

ALASKA LEGISLATURE COMMITTEE FILES, 1989-1990  
6626 SENATE STATE AFFAIRS 8672

1990

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 111 (SA) DRAFT

In order to implement this bill, the Department would hire a total of 16 new employees (4 full-time and 12 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 10 Compliance Officers (seasonal safety and enforcement officers; 8 of the Compliance Offices will be hired the first year, and an additional 2 [Soldotna] the second year).

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

The boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation. In fact, beginning the second year of the program, it will generate approximately \$65.0 in additional revenues, and up to \$130.0 in future years.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$200.0 in federal funds for the first year, and approximately \$250.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation. The above stated numbers are the maximum anticipated to be available.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 111 (SA) DRAFT

Revenue estimates:

II. Unrestricted

	Registered Boats 30,000	Boats Currently Not Registered Carried Through the Triennial Cycle					Fines Aprox. \$32.0 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 (90) 10000+6600	\$300.0	\$198.0	- - -	- - -	- - -	- - -	\$	\$498.0
2nd Year (91) 10000+6600	300.0	- - -	\$198.0	- - -	- - -	- - -		498.0
3rd Year (92) 10000+6600	300.0	- - -	- - -	\$198.0	- - -	- - -	32.0	530.0
4th Year (93) 10000+6600	300.0	- - -	- - -	- - -	\$198.0	- - -	32.0	530.0
5th Year (94) 10000+6600	300.0	- - -	- - -	- - -	- - -	\$198.0	32.0	530.0

Notes:

1. Boat registration fee is \$10.00 per year; registrations are issued for three years, therefore, \$30.00 triennial fee.
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 10,000 boats) will register during the 1st year, 10,000 in the 2nd year, and the remainder (10,000) 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 \$32.0 in fines levied per year, beginning in 1992.
6. During the first year of the program, the State will be registering vessels for only six months; therefore, only approximately 1/2 of the anticipated revenues will be available.

SUMMARY OF PERSONNEL

Education Specialist I

(PFT)

The Education Specialist would be responsible for designing the State's boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Publication Specialist I

(PPT)

The part-time Publication Specialist will be responsible for re-designing all forms (from Federal to State) for the boating safety program, reviewing all available boating safety printed materials and adapting selected materials to be specific for Alaska, as well as producing boating safety public service announcements and video spots.

Clerk Typist II

(PFT)

This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents. Will also be responsible for distributing the boating safety correspondence training materials.

Data Processing Clerk II

(2 PFT)

These positions will be responsible for processing vessel registrations as well as accepting and processing all data concerning boating and watercraft material, i.e. accident data and statistics. These positions will also be responsible for maintenance of data.

Accounting Clerk III

(PPT)

This part-time position will perform all accounting duties for the boating safety unit. Duties will include: accounting for and depositing all vessel registration fees, vendor payments, research and communications, document filing, record keeping and reports required for adequate administrative controls.

SUMMARY OF PERSONNEL Continued

Compliance Officers

(10 PPT, Seasonal)

These 10 seasonal Compliance Officers will work in teams of two (for safety reasons), and will be assigned to Juneau, Palmer, Homer, Fairbanks, and Soldotna (the team in Soldotna will start in FY 91). The five Compliance Teams will provide roving patrols and will be responsible for the seasonal enforcement of the statutes modified by SB 111. They will verify compliance with registration requirements; participate in safety and educational programs; followup on boating accident reports, investigate 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.

They will also offer training classes in areas where classes are not currently offered by the Coast Guard Auxiliary or another organization.

Position Title Education Specialist I		No. of Positions 1	Range/Step 19A	Barg Unit GGU
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	40.0	////////////////////		
Benefits*	16.2	////////////////////		
Premium Pay (Included in above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	56.2		
Travel		9.0		
Contractual		60.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		129.2		
////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	62.9		
G.F. Match	1003			
General Fund	1004	66.3		
*F Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////				
////////////////////				
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////////////////////				

The Education Specialist would be responsible for designing a boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations. Further, this position will manage all aspects of contracting with other agencies for performance of registration, record keeping, and education; will provide oversight of activity, reporting of statistics, federal responsibility of the new section.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Contractual monies included with this position are for contracting with private groups to provide boating safety education programs in some areas of the state. \$26.0 is budgeted for FY90.

REQUEST FOR  
NEW POSITION

Agency Public Safety  
BRU Fish and Wildlife Protection  
Component Boating and Watercraft Safety

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Position Title Clerk Typist II		No. of Positions 1	Range/Step 7A	Barg. Unit GGU
Time Status PFT	Staff Months 12.0 months	Location Anchorage		Election District 7
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	18.5	////////////////////////////////////		
Benefits*	10.0	////////////////////////////////////		
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	28.5		
Travel				
Contractual		6.0		
Commodities		2.5		
Equipment		2.0		
Other				
Total Cost		39.0		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	18.0		
G.F. Match	1003			
General Fund	1004	21.0		
GF Program Receipts	1005			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
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////////////////////////////////////				

This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents.

Additional minimal support costs are included.

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Position Title Data Processing Clerk II			No. of Positions 2	Range/Step 9A	Barg. Unit CGU		
Time Status PFT	Staff Months 12.0		Location Anchorage		Election District 7		
////////////////////////////////////			Justification				
Type of Expenditure		Amount		<p>These positions will be responsible for the accepting and processing of data on boating and watercraft material, i.e. registration and accident data. These positions will also be responsible for maintenance of data.</p> <p>Additional minimal support costs are included.</p>			
1	2	3					
Salary*	41.5	////////////////////////////////////					
Benefits*	22.3	////////////////////////////////////					
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////					
Other	////////////////////////////////////	////////////////////////////////////					
Total Personal Services	////////////////////////////////////	63.8					
Travel							
Contractual		6.0					
Commodities		2.0					
Equipment							
Other							
Total Cost		71.8					
////////////////////////////////////							
Funding Source for Total Cost							
Federal Receipts	1002	34.9					
G.F. Match	1003						
General Fund	1004	36.9					
GF Program Receipts	1005						
Other							
*Personal Services Salary and Benefits Costs are from PACS.							
////////////////////////////////////							
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Position Title Accounting Clerk III		No. of Positions 1	Range/Step 9A	Barg. Unit GGU
Time Status PPT	Staff Months 6.0	Location Anchorage		Election District 7
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	10.4	////////////////////////////////////		
Benefits*	5.5	////////////////////////////////////		
Premium Pay (included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	15.9		
Travel				
Contractual		1.0		
Commodities		2.0		
Equipment		1.0		
Other				
Total Cost		19.9		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	9.9		
G.F. Match	1003			
General Fund	1004	10.0		
CF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
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////////////////////////////////////				

This part-time position will perform all accounting duties for the boating safety unit. 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.

Additional minimal support costs are included.

REQUEST FOR  
NEW POSITION

Agency Department of Public Safety  
BRU Fish and Wildlife Protection  
Component Boating and Watercraft Safety

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Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit CGU
Time Status S	Staff Months 6.0 months	Location June		Election District 4
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	27.2	////////////////////////////////////		
Benefits*	12.7	////////////////////////////////////		
Premium Pay (Included in above)	2.3	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	39.9		
Travel		5.0		
Contractual		13.5		
Commodities		8.3		
Equipment		45.2		
Other				
Total Cost		111.9		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	54.3		
G.F. Match	1003			
General Fund	1004	57.6		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).</p>		

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GGU
Time Status S	Staff Months 6.0 months		Location Palmer		Election District 16
////////////////////////////////////			Justification		
Type of Expenditure		Amount			
1	2	3			
Salary*	25.6	////////////////////////////////////		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCf pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expense).</p>	
Benefits*	10.3	////////////////////////////////////			
Premium Pay (Included in above)	2.4	////////////////////////////////////			
Other		////////////////////////////////////			
Total Personal Services		//////////////////////////////////// 35.9			
Travel		3.5			
Contractual		13.5			
Commodities		8.3			
Equipment		33.5			
Other					
Total Cost		94.7			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	46.2			
G.F. Match	1003				
General Fund	1004	48.5			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
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Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit GCU
Time Status S	Staff Months 6.0 months	Location Homer		Election District 5
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	28.9	////////////////////////////////////		
Benefits*	13.2	////////////////////////////////////		
Premium Pay (Included in above)	2.4	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	42.1		
Travel		5.0		
Contractual		13.5		
Commodities		8.3		
Equipment		51.0		
Other				
Total Cost		119.9		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	55.2		
G.F. Match	1003			
General Fund	1004	64.7		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
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These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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 HWCf pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 22' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).

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BRU Fish and Wildlife Protection  
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Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit CCU
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*	11.0	////////////////////////////////////		
Premium Pay (Included in above)	2.6	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	39.2		
Travel		3.5		
Contractual		13.5		
Commodities		8.3		
Equipment		33.5		
Other				
Total Cost		98.0		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	48.0		
G.F. Match	1003			
General Fund	1004	50.0		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
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These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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 HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 18' River boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 90 expenses).

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GCU		
Time Status S	Staff Months 6.0 months		Location Soldotna		Election District 5		
////////////////////////////////////			Justification				
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 91 expenses).</p>			
1	2	3					
Salary*	26.5	////////////////////////////////////					
Benefits*	10.5	////////////////////////////////////					
Premium Pay (Included in above)	2.5	////////////////////////////////////					
Other		////////////////////////////////////					
Total Personal Services		//////////////////////////////////// 37.0					
Travel		3.5					
Contractual		13.5					
Commodities		8.3					
Equipment		33.5					
Other							
Total Cost		95.8					
////////////////////////////////////							
Funding Source for Total Cost							
Federal Receipts	1002	45.8		<p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time FY 91 expenses).</p>			
G.F. Match	1003						
General Fund	1004	50.0					
GF Program Receipts	1005						
Other							
*Personal Services Salary and Benefits Costs are from PACS.							
////////////////////////////////////							
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REQUEST FOR  
NEW POSITION

Agency Public Safety  
 BRU Fish and Wildlife Protection  
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*Sandro*

BILL NO: SB 111

DATE: February 27, 1989

TITLE: "An Act relating to boating safety..."

CONTACT: Gretchen A. Pence  
Special Assistant to the  
Commissioner  
465-4322

DEPARTMENT OF  
PUBLIC SAFETY

Alaska is the only state that does not have a recreational boating safety law. Consequently, this is the only state where the Coast Guard is responsible for the registration and numbering of vessels.

There are an average of 57 deaths per year in Alaska because of boating related drownings.

This bill would allow the State of Alaska to receive federal funds to develop and implement a boating safety education program and vessel registration system for Alaska.

This bill would require the Department of Public Safety to:

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

This bill has very broad-reaching application, and extensive public information and education would be required prior to implementation or enforcement.

Federal funding is available until April 1, 1993. Availability after that date is unknown. 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 are allocated based on the reported number of vessels registered; and
- c. one-third of funds are allocated based on State obligations and expenditures for boating safety programs during the prior fiscal year.

Under these criteria, the State would be eligible to receive approximately \$250.0 for the first year, and up to \$310.0 thereafter.

In order to receive federal funds, the State's boating safety program must meet the following conditions:

1. 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. Development of an approved vessel numbering system.
3. A 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; and
  - e. Coast Guard Auxiliary assistance on State waters.
4. Adequate patrol to insure laws are enforced, including:
  - a. sufficient uniform patrol to insure compliance with all aspects of boating safety regulations;
  - b. in-service training for the enforcement officers; and
  - 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 Boating Law Administrators; and
  - b. classes must be offered both in classroom and through correspondence courses.
6. An approved system for reporting marine fatalities.

Federal grant conditions require certification that the grantee has complied; further, the requirements and audits often times become more stringent with the passage of time. Analyzing accident data would require the collection and input of the data, analysis, and an Annual Report.

If this bill were adopted, uniformed officers would be required to patrol and enforce the State's laws and regulations concerning boating safety. The bill also requires in-service training for officers who are assigned these enforcement responsibilities. This would create a tremendous responsibility if we are expected to patrol all state waters -- including waters inside the three-mile limit and virtually all streams and lakes. Neither of the

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Department's enforcement divisions have sufficient personnel to conduct these patrols. The Department views enforcement of a recreational boating safety law as a completely new responsibility.

The Department estimates that the minimum cost of implementing a boating safety law as described above would be approximately \$813.0 per year, which includes administrative and seasonal enforcement personnel. The bill allows the Department of Public Safety to establish, by regulation, the boating registration fee. Assuming a \$30 triennial fee (the current federal fee is \$6 triennially), the boating registration system would generate \$500.0 to \$530.0 per year. Assuming federal funds of approximately \$250.0 to \$310.0 per year, this program could be self-supporting after the initial start-up costs are covered (the revenues received from vessel registration will be greater than the general fund appropriation). (Note: the federal monies can be for no more than 50 percent of the total cost of administering the new law, with a maximum of the above-stated numbers.)

The Department of Public Safety is conceptually in favor of any measure likely to promote public safety. However, this would be a new State responsibility which cannot be absorbed by the Department's existing resources. The program is an expensive one; the Department would not be able to implement the program unless the fiscal note is funded. For that reason, the Department of Public Safety takes a neutral position on this legislation.

Proposed Amendment:

Sec. 05.25.420(b). Recommend that this section be deleted. Certificates of number will be issued for three-year periods. A provision to stagger certificate expiration dates and the appropriate fees, for administrative convenience, can be covered by regulations.



Arthur English  
Commissioner

FISCAL NOTE

REQUEST

Revision Date: \_\_\_\_\_ Agency Affected: Public Safety  
 Title: "An Act relating to boating safety..." BRU: Fish and Wildlife Protection  
 Sponsor: Senator Sturgulewski Components: Boating & Water Safety  
 Requestor: Senate State Affairs

EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not included)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		188.3	462.0	462.0	462.0	462.0
TRAVEL		17.0	42.0	42.0	42.0	42.0
CONTRACTUAL		89.5	209.0	209.0	209.0	209.0
SUPPLIES		31.3	82.5	82.5	82.5	82.5
EQUIPMENT		201.7	109.9	17.5	17.5	17.5
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	527.8	905.4	813.0	813.0	813.0

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	249.0	498.0	530.0	530.0	530.0
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS		277.8	595.4	503.0	503.0	503.0
FEDERAL FUNDS		250.0	310.0	310.0	310.0	310.0
OTHER						
TOTAL	-0-	527.8	905.4	813.0	813.0	813.0

POSITIONS:

FULL-TIME	-0-	4	4	4	4	4
PART-TIME	-0-	12	16	16	16	16
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

This bill would establish boating safety, boating accident, and boat numbering requirements for the state. The responsibility for implementing and enforcing this law would be with the Department of Public Safety's Division of Fish and Wildlife Protection. The administrative headquarters for this new "Boating Safety Section" would be in Anchorage.  
(continued on page 2)

*JM*  
2/28/89 Prepared by: Gretchen Pence, Special Assistant Phone: 465-4322  
 Division: Commissioner's Office Date: 2/21/89  
 Approved by Commissioner: [Signature] Date: 2-27-89  
 Agency: Public Safety

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 111

In order to implement this bill, the Department would hire a total of 20 new employees (4 full-time and 16 part-time). These positions are: Education Specialist I, Publication Specialist I, Clerk Typist II, 2 Data Processing Clerks, Accounting Clerk, and 14 Compliance Officers (seasonal safety and enforcement officers). Ten Compliance Officers will be hired the first year, and an additional four the second year of the program.

The equipment costs for vessel purchases are one-time costs; these costs are spaced over two years because the Compliance Officers will be hired over two years. Equipment start-up costs also include vehicles and radios.

Office space for the "Boating Safety Section" will come from current facilities; utilities, communications, travel, commodities, and office equipment needs are estimated for each position.

Beginning in FY 92, after the initial start-up costs of purchasing equipment are covered, the boating safety and boat numbering program will be self-supporting; the revenues received from vessel registration will be greater than the general fund appropriation.

All costs in this fiscal note assume a start-up date of January 1, 1990.

I. Restricted

Anticipate \$250.0 in federal funds for the first year, and approximately \$310.0 for subsequent years. Federal grant award monies can fund no more than 50 percent of the total appropriation, with a maximum of the above stated numbers.

II. Unrestricted Revenues (see chart pg. 3)

Vessel Registrations

CONTINUATION OF FISCAL NOTE ANALYSIS

For Bill/Resolution No. SB 111

Revenue estimates:

II. <u>Unrestricted</u>	Registered Boats 30,000	Boats Currently Not Registered Carried Through the Triennial Cycle					Fines Aprox. \$32.0 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 (90) 10000+6600	\$300.0	\$198.0	- - -	- - -	- - -	- - -	\$	\$498.0
2nd Year (91) 10000+6600	300.0	- - -	\$198.0	- - -	- - -	- - -		498.0
3rd Year (92) 10000+6600	300.0	- - -	- - -	\$198.0	- - -	- - -	32.0	530.0
4th Year (93) 10000+6600	300.0	- - -	- - -	- - -	\$198.0	- - -	32.0	530.0
5th Year (94) 10000+6600	300.0	- - -	- - -	- - -	- - -	\$198.0	32.0	530.0

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 10,000 boats) will register during the 1st year, 10,000 in the 2nd year, and the remainder (10,000) 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 \$32.0 in fines levied per year, beginning in 1992.
6. During the first year of the program, the State will be registering vessels for only six months; therefore, only approximately 1/2 of the anticipated revenues will be available.

Position Title Education Specialist I		No. of Positions 1	Range/Step 19A	Barg. Unit CGJ
Time Status PFT	Staff Months 12.0	Location Anchorage		Election District 7
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	40.0	////////////////////		
Benefits*	16.2	////////////////////		
Premium Pay (Included in above)	////////////////////	////////////////////		
Other	////////////////////	////////////////////		
Total Personal Services	////////////////////	56.2		
Travel		10.0		
Contractual		60.0		
Commodities		3.0		
Equipment		1.0		
Other				
Total Cost		130.2		
Funding Source for Total Cost				
Federal Receipts	1002	65.1		
G.F. Match	1003			
General Fund	1004	65.1		
CF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////				
////////////////////				
////////////////////				
////////////////////				
////////////////////				
////////////////////				

The Education Specialist would be responsible for designing a boating safety program in coordination with Federal, State, and local authorities, as well as with private organizations. Further, this position will manage all aspects of contracting with other agencies for performance of registration, record keeping, and education; will provide oversight of activity, reporting of statistics, federal responsibility of the new section.

This position will train, or be responsible for training, departmental employees on how to conduct boating safety education training. This individual will be the unit supervisor.

Contractual monies included with this position are for contracting with private groups to provide boating safety education programs in some areas of the state.

REQUEST FOR  
NEW POSITION

Agency Public Safety  
BRU Fish and Wildlife Protection  
Component Boating and Watercraft Safety

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FY 91

Position Title Publication Specialist I			No. of Positions 1	Range/Step 13A	Barg. Unit GGU
Time Status PPT	Staff Months 6.0		Location Anchorage		Election District 7
////////////////////////////////////			Justification		
Type of Expenditure		Amount		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.	
1	2	3			
Salary*	13.2	////////////////////////////////////			
Benefits*	4.9	////////////////////////////////////			
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	18.1			
Travel					
Contractual		31.0			
Commodities		3.0			
Equipment		1.0			
Other					
Total Cost		53.1			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	26.5			
G.F. Match	1003				
General Fund	1004	26.6			
CF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

REQUEST FOR  
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Agency Public Safety  
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Position Title Clerk Typist II		No. of Positions 1	Range/Step 7A	Barg. Unit GCN
Time Status PFT	Staff Months 12.0 months	Location Anchorage		Election District 7
Justification				
Type of Expenditure		Amount		
1	2	3		
Salary*	18.5	////////////////////////////////////		
Benefits*	10.0	////////////////////////////////////		
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	28.5		
Travel				
Contractual		6.0		
Commodities		2.5		
Equipment		2.0		
Other				
Total Cost		39.0		
////////////////////////////////////				
Funding Source for Total Cost				
Federal Receipts	1002	19.5		
G.F. Match	1003			
General Fund	1004	19.5		
CF Program Receipts	1005			
CIP Receipts	1061			
Other				
*Personal Services Salary and Benefits Costs are from PACS.				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

This position will provide clerical support needed through the typing and filing of correspondence, training materials and related documents.

Additional minimal support costs are included.

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Position Title Data Processing Clerk II			No. of Positions 2	Range/Step 9A	Barg. Unit CGU
Time Status PFT	Staff Months 12.0		Location Anchorage		Election District 7
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>These positions will be responsible for the accepting and processing of data on boating and watercraft material, i.e. registration and accident data. These positions will also be responsible for maintenance of data.</p> <p>Additional minimal support costs are included.</p>	
1	2	3			
Salary*	41.5	////////////////////////////////////			
Benefits*	22.3	////////////////////////////////////			
Premium Pay (Included in above)	////////////////////////////////////	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	63.8			
Travel					
Contractual		6.0			
Commodities		2.0			
Equipment					
Other					
Total Cost		71.8			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	35.9			
G.F. Match	1003				
General Fund	1004	35.9			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

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Position Title Accounting Clerk III			No. of Positions 1	Range/Step 9A	Barg. Unit CGU
Time Status PPT	Staff Months 6.0		Location Anchorage		Election District 7
Justification					
Type of Expenditure			Amount		
1	2	3			
Salary*	10.4	//////////	<p>This part-time position will perform all accounting duties for the boating safety unit. 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.</p> <p>Additional minimal support costs are included.</p>		
Benefits*	5.5	//////////			
Premium Pay (Included in above)	//////////	//////////			
Other	//////////	//////////			
Total Personal Services	//////////	15.9			
Travel					
Contractual		1.0			
Commodities		2.0			
Equipment		1.0			
Other					
Total Cost		19.9			
Funding Source for Total Cost					
Federal Receipts	1002	9.9			
G.F. Match	1003				
General Fund	1004	10.0			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
//////////					
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//////////					

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Agency Department of Public Safety  
 BRU Fish and Wildlife Protection  
 Component Boating and Watercraft Safety

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit CCU
Time Status 5	Staff Months 6.0 months		Location Juneau	Election District 4	
////////////////////////////////////			Justification		
Type of Expenditure		Amount			
1	2	3			
Salary*	27.2	////////////////////////////////////	These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.		
Benefits*	12.7	////////////////////////////////////			
Premium Pay (Included in above)	2.3	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services		39.9			
Travel		6.0	Approximately 10 hours of overtime for each month of position funding will be required.		
Contractual		15.0			
Commodities		10.0			
Equipment		45.2			
Other					
Total Cost		116.1	Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).		
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	58.1			
G.F. Match	1003				
General Fund	1004	58.0			
CF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////					

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GCU		
Time Status S	Staff Months 6.0 months		Location Palmer		Election District 16		
////////////////////////////////////			Justification				
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expense).</p>			
1	2	3					
Salary*	25.6	////////////////////////////////////					
Benefits*	10.3	////////////////////////////////////					
Premium Pay (Included in above)	2.4	////////////////////////////////////					
Other	////////////////////////////////////	////////////////////////////////////					
Total Personal Services	////////////////////////////////////	35.9					
Travel		4.0					
Contractual		15.0					
Commodities		10.0					
Equipment		33.5					
Other							
Total Cost		98.4					
////////////////////////////////////							
Funding Source for Total Cost							
Federal Receipts	1002	49.2					
G.F. Match	1003						
General Fund	1004	49.2					
GF Program Receipts	1005						
Other							
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////							

REQUEST FOR  
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 SRU Fish and Wildlife Protection  
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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit CGU
Time Status S	Staff Months 6.0 months		Location Homer	Election District 5	
////////////////////////////////////			Justification		
Type of Expenditure		Amount			
1	2	3			
Salary*	28.9	////////////////////////////////////			
Benefits*	13.2	////////////////////////////////////			
Premium Pay (Included in above)	2.4	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	42.1			
Travel		6.0			
Contractual		15.0			
Commodities		10.0			
Equipment		51.0			
Other					
Total Cost		124.1			
////////////////////////////////////			Approximately 10 hours of overtime for each month of position funding will be required.		
Funding Source for Total Cost					
Federal Receipts	1002	62.0			
G.F. Match	1003				
General Fund	1004	62.1			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////			Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 22' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).		

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit GGU
Time Status 5	Staff Months 6.0 months		Location Soldotna		Election District 5
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).</p>	
1	2	3			
Salary*	26.5	////////////////////////////////////			
Benefits*	10.5	////////////////////////////////////			
Premium Pay (Included in above)	2.5	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	37.0			
Travel		4.0			
Contractual		15.0			
Commodities		10.0			
Equipment		33.5			
Other					
Total Cost		99.5			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	49.7		<p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of an 18' River type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).</p>	
G.F. Match	1003				
General Fund	1004	49.8			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
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////////////////////////////////////					

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Position Title Compliance Officers			No. of Positions 2	Range/Step 12A	Barg. Unit (GU)
Time Status S	Staff Months 6.0 months		Location Fairbanks		Election District 20
////////////////////////////////////			Justification		
Type of Expenditure		Amount		<p>These positions will be responsible for the seasonal enforcement of the statutes modified by SB 111. 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.</p> <p>Approximately 10 hours of overtime for each month of position funding will be required.</p> <p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 18' River boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).</p>	
1	2	3			
Salary*	28.2	////////////////////////////////////			
Benefits*	11.0	////////////////////////////////////			
Premium Pay (Included in above)	2.6	////////////////////////////////////			
Other	////////////////////////////////////	////////////////////////////////////			
Total Personal Services	////////////////////////////////////	3			
Travel					
Contractual		0			
Commodities		10.0			
Equipment		33.5			
Other					
Total Cost		101.7			
////////////////////////////////////					
Funding Source for Total Cost					
Federal Receipts	1002	50.9		<p>Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 18' River boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).</p>	
G.F. Match	1003				
General Fund	1004	50.8			
GF Program Receipts	1005				
Other					
*Personal Services Salary and Benefits Costs are from PACS.					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					
////////////////////////////////////					

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Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit GGU
Time Status S	Staff Months 6.0 months	Location Cordova		Election District 6
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	30.8	////////////////////////////////////		
Benefits*	13.7	////////////////////////////////////		
Premium Pay (Included in above)	2.6	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	44.5		
Travel		4.0		
Contractual		15.0		
Commodities		10.0		
Equipment		46.2		
Other				
Total Cost		119.7		
////////////////////////////////////		Approximately 10 hours of overtime for each month of position funding will be required.		
Funding Source for Total Cost		Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).		
Federal Receipts	1002	59.9		
G.F. Match	1003			
General Fund	1004	59.8		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS. //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// //////////////////////////////////// ////////////////////////////////////				

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Position Title Compliance Officers		No. of Positions 2	Range/Step 12A	Barg. Unit CCU
Time Status S	Staff Months 6.0 months	Location Sitka		Election District 3
////////////////////////////////////		Justification		
Type of Expenditure		Amount		
1	2	3		
Salary*	28.0	////////////////////////////////////		
Benefits*	12.9	////////////////////////////////////		
Premium Pay (Included in above)	2.4	////////////////////////////////////		
Other	////////////////////////////////////	////////////////////////////////////		
Total Personal Services	////////////////////////////////////	40.9		
Travel		4.0		
Contractual		15.0		
Commodities		10.0		
Equipment		46.2		
Other				
Total Cost		116.1		
////////////////////////////////////		Approximately 10 hours of overtime for each month of position funding will be required.		
Funding Source for Total Cost				
Federal Receipts	1002	58.0		
G.F. Match	1003			
General Fund	1004	58.1		
GF Program Receipts	1005			
Other				
*Personal Services Salary and Benefits Costs are from PACS.		Support costs include travel funds necessary to aid investigations, etc. Contractual costs include funds for HWCF pickup expenses, vessel repairs, and maintenance. Commodities include funding for uniforms, fuel for trucks and patrol vessels, and food essentials. Costs include purchase of a 20' Boston Whaler type boat to be used by Compliance Officers, a vehicle, and a portable radio (one-time expenses).		
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				
////////////////////////////////////				

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6-0167H  
Utermohle  
3/15/89

Original sponsors: Sturgulewski, Duncan,  
and Uehling

Changes in CS

p. 5, line 3  
p. 8, line 14  
p. 10, lines 9, 19-24  
p. 13, line 29 - p. 14, line 4

1 IN THE SENATE

BY THE STATE AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 111 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-  
7 dents, and boat numbering; and providing for an  
8 effective date."

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

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

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The department shall  
13 offer public education programs designed to reduce boating accidents.  
14 The department may cooperate with or award contracts to government  
15 agencies and private organizations to provide boating safety education  
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and  
18 exhibit between sunset and sunrise at least one white light to show  
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life  
21 preserver, lifebelt, ring buoy, or other device of a type approved by  
22 the United States Coast Guard for each person on the boat. A boat  
23 carrying passengers for hire shall carry at least one readily accessi-  
24 ble life preserver of a type approved by the United States Coast Guard  
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or  
27 class of boats carry additional equipment necessary for the safety of  
28 persons and property. To the extent determined by the commissioner to  
29 be consistent with the safety of persons and property, the regulations

1 adopted under this subsection must conform to the applicable regula-  
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water  
4 using an underwater breathing device may display a diver's flag while  
5 diving operations are in progress. The diver's flag may be displayed  
6 on a boat or surface float, must extend at least three feet above the  
7 surface of the water, and must be placed at or near the point of  
8 submergence. A diver shall remain within 100 feet of the diver's flag  
9 while at or near the surface. The diver's flag constitutes a warning  
10 that a diver may be within 100 feet of the flag. A diver's flag must  
11 be constructed of rigidly supported material at least 12 inches high  
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed  
14 with caution, steering clear of the flag by a distance of at least 100  
15 feet. If, because of the location of the diver's flag, it is impossi-  
16 ble to steer clear of the flag by at least 100 feet, then the boat  
17 operator shall proceed at no-wake speed or five miles per hour, which-  
18 ever is necessary to maintain steerage in the seaway.

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

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not  
24 operate a boat or manipulate water skis, a surfboard, or a similar  
25 device on state water in a reckless or negligent manner so as to  
26 endanger the life or property of another person.

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

1           Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-  
2 LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in  
3 state water, except when inconsistent with applicable federal law, in  
4 which case federal law prevails.

5           (b) The commissioner shall adopt regulations to implement AS 05.-  
6 25.210 - 05.25.290. Each regulation must specify those waters of the  
7 state to which the regulation applies. A regulation may not apply to  
8 water where an inconsistent federal law prevails.

9                           ARTICLE 2. BOATING ACCIDENTS.

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

11           (a) The operator of a boat that is involved in an accident resulting  
12 in injury or death to a person or in damage to property shall immedi-  
13 ately stop the boat as near as possible to the scene of the accident.  
14 The operator shall remain at the scene of the accident until the  
15 operator has fulfilled the requirements of (b) of this section.

16           (b) The operator of a boat that is involved in an accident  
17 resulting in injury or death to a person or in damage to property  
18 shall

19                       (1) give the name and address of each occupant of the boat  
20 and identifying number of the boat that the operator is operating to

21                               (A) the operator of any other boat involved in the  
22 accident;

23                               (B) the owner or a surviving occupant of the other  
24 boat or the owner of the damaged property; or

25                               (C) another appropriate person; and

26                       (2) render reasonable assistance to each person injured in  
27 the accident, including the conveying or providing for the conveying  
28 of the injured person to a physician or hospital for medical treat-  
29 ment, if it is apparent that treatment is necessary or if conveyance

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's  
3 name and address to an operator or occupant of each boat involved in  
4 the accident, to a person injured in the accident, and to the owner of  
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-  
7 PEARANCE. (a) When a person dies as a result of an accident that  
8 involves a boat or its equipment or a person disappears from a boat,  
9 the operator shall, without delay, by the quickest means available,  
10 notify the department of the

- 11 (1) date, time, and exact location of the occurrence;  
12 (2) name of each person who died or disappeared;  
13 (3) number and name of the operator's boat; and  
14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required  
16 under (a) of this section, the owner of the boat, if different from  
17 the operator, shall submit the report or cause the report to be sub-  
18 mitted. If the operator and the owner of the boat cannot give the  
19 notice, then each person present on the boat when the accident or  
20 disappearance occurred shall notify the department or determine that  
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of  
23 a boat involved in an accident, or the owner of the boat if the opera-  
24 tor cannot submit a report, shall submit a report of the accident to  
25 the department if the accident results in

- 26 (1) the death of a person;  
27 (2) injury to a person requiring medical treatment beyond  
28 first aid;  
29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

2 (4) damage to the boat or other property in an aggregate  
3 amount of more than <sup>[200]</sup>\$500; or (to conform with federal law)

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-  
6 cient report under this section to file a supplemental report, and may  
7 require a witness to the accident to submit a report to the depart-  
8 ment.

9 (c) A report required under this section shall be submitted in  
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24  
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and  
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a  
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier  
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports  
20 required under this section and shall provide the forms to the public.  
21 The report form must request the information required in casualty and  
22 accident reports under United States Coast Guard regulations and may  
23 request other information the department considers necessary. The  
24 person who completes the form shall sign and date it upon completion.

25 Sec. 05.25.315. DEATH CERTIFICATES. Within 60 days after the  
26 death occurs, the state registrar of vital statistics shall forward to  
27 the department a copy of the death certificate for each death  
28 resulting from a boat accident.

29 Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT. (a) An

1 accident report submitted to the department is without prejudice to  
2 the individual reporting and is solely for the confidential use of  
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the  
5 following information, if available, to a party involved in an acci-  
6 dent, or, in the event of the party's death, to a member of the par-  
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of  
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the  
11 accident;

12 (3) the name of each company insuring the owner or operator  
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be  
16 used as evidence in a civil action or criminal prosecution arising out  
17 of the accident. The department shall furnish, upon demand of a  
18 person who has or claims to have made a report under AS 05.25.310 -  
19 05.25.320 or upon order of a court, a certificate stating whether a  
20 specified accident report has been filed with the department. The  
21 certificate is admissible in a civil action or criminal prosecution  
22 solely to prove compliance or failure to comply with the reporting  
23 requirement.

24 (d) The department shall compile and may analyze all accident  
25 reports. The department shall publish at least annually, statistical  
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or  
28 agency of the United States, or in compliance with United States Coast  
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available  
2 to the department from the accident reports required under AS 05.-  
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)  
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated  
6 in state water, except

7 (1) as provided in this section or AS 05.25.910;

8 (2) when inconsistent with an applicable federal law or  
9 regulation in which case the federal law or regulation prevails.

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

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

14 (2) foreign boats operated temporarily in state water only  
15 for nonrecreational purposes;

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

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A  
21 person may not operate a boat on state water, and an owner of a boat  
22 may not knowingly allow another person to operate the owner's boat on  
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-  
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the  
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in  
3 length and leased or rented to another person for that person's non-  
4 commercial operation for a period of less than seven days may be  
5 retained on shore by the boat's owner or representative at the place  
6 from which the boat departs or returns to the possession of the owner  
7 or the owner's representative. If the certificate of number is re-  
8 tained on shore, then a copy of the lease or rental agreement shall be  
9 carried on the boat. The lease or rental agreement must

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

12 (2) specify the period for which the boat is leased or  
13 rented; and

14 (3) include the identifying number for the boat. (at USCG's request)

15 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)

16 A person may not operate a boat on state water unless the boat dis-  
17 plays the valid identifying number awarded to the boat and the valida-  
18 tion decal in the manner required under this section.

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

29 (c) On boats so configured that a number on the hull or

1 superstructure would not be easily visible, the number shall be paint-  
2 ed on or attached to a backing plate that is attached to the forward  
3 half of the boat so that the number is visible from each side of the  
4 boat.

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

7 (e) A validation decal issued under AS 05.25.425 shall be placed  
8 three inches to the rear of the identifying number.

9 Sec. 05.25.410. APPLICATION FOR CERTIFICATE OF NUMBER. (a) The  
10 owner of a boat that is operated principally on state water, or a  
11 dealer who wishes to demonstrate one or more boats on state water,  
12 shall apply to the department for a certificate of number. The appli-  
13 cation must include

14 (1) the true name of the owner or dealer;

15 (2) the residence or business address of the owner or  
16 dealer;

17 (3) a description of the boat, or in the case of a dealer a  
18 description of the lengths and types of boats, to be operated under  
19 the certificate; and

20 (4) other information required by the department or by  
21 United States Coast Guard regulations.

22 (b) The owner or dealer shall sign the application and shall pay  
23 the prescribed fee at the time of application.

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

26 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY  
27 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a  
28 valid certificate of number that has been issued under federal law or  
29 a federally approved numbering system of another state shall apply to

1 the department for an identifying number within 10 days after the  
 2 expiration of the applicable reciprocity period provided in AS 05.25.-  
 3 445(6) or (7).

4 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-  
 5 sioner shall adopt regulations establishing fees for original, renew-  
 6 al, and duplicate certificates of number, and for dealer demonstration  
 7 certificates of number.

8 (b) The fees in this section are in addition to any other tax or  
 9 license fee for a boat. Fee shall be prorated according to number of  
 10 months certificate will be in effect.

11 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION  
 12 DECALS. (a) If the application is in order, the department shall  
 13 issue to the owner a certificate of number that states the identifying  
 14 number awarded to the boat, the name and address of the owner, the  
 15 state of principal use, the normal use of the boat, the description of  
 16 the boat, the manufacturer's hull identification number if one exists,  
 17 make, year, length, type of hull material, type of propulsion and type  
 18 of fuel, the issue date, and the expiration date of the certificate of  
 19 number. The certificate of number must be wallet size.

20 (b) The identifying number awarded to a boat shall contain the  
 21 capital letters "AK", followed by

22 (1) not more than four numerals followed by not more than  
 23 two capital letters other than the letters "I", "O", or "Q"; or

24 (2) not more than three numerals followed by not more than  
 25 three capital letters other than the letters "I", "O", or "Q".

26 (c) The department shall issue a set of validation decals bear-  
 27 ing the year in which the certificate of number expires. The year  
 28 shall also be indicated by the color blue, international orange,  
 29 green, or red, in rotation in the order stated, beginning with blue  
 for stickers that expire in 1993. A validation decal must be a square

(requested by USCG)  
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1 approximately three inches on each side.

2 Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF  
3 CERTIFICATE AND DECALS. (a) A certificate of number expires three  
4 years after the last day of the month in which the certificate is  
5 issued.

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

8 (c) Renewal of the certificate of number does not change the  
9 identifying number awarded to a boat by the department.

10 (d) An application for renewal of a certificate of number shall  
11 be made in the same manner as provided in AS 05.25.410. The applica-  
12 tion shall be accompanied by the fee required under AS 05.25.420. The  
13 department shall renew certificates of number and issue validation  
14 decals in the same manner as provided in AS 05.25.425.

15 Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER. A certifi-  
16 cate of number issued under this chapter is invalid if

17 (1) the boat is subsequently documented or required to be  
18 documented;

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

20 (3) the applicant supplies false information in the appli-  
21 cation for the certificate;

22 (4) the fees for issuance or renewal of the certificate are  
23 not paid;

24 (5) 60 days have elapsed since the boat ceased to be used  
25 principally in the state; or

26 (6) the owner, through legal process, involuntarily loses  
27 the ownership interest in the boat for which the certificate is is-  
28 sued.

29 Sec. 05.25.440. REPORT OF TRANSFER, ABANDONMENT, OR DESTRUCTION

1 OF BOAT, OR CHANGE OF ADDRESS OF OWNER. (a) The owner of a boat for  
2 which a certificate of number has been issued under this chapter shall  
3 notify the department of any of the following events within 15 days  
4 after the event occurs:

5 (1) the transfer of all or a part of the ownership interest  
6 in the boat;

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

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

9 (4) an event described in AS 05.25.435.

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

13 Sec. 05.25.445. EXEMPTIONS. The following classes of boats are  
14 exempt from the provisions of AS 05.25.400 - 05.25.440:

15 (1) a boat that is documented by the United States Coast  
16 Guard;

17 (2) a foreign boat operated only temporarily in state  
18 water;

19 (3) a boat, other than a recreational type public boat,  
20 owned and operated by the United States or an entity or political  
21 subdivision of the United States, or owned and operated for government  
22 purposes by a state or an entity or political subdivision of a state;

23 (4) a ship's lifeboat;

24 (5) a boat belonging to a class of boats that has been  
25 exempted from the provisions of AS 05.25.400 - 05.25.440 by the de-  
26 partment under AS 05.25.910;

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

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

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

5 ARTICLE 4. GENERAL PROVISIONS.

6 Sec. 05.25.900. ACCOUNTING AND DISPOSITION OF FEES. The commis-  
7 sioner of administration shall separately account for fees collected  
8 under this chapter that the department deposits in the general fund.  
9 The annual estimated balance in the account may be used by the legis-  
10 lature to make appropriations to the department to carry out the  
11 purposes of this chapter.

12 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with  
13 federal laws and regulations, the commissioner may exempt a class of  
14 boats from a provision of this chapter if the commissioner determines  
15 that the safety of persons and property will not be materially promot-  
16 ed by applying that provision to the class of boats. The commissioner  
17 may exempt a class of boats from the numbering and registration re-  
18 quirements of AS 05.25.400 - 05.25.440 if

19 (1) the commissioner determines that the numbering will not  
20 materially aid in the identification of the boats; and

21 (2) the United States Secretary of Transportation has  
22 exempted that class of boats from numbering.

23 Sec. 05.25.920. ENFORCEMENT. A peace officer may enforce this  
24 chapter and in the exercise of enforcement may stop and board boats  
25 that the officer reasonably believes are or may be subject to this  
26 chapter. A peace officer may, in the officer's discretion, issue a  
27 citation as provided in AS 12.25.180 to a person who violates a pro-  
28 vision of this chapter.

29 Sec. 05.25.930. PENALTIES. A person who violates a provision of

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this chapter is guilty of an infraction. The supreme court shall establish by order or rule a schedule of bail amounts for violations of this chapter that allows disposition of a citation issued under this chapter without a court appearance.

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

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

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

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

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

(4) "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;

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

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

(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

1 is intended as security;

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

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

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

9 (12) "state water" means water within the territorial limits  
10 of the state whether navigable or nonnavigable.

11 \* Sec. 2. AS 05.25.010, 05.25.012, 05.25.020, 05.25.030, 05.25.040,  
12 05.25.050, 05.25.060, 05.25.070, 05.25.080, 05.25.090, and 05.25.100 are  
13 repealed.

14 \* Sec. 3. This Act takes effect January 1, 1990.  
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Bill Ray?  
what already req'd by USCG?

Rewrite of existing law.  
New provision = certificate of number required / fees  
Also: elaboration of accident / death reporting.

1 IN THE SENATE BY STURGULEWSKI, DUNCAN  
AND UEHLING  
2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-  
7 dents, and boat numbering; and providing for an  
8 effective date."

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

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

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The Public Safety department shall  
13 offer public education programs designed to reduce boating accidents.  
14 The department may cooperate with or award contracts to government  
15 agencies and private organizations to provide boating safety education  
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and  
18 exhibit between sunset and sunrise at least one white light to show  
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life  
21 preserver, lifebelt, ring buoy, or other device of a type approved by  
22 the United States Coast Guard for each person on the boat. A boat  
23 carrying passengers for hire shall carry at least one readily accessi-  
24 ble life preserver of a type approved by the United States Coast Guard  
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or  
class of boats carry additional equipment necessary for the safety of  
persons and property. To the extent determined by the commissioner to  
be consistent with the safety of persons and property, the regulations

existing .010(a)  
existing .010(b)  
existing .010(c)  
requirements  
fire extinguisher  
if commercial, motorized

1 adopted under this subsection must conform to the applicable regula-  
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water  
4 using an underwater breathing device may display a diver's flag while  
5 diving operations are in progress. The diver's flag may be displayed  
6 on a boat or surface float, must extend at least three feet above the  
7 surface of the water, and must be placed at or near the point of  
8 submergence. A diver shall remain within 100 feet of the diver's flag  
9 while at or near the surface. The diver's flag constitutes a warning  
10 that a diver may be within 100 feet of the flag. A diver's flag must  
11 be constructed of rigidly supported material at least 12 inches high  
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed  
14 with caution, steering clear of the flag by a distance of at least 100  
15 feet. If, because of the location of the diver's flag, it is impossi-  
16 ble to steer clear of the flag by at least 100 feet, then the boat  
17 operator shall proceed at no-wake speed or five miles per hour, which-  
18 ever is necessary to maintain steerage in the seaway.

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

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not  
24 operate a boat or manipulate water skis, a surfboard, or a similar  
25 device on state water in a reckless or negligent manner so as to  
26 endanger the life or property of another person.

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

*existing  
.012*

*[.020] if  
water skiing  
must have  
rear view  
mirror or  
person also  
watching*

*existing  
.060*

*[.060 b] can't operate watercraft  
if intoxicated/drugs*

*per definition, p. 14, l. 29*

*existing references  
"inland waters"*

*new*

*existing  
.030*

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Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGULATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in state water, except when inconsistent with applicable federal law, in which case federal law prevails.

(b) The commissioner shall adopt regulations to implement AS 05.25.210 - 05.25.290. Each regulation must specify those waters of the state to which the regulation applies. A regulation may not apply to water where an inconsistent federal law prevails.

ARTICLE 2. BOATING ACCIDENTS.

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

(a) The operator of a boat that is involved in an accident resulting in injury or death to a person or in damage to property shall immediately stop the boat as near as possible to the scene of the accident. The operator shall remain at the scene of the accident until the operator has fulfilled the requirements of (b) of this section.

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

(1) give the name and address of each occupant of the boat and identifying number of the boat that the operator is operating to

(A) the operator of any other boat involved in the accident;

(B) the owner or a surviving occupant of the other boat or the owner of the damaged property; or

(C) another appropriate person; and

(2) render reasonable assistance to each person injured in the accident, including the conveying or providing for the conveying of the injured person to a physician or hospital for medical treatment, if it is apparent that treatment is necessary or if conveyance

# **CORRECTION**

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

1 adopted under this subsection must conform to the applicable regula-  
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water  
4 using an underwater breathing device may display a diver's flag while  
5 diving operations are in progress. The diver's flag may be displayed  
6 on a boat or surface float, must extend at least three feet above the  
7 surface of the water, and must be placed at or near the point of  
8 submergence. A diver shall remain within 100 feet of the diver's flag  
9 while at or near the surface. The diver's flag constitutes a warning  
10 that a diver may be within 100 feet of the flag. A diver's flag must  
11 be constructed of rigidly supported material at least 12 inches high  
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed  
14 with caution, steering clear of the flag by a distance of at least 100  
15 feet. If, because of the location of the diver's flag, it is impossi-  
16 ble to steer clear of the flag by at least 100 feet, then the boat  
17 operator shall proceed at no-wake speed or five miles per hour, which-  
18 ever is necessary to maintain steerage in the seaway.

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

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not  
24 operate a boat or manipulate water skis, a surfboard, or a similar  
25 device on state water in a reckless or negligent manner so as to  
26 endanger the life or property of another person.

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

*existing  
.012<sup>6</sup>*

*[.020] if  
water skiing,  
must have  
rear view  
mirror or  
person also  
watching*

*see  
existing  
.060*

*[.060 b] can't operate watercraft  
if intoxicated/drugs*

Bill Ray?

what already req'd by USCG?

Rewrite of existing law.

New provision = certificate of number required / fees

1 IN THE SENATE *Also: elaboration of accident/ death reporting.* BY STURGULEWSKI, DUNCAN AND UEHLING

2 SENATE BILL NO. 111

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to boating safety, boating acci-  
7 dents, and boat numbering; and providing for an  
8 effective date."

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

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

11 ARTICLE 1. BOATING SAFETY.

12 Sec. 05.25.200. BOATING SAFETY EDUCATION. The Public Safety department shall  
13 offer public education programs designed to reduce boating accidents.  
14 The department may cooperate with or award contracts to government  
15 agencies and private organizations to provide boating safety education  
16 programs.

17 Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and  
18 exhibit between sunset and sunrise at least one white light to show  
19 all around the horizon.

20 (b) A boat must carry at least one readily accessible life  
21 preserver, lifebelt, ring buoy, or other device of a type approved by  
22 the United States Coast Guard for each person on the boat. A boat  
23 carrying passengers for hire shall carry at least one readily accessi-  
24 ble life preserver of a type approved by the United States Coast Guard  
25 for passenger-carrying boats for each person on the boat.

26 (c) The commissioner may require by regulation that a boat or  
class of boats carry additional equipment necessary for the safety of  
persons and property. To the extent determined by the commissioner to  
be consistent with the safety of persons and property, the regulations

existing  
.010(a)

existing  
.010(b)

existing  
.010(c)  
requires  
fire extinguisher  
if commercial,  
motorized

SB0111a

*definition, p. 14, l. 29*

*existing references  
"inland waters"*

*new*

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Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGULATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in state water, except when inconsistent with applicable federal law, in which case federal law prevails.

(b) The commissioner shall adopt regulations to implement AS 05.25.210 - 05.25.290. Each regulation must specify those waters of the state to which the regulation applies. A regulation may not apply to water where an inconsistent federal law prevails.

ARTICLE 2. BOATING ACCIDENTS.

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

(a) The operator of a boat that is involved in an accident resulting in injury or death to a person or in damage to property shall immediately stop the boat as near as possible to the scene of the accident. The operator shall remain at the scene of the accident until the operator has fulfilled the requirements of (b) of this section.

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

(1) give the name and address of each occupant of the boat and identifying number of the boat that the operator is operating to

(A) the operator of any other boat involved in the accident;

(B) the owner or a surviving occupant of the other boat or the owner of the damaged property; or

(C) another appropriate person; and

(2) render reasonable assistance to each person injured in the accident, including the conveying or providing for the conveying of the injured person to a physician or hospital for medical treatment, if it is apparent that treatment is necessary or if conveyance

*existing  
030*

*elaboration of existing .030*

1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's  
3 name and address to an operator or occupant of each boat involved in  
4 the accident, to a person injured in the accident, and to the owner of  
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-  
7 PEARANCE. (a) When a person dies as a result of an accident that  
8 involves a boat or its equipment or a person disappears from a boat,  
9 the operator shall, without delay, by the quickest means available,  
10 notify the department of the

- 11 (1) date, time, and exact location of the occurrence;
- 12 (2) name of each person who died or disappeared;
- 13 (3) number and name of the operator's boat; and
- 14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required  
16 under (a) of this section, the owner of the boat, if different from  
17 the operator, shall submit the report or cause the report to be sub-  
18 mitted. If the operator and the owner of the boat cannot give the  
19 notice, then each person present on the boat when the accident or  
20 disappearance occurred shall notify the department or determine that  
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of  
23 a boat involved in an accident, or the owner of the boat if the opera-  
24 tor cannot submit a report, shall submit a report of the accident to  
25 the department if the accident results in

- 26 (1) the death of a person;
- 27 (2) injury to a person requiring medical treatment beyond  
28 first aid;
- 29 (3) the disappearance from the boat of a person under

*elaboration of existing .030*

- 1 circumstances indicating death or injury;
- 2 (4) damage to the boat or other property in an aggregate
- 3 amount of more than \$200; or
- 4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-  
6 cient report under this section to file a supplemental report, and may  
7 require a witness to the accident to submit a report to the depart-  
8 ment.

9 (c) A report required under this section shall be submitted in  
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24  
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and  
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a  
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier  
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports  
20 required under this section and shall provide the forms to the public.  
21 The report form must request the information required in casualty and  
22 accident reports under United States Coast Guard regulations and may  
23 request other information the department considers necessary. The  
24 person who completes the form shall sign and date it upon completion.

25 Sec. 05.25.315. DEATH CERTIFICATES. Within 60 days after the  
26 death occurs, the state registrar of vital statistics shall forward to  
27 the department a copy of the death certificate for each death  
28 resulting from a boat accident.

29 Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT. (a) An

*elaboration of existing - 030*

1 accident report submitted to the department is without prejudice to  
2 the individual reporting and is solely for the confidential use of  
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the  
5 following information, if available, to a party involved in an acci-  
6 dent, or, in the event of the party's death, to a member of the par-  
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of  
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the  
11 accident;

12 (3) the name of each company insuring the owner or operator  
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be  
16 used as evidence in a civil action or criminal prosecution arising out  
17 of the accident. The department shall furnish, upon demand of a  
18 person who has or claims to have made a report under AS 05.25.310 -  
19 05.25.320 or upon order of a court, a certificate stating whether a  
20 specified accident report has been filed with the department. The  
21 certificate is admissible in a civil action or criminal prosecution  
22 solely to prove compliance or failure to comply with the reporting  
23 requirement.

24 (d) The department shall compile and may analyze all accident  
25 reports. The department shall publish at least annually, statistical  
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or  
28 agency of the United States, or in compliance with United States Coast  
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

1 department shall provide information compiled or otherwise available  
2 to the department from the accident reports required under AS 05.-  
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)

5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated  
6 in state water, except

- 7 (1) as provided in this section or AS 05.25.910; *authority for DPS to exempt by regulation*  
8 (2) when inconsistent with an applicable federal law or  
9 regulation in which case the federal law or regulation prevails.

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

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

14 (2) foreign boats operated temporarily in state water only  
15 for nonrecreational purposes;

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

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A  
21 person may not operate a boat on state water, and an owner of a boat  
22 may not knowingly allow another person to operate the owner's boat on  
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-  
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the  
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in  
3 length and leased or rented to another person for that person's non-  
4 commercial operation for a period of less than seven days may be  
5 retained on shore by the boat's owner or representative at the place  
6 from which the boat departs or returns to the possession of the owner  
7 or the owner's representative. If the certificate of number is re-  
8 tained on shore, then a copy of the lease or rental agreement shall be  
9 carried on the boat. The lease or rental agreement must

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

12 (2) specify the period for which the boat is leased or  
13 rented.

14 Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)

*new*  
15 A person may not operate a boat on state water unless the boat dis-  
16 plays the valid identifying number awarded to the boat and the valida-  
17 tion decal in the manner required under this section.

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 is clearly visible for identification. Each number must read  
21 from left to right and must be in plain vertical block characters of  
22 good proportion not less than three inches in height. The number must  
23 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 validation decal issued under AS 05.25.425 shall be placed  
6 three inches to the rear of the identifying number.

7 Sec. 05.25.410. 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 or dealer;

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

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

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

20 (b) The owner or dealer shall sign the application and shall pay  
21 the prescribed fee at the time of application.

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

24 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY  
25 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a  
26 valid certificate of number that has been issued under federal law or  
27 a federally approved numbering system of another state shall apply to  
28 the department for an identifying number within 10 days after the  
29 expiration of the applicable reciprocity period provided in

*new*

AS 5:25.420  
BY REG.  
22

1 AS 05.25.445(6) or (7).

2 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-  
3 sioner shall adopt regulations establishing fees for original, renew-  
4 al, and duplicate certificates of number, and for dealer demonstration  
5 certificates of number.

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

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

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION  
11 DECALS. (a) If the application is in order, the department shall  
12 issue to the owner a certificate of number that states the identifying  
13 number awarded to the boat, the name and address of the owner, the  
14 state of principal use, the normal use of the boat, the description of  
15 the boat, the manufacturer's hull identification number if one exists,  
16 make, year, length, type of hull material, type of propulsion and type  
17 of fuel, the issue date, and the expiration date of the certificate of  
18 number. The certificate of number must be wallet size.

19 (b) The department shall issue a set of validation decals bear-  
20 ing the year in which the certificate of number expires. The year  
21 shall also be indicated by the color blue, international orange,  
22 green, or red, in rotation in the order stated, beginning with blue  
23 for stickers that expire in 1993. A validation decal must be a square  
24 approximately three inches on each side.

25 Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF  
26 CERTIFICATE AND DECALS. (a) A certificate of number expires three  
27 years after the last day of the month in which the certificate is  
28 issued.

29 (b) The department may require the surrender of the expired

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

2 (c) Renewal of the certificate of number does not change the  
3 identifying number awarded to a boat by the department.

4 (d) An application for renewal of a certificate of number shall  
5 be made in the same manner as provided in AS 05.25.410. The applica-  
6 tion shall be accompanied by the fee required under AS 05.25.420. The  
7 department shall renew certificates of number and issue validation  
8 decals in the same manner as provided in AS 05.25.425.

9 Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER. A certifi-  
10 cate of number issued under this chapter is invalid 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 elapsed 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. 05.25.440. 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 05.25.435.

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. 05.25.445. EXEMPTIONS. The following classes of boats are  
8 exempt from the provisions of AS 05.25.400 - <sup>numbering & registration</sup> 05.25.440:

9 (1) a boat that is documented by the United States Coast  
10 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 05.25.400 - 05.25.440 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 three years after the date  
23 of issuance of the certificate;

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 4. GENERAL PROVISIONS.

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

*new*

*Standard  
Program  
Receipt  
Language*

*new*

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.

*new*

6 Sec. 05.25.910. EXEMPTIONS. Except when inconsistent with  
7 federal laws and regulations, the commissioner may exempt a class of  
8 boats from a provision of this chapter if the commissioner determines  
9 that the safety of persons and property will not be materially promot-  
10 ed by applying that provision to the class of boats. The commissioner  
11 may exempt a class of boats from the numbering and registration re-  
12 quirements of AS 05.25.400 - 05.25.440 if

13 (1) the commissioner determines that the numbering will not  
14 materially aid in the identification of the boats; and

15 (2) the United States Secretary of Transportation has  
16 exempted that class of boats from numbering.

*existing  
080*

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

*existing  
090*

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

*new*

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

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

all definitions not marked  
are new

existing 1. 100  
recreational  
only

3 (1) "boat" means any type of watercraft used or capable of  
4 being used as a means of transportation on water, but does not include  
5 aircraft equipped to land on water;

6 (2) "certificate of number" means the document bearing the  
7 identification number awarded to a boat by the department under this  
8 chapter, by a federal agency, or by the state of principal use under a  
9 federally approved numbering system;

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

11 (4) "dealer" means a person who engages wholly or in part  
12 in the business of buying, selling, or exchanging boats, either out-  
13 right or on conditional sale, bailment lease, chattel mortgage, or  
14 otherwise;

existing 3. 100

15 (5) "department" means the Department of Public Safety;

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

existing 100  
recreational  
only

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

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

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

26 (10) "passenger" means a person on board a boat who is not  
27 the master, operator, crew member, or other person engaged in a capac-  
28 ity 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

existing 29. 100 =  
all waters, fresh  
or salt, in land  
or coastal, within  
the terr. limits  
or under the  
jurisdiction  
of the state

1 of the state whether navigable or nonnavigable.

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

5 \* Sec. 3. This Act takes effect January 1, 1990.

→ Entire body of existing law on watercraft.  
(adopted 1961, 1980, etc.)

1 IN THE SENATE

BY STURGULEWSKI, DUNCAN  
AND UEHLING

2

SENATE BILL NO. 111

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

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

7

8

9

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

10

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

11

ARTICLE 1. BOATING SAFETY.

12

Sec. 05.25.200. BOATING SAFETY EDUCATION. The <sup>(Public Safety)</sup> department shall

13

offer public education programs designed to reduce boating accidents.

14

The department may cooperate with or award contracts to government

15

agencies and private organizations to provide boating safety education

16

programs.

17

Sec. 05.25.210. SAFETY EQUIPMENT. (a) A boat must carry and

18

exhibit between sunset and sunrise at least one white light to show

19

all around the horizon.

20

(b) A boat must carry at least one readily accessible life

21

preserver, lifebelt, ring buoy, or other device of a type approved by

22

the United States Coast Guard for each person on the boat. A boat

23

carrying passengers for hire shall carry at least one readily accessi-

24

ble life preserver of a type approved by the United States Coast Guard

25

for passenger-carrying boats for each person on the boat.

26

(c) The commissioner may require by regulation that a boat or

27

class of boats carry additional equipment necessary for the safety of

28

persons and property. To the extent determined by the commissioner to

29

be consistent with the safety of persons and property, the regulations

1 adopted under this subsection must conform to the applicable regula-  
2 tions of the United States Coast Guard.

3 Sec. 05.25.220. DIVER'S FLAG. (a) A person who is in the water  
4 using an underwater breathing device may display a diver's flag while  
5 diving operations are in progress. The diver's flag may be displayed  
6 on a boat or surface float, must extend at least three feet above the  
7 surface of the water, and must be placed at or near the point of  
8 submergence. A diver shall remain within 100 feet of the diver's flag  
9 while at or near the surface. The diver's flag constitutes a warning  
10 that a diver may be within 100 feet of the flag. A diver's flag must  
11 be constructed of rigidly supported material at least 12 inches high  
12 by 12 inches wide with a white diagonal stripe on a red background.

13 (b) A boat operator within sight of a diver's flag shall proceed  
14 with caution, steering clear of the flag by a distance of at least 100  
15 feet. If, because of the location of the diver's flag, it is impossi-  
16 ble to steer clear of the flag by at least 100 feet, then the boat  
17 operator shall proceed at no-wake speed or five miles per hour, which-  
18 ever is necessary to maintain steerage in the seaway.

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

23 Sec. 05.25.230. PROHIBITED OPERATION. (a) A person may not  
24 operate a boat or manipulate water skis, a surfboard, or a similar  
25 device on state water in a reckless or negligent manner so as to  
26 endanger the life or property of another person.

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

1 existing references  
2 "inland" water

1 Sec. 05.25.290. APPLICATION OF AS 05.25.210 - 05.25.290; REGU-  
2 LATIONS. (a) AS 05.25.210 - 05.25.290 apply to boats operated in  
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5 (b) The commissioner shall adopt regulations to implement AS 05.  
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7 state to which the regulation applies. A regulation may not apply to  
8 water where an inconsistent federal law prevails.

9 ARTICLE 2. BOATING ACCIDENTS.

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

11 (a) The operator of a boat that is involved in an accident resulting  
12 in injury or death to a person or in damage to property shall immedi-  
13 ately stop the boat as near as possible to the scene of the accident.  
14 The operator shall remain at the scene of the accident until the  
15 operator has fulfilled the requirements of (b) of this section.

16 (b) The operator of a boat that is involved in an accident  
17 resulting in injury or death to a person or in damage to property  
18 shall

19 (1) give the name and address of each occupant of the boat  
20 and identifying number of the boat that the operator is operating to

21 (A) the operator of any other boat involved in the  
22 accident;

23 (B) the owner or a surviving occupant of the other  
24 boat or the owner of the damaged property; or

25 (C) another appropriate person; and

26 (2) render reasonable assistance to each person injured in  
27 the accident, including the conveying or providing for the conveying  
28 of the injured person to a physician or hospital for medical treat-  
29 ment, if it is apparent that treatment is necessary or if conveyance

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1 is requested by an injured person.

2 (c) A witness to a boating accident shall furnish the witness's  
3 name and address to an operator or occupant of each boat involved in  
4 the accident, to a person injured in the accident, and to the owner of  
5 property damaged in the accident.

6 Sec. 05.25.305. NOTICE OF ACCIDENT RESULTING IN DEATH OR DISAP-  
7 PEARANCE. (a) When a person dies as a result of an accident that  
8 involves a boat or its equipment or a person disappears from a boat,  
9 the operator shall, without delay, by the quickest means available,  
10 notify the department of the

- 11 (1) date, time, and exact location of the occurrence;  
12 (2) name of each person who died or disappeared;  
13 (3) number and name of the operator's boat; and  
14 (4) name and address of the owner and the operator.

15 (b) If the operator of a boat cannot give the notice required  
16 under (a) of this section, the owner of the boat, if different from  
17 the operator, shall submit the report or cause the report to be sub-  
18 mitted. If the operator and the owner of the boat cannot give the  
19 notice, then each person present on the boat when the accident or  
20 disappearance occurred shall notify the department or determine that  
21 the notice has been given.

22 Sec. 05.25.310. ACCIDENT REPORT REQUIRED. (a) The operator of  
23 a boat involved in an accident, or the owner of the boat if the opera-  
24 tor cannot submit a report, shall submit a report of the accident to  
25 the department if the accident results in

- 26 (1) the death of a person;  
27 (2) injury to a person requiring medical treatment beyond  
28 first aid;  
29 (3) the disappearance from the boat of a person under

1 circumstances indicating death or injury;

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

4 (5) complete loss of the boat.

5 (b) The department may require a person who submits an insuffi-  
6 cient report under this section to file a supplemental report, and may  
7 require a witness to the accident to submit a report to the depart-  
8 ment.

9 (c) A report required under this section shall be submitted in  
10 the form and manner prescribed by the department within

11 (1) 48 hours after the accident if a person dies within 24  
12 hours after the accident;

13 (2) 48 hours after the accident if a person is injured and  
14 requires medical treatment beyond first aid;

15 (3) 48 hours after the disappearance of a person from a  
16 boat if circumstances indicate death or injury to the person; and

17 (4) 10 days after the accident or death if an earlier  
18 report is not required under this subsection.

19 (d) The department shall prepare forms for accident reports  
20 required under this section and shall provide the forms to the public.  
21 The report form must request the information required in casualty and  
22 accident reports under United States Coast Guard regulations and may  
23 request other information the department considers necessary. The  
24 person who completes the form shall sign and date it upon completion.

25 Sec. 05.25.315. DEATH CERTIFICATES. Within 60 days after the  
26 death occurs, the state registrar of vital statistics shall forward to  
27 the department a copy of the death certificate for each death  
28 resulting from a boat accident.

29 Sec. 05.25.320. CONFIDENTIALITY OF ACCIDENT REPORT. (a) An

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1 accident report submitted to the department is without prejudice to  
2 the individual reporting and is solely for the confidential use of  
3 administrative and enforcement agencies.

4 (b) The department upon written request, shall disclose the  
5 following information, if available, to a party involved in an acci-  
6 dent, or, in the event of the party's death, to a member of the par-  
7 ty's family or to the party's personal representative:

8 (1) the identity of the owner, operator, and occupants of  
9 each boat involved in the accident;

10 (2) the identifying number of each boat involved in the  
11 accident;

12 (3) the name of each company insuring the owner or operator  
13 of each boat involved in the accident; and

14 (4) the identity of each witness to the accident.

15 (c) A report filed under AS 05.25.310 - 05.25.320 may not be  
16 used as evidence in a civil action or criminal prosecution arising out  
17 of the accident. The department shall furnish, upon demand of a  
18 person who has or claims to have made a report under AS 05.25.310 -  
19 05.25.320 or upon order of a court, a certificate stating whether a  
20 specified accident report has been filed with the department. The  
21 certificate is admissible in a civil action or criminal prosecution  
22 solely to prove compliance or failure to comply with the reporting  
23 requirement.

24 (d) The department shall compile and may analyze all accident  
25 reports. The department shall publish at least annually, statistical  
26 information relating to boat accidents.

27 (e) In response to a request from an authorized official or  
28 agency of the United States, or in compliance with United States Coast  
29 Guard regulations or a requirement under 46 U.S.C. 6101 - 6103, the

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1 department shall provide information compiled or otherwise available  
2 to the department from the accident reports required under AS 05.-  
3 25.310 - 05.25.320.

4 Sec. 05.25.325. APPLICATION OF AS 05.25.300 - 05.25.320. (a)  
5 The provisions of AS 05.25.300 - 05.25.320 apply to all boats operated  
6 in state water, except

- 7 (1) as provided in this section or AS 05.25.910;  
8 (2) when inconsistent with an applicable federal law or  
9 regulation in which case the federal law or regulation prevails.

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

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

14 (2) foreign boats operated temporarily in state water only  
15 for nonrecreational purposes;

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

18 (4) a ship's lifeboat.

19 ARTICLE 3. NUMBERING AND REGISTRATION.

20 Sec. 05.25.400. CERTIFICATE OF NUMBER REQUIRED ON BOAT. (a) A  
21 person may not operate a boat on state water, and an owner of a boat  
22 may not knowingly allow another person to operate the owner's boat on  
23 state water, unless

24 (1) the owner of the boat holds a current, valid certifi-  
25 cate of number issued in the owner's name as owner; and

26 (2) the certificate of number is

27 (A) carried on the boat in a manner that protects the  
28 certificate from destruction or deterioration; and

29 (B) available for inspection by a state, federal, or

1 municipal law enforcement officer.

2 (b) A certificate of number for a boat less than 26 feet in  
3 length and leased or rented to another person for that person's non-  
4 commercial operation for a period of less than seven days may be  
5 retained on shore by the boat's owner or representative at the place  
6 from which the boat departs or returns to the possession of the owner  
7 or the owner's representative. If the certificate of number is re-  
8 tained on shore, then a copy of the lease or rental agreement shall be  
9 carried on the boat. The lease or rental agreement must

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

12 (2) specify the period for which the boat is leased or  
13 rented.

14 *new* Sec. 05.25.405. PLACEMENT OF IDENTIFYING NUMBER AND DECAL. (a)  
15 A person may not operate a boat on state water unless the boat dis-  
16 plays the valid identifying number awarded to the boat and the valida-  
17 tion decal in the manner required under this section.

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 is clearly visible for identification. Each number must read  
21 from left to right and must be in plain vertical block characters of  
22 good proportion not less than three inches in height. The number must  
23 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 validation decal issued under AS 05.25.425 shall be placed  
6 three inches to the rear of the identifying number.

7 Sec. 05.25.410. 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 or dealer;

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

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

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

20 (b) The owner or dealer shall sign the application and shall pay  
21 the prescribed fee at the time of application.

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

24 Sec. 05.25.415. APPLICATION BY OWNER HAVING NUMBER AWARDED BY  
25 FEDERAL GOVERNMENT OR ANOTHER STATE. The owner of a boat having a  
26 valid certificate of number that has been issued under federal law or  
27 a federally approved numbering system of another state shall apply to  
28 the department for an identifying number within 10 days after the  
29 expiration of the applicable reciprocity period provided in

1 AS 05.25.445(6) or (7).

2 Sec. 05.25.420. CERTIFICATE OF NUMBER FEES. (a) The commis-  
3 sioner shall adopt regulations establishing fees for original, renew-  
4 al, and duplicate certificates of number, and for dealer demonstration  
5 certificates of number.

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

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

10 Sec. 05.25.425. ISSUANCE OF CERTIFICATE OF NUMBER AND VALIDATION  
11 DECALS. (a) If the application is in order, the department shall  
12 issue to the owner a certificate of number that states the identifying  
13 number awarded to the boat, the name and address of the owner, the  
14 state of principal use, the normal use of the boat, the description of  
15 the boat, the manufacturer's hull identification number if one exists,  
16 *new* make, year, length, type of hull material, type of propulsion and type  
17 of fuel, the issue date, and the expiration date of the certificate of  
18 number. The certificate of number must be wallet size.

19 (b) The department shall issue a set of validation decals bear-  
20 ing the year in which the certificate of number expires. The year  
21 shall also be indicated by the color blue, international orange,  
22 green, or red, in rotation in the order stated, beginning with blue  
23 for stickers that expire in 1993. A validation decal must be a square  
24 approximately three inches on each side.

25 Sec. 05.25.430. EXPIRATION OF CERTIFICATE OF NUMBER; RENEWAL OF  
26 CERTIFICATE AND DECALS. (a) A certificate of number expires three  
27 years after the last day of the month in which the certificate is  
28 issued.

29 (b) The department may require the surrender of the expired

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

2 (c) Renewal of the certificate of number does not change the  
3 identifying number awarded to a boat by the department.

4 (d) An application for renewal of a certificate of number shall  
5 be made in the same manner as provided in AS 05.25.410. The applica-  
6 tion shall be accompanied by the fee required under AS 05.25.420. The  
7 department shall renew certificates of number and issue validation  
8 decals in the same manner as provided in AS 05.25.425.

9 Sec. 05.25.435. VALIDITY OF CERTIFICATE OF NUMBER. A certifi-  
10 cate of number issued under this chapter is invalid 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 new (5) 60 days have elapsed 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. 05.25.440. 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 05.25.435.

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. 05.25.445. EXEMPTIONS. The following classes of boats are  
8 exempt from the provisions of AS 05.25.400 - 05.25.440:

9 (1) a boat that is documented by the United States Coast  
10 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 05.25.400 - 05.25.440 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 three years after the date  
23 of issuance of the certificate;

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 4. GENERAL PROVISIONS.

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