

REFERENCE TITLE: watercraft; boating; regulations

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HB 2619

Introduced by
Representative Griffin

AN ACT

AMENDING TITLE 5, CHAPTER 3, ARTICLE 4, ARIZONA REVISED STATUTES, BY
ADDING SECTIONS 5-337 AND 5-338; AMENDING SECTIONS 5-350 AND 5-391,
ARIZONA REVISED STATUTES; RELATING TO BOATING AND WATER SPORTS.

(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 4, Arizona Revised Statutes,
3 is amended by adding sections 5-337 and 5-338, to read:

4 5-337. Audible signal devices

5 EVERY MOTORIZED WATERCRAFT SHALL BE EQUIPPED WITH A FUNCTIONING
6 SOUND-PRODUCING DEVICE CAPABLE OF PRODUCING A SOUND AUDIBLE FOR ONE-HALF
7 NAUTICAL MILE. THE HUMAN VOICE ALONE IS NOT ACCEPTABLE FOR THE PURPOSES
8 OF THIS SECTION.

9 5-338. Engine cutoff switch; applicability; definition

10 A. A PERSON OPERATING A POWER-DRIVEN WATERCRAFT SHALL USE AN ENGINE
11 CUTOFF SWITCH LINK WHILE OPERATING THE POWER-DRIVEN WATERCRAFT AT OR ABOVE
12 DISPLACEMENT SPEED.

13 B. THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE FOLLOWING:

14 1. A POWER-DRIVEN WATERCRAFT IN WHICH THE MAIN HELM IS INSTALLED
15 WITHIN AN ENCLOSED CABIN.

16 2. A POWER-DRIVEN WATERCRAFT THAT DOES NOT HAVE AN ENGINE CUTOFF
17 SWITCH AND IS NOT REQUIRED TO HAVE ONE.

18 3. A POWER-DRIVEN WATERCRAFT THAT IS BEING OPERATED OFF OF FEDERAL
19 NAVIGABLE WATERWAYS.

20 4. A COMMERCIAL MOTORIZED WATERCRAFT.

21 C. FOR THE PURPOSES OF THIS SECTION, "POWER-DRIVEN WATERCRAFT"
22 MEANS A WATERCRAFT THAT IS LESS THAN TWENTY-SIX FEET IN LENGTH WITH AN
23 ENGINE CAPABLE OF PRODUCING THREE HORSEPOWER OR MORE.

24 Sec. 2. Section 5-350, Arizona Revised Statutes, is amended to
25 read:

26 5-350. Personal watercraft; requirements for operation;
27 applicability; definition

28 A. A person shall not operate a personal watercraft unless each
29 person aboard is wearing a wearable personal flotation device that is
30 approved by the United States coast guard.

31 ~~B. A person who operates a personal watercraft that is equipped by~~
32 ~~the manufacturer with a lanyard type engine cutoff switch shall attach the~~
33 ~~lanyard to his body, clothing or personal flotation device as appropriate~~
34 ~~for the specific watercraft.~~

35 ~~Ⓒ.~~ B. A person shall not operate or knowingly allow another person
36 to operate a personal watercraft under ~~his~~ THE PERSON'S ownership or
37 control in a reckless or negligent manner endangering the life or property
38 of another person. Prima facie evidence of reckless operation exists if
39 the person commits two or more of the following acts simultaneously:

40 1. Operates the personal watercraft within a zone of proximity to
41 another watercraft closer than sixty feet unless both are leaving a flat
42 wake or are traveling at a speed of five nautical miles per hour or less.

43 2. Operates the personal watercraft within the vicinity of a
44 motorboat in a manner that obstructs the visibility of either operator.

1 3. Heads into the wake of a motorboat that is within a zone of
2 proximity closer than sixty feet and causes one-half or more of the length
3 of the personal watercraft to leave the water.

4 4. Within a zone of proximity to another watercraft closer than
5 sixty feet, maneuvers quickly, turns sharply or swerves, unless the
6 maneuver is necessary to avoid a collision.

7 ~~C.~~ C. If equipped by the manufacturer, a person shall not operate
8 a personal watercraft without a functioning spring-loaded throttle
9 mechanism that immediately returns the engine to an idle speed on release
10 of the operator's hand from the control or without any other engine cutoff
11 feature that is installed by the manufacturer.

12 ~~D.~~ D. A personal watercraft shall not be loaded and operated with
13 passengers or cargo beyond its safe carrying capacity or the
14 manufacturer's recommended limits.

15 ~~E.~~ E. A person who owns, leases or hires a personal watercraft or
16 who has charge or control over a personal watercraft shall not authorize
17 or knowingly ~~permit~~ ALLOW the personal watercraft to be operated in
18 violation of this section.

19 ~~F.~~ F. This section does not apply to a performer who engages in a
20 professional exhibition or to a person who participates in an officially
21 sanctioned regatta, race, marine parade, tournament or exhibition.

22 ~~H.~~ G. For THE purposes of this section, "personal watercraft"
23 means a watercraft that is less than sixteen feet long, propelled by
24 machinery powering a water jet pump and designed to be operated by a
25 person who sits, stands or kneels on rather than sitting or standing
26 inside the watercraft.

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

29 5-391. Enforcement; violation; classification

30 A. Any person who violates ~~any provision of~~ this chapter, except
31 section 5-341, subsection A, B, C or D, section 5-349, section 5-350,
32 subsection ~~C~~ B, section 5-393, 5-395, 5-396 or 5-397 and subsection C, D,
33 G or H of this section or any rule issued thereunder, is guilty of a petty
34 offense. Any person who violates section 5-350, subsection ~~C~~ B is guilty
35 of a class 2 misdemeanor.

36 B. All peace officers of ~~the~~ THIS state, ~~AND~~ counties, ~~and~~ cities
37 ~~AND TOWNS~~ shall enforce ~~the provisions of~~ this chapter and all laws and
38 rules relating to the operation of watercraft.

39 C. In the enforcement of this chapter, the operator of the
40 watercraft, on being hailed by any peace officer, shall stop immediately
41 and lay to, ~~or~~ maneuver in such a way as to ~~permit~~ ALLOW the peace
42 officer to come aboard or alongside. The operator may be ordered ashore
43 to correct any unlawful condition, issued a written warning or written
44 repair order or issued a citation for any violation of this chapter.

1 D. An operator of a watercraft who wilfully flees or attempts to
2 elude a pursuing law enforcement officer issuing an order pursuant to
3 subsection C of this section is guilty of a class 5 felony. The law
4 enforcement watercraft shall be appropriately marked to show that it is an
5 official law enforcement watercraft.

6 E. In the enforcement of this chapter, sections 13-2506 and 13-3903
7 apply.

8 F. Each failure to obey an order or to comply with a warning order
9 issued under subsection C of this section shall constitute a separate
10 offense punishable as a separate violation of this chapter.

11 G. A person is guilty of a class 6 felony who knowingly removes,
12 defaces, obliterates, changes, alters or causes to be removed, defaced,
13 obliterated, changed or altered a factory, engine, serial, outdrive, lower
14 unit, power trim or hull identification number or mark on a watercraft.

15 H. A person is guilty of a class 2 misdemeanor who:

16 1. Knowingly displays or has in the person's possession a
17 fictitious, stolen, revoked or altered certificate of number, ~~department~~
18 ~~issued~~ DEPARTMENT-ISSUED number or annual decal.

19 2. Lends to or knowingly ~~permits~~ **ALLOWS** the use of the person's
20 certificate of number, ~~department issued~~ DEPARTMENT-ISSUED number or
21 annual decal on a watercraft for which those items have not been issued.

22 I. On receipt of **A** notice of conviction of a person under
23 subsection G or H of this section, the department may revoke the numbers
24 and decals issued to the watercraft that was involved in the violation and
25 any other watercraft owned by the person convicted.