

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 397

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO BOATING; AMENDING SECTION 67-7017, IDAHO CODE, TO REVISE NEG-
2 LIGENT OPERATION PROVISIONS; AMENDING SECTION 67-7031, IDAHO CODE,
3 TO REVISE PROVISIONS REGARDING MOTORIZED WATERCRAFT OPERATIONAL ZONE
4 DESIGNATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION
5 67-7033, IDAHO CODE, TO REVISE PENALTY PROVISIONS.
6

7 Be It Enacted by the Legislature of the State of Idaho:

8 SECTION 1. That Section 67-7017, Idaho Code, be, and the same is hereby
9 amended to read as follows:

10 67-7017. NEGLIGENT OPERATION. Under the provisions of this section
11 and section 67-7031, Idaho Code, it shall be unlawful for any person to op-
12 erate any vessel on the waters of the state of Idaho in a careless or heedless
13 manner so as to be indifferent to any person or property of other persons, or
14 at a rate of speed greater than will permit him in the exercise of reasonable
15 care to bring the vessel to a stop within the assured clear distance ahead,
16 and whosoever shall do so is guilty of the crime of negligent operation and
17 shall be punished as hereinafter provided.

18 SECTION 2. That Section 67-7031, Idaho Code, be, and the same is hereby
19 amended to read as follows:

20 67-7031. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The
21 department may make or adopt appropriate rules for the marking of the water
22 areas in this state through the placement of aids to navigation and regula-
23 tory markers. Such rules shall establish a marking system of aids to nav-
24 igation prescribed by the United States Coast Guard and shall give due re-
25 gard to the system of uniform waterway markers approved by the advisory panel
26 of state officials to the merchant marine council of the United States Coast
27 Guard. No city, county, other political subdivision or other person shall
28 mark the waters of this state in any manner in conflict with the marking sys-
29 tem prescribed by the department or without the specific authority of the de-
30 partment.

31 (2) The provisions of this chapter shall govern the operation, equip-
32 ment, numbering and all other matters relating thereto whenever any vessel
33 shall be operated on the waters of this state or when any activity regulated
34 by this chapter shall take place thereon. Nothing in this chapter shall be
35 construed to prevent the adoption of any ordinance or local law relating to
36 operation and equipment of vessels, ~~so~~ as long as such ordinances are not in
37 conflict with the provisions of law.

38 (3) Any political subdivision of the state of Idaho may at any time, but
39 only after sufficient public notice is given, adopt local ordinances with
40 reference to the operation of vessels on any waters within its territorial

1 limits or with reference to swimming within areas of intense or hazardous
2 vessel traffic, provided the ordinances are intended to promote or protect
3 the health, safety and general welfare of its citizenry.

4 (4) Any political subdivision of the state of Idaho may at any time,
5 but only after sufficient public notice is given, adopt ordinances which es-
6 tablish operational zones for ~~personal~~ motorized watercraft on any waters
7 within its territorial limits. ~~Personal~~ Motorized watercraft operational
8 zone designations are limited to:

9 (a) No wake or less than five (5) miles per hour;

10 (b) ~~Personal watercraft only;~~

11 ~~(c) No personal watercraft allowed; or~~

12 ~~(d) Distance from shoreline not to exceed two hundred (200) feet.~~

13 SECTION 3. That Section 67-7033, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-7033. PENALTIES. (1) Unless otherwise specifically provided, any
16 person who shall violate any of the provisions of this chapter or any rule
17 promulgated by the department pursuant to this chapter shall be guilty of an
18 infraction and be punished as provided in section 18-111, Idaho Code.

19 (2) Any person who shall be convicted of any second or subsequent viola-
20 tion of any of the provisions of law in addition to any other penalties autho-
21 rized herein shall be required to ~~attend and~~ successfully complete a course
22 on safe boating approved by the state boating law administrator and may, at
23 the discretion of the court, be refused the privilege of operating any vessel
24 on any of the waters of this state for a period not to exceed two (2) years.

25 (3) Any person who shall operate any vessel during the period when he
26 has been denied the privilege to so operate by virtue of subsection (2) of
27 this section, shall be guilty of a misdemeanor, and, upon conviction, shall
28 be punished by a fine of not more than three hundred dollars (\$300), or by im-
29 prisonment of not more than thirty (30) days, or by both such fine and impris-
30 onment.

31 (4) Any manufacturer who shall violate the provisions of this chapter
32 with respect to the obligation for the installation of capacity of certifi-
33 cation plates shall be guilty of an infraction, and, upon being found to have
34 committed the infraction, shall be punished as provided in section 18-111,
35 Idaho Code, and each failure to affix a capacity or certification plate as
36 provided in this chapter shall constitute a separate offense for each vessel
37 with respect to which the failure occurs.

38 (5) Any person who, upon first offense, pleads guilty to or is found
39 guilty of violating the provisions of section 67-7016, 67-7017, 67-7025,
40 67-7026, or 67-7027, Idaho Code, shall be required to successfully complete
41 a course on safe boating approved by the state boating law administrator,
42 shall be guilty of a misdemeanor or an infraction, and may be fined not more than
43 three hundred dollars (\$300), ~~imprisoned for a period not to exceed thirty~~
44 ~~(30) days, or by both such fine and imprisonment.~~

45 (6) Any person who, upon second or subsequent violations, pleads
46 guilty to or is found guilty of violating the provisions of section 67-7016,
47 67-7017, 67-7025, 67-7026, or 67-7027, Idaho Code, shall be guilty of a mis-
48 demeanor and:

49 (a) May be fined an amount not to exceed one thousand dollars (\$1,000);

1 (b) May be imprisoned for a period not to exceed thirty (30) days; and

2 (c) Shall be required to successfully complete a course on safe boating
3 approved by the state boating law administrator and may, at the discre-
4 tion of the court, be refused the privilege of operating any vessel on
5 any of the waters of this state for a period not to exceed two (2) years.

6 (7) Any person who pleads guilty to or is found guilty of violating the
7 provisions of section 67-7034, Idaho Code, shall be guilty of a misdemeanor
8 and:

9 (a) May be fined an amount not to exceed one thousand dollars (\$1,000);

10 (b) May be imprisoned for a period not to exceed six (6) months; and

11 (c) Shall be required to attend and successfully complete a course on
12 safe boating approved by the designated state boating law administra-
13 tor.

14 (8) Nothing in this section shall relieve any person who operates a mo-
15 torized watercraft of the responsibility for their actions while operating
16 on the waters of the state, including but not limited to negligent or nonneg-
17 ligent actions that cause damage to private property.