

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

# HB 2024

Introduced by  
Representatives Tom, Bradley, Chabin, Miranda B: McGuire, Tobin

## AN ACT

AMENDING TITLE 5, CHAPTER 3, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 5-326; SECTION AMENDING SECTIONS 5-341 AND 5-391, ARIZONA REVISED STATUTES; RELATING TO WATERCRAFT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 5, chapter 3, article 3, Arizona Revised Statutes, is  
3 amended by adding section 5-326, to read:

4 5-326. Carbon monoxide warnings

5 A. ANY NEW OR USED MOTORIZED WATERCRAFT THAT IS SOLD IN THIS STATE  
6 SHALL DISPLAY A CARBON MONOXIDE WARNING STICKER THAT IS APPROVED OR DEVELOPED  
7 BY THE DEPARTMENT. THE WARNING STICKER SHALL BE AFFIXED BOTH NEAR THE  
8 OPERATOR'S CONTROLS AND AT THE REAR OF THE WATERCRAFT. IF THE WATERCRAFT IS  
9 EQUIPPED WITH A SWIM PLATFORM, SWIM LADDER OR SWIM STEP, THE REAR WARNING  
10 STICKER SHALL BE AFFIXED NEAR THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP.

11 B. PERSONS WHO ARE DOING BUSINESS AS MARINE DEALERS AND WHO ARE  
12 LICENSED AS MARINE DEALERS BY THIS STATE SHALL INCLUDE A CARBON MONOXIDE  
13 BROCHURE IN THE OWNERSHIP DOCUMENTS THAT ARE DELIVERED TO THE BUYER AT THE  
14 TIME OF SALE AND SHALL ENSURE THAT THE CARBON MONOXIDE WARNING STICKERS ARE  
15 AFFIXED TO THE WATERCRAFT IN THE MANNER PRESCRIBED IN SUBSECTION A BEFORE THE  
16 COMPLETION OF THE SALES TRANSACTION OF A NEW OR USED MOTORIZED WATERCRAFT.

17 C. IF A PERSON WHO IS NOT A MARINE DEALER SELLS A NEW OR USED  
18 MOTORIZED WATERCRAFT, THE DEPARTMENT SHALL INCLUDE A CARBON MONOXIDE BROCHURE  
19 AND THE WARNING STICKERS PRESCRIBED IN SUBSECTION A IN THE REGISTRATION  
20 MATERIALS PROVIDED TO THE NEW OWNER OF THE MOTORIZED WATERCRAFT. THE  
21 DEPARTMENT SHALL NOTIFY THE NEW OWNER OF THE MOTORIZED WATERCRAFT THAT THE  
22 WARNING STICKERS MUST BE AFFIXED TO THE WATERCRAFT IN THE MANNER PRESCRIBED  
23 IN SUBSECTION A.

24 D. THE DEPARTMENT SHALL APPROVE A CARBON MONOXIDE WARNING STICKER THAT  
25 HAS BEEN APPROVED BY THE UNITED STATES COAST GUARD FOR SIMILAR USES IN OTHER  
26 STATES.

27 E. THE DEPARTMENT MAY APPROVE CARBON MONOXIDE WARNING STICKERS  
28 DEVELOPED BY MANUFACTURERS OF MOTORIZED WATERCRAFT.

29 F. BEGINNING \_\_\_\_\_, 2008, THE DEPARTMENT SHALL PROVIDE CARBON  
30 MONOXIDE BROCHURES AND CARBON MONOXIDE WARNING STICKERS TO THE REGISTERED  
31 OWNERS OF EACH MOTORIZED WATERCRAFT IN THIS STATE.

32 Sec. 2. Section 5-341, Arizona Revised Statutes, is amended to read:

33 5-341. Negligent operation of watercraft or water skis;  
34 restriction in operation of watercraft; violation;  
35 classification

36 A. No person shall operate a watercraft in a careless, reckless or  
37 negligent manner.

38 B. A person shall not operate a watercraft while allowing a person to  
39 ride on the gunwales, the transom or the decked over bow of a watercraft  
40 propelled by machinery operating in excess of wakeless speed except if:

41 1. That portion of the watercraft was designed and constructed for the  
42 purpose of carrying passengers at all speeds.

43 2. The watercraft is being maneuvered for anchoring, mooring or  
44 casting off moorings.

1 C. No watercraft shall be operated with a passenger or passengers on  
2 the bow in such a manner as to obstruct the view of the operator.

3 D. No person on water skis, a surfboard or a similar contrivance shall  
4 behave in a careless, reckless or negligent manner.

5 E. Except in case of emergency, no person under the age of twelve  
6 years may operate a watercraft propelled by a motor of greater than eight  
7 horsepower unless the person's parent or legal guardian or at least one  
8 person who is eighteen years of age or older is present on the watercraft.

9 F. Except as provided in subsection E, it is unlawful for any person  
10 to allow another person under the age of twelve to operate a motor-powered  
11 watercraft.

12 G. A PERSON SHALL NOT DO ANY OF THE FOLLOWING IMMEDIATELY BEHIND A  
13 MOTORIZED WATERCRAFT WHILE THE ENGINE IS IN OPERATION:

14 1. OCCUPY THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP.

15 2. SWIM IMMEDIATELY NEAR THE WATERCRAFT'S EXHAUST PORTS.

16 3. HANG ONTO THE SWIM PLATFORM, SWIM LADDER OR SWIM STEP WHILE THE  
17 WATERCRAFT IS IN MOTION.

18 4. BODY SURF IN THE WAKE OF THE WATERCRAFT.

19 ~~G.~~ H. A person violating subsection A, B, C, ~~or~~ D OR G is guilty of a  
20 class 2 misdemeanor.

21 Sec. 3. Section 5-391, Arizona Revised Statutes, is amended to read:

22 5-391. Enforcement; violation; classification

23 A. Any person who violates any provision of this chapter, except  
24 section 5-341, subsection A, B, C, ~~or~~ D OR G, section 5-349, section 5-350,  
25 subsection C, section 5-393, 5-395, 5-396 or 5-397 and subsection C, F or G  
26 of this section or any rule issued thereunder, is guilty of a petty offense.  
27 Any person who violates section 5-350, subsection C or subsection C of this  
28 section is guilty of a class 2 misdemeanor.

29 B. All peace officers of the state, counties and cities shall enforce  
30 ~~the provisions of~~ this chapter and all laws and rules relating to the  
31 operation of watercraft.

32 C. In the enforcement of this chapter, the operator of the watercraft  
33 upon being hailed by any peace officer shall stop immediately and lay to, or  
34 maneuver in such a way as to permit the peace officer to come aboard or  
35 alongside. The operator may be ordered ashore to correct any unlawful  
36 condition, issued a written warning or written repair order, ~~or~~ or issued a  
37 citation for any violation of this chapter.

38 D. In the enforcement of this chapter, ~~the provisions of~~ sections  
39 13-2506 and 13-3903 ~~shall~~ apply.

40 E. Each failure to obey an order or to comply with a warning order  
41 issued under ~~the provisions of~~ subsection C of this section shall constitute  
42 a separate offense punishable as a separate violation of this chapter.

43 F. A person is guilty of a class 6 felony who knowingly removes,  
44 defaces, obliterates, changes, alters or causes to be removed, defaced,

1 obliterated, changed or altered a factory, engine, serial, outdrive, lower  
2 unit, power trim or hull identification number or mark on a watercraft.

3 G. A person is guilty of a class 2 misdemeanor who:

4 1. Knowingly displays or has in ~~his~~ THE PERSON'S possession a  
5 fictitious, stolen, revoked or altered certificate of number, department  
6 issued number or annual decal.

7 2. Lends to or knowingly permits the use of ~~his~~ THE PERSON'S  
8 certificate of number, department issued number or annual decal on a  
9 watercraft for which those items have not been issued.

10 H. Upon receipt of notice of conviction of a person under subsection F  
11 or G of this section, the department may revoke the numbers and decals issued  
12 to the watercraft which was involved in the violation and any other  
13 watercraft owned by the person convicted.

14 Sec. 4. Short title

15 This act may be cited as "Megan Evans' Law".

16 Sec. 5. Emergency

17 This act is an emergency measure that is necessary to preserve the  
18 public peace, health or safety and is operative immediately as provided by  
19 law.