

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 519

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

1 RELATING TO BOATING; AMENDING SECTION 67-7003, IDAHO CODE, TO DEFINE TERMS
2 AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 67-7004, IDAHO
3 CODE, TO REVISE PROVISIONS REGARDING HULL IDENTIFICATION NUMBERS;
4 AMENDING SECTION 67-7008, IDAHO CODE, TO REVISE PROVISIONS REGARDING
5 CERTIFICATES OF NUMBER; AMENDING SECTION 67-7008A, IDAHO CODE, TO RE-
6 MOVE A CODE REFERENCE; AMENDING SECTION 67-7009, IDAHO CODE, TO REVISE
7 THE EXEMPTION FROM NUMBERING PROVISIONS; AMENDING SECTION 67-7015,
8 IDAHO CODE, TO REVISE PROVISIONS REGARDING SAFETY EQUIPMENT; AMENDING
9 SECTION 67-7017, IDAHO CODE, TO REVISE PROVISIONS REGARDING NEGLIGENT
10 OPERATION; AMENDING SECTION 67-7024, IDAHO CODE, TO REVISE PROVISIONS
11 REGARDING WATER SKIING; AMENDING SECTION 67-7031, IDAHO CODE, TO REVISE
12 PROVISIONS REGARDING MARKING OF WATER AREAS; AMENDING SECTION 67-7078,
13 IDAHO CODE, TO REVISE PROVISIONS REGARDING PERSONAL WATERCRAFT LIVER-
14 IES; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.
15

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

17 SECTION 1. That Section 67-7003, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7003. DEFINITIONS. In this chapter:

20 (1) "Actual physical control" means being in the operator's position of
21 the vessel with the motor running or with the vessel moving.

22 (2) "Aids to navigation" means such buoys, batons, markers or other
23 fixed objects in the water ~~which~~ that are established and used to mark ob-
24 structions or to direct navigation through separate channels.

25 (3) "Authorized vendor" means a retail/commercial enterprise or gov-
26 ernment office authorized by the department to sell certificates of number
27 as provided in section 67-7008, Idaho Code.

28 (4) "Boating law administrator" means the staff person of the Idaho de-
29 partment of parks and recreation appointed by the director and who super-
30 vises the boating program.

31 (5) "Commercial vessel" means any vessel used in the carriage of any
32 person, ~~or~~ or persons or property for a valuable consideration, whether di-
33 rectly or indirectly flowing to the owner, partner, agent or any other person
34 interested in the vessel.

35 (6) "Department" means the Idaho department of parks and recreation.

36 (7) "Director" means the director of the Idaho department of parks and
37 recreation.

38 (8) "Duly constituted water ski school" means a profit-making business
39 that files Idaho income tax returns in accordance with chapter 30, title 63,
40 Idaho Code, substantiating that instruction of water ski students for the
41 making of a profit is or was being performed by the instructor.

1 (9) "Float house" means a floating structure which is designed and
 2 built to be used, or is modified to be used, as a stationary waterborne resi-
 3 dential dwelling, has no mode of power of its own, is dependent for utilities
 4 upon a continuous utility linkage to a source originating ~~on-shore~~ onshore,
 5 and has a permanent continuous connection to a sewage system on shore.

6 (910) "Float tube" means any vessel constructed of canvas, nylon or
 7 other material encasing an inflatable inner tube which allows the operator
 8 to sit inside with his legs dangling below the vessel.

9 (101) "Lifeboat" means a vessel that is owned by the owner of a vessel
 10 for which a valid certificate of number has been issued, is kept with the
 11 numbered vessel during normal operation of the numbered vessel, and is used
 12 solely in life-threatening situations.

13 (12) "Length of vessel" means the distance measured at the centerline
 14 at the highest point above the waterline from the fore-part of the outer
 15 hull at the bow to the aft-part of the outer hull at the stern, excepting any
 16 bowsprits, railings or extraneous or additional equipment.

17 (113) "Manufacturer" means any person who is engaged in the business of
 18 manufacturing or importing new and unused vessels for the purpose of sale or
 19 trade.

20 (124) "Motorboat" means any vessel propelled by machinery that is pow-
 21 ered by an energy source other than human effort, whether or not such machin-
 22 ery is the principal source of propulsion.

23 (15) "Operate" means to navigate or otherwise use a vessel on the water
 24 of this state.

25 (136) "Operator" means any person who controls the direction or propul-
 26 sion of any vessel on the water of this state.

27 (147) "Owner" means any person having a property interest in or entitled
 28 to the use or possession of a vessel, including a person entitled to the use
 29 or possession subject to the interest in another person reserved or created
 30 by agreement and securing payment of performance of an obligation, but not
 31 including a lessee under lease not intended as security.

32 (158) "Passenger" means every person carried aboard a vessel other
 33 than:

34 (a) The owner or his representative;

35 (b) The operator;

36 (c) A bona fide member of the crew engaged in the business of the vessel
 37 who has contributed no consideration for carriage and who is paid for
 38 his services; or

39 (d) Any guest on board a vessel ~~which is~~ which used exclusively for pleasure
 40 purposes who has not contributed any consideration directly or indi-
 41 rectly for his carriage.

42 (169) "Person" means any individual, firm, partnership, corporation,
 43 company, association, joint stock association, or body politic, except the
 44 United States and the state of Idaho, and includes any agent, trustee, execu-
 45 tor, reserve assignee or similar representative of any of the above.

46 (1720) "Personal watercraft" means a small vessel ~~which~~ that uses an
 47 outboard motor or an inboard motor powering a water jet pump as its primary
 48 source of power and is designed to be operated by a person sitting, standing,
 49 or kneeling on, rather than in the conventional manner of sitting or standing
 50 inside, the vessel.

1 (1821) "Private label merchandiser" means any person engaged in the
2 business of selling or distributing, under his own trade name, vessels manu-
3 factured by another.

4 (1922) "Regatta," "Rrace," "Mmarine Eevent," "Ttournament," or
5 "Eexhibition" means an organized water event of limited duration ~~which is~~
6 conducted according to a prearranged schedule.

7 (203) "Regulatory markers" means any fixed or anchored aid to naviga-
8 tion ~~which that~~ is established and used, but is not limited to, the bathing
9 beach markers, speed zone markers, information markers, swimming or diving
10 markers, floating mooring buoys, fishing buoys, or markers for ski courses
11 or jumps.

12 (214) "Rules of the road" means the statutory and regulatory rules gov-
13 erning the navigation of vessels as published by the United States Ceast
14 Gguard in Nnavigational Rrules Iinternational -- Iinland.

15 (225) "Sailboard" means a surfboard type sailboat with no freeboard
16 that uses a triangular sail on a swivel-mounted mast not secured to a hull by
17 guys or stays.

18 (26) "Sailboat" means any vessel equipped with mast(s) and sails(s),
19 dependent upon the wind to propel the vessel in normal course of operation of
20 the vessel.

21 (27) "Tender" means a vessel that: is equipped with propulsion machin-
22 ery of less than ten (10) horsepower; is owned by the owner of the vessel
23 for which a valid certificate of number has been issued; displays the num-
24 ber of that numbered vessel followed by the suffix "I"; and is used for direct
25 transportation between the numbered vessel and the shore and for no other
26 purpose.

27 (28) "Vessel" means every description of watercraft, including a sea-
28 plane on the water, used or capable of being used as a means of transportation
29 on water, but does not include float houses, diver's aids operated and de-
30 signed primarily to propel a diver below the surface of the water, and nonmo-
31 torized devices not designed or modified to be used as a means of transporta-
32 tion on the water, such as inflatable air mattresses, single inner tubes, and
33 beach and water toys.

34 (239) "Watercraft" means those devices designed as a means of trans-
35 portation on water. Devices that are not considered watercraft are diver's
36 aids operated and designed primarily to propel a diver below the surface of
37 the water; nonmotorized devices not designed as a means of transportation on
38 water, such as inflatable air mattresses, single inner tubes, beach toys,
39 and water toys; and float houses as defined in subsection (9) of this sec-
40 tion.

41 (30) "Water of this state" means any waters in the state of Idaho over
42 which the state has jurisdiction.

43 (31) "Whistle or horn" means any sound-producing appliance capable of
44 producing prescribed blasts that complies with the specifications of sec-
45 tion 67-7015, Idaho Code.

46 SECTION 2. That Section 67-7004, Idaho Code, be, and the same is hereby
47 amended to read as follows:

1 67-7004. HULL IDENTIFICATION NUMBER. (1) All vessels, except sea-
2 planes, shall have two (2) identical hull identification numbers perma-
3 nently displayed and affixed in accordance with federal regulations.

4 (2) A person who builds or imports a vessel for his own use and not for
5 the purposes of sale shall request a hull identification number from the di-
6 rector and affix the number as instructed.

7 (3) No person shall destroy, remove, alter, or cover a vessel hull iden-
8 tification number.

9 (4) The director may issue a hull identification number for any vessel
10 in violation of the provisions of this section.

11 (5) The same hull identification number may not be assigned to more than
12 one (1) vessel.

13 (6) Each applicant for a hull identification number as prescribed in
14 subsections (2) and (4) of this section shall submit one (1) of the following
15 documents to the department:

16 (a) The bill of sale from the dealer or a bill of sale from the previous
17 owner of the vessel;

18 (b) If the vessel is homebuilt, a sworn statement attesting to the iden-
19 tity of the builder, the location or place of construction, the source
20 of the material used for construction, and a description of the vessel.
21 The statement must also be accompanied by any receipts received from the
22 purchase or acquisition of the materials used in the construction of the
23 vessel and a copy of the construction plans, if any;

24 (c) If the vessel has been rebuilt, a sworn statement attesting to
25 the identity of the building, the location or place of rebuilding, the
26 source of the material used for rebuilding, and a description of the
27 vessel. The statement must also be accompanied by any receipts received
28 for the purchase or acquisition of the materials used in the rebuild-
29 ing of the vessel, documentation indicating the source of the original
30 hull, and proof of ownership from the previous owner; or

31 (d) If none of the documents listed in this subsection are available, an
32 affidavit of ownership.

33 (7) Each hull identification number issued according to subsection (2)
34 of this section shall consist of twelve (12) characters, uninterrupted by
35 slashes, hyphens, or spaces, as follows:

36 (a) Prefix. The first three (3) characters shall be "IDZ," which de-
37 notes Idaho as the issuing authority.

38 (b) Hull serial number. Characters four (4) through eight (8) shall be
39 the hull serial number assigned by the director in letters of the Eng-
40 lish alphabet or Arabic numerals, or both, except the letters "I," "O,"
41 and "Q."

42 (c) Date of manufacture. Characters nine (9) and ten (10) shall indi-
43 cate the month and year of manufacture. The date indicated can be no
44 earlier than the date construction or assembly began and no later than
45 the date construction or assembly is completed or the vessel is imported
46 into the United States. Character nine (9) shall be indicated using
47 letters of the English alphabet. The first month of the year, January,
48 shall be designated by the letter "A," the second month, February, by
49 the letter "B," and so on until the last month of the year, December.

1 Character ten (10) shall be the last digit of the year of manufacture or
2 import and shall be an Arabic numeral.

3 (d) Model year. Characters eleven (11) and twelve (12) shall indicate
4 the model year using Arabic numerals for the last two (2) numbers of the
5 model year such as "87" for 1987 and "88" for 1988.

6 (8) Each hull identification number issued according to subsection (2)
7 of this section shall be displayed as follows:

8 (a) Primary number. The primary hull identification number shall be
9 affixed, on vessels with transoms, to the starboard outboard side of
10 the transom within two (2) inches of the top of the transom, gunwale, or
11 hull/deck joint, whichever is lowest. On vessels without transoms or on
12 vessels on which it would be impractical to use the transom, it shall be
13 affixed to the starboard outboard side of the hull, aft, within one (1)
14 foot of the stern and within two (2) inches of the top of the hull side,
15 gunwale, or hull/deck joint, whichever is lowest. On catamarans and
16 pontoon vessels that have readily replaceable hulls to the aft cross-
17 beam, it shall be affixed within one (1) foot of the starboard hull at-
18 attachment. If the hull identification number would not be visible be-
19 cause of rails, fittings, or other accessories, the number shall be af-
20 fixed as near as possible to the location specified in this chapter.

21 (b) Duplicate number. The duplicate hull identification number shall
22 be affixed in an unexposed location on the interior of the vessel or be-
23 neath a fitting or item of hardware.

24 (c) Permanent placement. Each hull identification number shall
25 be carved, burned, stamped, embossed, molded, bonded, or otherwise
26 permanently affixed to the vessel so that alteration, removal, or re-
27 placement would be obvious. If the number is on a separate plate, the
28 plate shall be fastened in such a manner that its removal would normally
29 cause some scarring of or damage to the surrounding hull area. A hull
30 identification number may not be attached to parts of the vessel that
31 are removable.

32 (d) Size. The characters of each hull identification number shall be no
33 less than one-fourth (1/4) of an inch high.

34 SECTION 3. That Section 67-7008, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 67-7008. CERTIFICATE OF NUMBER -- EXPIRATION -- FEES. (1) Within
37 fifteen (15) days after purchase, or as otherwise ~~herein~~ provided in this
38 section, the owner of each vessel requiring numbering by the state of Idaho
39 shall file an application for a certificate of number with an assessor or au-
40 thorized vendor on forms provided by the department. The application shall
41 be signed by the owner and shall be accompanied by the fee ~~herein~~ designated
42 in this section. Upon receipt of an application in approved form, and the
43 appropriate fee, the assessor or authorized vendor shall enter the same
44 upon the records of its office and issue to the applicant two (2) validation
45 stickers and a certificate of number, the receipt of any fee paid, and the
46 name and address of the owner, and the assessor or authorized vendor shall
47 forward to the department a duplicate copy. The owner shall also receive
48 a vessel number that shall be permanently assigned to the boat. The owner
49 shall paint on or permanently attach to each side of the bow of the vessel

1 the vessel number and validation sticker in a manner as may be prescribed by
2 rules of the department in order that they may be completely visible, and the
3 number shall be maintained in legible condition. The certificate of number
4 shall be pocket-size and shall be on board and available at all times for in-
5 spection on the vessel for which issued whenever that vessel is in operation,
6 except that livery operators may have the rental agreement on board rented
7 vessels in lieu of the certificate of number.

8 (2) The owner of any vessel for which a current certificate of number
9 has been issued pursuant to any federal law or a federally approved numbering
10 system of another state shall, if the vessel is operated on the waters of this
11 state in excess of sixty (60) days, make application for an Idaho certificate
12 of number in the manner prescribed in this section.

13 (3) Each assessor and authorized vendor shall record, on a form pro-
14 vided by the department, the names of all owners of vessels who make applica-
15 tion for certificates of number, together with the amount of the fees paid by
16 the owners. He shall, on or before the tenth of each month, forward to the de-
17 partment a duplicate copy of each record for the preceding month.

18 (4) All records of the department made or kept pursuant to this section
19 shall be kept current and shall be public records.

20 (5) Every certificate of number issued shall continue in full force and
21 effect through December 31 of the year of issue unless sooner terminated or
22 discontinued in accordance with law. Certificates of number may be renewed
23 by the owner in the same manner provided for in the initial securing of them.

24 (6) The owner of any vessel shall notify the department within fif-
25 teen (15) days if his vessel is destroyed or abandoned, or if it is sold
26 or transferred either wholly or in part to another person or persons, or
27 if the owner's address no longer conforms to the address appearing on the
28 certificate of number. In all such cases, the notice shall be accompanied
29 by a surrender of the certificate of number. When the surrender of the cer-
30 tificate is by reason of the vessel being destroyed, abandoned or sold, the
31 department shall cancel the certificate and enter that fact in its records.
32 If the surrender is by reason of a change of address on the part of the owner,
33 the new address shall be endorsed on the certificate and the certificate
34 returned to the owner.

35 (7) Whenever the ownership of a vessel changes, the purchaser shall,
36 within fifteen (15) days after acquisition, make application to the depart-
37 ment for transfer to him of the certificate of number issued for the vessel,
38 giving his name, address, and the vessel number and shall, at the same time,
39 pay to the department a transfer fee of three dollars (\$3.00). Upon receipt
40 of the application and fee, the department shall transfer the certificate of
41 number issued for the vessel to the new owner or owners. Unless the applica-
42 tion is made and the fee paid within fifteen (15) days, the vessel shall be
43 considered to be without a certificate of number.

44 (8) No numbers other than the validation stickers and vessel number is-
45 sued to a vessel or granted by reciprocity pursuant to law shall be painted,
46 attached, or otherwise displayed on either side of the bow of the vessel.

47 (9) If any certificate of number becomes lost, mutilated, or becomes
48 illegible, the owner of the vessel for which the same was issued shall obtain
49 a duplicate of the certificate from the department upon application and the
50 payment of a fee of three dollars (\$3.00). If one or both validation stick-

1 ers are lost, stolen, or destroyed, any sticker remnants and the certifi-
 2 cate of number should be returned to the department along with a three-dollar
 3 (\$3.00) fee and an application for a duplicate certificate of number and val-
 4 idation stickers.

5 (10) A person engaged in the manufacture or sale of vessels of a type
 6 otherwise required to be numbered by law, may obtain, pursuant to regula-
 7 tions duly promulgated by the department, certificates of number for use in
 8 the testing or demonstration only of a vessel upon payment of thirteen dol-
 9 lars (\$13.00) for each certificate. Certificates of number so issued may be
 10 used by the applicant in the testing or demonstration only of vessels by tem-
 11 porary placement of the numbers assigned by the certificates on the vessel
 12 tested or demonstrated, and shall be issued and displayed as otherwise pre-
 13 scribed by this chapter or by regulation of the department.

14 (11) The fees shall be:

15 Vessels 0-12 feet in length	\$20.00
16 Vessels over 12 feet in length	20.00
17 plus \$2.00 per foot for each additional foot	
18 in excess of 12 feet.	

19 (12) The provisions of subsection (11) of this section, with respect to
 20 the amount of payment of fees shall not apply to vessels owned by any chari-
 21 table or religious organization, scout organization or any similar organi-
 22 zation not used and operated for profit. All vessels currently numbered by
 23 the state of Idaho and having paid the fees imposed by subsection (11) of this
 24 section shall not be assessed and taxed as personal property in the state of
 25 Idaho.

26 (13) The fee for vessels owned by any charitable or religious organiza-
 27 tion, scout organization or similar organization not used and operated for
 28 profit shall be two dollars (\$2.00) per year.

29 (14) Each vessel number required by this section shall: be in plain ver-
 30 tical block characters of not less than three (3) inches in height; contrast
 31 with the color of the background; have spaces or hyphens that are equal to the
 32 width of a letter other than "I" or a number other than "1" between the let-
 33 ter and number groupings; be read from left to right; be maintained in legi-
 34 ble condition; and be as high above the waterline as practicable without de-
 35 creasing the visibility of the number.

36 (15) Manufacturers and dealers. When a vessel is used by a manufacturer
 37 or dealer for testing or demonstrating, the vessel number may be painted on
 38 or attached to removable plates that are temporarily but firmly attached to
 39 each side of the forward half of the vessel.

40 (16) Special circumstances. On vessels so configured that a vessel num-
 41 ber on the hull or superstructure would not be easily visible, the vessel
 42 number shall be painted on or attached to a backing plate that is attached to
 43 the forward half of the vessel so that the vessel number is visible from each
 44 side of the vessel.

45 (17) Each vessel number issued according to this section shall consist
 46 of the prefix "ID," which denotes Idaho as the state of issuing authority,
 47 followed by not more than four (4) numerals followed by not more than two (2)
 48 capital letters; or by not more than three (3) numerals followed by not more
 49 than three (3) capital letters. A vessel number suffix may not include the
 50 letters "I," "O," or "Q," which may be mistaken for numerals.

1 (18) Validation stickers issued according to this section shall: be
2 displayed within six (6) inches of and directly in line with the vessel num-
3 ber displayed on the vessel; be approximately three (3) inches square; and
4 indicate the year in which each validation sticker expires by the colors
5 green, red, blue, and international orange, in rotation beginning with green
6 for stickers that expire in 1987.

7 (19) Validation stickers issued according to this section that have be-
8 come invalid shall be removed from the vessel.

9 (20) Except as allowed in this chapter, each application for a certifi-
10 cate of number and each certificate of number referred to in this section
11 shall contain: the number issued to the vessel; expiration date of the cer-
12 tificate; state of principal use; name of the owner; address of owner, in-
13 cluding ZIP code; whether the vessel is used for pleasure, rent or lease,
14 dealer or manufacturer demonstration, commercial passenger carrying, com-
15 mmercial fishing, or other use; manufacturer's hull identification number,
16 if any; make of the vessel; year the vessel was manufactured; overall length
17 of the vessel; whether the vessel is an open boat, cabin cruiser, houseboat,
18 or other type; hull material; whether the propulsion is inboard, outboard,
19 inboard out-drive, or sail; whether the fuel is gasoline, diesel, or other;
20 the number previously issued by an issuing authority for the vessel, if any;
21 whether the application is for a new certificate of number, renewal of a cer-
22 tificate of number, or transfer of ownership; and the signature of the owner.

23 (21) A certificate of number issued to a manufacturer or dealer to be
24 used on a vessel for test or demonstration purposes may omit the requirements
25 of this chapter if the word "manufacturer" or "dealer" is plainly marked on
26 the certificate.

27 (22) A certificate of number issued to a vessel that is to be rented or
28 leased without propulsion machinery may omit the requirements of this chap-
29 ter if the words "livery vessel" are plainly marked on the certificate.

30 (23) Each applicant for a certificate of number as prescribed in this
31 section shall submit to the department or authorized vendor the bill of sale
32 from the dealer or a bill of sale from the previous owner of the vessel and,
33 if the vessel is homebuilt, a sworn statement attesting to the identity of
34 the builder, the location or place of construction, the source of the mate-
35 rial used for construction, and a description of the vessel. The statement
36 must also be accompanied by any receipts received from the purchase or acqui-
37 sition of the materials used in the construction of the vessel and a copy of
38 the construction plans, if any; if the vessel has been rebuilt, it must con-
39 tain a sworn statement attesting to the identity of the builder, the location
40 or place of rebuilding, the source of the material used for rebuilding, and
41 a description of the vessel. The statement must also be accompanied by any
42 receipts received for the purchase or acquisition of the materials used in
43 the rebuilding of the vessel and documentation indicating the source of the
44 original hull and proof of ownership from the previous owner. If none of the
45 documents listed in this subsection are available, the applicant must submit
46 an affidavit of ownership to the department.

47 (24) Only those counties in the state with a boating improvement pro-
48 gram recognized by the department shall be eligible to receive moneys from
49 the state vessel account. A "boating improvement program" means that one (1)
50 or more recognized boating facilities are being developed and/or maintained

1 within the county's jurisdiction and/or that the county has or is actively
2 developing a recognized boating law enforcement program.

3 (25) A boating improvement program is recognized if it contains one (1)
4 or more boating facilities that are being maintained within the county's
5 jurisdiction or boating facilities that are being developed within the
6 county's jurisdiction. A boating facility is an improved public boating
7 access site that includes at least an improved concrete or asphalt boat ramp
8 and any type of parking area for vehicles and their attached boat trailers.
9 "Being developed" means that substantiating evidence can and shall be pre-
10 sented in proof of the development and/or that the county has or is actively
11 developing a boating law enforcement program. A boating law enforcement
12 program is a program whereby an agent of the county sheriff's department
13 is currently patrolling, or has in the recent past patrolled, the county's
14 waterways and has enforced the provisions of this chapter. "Actively de-
15 veloping" means that substantiating evidence can and shall be presented in
16 proof of the development.

17 SECTION 4. That Section 67-7008A, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7008A. ADDITIONAL FEES -- DEPOSIT INTO INVASIVE SPECIES FUND. (1)
20 In addition to any other moneys or fees collected pursuant to the provisions
21 of section 67-7008, Idaho Code, or any other provision of chapter 70, title
22 67, Idaho Code, all vessels shall pay an additional fee each calendar year as
23 follows:

24 (a) Motorized vessels and sailboats:

25 (i) Ten dollars (\$10.00) per vessel numbered in the state of Idaho
26 prior to launch into the public waters of the state;

27 (ii) Thirty dollars (\$30.00) per vessel documented through the
28 United States coast guard or registered or numbered outside the
29 state of Idaho prior to launch into the public waters of the state.

30 (b) Nonmotorized vessels: Seven dollars (\$7.00) per vessel prior to
31 launch into the public waters of the state.

32 (c) Licensed outfitters, as defined in section 36-2102(b), Idaho Code,
33 with nonmotorized fleets exceeding five (5) vessels shall be afforded a
34 prorated group rate of thirty-two dollars (\$32.00) for six (6) to ten
35 (10) vessels; fifty-seven dollars (\$57.00) for eleven (11) to twenty
36 (20) vessels; and one hundred two dollars (\$102) for twenty-one (21) or
37 more vessels up to a maximum of one hundred (100) vessels. The fee for
38 any additional vessels shall be one dollar (\$1.00) per vessel. The li-
39 censed outfitter group rates shall also be available for groups exempt
40 from licensing pursuant to section 36-2103, Idaho Code.

41 (2) Upon payment of the fee as provided in this section, the payor shall
42 be issued a protection against invasive species sticker that shall be dis-
43 played on the vessel in a manner as prescribed by the rules of the department.
44 Stickers shall be considered in full force and effect through December 31 of
45 the year of issue.

46 (3) Fees shall be collected by the department or authorized vendor.

47 (a) Vendors may retain one dollar and fifty cents (\$1.50) of fees col-
48 lected pursuant to this section except those collected pursuant to sub-
49 section (1) (a) (i) of this section.

1 (b) The department shall retain up to twenty percent (20%) of the fees
2 for the actual costs of administering the sticker program.

3 (c) All remaining fees collected pursuant to this section shall be de-
4 posited in the invasive species fund established in section 22-1911,
5 Idaho Code.

6 (d) For the purpose of this section, "vessel" is defined in section
7 67-7003(22), Idaho Code. All vessels are subject to the provisions of
8 this section, with the exception of small rafts and other inflatable
9 vessels less than ten (10) feet in length.

10 (4) If the protection against invasive species sticker is lost, stolen
11 or destroyed, any sticker remnants shall be returned to the department along
12 with a three dollar (\$3.00) fee for a duplicate sticker.

13 (5) A person engaged in the manufacture or sale of vessels may obtain
14 a sticker to be used in the testing or demonstration only of vessels by tem-
15 porary placement of the protection against invasive species sticker on the
16 vessel tested or demonstrated.

17 SECTION 5. That Section 67-7009, Idaho Code, be, and the same is hereby
18 amended to read as follows:

19 67-7009. EXEMPTION FROM NUMBERING PROVISIONS. A vessel shall not be
20 required to be numbered under this chapter if it is:

21 (1) Already covered by a number in full force and effect ~~which~~ that has
22 been issued to it pursuant to federal law or a federally approved numbering
23 system of another state, provided that such vessel shall not have been within
24 this state for a period in excess of sixty (60) consecutive days.

25 (2) A vessel from a country other than the United States using the wa-
26 ters of this state for a period of less than sixty-one (61) consecutive days.

27 (3) A vessel ~~which is~~ owned by the United States, another state, or a
28 political subdivision thereof that is used principally for governmental
29 purposes other than recreation and is clearly identifiable as a govern-
30 ment-owned vessel.

31 (4) A vessel's lifeboat.

32 (5) A vessel belonging to a class of vessels ~~which has been~~ exempted
33 from numbering by the department after it has found that the numbering of
34 vessels of such class will not materially aid in their identification and
35 has further found that the vessel would also be exempt from numbering if it
36 were subject to federal law. These include rowboats without motors, canoes
37 without motors, kayaks without motors, inflatable vessels without motors,
38 paddle vessels without motors, sailboards without motors, tenders, float
39 tubes, and vessels properly documented with the United States coast guard.

40 ~~(6) A float tube.~~

41 SECTION 6. That Section 67-7015, Idaho Code, be, and the same is hereby
42 amended to read as follows:

43 67-7015. SAFETY EQUIPMENT -- ADDITIONAL REGULATIONS. (1) The depart-
44 ment is hereby authorized to promulgate rules and regulations establishing
45 equipment requirements for any vessel subject to the provisions of law. Reg-
46 ulations shall be, wherever possible, in conformity with the provisions of
47 the federal navigation laws or with navigation rules and regulations promul-

1 gated by the United States Coast Guard and shall be modified from time to
2 time to maintain that conformity.

3 (2) It shall be unlawful for any person to operate or permit the opera-
4 tion of any vessel on the waters of the state of Idaho unless the vessel shall
5 have on board or installed the equipment required by rules and regulations
6 promulgated by the department.

7 (3) Personal flotation devices required. Except for seaplanes and
8 sailboards, no person may operate or permit to be operated any vessel on the
9 waters of this state without carrying on board United States coast guard-ap-
10 proved personal flotation devices as described in this subsection.

11 (a) Recreational vessels used for noncommercial use less than sixteen
12 (16) feet in length and canoes and kayaks of any length must have one (1)
13 United States coast guard-approved wearable personal flotation device
14 of a suitable size for each person on board.

15 (b) Recreational vessels sixteen (16) feet in length or longer must
16 have one (1) United States coast guard-approved wearable personal
17 flotation device of a suitable size for each person on board and, in
18 addition, one (1) United States coast guard-approved throwable device.

19 (c) Commercial vessels less than forty (40) feet in length not carry-
20 ing passengers for hire must have at least one (1) United States coast
21 guard-approved wearable personal flotation device of a suitable size
22 for each person on board.

23 (d) Commercial vessels carrying passengers for hire and commercial
24 vessels forty (40) feet in length or longer not carrying passengers
25 for hire must have at least one (1) United States coast guard-approved
26 wearable personal flotation device of a suitable size for each person on
27 board.

28 (e) Commercial vessels twenty-six (26) feet in length or longer must
29 have at least one (1) United States coast guard-approved throwable de-
30 vice in addition to other requirements.

31 (f) Children fourteen (14) years of age and younger, on board vessels
32 nineteen (19) feet or less, must wear a United States coast guard-ap-
33 proved flotation device when the vessel is underway.

34 (g) All personal flotation devices must be readily accessible to per-
35 sons on board and be of good and serviceable condition. When aboard a
36 personal watercraft, including a Jet Ski, wave runner, etc., or being
37 towed by a boat, including a water ski, wakeboard, kneeboard, tube,
38 etc., an approved flotation device must be worn to be considered read-
39 ily accessible. All such devices must be approved by the United States
40 coast guard and must be marked in accordance with United States coast
41 guard standards.

42 (4) Exemptions to subsection (3) of this section are racing shells,
43 rowing sculls, and racing kayaks provided they are manually propelled,
44 recognized by a national or international racing association, and designed
45 solely for competitive racing. Float tubes are exempt from the requirements
46 of this chapter while being operated on lakes and reservoirs of this state
47 less than two hundred (200) surface acres in size at natural or ordinary high
48 water.

49 (5) Fire extinguishers required. Except seaplanes and those motor-
50 boats less than twenty-six (26) feet in length propelled by outboard motors

1 of open construction that will not permit the entrapment of explosive or
2 flammable gases or vapors and not carrying passengers for hire, no person may
3 operate or permit to be operated any motorboat on the waters of this state
4 unless it carries on board and has readily accessible at least the minimum
5 number of serviceable United States coast guard-approved extinguishers.
6 Extinguishers approved for use on motorboats are hand portable of either B-I
7 or B-II classification. "B" type is for gasoline, oil, and grease fires. "I"
8 and "II" denotes size.

9 (6) Inspections. Dry chemical fire extinguishers without gauges or in-
10 dicating devices must be inspected every six (6) months. If the gross weight
11 of a carbon dioxide (CO₂) fire extinguisher is reduced by more than ten per-
12 cent (10%) of the net weight, the extinguisher is not acceptable and must be
13 recharged.

14 (7) Specific requirements. The requirements for fire extinguishers by
15 length of motorboat are:

16 (a) At least one (1) B-1 fire extinguisher for boats less than twenty-
17 six (26) feet in length;

18 (b) At least two (2) B-1 fire extinguishers for boats twenty-six (26)
19 feet to less than forty (40) feet in length;

20 (c) At least three (3) B-1 fire extinguishers for boats forty (40) feet
21 to not more than sixty-five (65) feet in length; and

22 (d) The minimum federal requirement for boats sixty-five (65) feet in
23 length or longer.

24 (8) Alternative fire extinguisher requirement. One (1) B-II fire ex-
25 tinguisher may be substituted for two (2) B-I fire extinguishers. When a
26 fixed fire extinguishing system is installed in machinery space(s), one (1)
27 fewer B-I fire extinguisher is required.

28 (9) Motorized vessels less than sixty-five and six-tenths (65.6) feet
29 in length must exhibit navigation lights. No person may operate or permit
30 the operation of any vessel on the waters of this state between sunset and
31 sunrise or in other times of restricted visibility unless the vessel is
32 equipped with and displays the lights specified in this section, and during
33 such time no other lights that may be mistaken for those prescribed must be
34 exhibited.

35 (a) A white light placed over the fore and aft centerline of the ves-
36 sel showing an unbroken light over an arc of the horizon of two hundred
37 twenty-five (225) degrees (twenty (20) points) and so fixed as to show
38 the light from right ahead to twenty-two and five-tenths (22.5) degrees
39 (two (2) points) abaft (toward the stern from) the beam on either side of
40 the vessel.

41 (b) A white light placed as nearly as practicable at the stern showing
42 an unbroken light over an arc of the horizon one hundred thirty-five
43 (135) degrees (twelve (12) points) and so fixed as to show the light
44 sixty-seven and five-tenths (67.5) degrees (six (6) points) from right
45 aft on each side of the vessel.

46 (c) On the starboard side a green light and on the port side a red light
47 each showing an unbroken light over an arc of the horizon of one hundred
48 twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as
49 to show the light from right ahead to twenty-two and five-tenths (22.5)
50 degrees (two (2) points) abaft (toward the stern from) the beam on its

1 respective side. These sidelights may be combined in one (1) lantern
2 carried on the fore and aft centerline of the vessel.

3 (d) A motorboat less than thirty-nine and four-tenths (39.4) feet in
4 length may exhibit a white light aft visible all around the horizon in
5 lieu of the white lights prescribed in this chapter.

6 (10) Nonmotorized vessels. A sailboat, under sail alone, and a vessel
7 under oars or paddles must exhibit navigation lights.

8 (a) On the starboard side a green light and on the port side a red light
9 each showing an unbroken light over an arc of the horizon of one hundred
10 twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as
11 to show the light from right ahead to twenty-two and five-tenths (22.5)
12 degrees (two (2) points) abaft (toward the stern from) the beam on its
13 respective side. These sidelights may be combined in one (1) lantern
14 carried on the fore and aft centerline of the vessel.

15 (b) A white light placed as nearly as practicable at the stern showing
16 an unbroken light over an arc of the horizon one hundred thirty-five
17 (135) degrees (twelve (12) points) and so fixed as to show the light
18 sixty-seven and five-tenths (67.5) degrees (six (6) points) from right
19 aft on each side of the vessel.

20 (11) A sailboat of less than twenty-three (23) feet in length or a vessel
21 under oars or paddles must, if practicable, exhibit the lights prescribed in
22 this chapter; if it does not, it must have ready at hand an electric torch or
23 lighted lantern showing a white light that must be exhibited in sufficient
24 time to prevent collision.

25 (12) Anchorage. All vessels must display a white light visible all
26 around the horizon when anchored on the waters of this state, unless anchored
27 in a designated mooring area.

28 (13) Seaplanes. Where it is impracticable for a seaplane to exhibit
29 lights of the characteristics or in the positions prescribed in this chap-
30 ter, it must exhibit lights as similar in characteristics and position as is
31 possible.

32 (14) Sailboats. Between sunrise and sunset, a vessel proceeding under
33 sail when also being propelled by machinery must exhibit forward where it can
34 best be seen a conical shape, apex downward. A vessel of less than thirty-
35 nine and four-tenths (39.4) feet in length is not required to exhibit this
36 shape but may do so.

37 (15) Visibility. Every white light prescribed by this chapter must be
38 of such character as to be visible at a distance of at least two (2) miles.
39 Every other colored light must be fitted with inboard screens of sufficient
40 height so set as to prevent these lights from being seen across the bow and
41 must be of such character as to be visible at least one (1) mile. As used
42 in this chapter, "visible" means visible on a dark night with a clear atmos-
43 phere.

44 (16) Alternative lights and shapes. In lieu of the lights and shapes re-
45 quired in this chapter, a vessel may exhibit those lights and shapes provided
46 for by federal law.

47 (17) Ventilation required. Except seaplanes, no person may operate or
48 permit to be operated any vessel having aboard a gasoline engine used for any
49 purpose, unless it is provided with proper ventilation.

1 (18) Compartments with gasoline engines. Each compartment in a vessel
2 that has a permanently installed gasoline engine with a cranking motor must
3 be open to the atmosphere or be ventilated by a natural ventilation system
4 and a mechanical exhaust blower system as required by federal law.

5 (19) Collection of vapors or gases. Each compartment or tank in a vessel
6 that may permit the entrapment of explosive or flammable gases or vapors must
7 be ventilated by a natural ventilation system.

8 (20) Natural ventilation system. A natural ventilation system must be
9 approved for use by the United States coast guard and include a supply open-
10 ing or duct from the atmosphere or from a ventilated compartment, or from a
11 compartment that is open to the atmosphere, and an exhaust opening into an-
12 other ventilated compartment or an exhaust duct to the atmosphere. Each ex-
13 haust opening or duct must originate in the lower third of the compartment
14 and each supply opening or duct and each exhaust opening or duct in a compart-
15 ment must be above the normal accumulation of bilge water. Each supply open-
16 ing must be forward facing and located on the exterior surface of a vessel or
17 be constructed so that air effectively flows into or out of the supply or ex-
18 haust openings.

19 (21) Exhaust blowers. Each vessel that is required to have an exhaust
20 blower must have a label that is located as close as practicable to each ig-
21 nition switch, is in plain view of the operator, and has at least the words:
22 "WARNING -- GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE, OPERATE
23 BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE COMPARTMENT BILGE FOR GASOLINE
24 VAPORS."

25 (22) Alternative ventilation system. In lieu of the ventilation and
26 warning label required in this chapter, a vessel may be provided with any
27 type of ventilating system allowed by federal law.

28 (23) Sound-producing devices. No person may operate or permit to be
29 operated any vessel on the waters of this state without carrying on board
30 sound-producing devices. A vessel of thirty-nine and four-tenths (39.4)
31 feet or longer must be provided with a whistle or horn capable of making the
32 prescribed signals provided for by federal law and a bell. The whistle or
33 horn must be audible for at least one-half (1/2) nautical mile, and the bell,
34 when struck, must produce a clear bell-like tone of full sound characteris-
35 tic. A vessel of less than thirty-nine and four-tenths (39.4) feet in length
36 must be provided with a whistle or horn capable of making the prescribed sig-
37 nals provided for by federal law. The whistle or horn must be audible for at
38 least one-half (1/2) nautical mile.

39 (24) Backfire flame control. Except seaplanes, no person may operate
40 or permit to be operated any motorboat on the waters of this state unless
41 each carburetor on every inboard gasoline engine installed in a motorboat is
42 equipped with a United States coast guard-approved backfire flame arrestor
43 or other means of backfire flame control approved for use by the United
44 States coast guard, each of which is securely attached to the carburetor and
45 in proper working order.

46 (25) Neither the owner of a vessel livery nor his agent or employee may
47 permit any vessel permitted by him to be operated as a vessel to depart from
48 his premises unless it has been provided, either by owner or renter, with the
49 equipment required in this chapter.

1 SECTION 7. That Section 67-7017, Idaho Code, be, and the same is hereby
2 amended to read as follows:

3 67-7017. NEGLIGENCE OPERATION. (1) It shall be unlawful for any person
4 to operate any vessel on the waters of the state of Idaho in a careless or
5 heedless manner so as to be indifferent to any person or property of other
6 persons, or at a rate of speed greater than will permit him in the exercise of
7 reasonable care to bring the vessel to a stop within the assured clear dis-
8 tance ahead, and whosoever shall do so is guilty of the crime of negligent op-
9 eration and shall be punished as ~~hereinafter~~ provided in this chapter.

10 (2) Negligent operation includes but is not limited to becoming air-
11 borne or completely leaving the water while crossing the wake of another ves-
12 sel at an unsafe distance from the vessel creating the wake; weaving through
13 congested traffic; and operating at such a speed and proximity to another
14 vessel, a person, or property of other persons so as to require the operator
15 to swerve at the last moment to avoid collision.

16 SECTION 8. That Section 67-7024, Idaho Code, be, and the same is hereby
17 amended to read as follows:

18 67-7024. WATER SKIING. (1) It shall be unlawful for the operator of any
19 vessel having in tow or otherwise assisting a person on water skis, aquaplane
20 or similar contrivance to operate or propel the same upon or above any waters
21 of the state of Idaho unless that vessel shall be occupied by at least one (1)
22 other competent person who shall act as an observer. This subsection shall
23 not apply to vessels used by representatives of duly constituted water ski
24 schools in the giving of instruction, or to vessels used in duly authorized
25 water ski tournaments, competitions, expositions or trials.

26 (2) Vessels operating within a regulation legal and permitted slalom
27 course and that are equipped with a ~~rear view~~ rearview wide-angle mirror are
28 exempt from the requirement of having at least one (1) other competent person
29 in the boat acting as an observer as provided in subsection (1) of this sec-
30 tion. The size of the mirror must be no less than four (4) inches from bottom
31 to top and across from side to side. It shall be mounted firmly to give the
32 operator a full, complete view beyond the rear of the vessel at all times.

33 (3) No vessel shall have in tow or shall otherwise be assisting a per-
34 son on water skis, aquaplane or similar contrivance from the period of one
35 (1) hour after sunset to one (1) hour prior to sunrise. This subsection shall
36 not apply to vessels used in duly authorized water ski tournaments, competi-
37 tions, expositions or trials.

38 (4) All vessels having in tow or otherwise assisting a person on water
39 skis, aquaplane or similar contrivance shall be operated in a careful and
40 prudent manner and at a reasonable distance from persons and property so as
41 not to endanger the life or property of any person or create excessive wake.

42 (5) No person shall operate or manipulate any vessel's attached towrope
43 or other device by which the direction or location of water skis, aquaplane
44 or similar device may be affected or controlled in such a way as to cause the
45 same or any person thereon to collide with or strike against any person or
46 object other than a jumping ramp or in conjunction with skiing over a slalom
47 course.

1 (6) No person may operate or permit to be operated any vessel used for
2 towing water-skiers or devices in which persons or objects are being towed
3 above, in, or on the waters of this state unless it has on board and displays a
4 warning flag that must be international orange or red in color and must be at
5 least one (1) foot square. When any person being towed by the vessel becomes
6 disengaged from the towline and is down in the water, a person in the vessel
7 must immediately hold the warning flag aloft, visible from all sides, as an
8 indicator to other vessels in the area that a person is down in the water. As
9 long as such downed person is in the water, the flag must remain displayed to
10 prevent danger to that person and hazards to passing vessels. Such warning
11 flag must be displayed only under these conditions or when other eminent dan-
12 ger exists.

13 SECTION 9. That Section 67-7031, Idaho Code, be, and the same is hereby
14 amended to read as follows:

15 67-7031. MARKING OF WATER AREAS -- PROCEDURES -- LOCAL RULES. (1) The
16 department may make or adopt appropriate rules for the marking of the water
17 areas in this state through the placement of aids to navigation and regula-
18 tory markers. Such rules shall establish a marking system of aids to naviga-
19 tion prescribed by the United States Coast Guard and shall give due regard
20 to the system of uniform waterway markers approved by the advisory panel of
21 state officials to the merchant marine council of the United States Coast
22 Guard. No city, county, other political subdivision or other person shall
23 mark the waters of this state in any manner in conflict with the marking sys-
24 tem prescribed by the department or without the specific authority of the de-
25 partment.

26 (2) Uniform system. In the marking of water areas, as described in this
27 chapter, the uniform waterway marking system is used for the placement of
28 aids to navigation and regulatory markers in the waters of the state.

29 (3) Regulatory markers. Regulatory markers are used to indicate to a
30 vessel operator the existence of dangerous areas as well as those that are
31 restricted or controlled, such as speed zones and areas dedicated to a par-
32 ticular use, or to provide general information and directions.

33 (4) Colors. Each regulatory marker must be colored white with interna-
34 tional orange geometric shapes.

35 (5) Buoys. When a buoy is used as a regulatory marker, it must be white
36 with horizontal bands of international orange placed completely around the
37 buoy circumference. One (1) band must be at the top of the buoy body, with a
38 second band placed just above the waterline of the buoy so that both interna-
39 tional orange bands are clearly visible to approaching vessels. The area of
40 buoy body visible between the two (2) bands must be white.

41 (6) Geometric shapes. Geometric shapes must be placed on the white por-
42 tion of the buoy body and must be colored international orange. The autho-
43 rized geometric shapes and meanings associated with them are: a vertical
44 open-faced diamond shape to mean danger; a vertical open-faced diamond shape
45 having a cross centered in the diamond to mean that a vessel is excluded from
46 the marked area; a circular shape to mean that a vessel operated in the marked
47 area is subject to certain operating restrictions; and a square or rectangu-
48 lar shape with directions or information lettered on the inside.

1 (7) Signs. Where a regulatory marker consists of a square or rectangular-shaped sign displayed from a structure, the sign must be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included, it must be centered on the signboard.

2 (8) Navigation aids. Aids to navigation are used to supplement the federal lateral system of buoyage and have either a lateral or cardinal meaning.

3 (9) Defined channel. On a well-defined channel, including a river or other relatively narrow natural or improved waterway, an aid to navigation is normally a solid-colored buoy. A buoy that marks the left side of the channel viewed looking upstream or toward the head of navigation must be colored all black. A buoy that marks the right side of the channel viewed looking upstream or toward the head of a navigation must be colored all red. On a well-defined channel, solid-colored buoys are established in pairs, one (1) on each side of the navigable channel that they mark, and opposite each other to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

4 (10) Irregularly defined channel. On an irregularly defined channel, solid-colored buoys may be used singly in staggered fashion on alternate sides of the channel, provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that the user should pass between the buoys.

5 (11) Undefined channel. Where there is no well-defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one (1) direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary, provided that the use of such a marker is limited to wholly state-owned waters and the state waters for private aids to navigation as defined and described in this chapter.

6 (12) Cardinal system. Aids to navigation conforming to the cardinal system consist of three (3) distinctly colored buoys. A white buoy with a red top may be used to indicate to a vessel operator to pass to the south or west of the buoy. A white buoy with a black top may be used to indicate to a vessel operator to pass to the north or east of the buoy. In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and not to pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes.

7 (13) Markers to be visible. The size, shape, material, and construction of all markers, both fixed and floating, must be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid must be recognizable before the observer comes into danger.

8 (14) Lettering to be visible. Numbers, letters, or words on an aid to navigation or regulatory marker must be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They must be block style, well-proportioned, and as large as the available space permits. Num-

1 bers and letters on red or black backgrounds must be white, and numbers and
2 letters on white backgrounds must be black.

3 (15) Numbering buoys. Odd numbers must be used to identify solid-col-
4 ored black buoys or black-topped buoys, and even numbers must be used to
5 identify solid-colored red buoys or red-topped buoys. All numbers must in-
6 crease in an upstream direction or toward the head of navigation. The use of
7 numbers to identify buoys is discretionary.

8 (16) Lettering markers. Letters only may be used to identify regula-
9 tory markers and white and red vertically striped obstruction markers. When
10 used, letters must follow alphabetical sequence in an upstream direction
11 or toward the head of navigation. The letters "I" and "O" are omitted to
12 preclude confusion with numbers. The use of letters to identify regulatory
13 markers and obstruction markers is discretionary.

14 (17) Reflective material. The use of reflectors or retroreflective ma-
15 terials is discretionary.

16 (18) Color of reflective material. When used on buoys having lateral
17 significance: red reflectors or retroreflective materials must be used on
18 solid-colored red buoys; green reflectors or retroreflective materials must
19 be used on solid-colored black buoys; and white reflectors or retroreflec-
20 tive materials only may be used for all other buoys, including regulatory
21 markers, except that orange reflectors or retroreflective materials may be
22 used on the orange portions of regulatory markers.

23 (19) Lights. The use of navigational lights on state aids to naviga-
24 tion, including regulatory markers, is discretionary. When used, lights
25 on solid-colored buoys must be regularly flashing, regularly occulting, or
26 equal-interval lights. For ordinary purposes, the frequency of flashes may
27 not be more than thirty (30) flashes per minute (slow-flashing). When it
28 is desired that lights have a distinct cautionary significance, as at sharp
29 turns or sudden constrictions in the channel or to mark wrecks or other ar-
30 tificial or natural obstructions, the frequency of flashes may not be less
31 than sixty (60) flashes per minute (quick-flashing). When a light is used
32 on a cardinal system buoy or a vertically striped white and red buoy it must
33 always be quick-flashing. The colors of the lights must be the same as for
34 reflectors: a red light only on a solid-colored red buoy; a green light on
35 solid colored black buoy; and a white light only for all other buoys, includ-
36 ing regulatory markers.

37 (20) Ownership identification. The use and placement of ownership
38 identification is discretionary, provided that ownership identification
39 is worded and placed in a manner that avoids detracting from the meaning in-
40 tended to be conveyed by a navigational aid or regulatory marker.

41 (21) Mooring buoys. Mooring buoys in state waters for private aids to
42 navigation must be colored white and must have a horizontal blue band around
43 the circumference of the buoy centered midway between the top of the buoy and
44 the waterline.

45 (22) Lighted mooring buoys. A lighted mooring buoy must normally dis-
46 play a slow-flashing white light. When its location in a waterway is such
47 that it constitutes an obstruction to a vessel operated during hours of dark-
48 ness, it must display a quick-flashing white light.

49 (23) Identifying mooring buoys. A mooring buoy may bear ownership iden-
50 tification, provided that manner and placement of the identification does

1 not detract from the meaning intended to be conveyed by the color scheme or
 2 identification letter when assigned.

3 (24) The provisions of this chapter shall govern the operation, equip-
 4 ment, numbering, and all other matters relating thereto whenever any vessel
 5 shall be operated on the waters of this state or when any activity regulated
 6 by this chapter shall take place thereon. Nothing in this chapter shall be
 7 construed to prevent the adoption of any ordinance or local law relating to
 8 operation and equipment of vessels, ~~se~~ as long as such ordinances are not in
 9 conflict with the provisions of law.

10 (325) Any political subdivision of the state of Idaho may at any time,
 11 but only after sufficient public notice is given, adopt local ordinances
 12 with reference to the operation of vessels on any waters within its ter-
 13 ritorial limits or with reference to swimming within areas of intense or
 14 hazardous vessel traffic, provided the ordinances are intended to promote or
 15 protect the health, safety, and general welfare of its citizenry.

16 (426) Any political subdivision of the state of Idaho may at any time,
 17 but only after sufficient public notice is given, adopt ordinances ~~which~~
 18 that establish operational zones for personal watercraft on any waters
 19 within its territorial limits. Personal watercraft operational zone desig-
 20 nations are limited to:

- 21 (a) No wake or less than five (5) miles per hour;
- 22 (b) Personal watercraft only;
- 23 (c) No personal watercraft allowed; or
- 24 (d) Distance from shoreline.

25 SECTION 10. That Section 67-7078, Idaho Code, be, and the same is hereby
 26 amended to read as follows:

27 67-7078. PERSONAL WATERCRAFT LIVERIES. (1) Any person who offers a
 28 personal watercraft for lease, hire, or rent shall:

- 29 (a) Provide a ~~Coast Guard United States coast guard-approved Type I,~~
 30 ~~II, III or V~~ personal flotation device and any other required safety
 31 equipment to all persons who lease, hire, or rent the personal water-
 32 craft at no additional charge;
- 33 (b) Display a safety information decal provided by the department de-
 34 scribing laws, rules, and safety measures pertaining to personal water-
 35 craft in a location clearly visible from the operator's position on each
 36 personal watercraft leased, hired, or rented;
- 37 (c) Instruct each person that will operate the personal watercraft dur-
 38 ing the rental or lease period on the laws, rules, and safe operation of
 39 the personal watercraft as prescribed by the department;
- 40 (d) Provide to the person leasing, hiring, or renting the personal wa-
 41 tercraft a written copy of ~~acknowledgement~~ acknowledgment of instruc-
 42 tion on forms provided by the department. Each copy must contain the
 43 names and physical description of all persons eligible to operate the
 44 personal watercraft during the rental or lease period; ~~and~~
 45 (e) Provide the complete reading of "personal watercraft laws and safe
 46 operation" and provide the complete viewing of the video "play it safe"
 47 produced by the personal watercraft industry association.

1 (2) All persons operating a rented, leased, or hired personal water-
2 craft must carry on board for inspection by any law enforcement officer a
3 valid "Idaho PWC renter's acknowledgment of education" form.

4 (3) All forms, videos, and other required educational materials will be
5 provided to personal watercraft liveries by the department at no charge to
6 the livery.

7 (24) It is unlawful for any person to operate a personal watercraft
8 which that is being rented, hired, or leased before being instructed on the
9 laws, rules, and safe operation of personal watercraft by the lessor as pre-
10 scribed in this chapter.

11 (35) Any person operating a personal watercraft which that is leased,
12 hired, or rented must carry on board a written copy of ~~acknowledgement~~
13 acknowledgment of instruction whenever the personal watercraft is in oper-
14 ation.

15 (46) Any person violating the provisions of this section shall be
16 guilty of an infraction and punishable as provided in section 18-113A, Idaho
17 Code.

18 SECTION 11. An emergency existing therefor, which emergency is hereby
19 declared to exist, this act shall be in full force and effect on and after
20 July 1, 2022.