

Representative Logan Wilde proposes the following substitute bill:

CARBON MONOXIDE SAFETY ON BOATS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Logan Wilde

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends the State Boating Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires under certain circumstances a new motorboat to have:
 - a carbon monoxide detection system; and
 - labels warning of carbon monoxide dangers; and
- ▶ creates a penalty for noncompliance.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

73-18-2, as last amended by Laws of Utah 2015, Chapter 113

ENACTS:

73-18-27, Utah Code Annotated 1953



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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:

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

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

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

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

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

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

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

(8) "Derelict vessel":

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

(b) includes:

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

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

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

(10) "Enclosed accommodation compartment" means a contiguous space on a motorboat that is enclosed by boat structure and contains:

(a) a designated sleeping accommodation;

(b) a galley area with a sink; and

57 (c) a head compartment.

58 (11) "Enclosed occupancy compartment" means a contiguous space on a motorboat
59 that is enclosed by boat structure and intended to be occupied by an individual.

60 (12) "Marine carbon monoxide detection system" means a device or system that meets
61 the requirements of the American Boat and Yacht Council Standard A-24, July, 2015, for
62 carbon monoxide detection systems.

63 [~~10~~] (13) "Moored" means long term, on the water vessel storage in an area
64 designated and properly marked by the division or other applicable managing agency.

65 [~~11~~] (14) "Motorboat" means any vessel propelled by machinery, whether or not the
66 machinery is the principal source of propulsion.

67 (15) "New motorboat" means a motorboat that has never been titled or registered.

68 [~~12~~] (16) "Operate" means to navigate, control, or otherwise use a vessel.

69 [~~13~~] (17) "Operator" means the person who is in control of a vessel while it is in use.

70 [~~14~~] (18) "Outfitting company" means any person who, for consideration:

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

72 (b) supervises a person who:

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

74 (ii) leads a person on a vessel.

75 [~~15~~] (19) (a) "Owner" means a person, other than a lien holder, holding a proprietary
76 interest in or the title to a vessel.

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

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

81 [~~16~~] (20) "Personal watercraft" means a motorboat that is:

82 (a) less than 16 feet in length;

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

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

86 [~~17~~] (21) "Racing shell" means a long, narrow watercraft:

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

88 (b) specifically designed for racing or exercise.

89 [~~(18)~~] (22) "Sailboat" means any vessel having one or more sails and propelled by
90 wind.

91 [~~(19)~~] (23) "Vessel" means every type of watercraft, other than a seaplane on the water,
92 used or capable of being used as a means of transportation on water.

93 [~~(20)~~] (24) "Wakeless speed" means an operating speed at which the vessel does not
94 create or make a wake or white water trailing the vessel. This speed is not in excess of five
95 miles per hour.

96 [~~(21)~~] (25) "Waters of this state" means any waters within the territorial limits of this
97 state.

98 Section 2. Section 73-18-27 is enacted to read:

99 **73-18-27. Carbon monoxide safety -- Penalty.**

100 (1) A dealer may not sell a new motorboat that has an enclosed accommodation
101 compartment, unless there is a functioning marine carbon monoxide detection system installed,
102 in accordance with the manufacturer's instructions, in:

103 (a) each enclosed accommodation compartment in a location where the marine carbon
104 monoxide detection system can monitor the atmosphere of the largest open space within the
105 enclosed accommodation compartment; and

106 (b) each sleeping accommodation compartment.

107 (2) A dealer may not sell a gasoline-powered new motorboat that has an enclosed
108 occupancy compartment, unless there is a label that warns of the dangers of carbon monoxide
109 affixed to the new motorboat in the vicinity of each of the following locations:

110 (a) the aft reboarding area or stern area;

111 (b) the steering station; and

112 (c) the entrance to each enclosed occupancy compartment.

113 (3) (a) An owner of a motorboat that is titled or registered for the first time on or after
114 January 1, 2020, shall ensure that the motorboat complies with the marine carbon monoxide
115 detection system requirements described in Subsection (1) and the labeling requirements
116 described in Subsection (2).

117 (b) An owner of a motorboat that violates this subsection is subject to:

118 (i) a warning for a first violation; and

119 (ii) an infraction for each subsequent violation related to the same motorboat.
120 (4) Upon request, the division shall provide a person a label that warns of the dangers
121 of carbon monoxide to affix to a motorboat in accordance with this section. The division may
122 charge a fee to cover the cost of providing the label.

123 Section 3. **Effective date.**

124 This bill takes effect on January 1, 2020.