

1 **BOATING LAW CHANGES**

2 1998 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Nathan C. Tanner**

5 AN ACT RELATING TO BOATING; AUTHORIZING THE BOARD OF PARKS AND
6 RECREATION TO REGULATE OUTFITTING COMPANIES AND TO SET LICENSE FEES
7 FOR VESSEL OPERATORS AND REGISTRATION FEES FOR OUTFITTING
8 COMPANIES; PROHIBITING THE OPERATION OF PERSONAL WATERCRAFT AFTER
9 SUNSET AND BEFORE SUNRISE; REQUIRING ANY PERSON ATTENDING A
10 BOATING SAFETY COURSE TO BE ACCOMPANIED BY A PARENT OR LEGAL
11 GUARDIAN; PROHIBITING THE GIVING OF PERMISSION TO OPERATE A VESSEL
12 IN VIOLATION OF MINIMUM AGE REQUIREMENTS; AND ALLOWING MONEY IN
13 THE BOATING ACCOUNT TO BE USED FOR PUBLICLY OWNED BOATING
14 FACILITIES.

15 This act affects sections of Utah Code Annotated 1953 as follows:

16 AMENDS:

17 **73-18-2**, as last amended by Chapter 351, Laws of Utah 1995

18 **73-18-4**, as repealed and reenacted by Chapter 99, Laws of Utah 1987

19 **73-18-15.2**, as last amended by Chapter 89, Laws of Utah 1996

20 **73-18-22**, as last amended by Chapter 281, Laws of Utah 1997

21 ENACTS:

22 **73-18-15.3**, Utah Code Annotated 1953

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

24 Section 1. Section **73-18-2** is amended to read:

25 **73-18-2. Definitions.**

26 As used in this chapter:

27 (1) "Board" means the Board of Parks and Recreation.

1 (2) "Boat livery" means an entity which holds any vessel for renting, leasing, or chartering.

2 (3) "Carrying passengers for hire" means to transport persons on vessels or to lead persons
3 on vessels for [remuneration] consideration.

4 (4) "Consideration" means something of value given or done in exchange for something
5 given or done by another.

6 [(4)] (5) "Dealer" means any person who is licensed by the appropriate authority to engage
7 in and who is engaged in the business of buying and selling vessels or of manufacturing them for
8 sale.

9 [(5)] (6) "Division" means the Division of Parks and Recreation.

10 [(6)] (7) "Motorboat" means any vessel propelled by machinery, whether or not the
11 machinery is the principal source of propulsion.

12 [(7)] (8) "Operate" means to navigate, control, or otherwise use a vessel.

13 [(8)] (9) "Operator" means the person who is in control of a vessel while it is in use.

14 (10) "Outfitting company" means any person who, for consideration:

15 (a) provides equipment to transport persons on rivers; and

16 (b) supervises guides who operate vessels to transport passengers or to lead persons on
17 vessels.

18 [(9)] (11) "Owner" means a person, other than a lien holder, holding a proprietary interest
19 in or the title to a vessel. The term includes a person entitled to the use or possession of a vessel
20 subject to an interest by another person, reserved or created by agreement and securing payment
21 or performance of an obligation. The term does not include a lessee under a lease not intended as
22 security.

23 [(10)] (12) "Personal watercraft" means a motorboat that is:

24 (a) less than 16 feet in length;

25 (b) propelled by a water jet pump; and

26 (c) designed to be operated by a person sitting, standing, or kneeling on the vessel, rather
27 than sitting or standing inside the vessel.

28 [(11)] (13) "Sailboat" means any vessel having one or more sails and propelled by wind.

29 [(12)] (14) "Vessel" means every type of watercraft, other than a seaplane on the water,
30 used or capable of being used as a means of transportation on water.

31 [(13)] (15) "Wakeless speed" means an operating speed at which the vessel does not create

1 or make a wake or white water trailing the vessel. This speed is not in excess of five miles per
2 hour.

3 [(14)] (16) "Waters of this state" means any waters within the territorial limits of this state.

4 Section 2. Section **73-18-4** is amended to read:

5 **73-18-4. Board may promulgate rules.**

6 (1) The board may promulgate rules:

7 [(1)] (a) creating a uniform waterway marking system which shall be obeyed by all vessel
8 operators;

9 [(2)] (b) regulating the placement of waterway markers and other permanent or anchored
10 objects on the waters of this state;

11 [(3)] (c) zoning certain waters of this state for the purpose of prohibiting the operation of
12 vessels or motors for safety and health purposes only; and

13 [(4)] (d) regulating vessel operators who carry passengers for hire [~~and setting a fee not~~
14 ~~to exceed \$10 for licensing these operators]~~ and outfitting companies.

15 (2) (a) The board may set fees for licensing vessel operators who carry passengers for hire
16 and registering outfitting companies in accordance with Section 63-38-3.2.

17 (b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be
18 deposited into the Boating Account created in Section 73-18-22.

19 Section 3. Section **73-18-15.2** is amended to read:

20 **73-18-15.2. Minimum age of operators -- Boating safety course for youth to operate**
21 **personal watercraft.**

22 (1) (a) Except as provided in Subsection (2), a person under 16 years of age may operate
23 a motorboat on the waters of this state, if he is accompanied by a person who is at least 18 years
24 of age.

25 (b) A person under 16 years of age may operate a sailboat, if he is under the direct
26 supervision of a person who is at least 18 years of age.

27 (2) A person under 16 years of age and 12 years of age or older may operate a personal
28 watercraft provided he:

29 (a) is under the direct supervision of a person who is at least 18 years of age;

30 (b) completes a boating safety course approved by the division; and

31 (c) has in his possession a boating safety certificate issued by the boating safety course

1 provider.

2 (3) A person under 18 years of age and 16 years of age or older may operate a personal
3 watercraft, if he:

4 (a) completes a boating safety course approved by the division; and

5 (b) has in his possession a boating safety certificate issued by the boating safety course
6 provider.

7 (4) A person required to attend a boating safety course under [~~Subsection (3)(a) need not~~]
8 this section must be accompanied by a parent[;] or legal guardian[; ~~or responsible party~~] while
9 completing a boating safety course.

10 (5) No person may give permission to another person to operate a vessel in violation of
11 this section.

12 [(5)] (6) As used in this section, "direct supervision" means oversight at a distance within
13 which visual contact is maintained.

14 [(6)] (7) (a) The division may collect a fee not to exceed \$12 from each person who takes
15 the division's boating safety course to help defray the cost of the boating safety course.

16 (b) Money collected from the fee collected under Subsection (7)(a) shall be deposited in
17 the Boating Account.

18 Section 4. Section **73-18-15.3** is enacted to read:

19 **73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and**
20 **sunrise.**

21 A person may not operate a personal watercraft on the waters of this state between sunset
22 and sunrise.

23 Section 5. Section **73-18-22** is amended to read:

24 **73-18-22. Boating Account created -- Contents -- Use of money.**

25 (1) There is created within the General Fund a restricted account known as the Boating
26 Account.

27 (2) Except as provided under Section 73-18-24, all registration fees and related moneys
28 collected by the division[;] or any authorized agent, [~~shall be deposited in the Boating Account as~~
29 ~~restricted revenue in the General Fund of the state;~~] less the costs of collecting motorboat and
30 sailboat registration fees by [any] an authorized agent, shall be deposited into the Boating Account.

31 (3) The amount retained by an authorized agent may not exceed 20% of the fees charged

1 in Section 73-18-7. [~~The balance of the moneys~~]
2 (4) Money in the Boating Account may be used for:
3 (a) the construction, improvement, operation, and maintenance of [~~state-owned~~] publicly
4 owned boating facilities[~~, for~~];
5 (b) boater education[~~;~~]; and [for]
6 (c) the payment of the costs and expenses of the division in administering and enforcing
7 this chapter.

Legislative Review Note
as of 2-5-98 11:25 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel