

REFERENCE TITLE: **personal flotation devices; rowing; exception**

State of Arizona
Senate
Fifty-sixth Legislature
First Regular Session
2023

SB 1010

Introduced by
Senator Kavanagh

AN ACT

AMENDING SECTIONS 5-301 AND 5-331, 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. Section 5-301, Arizona Revised Statutes, is amended to
3 read:

4 5-301. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Commercial motorized watercraft" means a motorized watercraft
7 that carries passengers or property for a valuable consideration that is
8 paid to the owner, charterer, operator or agent or to any other person
9 interested in the watercraft.

10 2. "Commission" means the Arizona game and fish commission.

11 3. "Department" means the Arizona game and fish department.

12 4. "Documented watercraft" means any watercraft currently
13 registered as a watercraft of the United States pursuant to 46 Code of
14 Federal Regulations part 67.

15 5. "Domicile" means a person's true, fixed and permanent home and
16 principal residence, proof of which may be demonstrated as prescribed by
17 rules adopted by the commission.

18 6. "LAUNCH" MEANS ANY MOTORIZED WATERCRAFT THAT CARRIES A COACH AND
19 THAT IS USED TO FOLLOW AND MONITOR ROWING SHELLS DURING PRACTICE, TRAINING
20 OR COMPETITIVE ROWING EVENTS.

21 ~~6.~~ 7. "Motorboat" means any watercraft that is not more than
22 sixty-five feet in length and that is propelled by machinery whether or
23 not such machinery is the principal source of propulsion.

24 ~~7.~~ 8. "Motorized watercraft" means any watercraft that is
25 propelled by machinery whether or not the machinery is the principal
26 source of propulsion.

27 ~~8.~~ 9. "Nonresident" means a citizen of the United States or an
28 alien person who is not domiciled in this state and who is not a resident
29 as defined in this section.

30 ~~9.~~ 10. "Operate" means to operate or be in actual physical control
31 of a watercraft while on public waters.

32 ~~10.~~ 11. "Operator" means a person who operates or is in actual
33 physical control of a watercraft.

34 ~~11.~~ 12. "Person" includes any individual, firm, corporation,
35 partnership or association, and any agent, assignee, trustee, executor,
36 receiver or representative thereof.

37 ~~12.~~ 13. "Public waters" means any body of water that is publicly
38 owned or that the public is ~~permitted~~ ALLOWED to use without permission of
39 the owner ~~upon~~ ON which a motorized watercraft can be navigated, including
40 that part of waters that is common to interstate boundaries and that is
41 within the boundaries of this state.

42 ~~13.~~ 14. "Resident" means a person who is either:

43 (a) A member of the armed forces of the United States on active
44 duty and stationed in this state for a period of thirty days immediately
45 before the date of application for a watercraft decal.

1 (b) A member of the armed forces of the United States on active
2 duty and stationed in another state or another country and who lists this
3 state as that member's home of record at the time of an application for a
4 watercraft decal.

5 (c) Domiciled in this state for at least six consecutive months
6 immediately before the date of the application for a watercraft decal and
7 who does not claim residency for any purpose in any other state or
8 country.

9 ~~14.~~ 15. "Revocation" means invalidating the certificate of number,
10 numbers and annual validation decals issued by the department to a
11 watercraft and prohibiting the operation of the watercraft on the waters
12 of this state during a period of noncompliance with this chapter.

13 16. "ROWING SHELL" MEANS A MANUALLY PROPELLED WATERCRAFT THAT IS
14 RECOGNIZED BY A NATIONAL RACING ASSOCIATION FOR USE IN PRACTICE, TRAINING
15 OR COMPETITIVE ROWING.

16 ~~15.~~ 17. "Sailboard" means any board of less than fifteen feet in
17 length ~~which~~ THAT is designed to be propelled by wind action ~~upon~~ ON a
18 sail for navigation on the water by a person operating the board.

19 ~~16.~~ 18. "Special anchorage area" means an area set aside and under
20 the control of a federal, state or local governmental agency, or by a duly
21 authorized marina operator or concessionaire for the mooring, anchoring or
22 docking of watercraft.

23 ~~17.~~ 19. "State of principal operation" means the state where a
24 watercraft is primarily used, navigated or employed.

25 ~~18.~~ 20. "Underway" means a watercraft that is not at anchor, is
26 not made fast to the shore or is not aground.

27 ~~19.~~ 21. "Undocumented watercraft" means any watercraft ~~which~~ THAT
28 does not have and is not required to have a valid marine document as a
29 watercraft of the United States.

30 ~~20.~~ 22. "Wakeless speed" means a speed that does not cause the
31 watercraft to create a wake, but in no case in excess of five miles per
32 hour.

33 ~~21.~~ 23. "Watercraft" means any boat designed to be propelled by
34 machinery, oars, paddles or wind action ~~upon~~ ON a sail for navigation on
35 the water, or as may be defined by rule of the commission.

36 ~~22.~~ 24. "Waterway" means any body of water, public or private,
37 ~~upon~~ ON which a watercraft can be navigated.

38 Sec. 2. Section 5-331, Arizona Revised Statutes, is amended to
39 read:

40 5-331. Personal flotation devices; requirements; exceptions

41 A. All watercraft, except sailboards, shall carry United States
42 coast guard approved personal flotation devices of the type and category
43 prescribed by regulations of the commission. There shall be one such
44 device in good and serviceable condition for each person on board and so
45 placed as to be readily accessible for immediate use.

1 B. Any person who is being towed behind a watercraft shall wear a
2 wearable personal flotation device while being towed except for a
3 performer who is engaged in a professional exhibition.

4 C. A child who is twelve years of age or under and who is on board
5 a watercraft shall wear a properly fitting United States coast guard
6 approved wearable personal flotation device whenever the watercraft is
7 underway.

8 D. Subsection C of this section does not apply to EITHER OF THE
9 FOLLOWING:

10 1. Small passenger vessels that are not for hire on navigable
11 waters, that maintain a coast guard certificate of inspection and that are
12 being operated by United States coast guard licensed pilots within a
13 distance of one-fourth mile from the nearest shore as a means of
14 transporting passengers and when the duration of time the vessel is
15 underway on the water does not exceed ten minutes.

16 2. ROWING SHELLS THAT ARE BEING USED FOR THE PURPOSES OF PRACTICE,
17 TRAINING OR ROWING COMPETITIONS IF ALL OF THE FOLLOWING CONDITIONS ARE
18 MET:

19 (a) THE ROWING PRACTICE, TRAINING OR COMPETITION IS BEING
20 SUPERVISED BY A COACH WHO IS CERTIFIED BY A NATIONALLY RECOGNIZED ROWING
21 ASSOCIATION AND WHO IS IN A LAUNCH IN CLOSE PROXIMITY TO THE ROWING SHELL.

22 (b) THE LAUNCH COMPLIES WITH THE REQUIREMENTS OF A NATIONALLY
23 RECOGNIZED ROWING ASSOCIATION AND CARRIES LIFESAVING EQUIPMENT ON BOARD.

24 (c) THE OPERATOR OF THE ROWING SHELL HAS SUCCESSFULLY PASSED A
25 SWIMMING TEST THAT IS CERTIFIED BY A NATIONALLY RECOGNIZED ROWING
26 ASSOCIATION.