

HOUSE BILL NO. 389

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY THE HOUSE TRANSPORTATION COMMITTEE

Introduced: 3/1/24

Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to boating safety; and relating to the use, operation, and regulation of
2 boats."

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

4 * **Section 1.** AS 05.25.010(d) is amended to read:

5 (d) A boat on water of the state must carry **for each person onboard a**
6 **wearable personal flotation device that is readily accessible.** [ONE UNITED
7 STATES COAST GUARD APPROVED TYPE I, TYPE II, OR TYPE III
8 PERSONAL FLOTATION DEVICE IN SERVICEABLE CONDITION FOR EACH
9 PERSON ON BOARD THE BOAT. A TYPE V PERSONAL FLOTATION DEVICE
10 MAY BE CARRIED IN LIEU OF A PERSONAL FLOTATION DEVICE
11 REQUIRED IN THIS SUBSECTION IF THE TYPE V PERSONAL FLOTATION
12 DEVICE IS IN SERVICEABLE CONDITION AND

13 (1) IF THE APPROVAL LABEL ON THE TYPE V PERSONAL
14 FLOTATION DEVICE INDICATES THAT THE DEVICE IS APPROVED FOR

1 THE ACTIVITY IN WHICH THE BOAT IS BEING USED, OR THAT THE
 2 DEVICE IS APPROVED AS A SUBSTITUTE FOR A PERSONAL FLOTATION
 3 DEVICE OF THE TYPE REQUIRED ON THE BOAT; AND

4 (2) FOR A DEVICE THAT CONTAINS A REFERENCE TO AN
 5 OWNER'S MANUAL, IF THE TYPE V PERSONAL FLOTATION DEVICE IS
 6 USED IN ACCORDANCE WITH THE REQUIREMENTS IN THE OWNER'S
 7 MANUAL.]

8 * **Sec. 2.** AS 05.25.010(e) is amended to read:

9 (e) In addition to the **requirement** [REQUIREMENTS] in (d) of this section,
 10 a boat that is 16 feet or longer, other than a kayak or canoe, must carry one **throwable**
 11 [TYPE IV] personal flotation device that **is readily accessible** [CAN BE THROWN
 12 AND THAT IS APPROVED BY THE UNITED STATES COAST GUARD].

13 * **Sec. 3.** AS 05.25.010(g) is amended to read:

14 (g) The operator of a boat on water of the state may not transport a person
 15 under 13 years of age on the deck of a boat or in an open boat unless the person is
 16 wearing a **wearable** [UNITED STATES COAST GUARD APPROVED TYPE I,
 17 TYPE II, OR TYPE III] personal flotation device. [A TYPE V PERSONAL
 18 FLOTATION DEVICE MAY BE WORN IN LIEU OF A PERSONAL FLOTATION
 19 DEVICE REQUIRED IN THIS SUBSECTION IF THE TYPE V PERSONAL
 20 FLOTATION DEVICE IS IN SERVICEABLE CONDITION AND

21 (1) IF THE APPROVAL LABEL ON THE TYPE V PERSONAL
 22 FLOTATION DEVICE INDICATES THAT THE DEVICE IS APPROVED FOR
 23 THE ACTIVITY IN WHICH THE BOAT IS BEING USED, OR THAT THE
 24 DEVICE IS APPROVED AS A SUBSTITUTE FOR A PERSONAL FLOTATION
 25 DEVICE OF THE TYPE REQUIRED ON THE BOAT; AND

26 (2) FOR A DEVICE THAT CONTAINS A REFERENCE TO AN
 27 OWNER'S MANUAL, IF THE TYPE V PERSONAL FLOTATION DEVICE IS
 28 USED IN ACCORDANCE WITH THE REQUIREMENTS IN THE OWNER'S
 29 MANUAL.]

30 * **Sec. 4.** AS 05.25.020(b) is amended to read:

31 (b) A person may not operate a boat on water of the state to tow a person

1 under 13 years of age on water skis, a surfboard, or a similar device unless the person
 2 being towed is wearing a **wearable personal flotation device** [UNITED STATES
 3 COAST GUARD APPROVED

4 (1) TYPE I, TYPE II, OR TYPE III PERSONAL FLOTATION
 5 DEVICE; OR

6 (2) TYPE V PERSONAL FLOTATION DEVICE IF THE TYPE V
 7 PERSONAL FLOTATION DEVICE IS IN SERVICEABLE CONDITION AND

8 (A) IF THE APPROVAL LABEL ON THE TYPE V
 9 PERSONAL FLOTATION DEVICE INDICATES THAT THE DEVICE IS
 10 APPROVED FOR THE ACTIVITY;

11 (B) FOR A DEVICE THAT CONTAINS A REFERENCE TO
 12 AN OWNER'S MANUAL, IF THE TYPE V PERSONAL FLOTATION
 13 DEVICE IS USED IN ACCORDANCE WITH THE REQUIREMENTS IN
 14 THE OWNER'S MANUAL].

15 * **Sec. 5.** AS 05.25 is amended by adding a new section to article 1 to read:

16 **Sec. 05.25.025. Flotation device requirements.** A wearable personal flotation
 17 device and a throwable personal flotation device required by this chapter must be

18 (1) approved by the United States Coast Guard;

19 (2) in serviceable condition;

20 (3) if wearable, the proper size for the intended user as marked on the
 21 approval label;

22 (4) used only for the activity marked on the approval label; and

23 (5) used in accordance with the approval label and, if the device
 24 contains a reference to an owner's manual, the requirements in the owner's manual.

25 * **Sec. 6.** AS 05.25.030(b) is amended to read:

26 (b) For the purpose of gathering boating accident statistics, the operator of a
 27 boat involved in a collision, accident, or casualty that results in death, **disappearance,**
 28 or injury **of** [TO] a person, or damage to property in excess of **\$2,000** [\$500] for each
 29 incident, shall file a report with the **department** [DEPARTMENT OF PUBLIC
 30 SAFETY ON OR BEFORE THE 20TH DAY AFTER THE INCIDENT]. The
 31 **department** [DEPARTMENT OF PUBLIC SAFETY] shall prepare a form for the

1 report and make the form available to other agencies and to the public. **The operator**
 2 **shall file the report within the period required by the United States Coast Guard**
 3 **under 46 U.S.C. 6102 and regulations adopted under that statute.**

4 * **Sec. 7.** AS 05.25.030(c) is amended to read:

5 (c) In response to a request from an authorized official or agency of the United
 6 States, a law enforcement agency, or in compliance with United States Coast Guard
 7 regulations, the **department** [DEPARTMENT OF PUBLIC SAFETY] shall provide
 8 statistical information compiled or otherwise available to the **department**
 9 [DEPARTMENT OF PUBLIC SAFETY] from the reports required under (b) of this
 10 section.

11 * **Sec. 8.** AS 05.25.055(h) is amended to read:

12 (h) All records of ownership of boats that are kept by the Department of
 13 Administration under this section are public records. The Department of
 14 Administration shall provide records of ownership and registration expense reports to
 15 the **department** [DEPARTMENT OF PUBLIC SAFETY] for the purposes of meeting
 16 the federal requirements for state programs and implementing this chapter.

17 * **Sec. 9.** AS 05.25.055(i) is amended to read:

18 (i) The following boats are exempt from the numbering and registration
 19 provisions of this section:

20 (1) a boat that

21 (A) is not a barge;

22 (B) is operated in this state for a period not exceeding 90
 23 consecutive days; and

24 (C) has a current, valid certificate of number issued by another
 25 state having a federally approved numbering system;

26 (2) a foreign boat operated in water of the state for a period not
 27 exceeding 90 consecutive days;

28 (3) a **military or public boat of the United States, excluding a**
 29 **recreational public** boat [OWNED BY THE UNITED STATES OR AN ENTITY
 30 OR POLITICAL SUBDIVISION OF THE UNITED STATES, OR A BOAT
 31 OWNED BY A STATE OR AN ENTITY OR POLITICAL SUBDIVISION OF A

1 STATE];

2 (4) **a boat owned by the state or political subdivision of the state**
 3 **that is used primarily for a government purpose;**

4 (5) a boat that is not equipped with mechanical propulsion;

5 (6) [(5)] a boat with a valid document to operate the boat that is issued
 6 by a foreign government;

7 (7) [(6)] a handmade nonmotorized umiaq with a walrus or sealskin
 8 covering;

9 (8) [(7)] a boat that

10 (A) is a barge;

11 (B) is operated in this state for a period not exceeding 60
 12 consecutive days; and

13 (C) has a current, valid certificate of number issued by another
 14 state having a federally approved numbering system.

15 * **Sec. 10.** AS 05.25.060 is amended by adding new subsections to read:

16 (b) A peace officer may stop a boat operated in violation of this section and
 17 may order the operator to take immediate and reasonable steps necessary for the safety
 18 of individuals onboard the boat, including directing the operator to return to and
 19 remain in mooring until the situation creating the violation is corrected or ended. A
 20 peace officer may issue a citation under AS 05.25.080 for any violation of this chapter
 21 observed during a stop under this section.

22 (c) A peace officer may issue a citation as provided in AS 12.25.175 -
 23 12.25.230 to a person who willfully refuses to obey an order under this section.

24 * **Sec. 11.** AS 05.25.096(a) is amended to read:

25 (a) **Except for boats owned by the state, the** [THE] Department of
 26 Administration shall assess the following fees:

27 (1) motorized boat registration, registration renewal, and transfer of
 28 registration, \$24 for a three-year period;

29 (2) nonmotorized boat registration, registration renewal, and transfer of
 30 registration, \$10 for a three-year period;

31 (3) replacement of lost registration, \$5;

- 1 (4) replacement of lost registration validation decals, \$5;
 2 (5) barge registration, registration renewal, and transfer of registration,
 3 \$75 for a three-year period;
 4 (6) boat title and duplicate boat title, \$20.

5 * **Sec. 12.** AS 05.25.100(3) is amended to read:

6 (3) "boat" means watercraft used or capable of being used as a means
 7 of transportation on water, except for

8 (A) a ship's lifeboat;

9 (B) a seaplane;

10 (C) an inspected passenger vessel; **in this subparagraph,**

11 **"inspected passenger vessel" means a passenger vessel subject to United**
 12 **States Coast Guard inspection that has a valid certificate of inspection**
 13 **issued by the United States under 46 U.S.C. 3309 and regulations adopted**
 14 **under that statute or by a foreign government;** and

15 (D) a single air mattress, single inner tube, or other water toy;

16 * **Sec. 13.** AS 05.25.100(12) is amended to read:

17 (12) "regulatory marker" means an anchored or fixed marker in or on
 18 the water, or sign on the shore or on a bridge over the water, **used to alert the**
 19 **mariner to various warnings or regulatory matters, including** [OTHER THAN
 20 AIDS TO NAVIGATION; "REGULATORY MARKER" INCLUDES] swimming
 21 markers, bathing markers, speed zone markers, identification markers, danger zone
 22 markers, boat keep-out areas, special anchorage areas, and mooring buoys;

23 * **Sec. 14.** AS 05.25.100(14) is amended to read:

24 (14) "undocumented boat" means a boat that does not possess a valid
 25 certificate of documentation issued by the United States Coast Guard under 46 U.S.C.
 26 12101 - 12123 **or by a foreign government;**

27 * **Sec. 15.** AS 05.25.100 is amended by adding new paragraphs to read:

28 (17) "throwable personal flotation device" means a personal flotation
 29 device that

30 (A) is intended to be thrown to a person in the water; and

31 (B) meets the criteria of 46 U.S.C. 3306 and 46 U.S.C. 4302

1 and regulations adopted under those statutes;

2 (18) "wearable personal flotation device" means a personal flotation
3 device that

4 (A) is intended to be worn or otherwise attached to a person's
5 body; and

6 (B) meets the criteria of 46 U.S.C. 3306 and 46 U.S.C. 4302
7 and regulations adopted under those statutes.

8 * **Sec. 16.** AS 05.25.080(c) is repealed.