

BOATING SAFETY AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: Kevin T. Van Tassell

LONG TITLE

General Description:

This bill modifies the State Boating Act.

Highlighted Provisions:

This bill:

- ▶ defines the term "racing shell";
- ▶ clarifies boating safety equipment requirements; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

73-18-2, as last amended by Laws of Utah 2011, Chapter 386

73-18-8, as last amended by Laws of Utah 2010, Chapter 256

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

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

73-18-2. Definitions.

As used in this chapter:



28 (1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a
29 waterbody by any method and the hull of the vessel is not touching the bed or shoreline.

30 (2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a
31 waterbody.

32 (3) "Board" means the Board of Parks and Recreation.

33 (4) "Boat livery" means a person that holds a vessel for renting or leasing.

34 (5) "Carrying passengers for hire" means to transport persons on vessels or to lead
35 persons on vessels for consideration.

36 (6) "Consideration" means something of value given or done in exchange for
37 something given or done by another.

38 (7) "Dealer" means any person who is licensed by the appropriate authority to engage
39 in and who is engaged in the business of buying and selling vessels or of manufacturing them
40 for sale.

41 (8) "Derelict vessel":

42 (a) means a vessel that is left, stored, or abandoned upon the waters of this state in a
43 wrecked, junked, or substantially dismantled condition; and

44 (b) includes:

45 (i) a vessel left at a Utah port or marina without consent of the agency or other entity
46 administering the port or marine area; and

47 (ii) a vessel left docked or grounded upon a property without the property owner's
48 consent.

49 (9) "Division" means the Division of Parks and Recreation.

50 (10) "Moored" means long term, on the water vessel storage in an area designated and
51 properly marked by the division or other applicable managing agency.

52 (11) "Motorboat" means any vessel propelled by machinery, whether or not the
53 machinery is the principal source of propulsion.

54 (12) "Operate" means to navigate, control, or otherwise use a vessel.

55 (13) "Operator" means the person who is in control of a vessel while it is in use.

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

57 (a) provides equipment to transport persons on all waters of this state; and

58 (b) supervises a person who:

59 (i) operates a vessel to transport passengers; or

60 (ii) leads a person on a vessel.

61 (15) (a) "Owner" means a person, other than a lien holder, holding a proprietary
62 interest in or the title to a vessel.

63 (b) "Owner" includes a person entitled to the use or possession of a vessel subject to an
64 interest by another person, reserved or created by agreement and securing payment or
65 performance of an obligation.

66 (c) "Owner" does not include a lessee under a lease not intended as security.

67 (16) "Personal watercraft" means a motorboat that is:

68 (a) less than 16 feet in length;

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

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

72 (17) "Racing shell" means a long, narrow watercraft:

73 (a) outfitted with long oars and sliding seats; and

74 (b) specifically designed for racing or exercise.

75 [~~17~~] (18) "Sailboat" means any vessel having one or more sails and propelled by
76 wind.

77 [~~18~~] (19) "Vessel" means every type of watercraft, other than a seaplane on the water,
78 used or capable of being used as a means of transportation on water.

79 [~~19~~] (20) "Wakeless speed" means an operating speed at which the vessel does not
80 create or make a wake or white water trailing the vessel. This speed is not in excess of five
81 miles per hour.

82 [~~20~~] (21) "Waters of this state" means any waters within the territorial limits of this
83 state.

84 Section 2. Section **73-18-8** is amended to read:

85 **73-18-8. Safety equipment required to be on board vessels.**

86 (1) (a) Except as provided in Subsection (1)(c), each vessel shall have, for each person
87 on board, one wearable personal flotation device that is approved for the type of use by the
88 commandant of the United States Coast Guard.

89 (b) Each personal flotation device shall be:

- 90 (i) in serviceable condition;
- 91 (ii) legally marked with the United States Coast Guard approval number; and
- 92 (iii) of an appropriate size for the person for whom it is intended.
- 93 (c) (i) Sailboards and racing shells are exempt from the provisions of [~~Subsection~~
- 94 Subsections (1)(a) and (e).
- 95 (ii) The board may exempt certain types of vessels from the provisions of Subsection
- 96 (1)(a) under certain conditions or upon certain waters.
- 97 (d) The board may require by rule for personal flotation devices to be worn:
- 98 (i) while a person is on board a certain type of vessel;
- 99 (ii) by a person under a certain age; or
- 100 (iii) on certain waters of the state.
- 101 (e) For vessels 16 feet or more in length, there shall also be on board[~~, one Type IV~~
- 102 one throwable personal flotation device which is approved for this use by the commandant of
- 103 the United States Coast Guard.
- 104 (2) The operator of a vessel operated between sunset and sunrise shall display lighted
- 105 navigation lights approved by the division.
- 106 (3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in
- 107 any enclosure for any purpose, the vessel shall be equipped with an efficient natural or
- 108 mechanical ventilation system that is capable of removing resulting gases before and during the
- 109 time the vessel is occupied by any person.
- 110 (4) Each vessel shall have fire extinguishing equipment on board.
- 111 (5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame
- 112 control device.
- 113 (6) The board may:
- 114 (a) require additional safety equipment by rule; and
- 115 (b) adopt rules conforming with the requirements of this section which govern
- 116 specifications for and the use of safety equipment.
- 117 (7) A person may not operate or give permission for the operation of a vessel that is not
- 118 equipped as required by this section or rules promulgated under this section.

Legislative Review Note
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Office of Legislative Research and General Counsel