

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 417

As Amended by Senate Committee on
Natural Resources

Brief*

SB 417, if enacted, would amend eleven statutes that concern the registration and operation of motor boats and other vessels on the waters of the state and create seven new statutes that pertain to the same subject.

The amendments would add new definitions to the laws, including definitions of boat livery, cargo, use, state of principal use, and abandoned vessel; bring propelled or sailing vessels into compliance with United States Coast Guard requirements; increase the service charge that may be collected for the sale of a temporary registration permit; and set out new requirements to be met by owners of a vessel documented by the United States Coast Guard, including the payment of a fee and a requirement for the display of registration decals. The amendments further provide for the imposition of a delinquency fee for failure to acquire a certificate of registration for a documented vessel or to sell such vessel without having obtained a certificate of registration.

Amendments to a statute that concerns motorboats would add new definitions of the types of lights that are required to be displayed at night; clarify the hours when such lights are to be displayed when the boat is in use; and update the statutory reference to the federal regulations relating to lights that may be met in lieu of the statutory requirements prescribed by the bill. In addition, the bill would provide for a motorboat to have an efficient whistle or other sound-producing mechanical appliance. Only class 3 motorboats would be required to have a bell.

Other amendments would clarify the requirement for "direct and audible supervision" of a minor under 12 years of age by a parent or other person over age 17 when such minor is operating a motorboat. The definition of the term would mean a person on board the same

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

vessel and in sufficiently close proximity to the operator's station to enable the person quickly and safely to assume control of the vessel if needed.

A statute that concerns requirements to be met by the operator of a vessel towing a person on water skies, surfboard, or similar device would be amended to set out requirements for the display of a flag when the person being towed enters the water and during the time preparatory to towing or retrieving the person being towed. In addition, the bill would make it a requirement that skiing, surfboarding, or similar activity could occur in the time between one-half hour before sunrise and one-half hour after sunset.

A new statute that would be created by the bill sets out requirements for mufflers on motorboats, permitted noise levels, and authority for law enforcement officers to require an on-site test to measure noise level and to take action in the event the boat's noise level is in excess of permitted standards.

New statutes that would be created by the bill set out prohibited acts regarding hull identification; authorize law enforcement officers to seize vessels with certain hull identification numbers; establish criminal penalties for a knowing violation of any of the prohibited acts; authorize the Secretary of Wildlife and Parks to take action when a hull identification number is unidentifiable; create specific requirements for hull identification numbers for handmade vessels and set out duties for the owner and the Secretary of Wildlife and Parks in regard to such vessels, along with creating an inspection fee; prohibit abandonment of a vessel in certain circumstances and authorize any law enforcement officer to remove a vessel from a public waterway in specified situations; set out actions that may be taken by a law enforcement officer when a vessel has been abandoned and corresponding duties of law enforcement agencies and the Secretary of Wildlife and Parks in such circumstances; and provide for action which may be taken in circumstances in which a law enforcement officer has probable cause to believe a vessel or its contents contain evidence tending to show a criminal offense has been committed.

Existing statutes relating to the disposition of money received under the laws would be amended to include the new laws created by sections seven through fourteen of the bill; to apply criminal penalties to the new sections; and to provide for distribution of .17 percent of the fines, penalties, and forfeitures received from clerks of the district courts to the Boating Fee Fund.

The bill would become effective on January 1, 2007.

Background

SB 417 was introduced at the request of the Department of Wildlife and Parks whose representative testified in support of the bill as did a representative of the Kansas Boater Education Association. No one appeared in opposition.

The Senate Committee on Natural Resources amended the bill to make the clarify the hours of skiing and other related activities would be permitted. The bill had proposed one hour before sunrise and one hour after sunset. Other amendments to the bill were technical in nature.

The fiscal note on SB 417 indicates the Department of Wildlife and Parks estimates passage of the bill would generate approximately \$44, 541 for the Department. The estimate is based on registration of 300 additional vessels that already have Coast Guard documentation for \$9,125, an additional \$1,000 for inquiries into the origin of vessels when the hull identification number is missing or not identifiable, and an estimated \$ 34, 416 for FY 2007 from the 17 percent of fines, penalties, and forfeitures that would be allocated to the Boating Fee Fund as estimated by the Office of Judicial Administration. The latter would represent a loss from the State General Fund.