LEGISLATIVE GENERAL COUNSEL
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H.B. 329

BOATING AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lee B. Perry

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the State Boating Act by amending provisions relating to boating.

Highlighted Provisions:

This bill:

- provides that the operator of a motorboat may not exceed a wakeless speed while a person is riding upon certain portions of the motorboat; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-18-15.1, as last amended by Laws of Utah 2010, Chapter 256

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **73-18-15.1** is amended to read:

73-18-15.1. Vessel navigation and steering laws.

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

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28 (2) When the operators of two motorboats approach each other where there is risk of
29 collision, each operator shall alter course to the right and pass on the left side of the other.
30 (3) When the operators of two motorboats are crossing paths and are at risk of a
31 collision, the operator of the vessel that has the other vessel on its right side shall keep out of
32 the way and yield right-of-way if necessary.
33 (4) The operator of any vessel overtaking any other vessel shall keep out of the way of
34 the vessel being overtaken.
35 (5) The operator of a vessel underway shall keep out of the way of a:
36 (a) vessel not under command;
37 (b) vessel restricted in its ability to maneuver;
38 (c) vessel engaged in fishing; and
39 (d) sailing vessel.
40 (6) If the operator of one of two vessels is to keep out of the way, the other vessel
41 operator shall maintain his course and speed unless it becomes apparent the other vessel is not
42 taking the appropriate action.
43 (7) In narrow channels an operator of a vessel underway shall keep to the right of the
44 middle of the channel.
45 (8) The operator of a vessel shall proceed at a safe speed at all times so that the
46 operator can take proper and effective action to avoid collision and be stopped within a
47 distance appropriate to the prevailing circumstances or conditions.
48 (9) (a) When the operators of two sailboats are approaching one another so as to
49 involve risk of collision, one of the operators shall keep out of the way of the other as follows:
50 (i) when each has the wind on a different side, the operator of the vessel that has the
51 wind on the left side shall keep out of the way of the other;
52 (ii) when both have the wind on the same side, the operator of the vessel that is to the
53 windward shall keep out of the way of the vessel that is to leeward; and
54 (iii) if the operator of a vessel with the wind on the left side sees a vessel to windward
55 and cannot determine with certainty whether the other vessel has the wind on the left or on the
56 right side, the operator shall keep out of way of the other vessel.
57 (b) For purposes of this Subsection (9), the windward side shall be the side opposite
58 that on which the mainsail is carried.

59 (10) The operator of any vessel may not exceed a wakeless speed when within 150 feet
60 of:
61 (a) another vessel;
62 (b) a person in or floating on the water;
63 (c) a water skier being towed by another boat;
64 (d) a water skier that had been towed behind the operator's vessel unless the skier is
65 still surfing or riding in an upright stance on the wake created by the vessel;
66 (e) a water skier that had been towed behind another vessel and the skier is still surfing
67 or riding in an upright stance on the wake created by the other vessel;
68 (f) a shore fisherman;
69 (g) a launching ramp;
70 (h) a dock; or
71 (i) a designated swimming area.
72 (11) The operator of a motorboat is responsible for any damage or injury caused by the
73 wake produced by the operator's motorboat.
74 (12) (a) [~~Except as provided in Subsection (12)(b), the~~] The operator of a motorboat
75 [~~that is less than 65 feet in length~~] may not exceed a wakeless speed while any person is riding
76 upon [~~the bow decking, gunwales, transom, seatbacks, or motor cover.~~] any portion of the
77 motorboat not:
78 [~~(b) Subsection (12)(a) does not apply if the motorboat is:~~]
79 [~~(i) between 16 feet and 65 feet in length; and~~]
80 [~~(ii) the motorboat is equipped with adequate rails or other safeguards to prevent a~~
81 ~~person from falling overboard.~~]
82 [~~(13) If a person is riding upon the bow decking of a motorboat that does not have~~
83 ~~designed seating for passengers, the person shall straddle one of the upright supports of the~~
84 ~~bow rail and may not block the vision of the operator.~~]
85 (i) designed by the manufacturer as a riding location; and
86 (ii) contained within seatbacks, gunwales, or rails designed and installed by the
87 manufacturer to prevent the passenger from falling overboard.
88 (b) A person operating a personal watercraft is exempt from the requirement under
89 Subsection (12)(a).

90 [~~(14)~~] (13) The operator of a vessel may not tow a water skier or a person on another
91 device:
92 (a) unless an onboard observer, who is at least eight years of age, is designated by the
93 operator to watch the person being towed; or
94 (b) between sunset and sunrise.
95 [~~(15)~~] (14) A person who violates this section is guilty of a class C misdemeanor.

Legislative Review Note
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Office of Legislative Research and General Counsel