

visory board or boards, promulgate regulations temporarily closing the area or district to fishing by all non-residents of Alaska.

c. All regulations closing the area or district to non-residents of Alaska shall be promulgated in accordance with the Administrative Procedure Act. All hearings held on regulations closing an area or district shall be held in the area or district that will be affected. Nothing contained herein shall limit the power of the commissioner, when circumstances so require and the conditions of this section are otherwise met, to summarily prohibit non-residents from fishing in the area or district by means of emergency orders, which shall have the force of law after field announcement by the commissioner or his authorized designee.

d. If, at any time after the board has closed an area or district to non-resident fishermen, the board determines that (1) the run is larger than anticipated, such that the closure is no longer necessary to accomplish the purpose of this section; or (2) that the total number of fish taken indicates that on an average basis, each resident fisherman licensed for the area or district has taken at least 1,000 fish, the board shall rescind the prohibition, if the rescission would be commensurate with sound conservation policies.

e. Nothing in this section shall affect the powers of the board or department as otherwise expressed in this Act.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved April 11, 1961

## CHAPTER 63

### AN ACT

**Relating to safe operation of watercraft in recreational pursuits in inland waters; providing criminal penalties; and providing for an effective date.**

(C.S.H.B. 27)

**Be it enacted by the Legislature of the State of Alaska:**

**Section 1. Declaration of Policy.** It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels in recreational pursuits in inland waters and to promote uniformity of laws relating thereto.

**Sec. 2. Definitions.** As used in this Act, unless the content clearly requires a different meaning:

(1) "watercraft" means every description of vessel, other than a seaplane on the water, used or capable of being used as a means of transportation on water and devoted to recreational pursuits unless otherwise expressly provided in this Act; and excepting vessels having a valid marine document issued by the United States or foreign governments.

(2) "inland waters" means the water in any lake or river or stream within the territorial limits of this state.

(3) "person" means an individual, partnership, firm, corporation, association, or other entity.

(4) "operate" means to navigate or otherwise use a watercraft for recreational purposes as opposed to business, subsistence or commercial purposes.

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

**Sec. 3. Prohibited Operation.** a. No person shall operate any watercraft whether for recreational purposes or any other purpose or manipulate any water skis, surfboard, or similar device on the inland waters of this state in a reckless or negligent manner so as to endanger the life or property of any person.

b. No person shall operate any watercraft whether for recreational purposes or any other purpose or manipulate any water skis, surfboard, or similar device on the inland waters while under the influence of any intoxicating liquor, narcotic drug, barbituate or marijuana.

**Sec. 4. Safety Requirement.** a. Every watercraft operated on the inland waters shall carry and exhibit between sunset and sunrise at least one white light to show all around the horizon.

b. Every watercraft operated on inland waters shall carry at least one life preserver, or lifebelt, or ring buoy, or other device of the sort approved by the United States Coast Guard for each person on board, so placed as to be readily accessible; provided, that every watercraft carrying passengers for hire shall carry, so placed as to be readily accessible, at least one life preserver of the sort approved by the United States Coast Guard for passenger-carrying watercraft for each person on board.

c. Every motor-driver watercraft operated for hire shall carry a fire extinguisher capable of promptly and effectually extinguishing burning gasoline.

**Sec. 5. Water Skis and Surfboards.** No person may operate a watercraft on the inland waters of this state for towing a person on water skis, or a surfboard, or similar device unless (1) the watercraft is equipped with a rearview mirror in which the person or persons being towed can be viewed, (2) or there is in the watercraft a person of 12 years of age or older in addition to the operator, in a position to observe the progress of the person being towed.

**Sec. 6. Collisions, Accidents and Casualties.** a. It shall be the duty of the operator of a watercraft involved in a collision, accident or casualty to render to other persons affected by the collision, accident or casualty such assistance as may be necessary in order to save them from or minimize any danger caused by the collision, accident or casualty, and also to give his name, address and identification of his watercraft in writing to any person injured and to the owner of any property damaged in the collision, accident or casualty.

b. In the case of collision, accident, or casualty involving a watercraft, the operator thereof, if the collision, accident or casualty results in death or injury to a person or damage to property in excess of

\$100.00 shall file with the department a full description of the collision, accident or casualty, including such information as said department may, by regulation, require.

**Sec. 7. Exemptions.** Watercraft and persons operating watercraft are exempt from the provisions of this Act except Sec. 3 b. above when participating in the area set aside for any public regattas, races, marine parades, tournaments or exhibitions on any inland waters of this state.

**Sec. 8. Owner's Civil Liability.** The owner of a watercraft is liable for any injury or damage caused by the negligent operation of his watercraft whether the negligence consists of a violation of the provisions of the statutes of this state, or neglecting to observe ordinary care in the operation thereof as the rules of the common law require. The owner is not liable, however, unless his watercraft is being used with his express or implied consent. It is presumed that his watercraft is being operated with the knowledge and consent of the owner, if at the time of the injury or damage, it is under the control of his spouse, father, mother, brother, sister, son, daughter, or other immediate member of the owner's family. Nothing contained herein is to be construed to relieve any other person from a liability which he would otherwise incur, but nothing contained herein is to be construed to authorize or permit any recovery in excess of injury or damage actually incurred.

**Sec. 9. Enforcement.** Every peace officer of this state and its subdivisions has the authority to enforce the provisions of this Act and in the exercise thereof has the authority to stop and board any watercraft subject to this Act.

**Sec. 10. Penalties.** Any person who violates any provisions of this Act is guilty of a misdemeanor and is subject to a fine not to exceed \$500.00, or imprisonment not to exceed six months or both, for each violation.

**Sec. 11. Effective Date.** This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.