Date referred: 1/30/87

FURTHER REFERRALS:

Judiciary  
Finance

DATE: March 9, 1987

The Transportation Committee has considered HB 94

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

**RECOMMENDS:**

- replace with CS HB 94 (Transportation)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(S):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

**SIGNING DO PASS:**

\_\_\_\_\_  
*Bill Hodge*  
 \_\_\_\_\_  
*Ch. A. Boush*  
 \_\_\_\_\_  
*Hermin Springer*  
 \_\_\_\_\_  
*Bette Cato*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**SIGNING OTHER RECOMMENDATIONS:**

*Walter Keane - Joker*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

*Bette Cato*  
 \_\_\_\_\_  
 Chairman's signature

HB

106

STATE OF ALASKA  
HOUSE OF REPRESENTATIVES  
Box V, Juneau, Alaska 99811  
(907) 465-2487 • 465-2498

---

REPRESENTATIVE CLIFF DAVIDSON

District 27

Box 746, Kodiak, Alaska 99615

SECTIONAL ANALYSIS - HB 106

This legislation accomplishes two purposes. First it authorizes organizations which provide medical or counseling services to collect restitution, and when ordering restitution as a result of a criminal conviction, it creates a presumption in favor of the offender's ability to pay restitution. The second section, in a post conviction proceeding brought to enforce restitution or fines, shifts the burden of proving inability to pay from the state to the offender.

Section 1: This section repeals and reeacts the existing restitution statute, AS 12.55.045(a). It permits the court to order restitution to shelter organizations or other agencies which provide medical or counseling services to a victim. As the law is currently structured an organization such as a shelter who provides services to a victim is probably not an aggrieved party, and thus would not be eligible to receive restitution.

The second change in this section repeals existing statutory language which requires the sentencing court to make affirmative findings before restitution is ordered at sentencing. Existing language requires a predictive judgement by the sentencing court on matters oftentimes particularly within the control of the offender. Absent this affirmative finding, restitution orders are presumptively invalid.

In the practical world of criminal proceedings, most restitution orders occur in misdemeanor cases, a good portion of which are resolved at the initial court appearance with guilty pleas. In this situation, the court does not have the benefit of an extensive presentence investigative report from which to make the predictive judgement, and the affirmative findings required by current statute as a precursor to valid restitution orders only increases the court's workload during criminal proceedings.

By repealing this language, orders of restitution become presumptively payable by offenders. In those situations when the offender is a true indigent, without any prospects or possibilities of paying restitution, the offender can raise the issue and demonstrate this ability to the sentencing court.

Section 2: The amendments to this section address the proceedings which occur when the offender fails to pay restitution or a fine. Under current law, the state has the burden to show first, that the offender didn't pay, and second, that the failure to pay was because of bad faith on the part of the offender. (intentional refusal or failure to pay." As currently structured the state must prove information that is particularly within the control of the criminal, i.e. that the offender did have the ability to pay restitution, but simply refused or failed to do so for no legitimate reason.

Under the changes contained in section 2 the state would still be required to prove the offender didn't pay, but then the burden would shift to the criminal to show that there was a lawful excuse for not paying. With this amendment when restitution is not paid by the defendant, the state does not have to engage in an extensive investigation into the offender's affairs in order to also prove the bad faith failure to pay. Rather, the offender who has a lawful excuse for not paying, needs to merely present evidence of that lawful excuse to the court. Then only those who fail to pay for bad faith reasons are penalized under law; not the victim, nor the state.

As was stated in the U.S. Attorney General's Task Force on Family Violence in 1984:

The tragedy of family violence goes beyond the pain of any single episode. The research of the last decade has demonstrated the frightening degree to which family violence is cyclical in nature, with violence in one generation begetting violence in the next. Children in violent homes "learn" violence in much the same way they learn any other behavior. They observe that violence is a normal way for people to treat one another and a normal way to solve problems. The family violence that occurs today is a time bomb that will explode years later as abused children become abusers of their own children or other children, and as children who watch one parent hitting the other repeat the example in their own relationships or the community.

The costs of this violence and its transmission through the generations are intolerable, however they may be counted. The human costs in suffering are the most obvious and the most immediately tragic. But there are other incalculable costs as well for society as a whole. The family is the fundamental unit upon which society is built. When families are unable to function as the healthy, protective, nurturing institution that America has always depended upon, it should come as no surprise that community problems -- crime, drug and alcohol abuse, dropouts from education and from the workplace -- have been growing.

The ultimate task is to break the cycle and to prevent family violence from occurring.

# STATE OF ALASKA THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

POUCH Y - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

May, 1988

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

H. JUD.

3-2-87

1:30p.m.

H. JUD.

2-18-87

1:30p.m.



Original sponsors: Davidson, Brown,  
Goll, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 106 (Judiciary)  
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 the payment of criminal fines and  
7 restitution."

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

9 \* Section 1. AS 12.55.045(a) is repealed and reenacted to read:

10 (a) The court may order a defendant convicted of an offense to  
11 make restitution as provided in this section, including restitution to  
12 the victim ~~As a result of services rendered by~~ <sup>to</sup> a public or private nonprofit  
13 organization that has provided counseling, medical, or shelter ser-  
14 vices to the victim, or as otherwise authorized by law. A defendant  
15 is presumed to have the ability to pay restitution unless the defen-  
16 dant establishes the inability to pay by a preponderance of the evi-  
17 dence. In determining the amount and method of payment of restitu-  
18 tion, the court shall take into account the

19 (1) public policy that favors requiring criminals to com-  
20 pensate their victims;

21 (2) financial burden placed on the victim as a result of  
22 the criminal conduct of the defendant; and

23 (3) the financial resources of the defendant and the nature  
24 of the burden its payment will impose.

25 \* Sec. 2. AS 12.55.045(d) is amended to read:

26 (d) In any case, including a case in which the defendant is  
27 convicted of a violation of AS 11.46.120 - 11.46.150 ~~in~~ in which the  
28 property is commercial fishing gear as defined in AS 16.43.990, the  
29 court ~~shall consider the victim's need for, and~~ may order, restitution;

Original sponsors: Davidson, Brown,  
Goll, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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29 court shall consider the victim's need for, and may order, restitution

1 that may include compensation for loss of income.

2 \* Sec. 3. AS 12.55.051(a) is amended to read:

3 (a) If the defendant defaults in the payment of a fine or any  
4 installment or of restitution or any installment, the court may order  
5 the defendant to show cause why the defendant should not be sentenced  
6 to imprisonment for nonpayment. If the defendant fails to establish  
7 [COURT FINDS] by a preponderance of the evidence that the defendant  
8 did not intentionally refuse or fail [DEFAULT WAS ATTRIBUTABLE TO AN  
9 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the  
10 fine or restitution, the court may order the defendant imprisoned  
11 until the order of the court is satisfied. A term of imprisonment  
12 imposed under this section may not exceed one day for each \$50 of the  
13 unpaid portion of the fine or restitution or one year, whichever is  
14 shorter. The state may enforce payment of a fine and the restitution  
15 recipient may enforce payment of a restitution order against a defen-  
16 dant under AS 09.35 as if the order were a civil judgment enforceable  
17 by execution. Credit shall be given toward satisfaction of the order  
18 of the court for every day a person is incarcerated for nonpayment of  
19 a fine [OR RESTITUTION].

20 12.55.035(a)  
21 Fines Enforcement  
22

12.55.025(F)

09.38

23  
24  
25  
26  
27  
28  
29  
Overtaking  
Kumar

Original sponsors: Davidson, Brown,  
Goll, et al.

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

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22 the criminal conduct of the defendant; and

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9 INTENTIONAL REFUSAL OR FAILURE] to make a good faith effort to pay the  
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11 until the order of the court is satisfied. A term of imprisonment  
12 imposed under this section may not exceed one day for each \$50 of the  
13 unpaid portion of the fine or restitution or one year, whichever is  
14 shorter. The state may enforce payment of a fine and the restitution  
15 recipient may enforce payment of a restitution order against a defen-  
16 dant under AS 09.35 as if the order were a civil judgment enforceable  
17 by execution. Credit shall be given toward satisfaction of the order  
18 of the court for every day a person is incarcerated for nonpayment of  
19 a fine [OR RESTITUTION].

REVISED

Adopted

A M E N D M E N T #1

Offered in the House

By Gruenberg &

To: HB 122

Taylor

Page 1, line 19

Delete "(4) larcenously;" and insert "[ (4) LARCENOUSLY ]"

Renumber following section accordingly.

Comment: In appropriate cases, the court should have the authority to allow civil compromises of petty larcenies, including, for example, shopliftings. Larcenies under \$500 and theft of credit cards are misdemeanors and could be civilly compromised if the amendment is adopted.

REVISED

A M E N D M E N T #2

Offered in the House

By Gruenberg

TO: HB 122

Page 1, line 20, following "(5)":

Insert "in a case involving a misdemeanor charge  
under AS 11.41, criminal trespass (AS 11.46.320 -.330),  
harassment (AS 11.61.120), or similar municipal  
ordinances which was committed."

REVISED

A M E N D M E N T #3

Offered in the House

By Gruenberg

TO: HB 122

Page 1, line 11, following "Action."

Insert "(a)"

Page 1, after line 28 insert:

"Section 2. AS 12.45.120 is amended by adding a new subsection to read:

(b) Notwithstanding AS 24.45.120(a)(5) the court may accept a civil compromise to a crime otherwise compromisable, if the court makes findings based on clear and convincing evidence that:

- (1) the victim and defendant are engaged in a pre-existing open divorce case in which both are represented by independent counsel, and both counsel have jointly petitioned the court to accept the compromise,
- (2) both parties are aware of the consequences of the prosecution of the criminal charge, and the consequences of a dismissal,
- (3) there is no duress or coercion of the victim, and;
- (4) there is no need to protect the victim or the public by prosecuting the criminal charge."

A M E N D M E N T

Offered in the HOUSE

By Sund

TO: HB 106

Page 2, lines 6 - 8:

Delete "If the defendant was not given a suspended sentence of imprisonment conditioned upon paying a fine or restitution, a [A]"

Insert "A"

Page 2, lines 10 - 14:

Delete "If the defendant was given a suspended sentence of imprisonment conditioned upon paying a fine or restitution, the defendant shall be incarcerated for the duration of the sentence or until the fine or restitution is totally paid, whichever is shorter."

*page 2 line 17-19 - leave as in current statute.  
do not delete.*

A M E N D M E N T

~~#2~~

Offered in the HOUSE

By Sund

TO: HB 106

#3  
Adopted

Page 2, lines 6 - 8:

Delete "If the defendant was not given a suspended sentence of imprisonment conditioned upon paying a fine or restitution, a [A]"

Insert "A"

Page 2, lines 10 - 14:

Delete "If the defendant was given a suspended sentence of imprisonment conditioned upon paying a fine or restitution, the defendant shall be incarcerated for the duration of the sentence or until the fine or restitution is totally paid, whichever is shorter."

Page 2 lines 17-19 - leave as in current statute

do not delete

Adopted  
except last 2 words  
Am & to Am

A M E N D M E N T

Offered in the HOUSE

By Sund

TO: HB 106

Page 1, line 21, after "judgment;":

Insert "and"

Page 1, line 23:

Delete "; and"

Insert "."

Page 1, lines 24 and 25:

Delete all material.

*page 1 line 24 add a new (4)*

*~~the ability of the defendant~~*

*(4) financial resources of the defendant and the  
nature of the burden its payment will impose.*