UTAH STATE PARKS BOATING LAWS AND RULES APRIL 2013

UTAH
BOATING LAWS & RULES
(Updated as of April 2013)
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UTAH BOATING ACT AND
BOARD OF PARKS AND RECREATION BOATING RULES
TITLE 73, CHAPTER 18, UTAH CODE ANNOTATED 1953
As Amended
Updated as of April 2013
Note: Rules of the Board are preceded by R651

Rule Changes for 2013 to take effect June 21, 2013
R651-204-2(1-5) Rules for placing hazards to navigation
R651-214-8 Rules for temporary operating authority
R651-216-8(c) Rules allowing use of non-navigational lights

73-18-1 Statement of policy.
It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.
73-18-2 Definitions.
As used in this chapter:
(1) "Anchored" means a vessel that is temporarily attached to the bed or shoreline of a waterbody by any method and the hull of the vessel is not touching the bed or shoreline.
(2) "Beached" means that a vessel's hull is resting on the bed or shoreline of a waterbody.
(3)“Board” means the Board of Parks and Recreation.
(4)“Boat livery” means a person that holds a vessel for renting or leasing.
(5)“Carrying passengers for hire” means to transport persons on vessels or to lead person(s) on vessel(s) for consideration.
(6)“Consideration” means something of value given or done in exchange for something given or done by another.
(7) “Dealer” means any person who is licensed by the appropriate authority to engage in and who is engaged in the business of buying and selling vessels or of manufacturing them for sale.
(8) "Derelict vessel":
(a) means a vessel that is left, stored, or abandoned upon the waters of this state in a wrecked, junked, or substantially dismantled condition; and
(b) includes:
(i) a vessel left at a Utah port or marina without consent of the agency or other entity administering the port or marine area; and
(ii) a vessel left docked or grounded upon a property without the property owner's consent.
(9)“Division” means the Division of Parks and Recreation.
(10) "Moored" means long term, on the water vessel storage in an area designated and properly marked by the division or other applicable managing agency.
(11)“Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.
(12)“Operate” means to navigate, control, or otherwise use a vessel.
(13)“Operator” means the person who is in control of a vessel while it is in use.
(14)“Outfitting company” means any person who, for consideration:
(a) Provides equipment to transport persons on all waters of this state; and
(b) Supervises a person who:
(i) Operates a vessels to transport passengers; or
(ii) Leads a person(s) on a vessel(s).
(15) (a) “Owner” means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel.

(b) "Owner" includes a person entitled to the use or possession of a vessel subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation.

(c) "Owner" does not include a lessee under a lease not intended as security.

(16)"Personal watercraft" means a motorboat that is:

(a) Less than 16 feet in length;

(b) Propelled by a water jet pump; and

(c) Designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than sitting or standing inside the vessel.

(17)"Sailboat" means any vessel having one or more sails and propelled by wind.

(18)"Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(19)"Wakeless speed" means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

(20)"Waters of this state" means any waters within the territorial limits of this state.

R651-201. Definitions.

R651-201-1. Approved.

"Approved" means approved by the commandant of the United States Coast Guard, unless the context clearly requires a different meaning. For carburetor backfire flame control devices "approved" means the device is marked with one of the following: a U.S. Coast Guard approval number; complies with Underwriters Laboratory test UL 1111; or complies with the Society of Automotive Engineers test SAE J-1928.

R651-201-2. Sailboard.

"Sailboard" means a wind-propelled vessel with a mast and sail that are held up by the operator who stands while operating the vessel.

R651-201-3. Good and Serviceable Condition.

(1) "Good and Serviceable condition" means any required equipment must be in proper operating condition; and

(a) Required labels and markings shall be intact and legible;

(b) Required equipment shall not be stored inside original packaging; and

(c) A PFD is considered to be in serviceable condition only if the following conditions are met:

(i) No PFD may exhibit deterioration that could diminish the performance of the PFD, including metal or plastic hardware used to secure the PFD on the wearer that is broken, deformed, or weakened by corrosion; webbings or straps used to secure the PFD on the wearer that are ripped, torn or which have become separated from an attachment point on the PFD; or any other rotted or deteriorated structural component that fails when tugged.

(ii) In addition to meeting the requirements of paragraph (i) of this section, no inherently buoyant PFD, including the inherently buoyant components of a hybrid inflatable PFD, may exhibit rips, tears, or open seams in fabric or coatings, that are large enough to allow the loss of buoyant material; buoyant material that has become hardened, non-resilient, permanently compressed, waterlogged, oil-soaked, or which show evidence of fungus or mildew; or loss of buoyant material or buoyant material that is not securely held in position.

(iii) In addition to meeting the requirements of paragraph (i) of this section, an inflatable PFD, including the inflatable components of a hybrid inflatable PFD, must be equipped with a properly armed inflation mechanism, complete with a full inflation medium cartridge and all status indicators showing that the inflation mechanism is properly armed, except as provided in paragraph (iv) of this section; inflatable chambers that are all capable of holding air; oral inflation tubes that are not blocked, detached or broken; a manual inflation lanyard or lever that is not inaccessible, broken or missing; and, inflator status indicators that are not broken or otherwise non-functional.

(iv) The inflation system of an inflatable PFD need not be armed when the PFD is worn inflated and otherwise meets the requirements of paragraphs (i) and (iii) of this section.

R651-201-4. Immediately Available.

"Immediately available" means stored in plain and open view in the area where it will be used; not obstructed, blocked or covered in any way and capable of being quickly deployed.

R651-201-5. Readily Accessible.

"Readily Accessible" means easily located and retrieved without searching, delay or hindrance.

R651-201-6. Tow(ed)(ing).

When used in watersports, "tow(ed)(ing)" means a person(s) who is pulled behind a vessel either on a device and attached to the vessel or has been pulled behind a vessel, is not currently attached and is surfing or riding the wake created by the vessel.

R651-201-7. Low Capacity Vessel.

Low Capacity Vessel means a manually propelled vessel designed or intended to carry no more than 2 occupants.

73-18-3 Enforcement of State Boating Act to be supervised by division.

The administration and enforcement of the State Boating Act shall be under the supervision and direction of the division.

73-18-3.5. Advisory council.

The board may appoint an advisory council representing various boating interests to seek recommendations on state boating policies.

R651-202. Boating Advisory Council

R651-202-1. A Boating Advisory Council, consisting of nine members, has been appointed by the board to represent boaters and others in boating matters. There is one member from each of the following interests: boating safety and education organizations, sailing users, boating anglers, marine dealers, personal watercraft users, outfitting companies, paddlecraft users, watersports users and motorboat users.

73-18-4. Board may promulgate rules and set fees.

(1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall promulgate rules:

(a) Creating a uniform waterway marking system which shall be obeyed by all vessel operators;

R651-203. Waterway Marking System.

R651-203-1. Regulatory Markers.

An orange cross within an orange diamond, on end, means: "Boats Keep Out."
An orange circle means: "Controlled Area."
An orange diamond, on end, without a cross means: "Danger."
An orange square or rectangle: "Provides Information."

(1) The following regulatory symbols shall be international orange on a white background, and descriptive wording within or accompanying the regulatory symbols shall be in black letters.

(2) When the regulatory symbols are displayed on a buoy, an orange band should encircle the buoy near the water line and near the top.

R651-203-2. Channel Markers.

(1) White buoys with red vertical stripes mark the center of a channel and may be lettered alphabetically from downstream to upstream.

(2) Green can buoys, odd numbers, mark the left side, and red nun buoys, even numbers, mark the right side of a channel when proceeding upstream or returning from the main body of water.

R651-203-3. Mooring Buoy.

A mooring buoy is white and is designated with a blue band which is at least three inches wide and encircles the buoy halfway between the waterline and the top.

R651-203-4. Diver's Flag.

A square, red flag with a white diagonal stripe from one top corner to the opposite bottom corner should be used to indicate the presence of a diver below. A rigid replica of the International Code

"A" flag not less than one meter in height may also be used. The operator of any vessel shall not approach within 150 feet of a posted diver's flag, unless the vessel is part of the equipment in use by the divers.

R651-203-5. Obeying Waterway Markers.

The operator of a vessel shall obey the markings or instructions of any official waterway marker.

73-18-4(1)(b) regulating the placement of waterway markers and other permanent or anchored objects on the waters of this state;

R651-204. Regulating Waterway Markers.

R651-204-1. Placement of Waterway Markers.

No person shall place on or near the waters of this state any waterway marker, except a diver's flag, without written authorization by a federal agency operating within federal authority or by the division.

R651-204-2. Hazards to Navigation.

(1) Definitions

(a) "Hazard to Navigation" means, any object permanently placed on or under the waters of this state that is an obstacle to navigation, including but not limited to:

(i) pier or shoreline dock greater than 75 feet from the shoreline;
(ii) floating dock or inflatable recreational equipment;
(iii) commercial fishing or scientific devices;
(iv) navigational aids;
(v) slalom courses, jump/rail or other recreational device;
(vi) vessels moored outside of a designated mooring area.

(b) "Permanent" means intended to be left on the waterway overnight or unattended during the day.

(2) No person shall place any permanent or anchored objects on the waters of this state without written authorization by a federal agency operating within federal authority or by the division.

(3) All permitted water obstacles must be visibly marked with the owner's name with letters that are:

(a) a contrasting color to the object; and
(b) at least one inch in height with the letter width proportionate to the height.

(4) Each permitted water obstacle must be marked with lights if placed overnight. Marker lights:

(a) must meet United States Coast Guard requirements;
(b) must float at least 39 inches above the water;
(c) must be an amber or white color flashing light that flashes a minimum of 30 flashed per minute and is visible for up to one-half mile; and
(d) if buoyed, the buoy must be self-righting and have a three inch silver radar reflective band around the top.

(5) Placement of water obstacles without a proper permit of failure to abide by the permit requirements constitute a violation of board rules and the water obstacles must be removed by the entity that placed the obstacle immediately upon notification. Water obstacles that create a hazard may be removed by the division at the owner's expense. Any damages uncured during removal by the division will not be the responsibility of the division.

R651-204-3. Destruction of Waterway Markers.

No person shall remove, destroy, or damage any waterway marker authorized to be placed by a federal agency or by the division; nor shall any person moor any vessel to a waterway marker, except mooring buoys.

73-18-4(1)(c) zoning certain waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only; ~~and~~

R651-205. Zoned Waters.

R651-205-1. Obeying Zoned Waters.

The operator of a vessel shall obey zoned water requirements or restrictions.

R651-205-2. Deer Creek Reservoir.
Vessels and all other water activities are prohibited within 1500 feet of the dam. A vessel may not be operated at a speed greater than wakeless speed at any time in Wallsberg Bay.
R651-205-3. Green River.
The use of motors is prohibited between the Flaming Gorge Dam and the confluence with Red Creek.
R651-205-4. Stansbury Park Lake.
The use of vessels over 20 feet in length and motors, except electric trolling motors, is prohibited.
R651-205-5. Lower Provo River.
The section from where it enters into Utah Lake upstream to the gas pipeline is designated as a wakeless speed area, and the use of motors is prohibited upstream from this point.
R651-205-6. Decker Lake.
The use of motors is prohibited.
R651-205-7. Palisade Lake.
The use of motors, except electric trolling motors, is prohibited.
R651-205-8. Ivins Reservoir.
The use of motors whose manufacture listed horsepower is 10 horsepower or more is prohibited.
R651-205-9. Jordan River.
The use of motors is prohibited, except motors whose manufacture listed horsepower is less than 10 horsepower. Such motors are permitted on the Utah County portion of the river.
R651-205-10. Ken's Lake.
The use of motors, except electric trolling motors, is prohibited.
R651-205-11. Pineview Reservoir.
The use of motors, except electric motors, is prohibited in the designated area in the North Arm, North Geersten Bay and the Middle Fork of the Ogden River. Vessels are prohibited in the Middle Inlet and Cemetery Point picnic areas.
R651-205-12. Jordanelle Reservoir.
The use of motorboats or sailboats is prohibited in the designated area of Hailstone Beach.
R651-205-13. Little Dell Reservoir.
The use of motors is prohibited.
R651-205-14. Bear Lake.
The use of a vessel is prohibited from July 1 through Labor Day in the area adjacent to Cisco Beach starting at the entrance station and extending approximately 1/4 mile south, when this area is marked with appropriate buoys.
R651-205-15. Lost Creek Reservoir in Morgan County.
A vessel may not be operated at a speed greater than wakeless speed at any time.
R651-205-16. Huntington Reservoir.
The use of motors whose manufacturer listed horsepower is 10 horsepower or more is prohibited.
R651-205-17. Cutler Reservoir.
The use of motors whose manufactured listed horsepower is more than 35 horsepower is prohibited and a vessel may not be operated at a speed greater than wakeless speed at any time in the area south of the Benson Railroad Bridge. A vessel may not be operated at a speed greater than wakeless speed from the last Saturday in September through March 31st in the Bear River, east of the confluence with the reservoir.
73-18-4. (1)(d) regulating vessel operators who carry passengers for hire, boat liveries and outfitting companies; and
(2) (a) The board may set fees in accordance with Section 63-38-3.2 for:
(i) Licensing vessel operators who carry passengers for hire; and
(ii) Registering:
(A) Outfitting companies; and
(B) Boat liveries.

(b) The license and registration fees imposed pursuant to Subsection (2)(a) shall be deposited into the Boating Account created in Section 73-18-22.

R651-206. Carrying Passengers for Hire.

R651-206-1. Definitions.

(1) "Agent" means a person(s) designated by an outfitting company to act in behalf of that company in certifying:

(a) The verification of a license or permit applicant's vessel operation experience, appropriate first aid and CPR certificates and identifying information.

(b) The verification of an annual dockside or a five-year dry dock inspection of a vessel.

(2) "Certificate of maintenance and inspection" means a document produced by the Division and signed by a marine or vessel inspector and an agent of the outfitting company that a vessel has met the requirements of a required inspection. For float trip vessels, the certificate of maintenance and inspection will be issued to the outfitting company and not an individual vessel.

(3) "Certificate of outfitting company registration" means a document produced by the Division annually, indicating that an outfitting company is registered and in good standing with the Division.

(4) "Certifying experience" means vessel operation or river running experience obtained within ten years of the date of application for the license or permit.

(5) "CFR" means U.S. Code of Federal Regulations.

(6) "Deck rail" means a guard structure at the outer edge of a vessel deck consisting of vertical solid or tubular posts and horizontal courses made of metal tubing, wood, cable, rope or suitable material.

(7) "Dockside inspection" means an annual examination of a vessel when the vessel is afloat in the water so that all of the exterior of the vessel above the waterline and the interior of the vessel may be examined. For float trip vessels, the annual dockside inspection may be performed at the company's place of business.

(8) "Dry dock inspection" means an examination of a vessel, conducted once every five years, when the vessel is out of the water and supported so all the exterior and interior of the vessel may be examined. For float trip vessels, the five-year dry dock inspection may be performed at the company's place of business.

(9) "Good marine practices and standards" means those methods and ways of maintaining, operating, equipping, repairing and restructuring a vessel according to commonly accepted standards, including 46 CFR, the American Boat and Yacht Council, the American Bureau of Shipping, the National Marine Manufacturers Association, and other appropriate generally accepted standards as sources of reference.

(10) "License" means a Utah Captain's/Guide's License or a U.S. Coast Guard Master's License.

(11) "Low capacity vessel" means a manually propelled vessel designed or intended to carry no more than 2 occupants.

(12) "Marine inspector" means a person who has been trained to perform a dry dock inspection and is registered with the Division as a person who is eligible to perform a dry dock inspection of a vessel.

(13) "Other rivers" means all rivers or river sections in Utah not defined in Subsection (18) of this rule as a whitewater river.

(14) "Permit" means a Utah Boat Crew Permit.

(15) "Sole state waters," means all waters of this state, except for the waters of Bear Lake, Flaming Gorge and Lake Powell.

(16) "Towing for hire" means the activity of towing vessels or providing on-the-water assistance to vessels for consideration.

(a) Towing for hire is considered carrying passengers for hire

(b) Towing for hire does not include a person or entity performing salvage or abandoned vessel retrieval operations.

(17) “Vessel inspector” means a person who has been trained to perform a dockside inspection and is registered with the Division as a person who is eligible to perform a dockside inspection on a vessel.
(18) “Whitewater river” means the following river sections: the Green and Yampa Rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other Division recognized whitewater rivers in other states.
(19) “Float trip vessel” means a vessel, or the components and equipment used to configure such a vessel that is designed to be operated on a whitewater river or section of river. A float trip vessel may be a raft with inflatable chambers or a configuration of metal and/or wood frames, straps or chains, and inflatable pontoon tubes that are integral in maintaining the flotation, structural integrity and general seaworthiness of the vessel.

R651-206-2. Outfitting Company Responsibilities.

(1) Each outfitting company carrying passengers for hire on waters of this state shall register with the Division annually, prior to commencement of operation.
- (a) Outfitting company registration with the Division requires the completion of the prescribed application form and providing the following:
  - (i) Evidence of a current and valid business license;
  - (ii) Evidence of a current and valid river trip authorization(s), Special Use Permit(s), or performance contract(s) issued by an appropriate federal or state land managing agency;
  - (iii) Evidence of general liability insurance coverage; and
  - (iv) Payment of a $150 fee for an outfitting company whose place of business is physically located within the State of Utah, or
  - (v) Payment of a $200 fee for an outfitting company whose place of business is physically located outside of the State of Utah.

(2) Upon successful registration with the Division, the Division shall issue a certificate registration in the name of the outfitting company. An outfitting company shall display its certificate of outfitting company registration at its place of business in a prominent location, visible to persons and passengers who enter the place of business.
(3) An agent of an outfitting company shall certify that each license or permit applicant sponsored by the outfitting company has:
- (a) Obtained the minimum levels of required vessel operation experience corresponding to the type of license or permit applied for;
- (b) Obtained the appropriate first aid and CPR certificates; and
- (c) Completed the prescribed application form with true and correct identifying information.

(4) An outfitting company’s annual registration with the Division may be suspended, denied, or revoked for a length of time determined by the Division director, or an individual designated by the Division director, if one of the following occurs:
- (a) The outfitting company’s, or agent’s negligence caused personal injury or death as determined by due process of law;
- (b) The outfitting company or agent is convicted of three violations of Title 73, Chapter 18, or rules promulgated there under during a calendar year period;
- (c) False or fictitious statements were certified or false qualifications were used to qualify a person to obtain a license or permit for an employee or others;
- (d) The Division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the Division;
- (e) The outfitting company has utilized a private trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation;
- (f) The outfitting company used a vessel operator without a valid license or permit or without the appropriate license or permit while engaging in carrying passengers for hire; or

(g) The outfitting company is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(5) An outfitting company shall have a written policy describing a program for a drug free workplace.

(6) An outfitting company shall maintain a training log for each of its vessel operators.

(7) An outfitting company shall maintain a voyage plan and a passenger manifest, on shore, for each trip or excursion the company conducts.

(8) An outfitting company shall maintain a daily or trip operations log for each of its vessels.

(9) An outfitting company shall ensure that each of its vessel operators conducts a check of the vessel he or she will be operating. The vessel check shall include:

(a) Passenger count;

(b) A discussion of safety protocols and emergency operations with passengers on board the vessel.

(c) A check of the vessel's required carriage of safety equipment.

(d) A check of the vessel's communication systems;

(e) A check of the operation and control of the vessel's steering controls and propulsion system; and

(f) A check of the vessel's navigation lights, if the vessel will be operating between sunset and sunrise.

(10) An outfitting company shall ensure that each vessel in its fleet is equipped with the required safety equipment.

(11) An outfitting company shall maintain each vessel in its fleet according to good marine practices and standards.

(a) The outfitting company shall ensure that each vessel used in the service of carrying passengers for hire meets the maintenance and inspection requirements, if such inspections are required of a vessel.

(b) The outfitting company shall maintain a file of its maintenance and inspections for each vessel, or the components and equipment that configure a float trip vessel that is required to be inspected in its fleet. Maintenance and inspection files shall be maintained for the duration in which the vessel is in the service of carrying passengers for hire, plus one additional year.

(12) The owner of a vessel carrying passengers for hire shall carry general liability insurance. The insurance coverage shall be for a minimum of $1,000,000 aggregate per incident.

(13) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of the company's

(a) Drug free workplace policy;

(b) A passenger manifest and trip voyage plan;

(c) Trip operation logs;

(d) A vessel's maintenance and inspection files; or

(e) A vessel operator's training log.

(14) An outfitting company that is registered to carry passengers for hire in another state and possesses a state-issued certificate of outfitting company registration, or similar license, permit or registration accepted and recognized by the Division, where the state has similar outfitting company registration provisions, shall not be required to obtain and display a Utah certificate of outfitting company registration as required by this section when:

(a) Operating vessels on Bear Lake, Flaming Gorge, and Lake Powell where a trip embarks and disembarks from the out-of-state portion of the lake and less than 25 percent of a trip is conducted on the Utah portion of the lake.

(b) Operating vessels on rivers flowing into Utah where the river trip originates out-of-state and terminates at the first available launch ramp/take-out.

(i) For vessels operating on the Colorado River, the first available takeout is the Westwater Ranger Station launch ramp/take-out.

(ii) For vessels operating on the Dolores River, the first available takeout is the Dewey Bridge launch ramp/take-out on the Colorado River.
(iii) For vessels operating on the Green River, the first available take out is the Split Mountain launch ramp/take-out.
(iv) For vessels operating on the San Juan River, the first available takeout is the Montezuma Creek launch ramp/take-out.

R651-206-3. Utah Captains/Guides License and Utah Boat Crew Permit.

(1) No person shall operate a vessel engaged in carrying passengers for hire on sole state waters unless that person has in his possession a valid and appropriately endorsed Utah Captain's/Guide's License or Utah Boat Crew Permit issued by the Division, or a valid and appropriately endorsed U.S. Coast Guard Master's License.

(a) When carrying passengers for hire on a motorboat on the waters of Bear Lake, Flaming Gorge or Lake Powell, the operator must have a valid and appropriately endorsed U.S. Coast Guard Master's License.
(b) A Utah Captain's/Guide's License is valid on the waters of Bear Lake, Flaming Gorge and Lake Powell when the holder is carrying or leading persons for hire on non-motorized vessels.
(c) A Utah Captain's/Guide's License or Utah Boat Crew Permit, with the appropriate whitewater river or other river endorsement, is valid when operating a vessel exiting from a river to the first appropriate and usable take- out or launch ramp on a lake or reservoir.

(2) License and Permit Requirements.

(a) The license or permit must be accompanied by current and appropriate first aid and CPR certificates. A photocopy of both sides of the first aid and CPR certificates is allowed when carrying passengers for hire on rivers.
(b) A license with a "Lake and Reservoir Captain" endorsement is required when carrying passengers for hire on any lake or reservoir.
(c) A license with a "Tow Vessel Captain" endorsement is required when towing or assisting other vessels for hire on waters of this state.
(d) A license with a "Whitewater River guide" endorsement is required when carrying passengers for hire on any river section, including "whitewater," "other," and "flatwater" river designations.
(e) A license with an "Other River Guide" endorsement is required when carrying passengers for hire on any river or river section designated as "other" or "flatwater."
(f) A permit with a "Lake and Reservoir Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Lake and Reservoir Captain" endorsement.
(g) A permit with a "Tow Vessel Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Tow Vessel Captain" endorsement.
(h) A permit with a "Whitewater River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with a "Whitewater River Guide" endorsement.
(i) A permit with an "Other River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with either a "Whitewater River Guide" or "Other River Guide" endorsement.
(j) All Vessel Operator Permits and River Guide 1, 2, 3, and 4 Permits will expire at the end of their current term. Applications for renewal or duplicate of a Vessel Operator or River Guide Permit will be changed to the respective Utah Captain's/Guide's License or Utah Boat Crew Permit.
(k) All Boatman Permits issued by the Division are expired.

(3) Requirements to obtain a Utah Captain's/Guides License.

(a) The applicant shall be at least 18 years of age as of the date the application is received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first license, the application, testing, and issuance of the license shall be done in a manner accepted by the Division.

(c) The applicant shall pay a $50 application fee for the license and first endorsement. A fee of $10 will be charged for each additional license endorsement.

(d) The applicant shall choose from the four types of license endorsements:

(i) Lake and Reservoir Captain (LCG)

(ii) Tow Vessel Captain (TCG)

(iii) Whitewater River Guide (WCG)

(iv) Other River Guide (OCG)

(e) The applicant shall provide an original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued for an American Red Cross "Emergency Response" course or an equivalent course from a reputable provider whose curriculum is in accordance with the USDOT First Responder Guidelines or the Wilderness Medical Society Guidelines for Wilderness First Responder.

(ii) The CPR certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the most current Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) A current Utah Vessel Operator Permit holder, whose permit was issued prior to January 1, 2008, and who is renewing and converting their permit to a Utah Captain's/Guide's License, is exempt from showing proof of completion of a National Association of State Boating Law Administrators (NASBLA) approved boating safety course.

(g) The applicant shall complete a multiple-choice, written examination administered by an agent of the Division:

(i) 80 percent correct is required to pass.

(ii) In relation to the respective endorsement, the examination will have a specific focus on the carrying passengers for hire laws and rules along with general safety, etiquette and courtesy.

(iii) If an applicant fails to pass the exam, there is a seven-day waiting period to re-test.

(iv) Pay a $15 fee for each re-test.

(h) The applicant shall provide documentation of vessel operation experience that has been obtained within 10 years previous to the date of application.

(i) Lake and Reservoir Captain (LCG) - a minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be carrying passengers for hire on the specific lake or reservoir on which the operator will be carrying passengers for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(ii) Tow Vessel Captain (TCG) - A minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a

similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(iii) Whitewater River Guide (WCG) - A minimum of nine river trips on whitewater river sections. At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river section on which the operator will be carrying passengers for hire. A Whitewater River Guide endorsement meets the requirements for an Other River Guide endorsement.

(iv) Other River Guide (OCG) - A minimum of six river trips on any river section. At least one of these trips must be obtained while operating the vessel or similar vessel, on the respective river section on which the operator will be carrying passengers for hire.

(4) A Utah Captain's/Guide's License is valid for a term of five years. The license will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah Captain's/Guide's License may be renewed within the six months prior to its expiration.

(b) To renew a Utah Captain's/Guide's License, the applicant must complete the prescribed application form along with adhering to the requirements described above. A current license holder may renew his license in a manner accepted by the Division.

(c) The renewed license will have the same month and day expiration as the original license.

(d) A Utah Captain's/Guide's License that has expired shall not be renewed and the applicant shall be required to apply for a new license.

(5) Requirements to obtain a Utah Boat Crew Permit.

(a) The applicant shall be at least 18 years of age as of the date the application is received by the Division.

(b) The applicant shall complete the prescribed application form.

(i) Information on the application form must be verified by an agent of the employing/sponsoring outfitting company.

(ii) The completed application form must be signed by the applicant and by an agent of the employing/sponsoring outfitting company.

(iii) For persons who are applying for their first permit, the application and issuance of the permit shall be done in a manner accepted by the Division.

(c) The applicant shall pay a $50 application fee for the original permit and first endorsement. A $10 fee shall be charged for each additional crew permit endorsement.

(d) The applicant shall choose from the four types of permit endorsements:

(i) Lake and Reservoir Crew (LRC)

(ii) Tow Vessel Crew (TVC)

(iii) Whitewater River Crew (WRC)

(iv) Other River Crew (ORC)

(e) The applicant shall provide original proof of current and valid first aid and CPR certifications:

(i) The first aid certificate must be issued for an American Red Cross "Standard" or "Basic" first aid course, or an equivalent course from a reputable provider.

(ii) The first aid certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the most current Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

(iii) First aid and CPR certificates must include the following information: name, or title of the course; course provider; length of certification; name of the person certified and legible name of the course instructor.

(f) The applicant shall provide documentation of vessel operation experience that has been obtained within the 10 years previous to the date of application.

(i) Lake and Reservoir Crew (LRC) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, on which the operator will be carrying passengers for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(ii) Tow Vessel Crew (TVC) - A minimum of at least 20 hours of actual vessel operation experience. At least 10 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

(iii) Whitewater River Crew (WRC) - A minimum of three river trips on "whitewater" rivers or river sections. At least one of these trips must be obtained while operating the vessel, or similar vessel, on the respective river or river section on which the operator will be carrying passengers for hire. A Whitewater River Crew endorsement meets the requirements for an Other River Crew endorsement.

(iv) Other River Crew (ORC) - A minimum of three river trips on any river or river section. At least one of these trips must be obtained while operating the vessel on a respective river or river section on which the operator will be carrying passengers for hire.

(6) A Utah Boat Crew Permit is valid for a term of five years. The permit will expire five years from the date of issue, unless suspended or revoked.

(a) A Utah Boat Crew Permit may be renewed within the six months prior to its expiration.

(b) To renew a Utah Boat Crew Permit, the applicant must complete the prescribed application form along with the requirements described above. A current permit holder may renew his license in a manner accepted by the Division.

(c) The renewed permit will have the same month and day expiration as the original permit.

(d) A Utah Boat Crew Permit that has expired shall not be renewed and the applicant shall be required to apply for a new permit.

(e) A Utah Boat Crew Permit holder who upgrades to a Utah Captain's/Guide's License, within one year of when the permit was issued, shall receive a $25 discount on the fee for the Utah Captain's/Guide's License.

(7) In the event a Utah Captain's/Guide's License or a Utah Boat Crew permit is lost or stolen, a duplicate license or permit may be issued with the same expiration date as the original license or permit.

(a) The applicant must complete the prescribed application form.

(b) The fee for a duplicate license or permit is $15.

(8) Current Utah Captain's/Guide's License and Utah Boat Crew Permit holders shall notify the Division within 30 days of any change of address.

(9) A Utah Captain's/Guide's License or Utah Boat Crew Permit may be suspended, revoked, or denied for a length of time determined by the Division director, or individual designated by the Division director, if one of the following occurs:

(a) The license or permit holder is convicted of three violations of the Utah Boating Act, Title 73, Chapter 18, or rules promulgated there under during a three-year period.

(b) The license or permit holder is convicted of driving under the influence of alcohol or any drug while carrying passengers for hire, or refuses to submit to any chemical test that determines blood or breath alcohol content resulting from an incident while carrying passengers for hire;

(c) The license or permit holder's negligence or recklessness causes personal injury or death as determined by due process of the law;

(d) The license or permit holder is convicted of utilizing a private trip permit to carry passengers for hire;

(e) The license or permit holder is convicted of violating a resource protection regulation or public safety regulation in effect by the respective land managing and/or access permitting agency.

(f) The Division determines that the license or permit holder intentionally provided false or fictitious statements or qualifications to obtain the license or permit.

(10) A Utah Captain's/Guide's License or Utah Boat Crew Permit holder shall not carry passengers for hire while operating an unfamiliar vessel or operating on an unfamiliar lake, reservoir, or river section, unless there is a license holder aboard who is familiar with the vessel and the lake, reservoir, or river section. An exception to this rule allows a license or permit holder to lead passengers for hire on a lake, reservoir, or designated flatwater river section, as long as there is a license holder who is familiar with the vessel and the lake, reservoir, or river section and remains within sight of the rest of the group.

(11) Number of passengers carried for each license or permit holder.

(a) On a vessel that is carrying more than 49 passengers for hire, there shall be at least one license holder and one permit holder or two license holders on board.

(b) On a vessel carrying more than 24 passengers for hire, and operating more than one mile from shore, there shall be an additional license or permit holder on board.

(c) On a vessel carrying passengers for hire, there shall be a minimum of one license or permit holder on board for each passenger deck on the vessel.

(12) Low capacity vessels being led requirements.

(a) On all river sections, except as noted in Subsection (b) below, there shall be at least one qualified license or permit holder for every four low capacity vessels being led in a group.

(b) On lakes, reservoirs, and designated flatwater river sections, there shall be at least one qualified license or permit holder for every six low capacity vessels being led in a group.

(13) A license or permit holder shall not operate a vessel carrying passengers for hire for more than 12 hours in a 24 hour period.

(14) A license or permit holder shall conduct a safety and emergency protocols discussion with passengers prior to the vessel getting underway. This discussion shall include the topics of water safety, use and stowage of safety equipment, wearing and usage of life jackets and initiating the rescue of a passenger(s).

(15) Vessel operators who are licensed or permitted to carry passengers for hire in another state, and possess a state-issued vessel captain's license, or similar license or permit accepted and recognized by the Division, where the state has similar vessel operator licensing provisions, shall not be required to obtain and possess a Utah Captain's/Guide's License or Utah Boat Crew Permit as required by this section.

R651-206-4. Additional PFD Requirements for Vessels Carrying Passengers for Hire.

(1) Type I PFDs are required. Each vessel shall have an adequate number of Type I PFDs on board, that meets or exceeds the number of persons on board the vessel. A Type V PFD may be used in lieu of a Type I PFD if the Type V PFD is approved for the activity in which it is going to be used.

(2) In situations where infants, children and youth are in enclosed cabin areas of vessels over 19 feet in length and not wearing PFDs, a minimum of ten percent of the wearable PFDs on board the vessel must be of an appropriate type and size for infants, children and youth passengers.

(3) Type I PFDs or Type V PFDs - used in lieu of the Type I PFD, must be listed for commercial use on the label.

(4) If PFDs are not being worn by passengers, and the PFDs are being stowed on the vessel, the PFDs shall be stowed in readily accessible containers that legibly and visually indicate their contents.

(5) Each PFD must be marked with the name of the outfitting company, in one-inch high letters that contrast with the color of the device.

(6) The Type IV PFD shall be a ring life buoy on vessels 26 feet or more in length.

(a) Vessels that are 40 feet or more in length shall carry a minimum of two Type IV PFDs.
(b) Ring life buoys shall have a minimum of 60 feet of line attached.

(7) If U.S. Coast Guard approved Type I PFDs are not available for infants under the weight of 30 pounds, Type II PFDs may be used, provided they are the correct size for the intended wearer.

(8) On rivers, any low capacity vessel operator or a working employee of the outfitting company may wear a Type III PFD in lieu of the Type I PFD.

(9) On lakes and reservoirs, any low capacity vessel operator or a working employee may wear or carry; a Type III PFD may be carried or worn in lieu of the required Type I PFD.

(10) All passengers and crew members shall wear a PFD when a vessel is being operated in hazardous conditions.

(11) The license or permit holder is responsible for the passengers on his vessel to be in compliance with this section and R651-215.

R651-206-5. Additional Fire Extinguisher Requirements for Vessels Carrying Passengers for Hire.

(1) Each motorboat that carries passengers for hire, must carry a minimum of one type B-1 fire extinguisher. Vessels equipped solely with an electric motor, and not carrying flammable fuels on board, are exempt from this provision.

(2) Each motorboat that carries more than six passengers for hire and is equipped with an inboard, inboard/outboard, inboard jet, or direct drive gasoline engine, and carrying passengers for hire, shall have at least one fixed U.S. Coast Guard approved fire extinguishing system mounted in the engine compartment.

(3) Portable fire extinguishers shall be mounted in a readily accessible location, near the helm, away from the engine compartment. For motorized vessels operating on rivers, portable fire extinguishers may be stowed in a readily accessible location near the operator's position.

(4) For vessels carrying more than 12 passengers for hire or providing on board overnight passenger accommodations, smoke detectors shall be installed in each enclosed passenger area.

R651-206-6. Additional Equipment Requirements for Vessels Carrying Passengers for Hire.

(1) Emergency communications equipment.
(a) An outfitting company shall have appropriate communication equipment for contacting emergency services, or, have a policy and emergency communications protocols that describe the quickest and most efficient means of contacting emergency services, taking into consideration the remoteness of the area in which the vessel will be operated.
(b) For vessels traveling in a group, this requirement can be met by carrying one communication device in the group.

(2) Carbon monoxide detectors.
Each vessel carrying passengers for hire shall be equipped with carbon monoxide detectors in each enclosed passenger area.

(3) Survival Craft.
Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry an appropriate number of life rafts or other life-saving apparatus respective to the number of passengers carried on board.

(4) Visual distress signals.
Each vessel carrying more than six passengers for hire, and operating at a distance greater than one mile from shore, shall carry a minimum of three visual distress signal flares that are approved for day and night use.

(5) Navigation equipment.
(a) Each vessel must carry a map or chart of the water body and a compass or GPS unit that is in good and serviceable condition.
(b) For vessels traveling in a group, this requirement can be met by carrying a map or chart and a compass or GPS unit in the group.

(c) Float trip vessels are only required to carry a map of the water body.

(6) Lines, straps and anchorage.

(a) Each vessel shall be equipped with at least one suitable anchor and an appropriate anchorage system, respective of the body of water on which the vessel will be operating. Any line, when attached to an anchor, shall be attached by an eye splice, thimble and shackle.

(b) Vessels operating on rivers are exempt from carrying an anchor, but shall have sufficient lines to secure the vessel to shore.

(c) Lines and straps utilized for anchorage, mooring and maintaining vessel structural integrity shall be in good and serviceable condition.

(7) Portable lighting.

Each vessel carrying passengers for hire shall carry on board, at least one portable, battery operated light per operator or crew member. That portable battery-operated light shall be in good and serviceable condition and readily accessible.

(8) First Aid Kit.

(a) Each vessel shall have on board, an adequate first aid kit, stocked with supplies respective to the number of passengers carried on board, and the nature of boating activity in which the vessel will be engaged.

(b) For vessels traveling in a group, this requirement can be met by carrying one first aid kit in the group.

(9) Identification of outfitting company.

(a) An outfitting company shall prominently display its name on the hull or superstructure of the vessel.

(b) The display of an outfitting company's name shall not interfere with any required numbering, registration or documentation display.

(c) If another governmental agency prohibits the display of an outfitting company's name on the exterior of a vessel, the name shall be displayed in a visible manner that does not violate the agency's requirements.

(10) Marine toilets and sanitary facilities.

(a) Each vessel carrying more than six passengers for hire shall be equipped with a minimum of one marine toilet and washbasin sanitary facilities, except for vessels where suitable privacy enclosures are not practical.

(b) The toilet and washbasin shall be connected to a permanently installed holding tank that allows for dockside pump out at approved sanitary disposal facilities. Vessels that do not have access to dockside pump out facilities may carry a portable marine toilet and washbasin to meet this requirement.

(c) For vessels traveling in a group, this requirement can be met by carrying one marine sanitation device in the group.

(d) Marine toilets and washbasins shall be maintained in a good and serviceable, sanitary condition.

(e) A vessel that carries more than 49 passengers shall have at least two marine toilets and washbasins, one each for men and women.

(f) A vessel operating on a trip or excursion with duration of one hour or less, or operating on a river, is not required to be equipped with a marine toilet or washbasin.

R651-206-7. Towing Vessels for Hire Requirements.

(1) Any person or entity that provides the service of towing vessels for hire on waters of this state, shall register with the Division as an outfitting company and pay the appropriate fee. The registration of a person or entity towing for hire will be required beginning January 1, 2008.

(2) A vessel engaged in the activity of towing vessels for hire shall comply with the dockside and dry dock vessel maintenance and inspection requirements, plus the additional equipment requirements described in this section.

(3) Any conditions of a contract, special use permit, or other agreement with a person or entity that is towing vessels for hire, shall not supersede the boating safety and assistance activities

of a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any other person providing "Good Samaritan" service to vessels needing or requesting assistance.

(4) Any vessel receiving assistance from a state park ranger, other law enforcement officer, emergency and search and rescue personnel, a member of the U.S. Coast Guard Auxiliary, or any person providing "Good Samaritan" service need not be turned over to, or directed to a person or entity registered with the Division and authorized to tow vessels for hire, unless the operator or owner of the vessel receiving assistance specifically requests such action.

(5) A person or entity towing vessels for hire shall immediately notify a law enforcement officer of any vessel they assist, if the person reasonably believes the vessel being assisted was involved in a reportable boating accident.

(6) A person or entity towing vessels for hire shall not perform an emergency rescue unless he reasonably believes immediate emergency assistance is required to save the lives of persons, prevent additional injuries to persons onboard a vessel, or reduce damage to a vessel, and a state park ranger, other law enforcement officer, emergency and search and rescue personnel, or member of the U.S. Coast Guard Auxiliary is not immediately available, or a state park ranger, other law enforcement officer, or emergency and search and rescue personnel make such a request for emergency assistance.

(7) The owner of a vessel engaged towing vessels for hire shall carry general liability insurance. The insurance coverage shall be a minimum of $1,000,000 per incident.

(8) A vessel engaged in towing vessels for hire, shall be a minimum of 21 feet in length and have a minimum total of a 150 hp gasoline engine(s) or a 90 hp diesel engine(s). The towing vessel should be as large as or larger than the average vessel it will be towing.

(9) A vessel engaged in towing vessels for hire, must have at least one license holder on board.

(10) A person or entity towing vessels for hire shall provide appropriate types of training for each of its license and permit holders. Each vessel operator shall conduct a minimum of five training evolutions of towing a vessel each year, with at least one evolution being a side tow.

(11) The operator and any crew members on board a vessel engaged in towing vessels for hire, shall wear a PFD at all times. The operator of a vessel engaged in towing vessels for hire is responsible to have all occupants of a vessel being towed to wear a properly fitted PFD for the duration of the tow.

(12) A person or entity engaged in towing vessels for hire must keep a log of each tow or vessel assist. The towing vessels for hire log of activities shall include:

- (a) Assisted vessel's assigned bow number.
- (b) Name of assisted vessel's owner or operator, including address and phone number.
- (c) Number of persons on board the assisted vessel.
- (d) Nature of assistance.
- (e) Date and time assistance provided.
- (f) Location of the assisted vessel.
- (g) The operator of the vessel towing for hire shall make appropriate radio or other communications of the above actions with a person on land preferable at the company's place of business.
- (h) Upon request of an agent of the Division, an outfitting company shall provide the Division with a copy of a towing vessels for hire log.

(13) Additional Equipment Requirements for Vessels Towing for Hire.

- (a) PFDs.
  - (i) Shall carry a sufficient number of Type I PFDs for persons on board a towed vessel.
  - (ii) Shall carry a minimum of two Type IV PFDs, one of which must be a ring life buoy.
- (b) Vessel shall be equipped with a depth finder.
- (c) Tow Line.
  - (i) Shall have a minimum of 100 feet of 5/8" line with a tow bridle.
  - (ii) Towing vessel shall be equipped with a towing post or reinforced cleats.

(d) Vessel shall carry a dewatering pump with a minimum capacity of 25 gallons per minute, to be used to dewater other vessels.
(e) If a vessel is towing for hire between sunset and sunrise, the vessel shall carry the following pieces of equipment.
(i) A white spot light with a minimum brightness of 500,000 candle power.
(ii) It is recommended that a vessel be equipped with electronic RADAR equipment.
(f) Vessel shall carry a loudhailer, speaker, or other means of communicating with another vessel from a distance.
(g) Vessel shall carry the following equipment, in addition to the equipment required for vessels carrying passengers for hire.
(i) A knife capable of cutting the vessel's towline;
(ii) A boat hook;
(iii) A minimum of four six-inch fenders;
(iv) Binoculars;
(v) A jump starting system;
(vi) A tool kit and spare items for repairs on assisting vessel; and
(vii) Damage control items for quick repairs to another vessel.

R651-206-8. Maintenance and Inspections of Vessels Carrying Passengers for Hire.

(1) Each outfitting company carrying passengers for hire shall have an ongoing vessel maintenance and inspection program. The vessel maintenance and inspection program shall include the structural integrity, flotation, propulsion of the vessel, and equipment associated with passenger safety.
(2) The annual vessel maintenance and inspection program certification will be required beginning January 1, 2009. The five-year vessel inspections will be required no later than January 1, 2014.
(3) The Division shall prepare and maintain a "Carrying Passengers for Hire Vessel Inspection Manual".
(a) The Division shall establish a committee to oversee, maintain, and recommend any substantive changes in the "Carrying Passengers for Hire Vessel Inspection Manual".
(i) The members of this committee shall be selected by the Boating Advisory Council and shall report directly to the Boating Advisory Council.
(ii) This committee shall consist of five members: two members who will represent the non-float trip vessel carrying passengers for hire industry in Utah; two members who will represent the float trip vessel carrying passengers for hire industry in Utah; and one member who will represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.
(iii) This committee shall convene when information regarding substantive changes to the "Carrying Passengers for Hire Vessel Inspection Manual" has been presented to the Boating Advisory Council.
(b) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers for Hire Vessel Inspection Manual" that do not pertain to Float Trip Vessels.
(i) This committee shall consist of five members: three members who represent the carrying passengers for hire industry in Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.
(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.
(c) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers for Hire Vessel Inspection Manual" that pertain to Float Trip Vessels.

(i) This committee shall consist of five members: three members who represent the Float Trip Vessel carrying passengers for hire industry in
Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.
(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

73-18-5. Repealed.

73-18-6. Numbering of motorboats and sailboats required – Exception.

(1) Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:

(a) This chapter;

(b) Applicable federal law; or

(c) A federally approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.

(2) The number assigned to a motorboat or sailboat in accordance with this chapter, applicable federal law, or a federally-approved numbering system of another state shall be displayed on each side of the bow of the motorboat or sailboat, except this requirement does not apply to any vessel which has a valid marine document issued by the United States Coast Guard.

73-18-7. Registration requirements – Exemptions – Fee – Agents – Records – Period of registration and renewal – Expiration – Notice of transfer of interest or change of address – Duplicate registration card – Invalid registration – Powers of board.

(1)(a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat on the waters of this state shall register it with the division as provided in this chapter.

(b) A person may not place, give permission for the placement of, operate, or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered as provided in this chapter.

(2)(a) The owner of a motorboat or sailboat required to be registered shall file an application for registration with the division on forms approved by the division.

(b) The owner of the motorboat or sailboat shall sign the application and pay the fee set by the board in accordance with Section 63-38-3.2.

(c) Before receiving a registration card and registration decals, the applicant shall provide the division with a certificate from the county assessor of the county in which the motorboat or sailboat has situs for taxation, stating that:

(i) The property tax on the motorboat or sailboat for the current year has been paid;

(ii) In the county assessor's opinion, the property tax is a lien on real property sufficient to secure the payment of the property tax; or

(iii) The motorboat or sailboat is exempt by law from payment of property tax for the current year.

(d) If the board modifies the fee under Subsection (2)(b), the modification shall take effect on the first day of the calendar quarter after 90 days from the day on which the board provides the State Tax Commission:

(i) Notice from the board stating that the board will modify the fee; and

(ii) A copy of the fee modification.

R651-207. Registration Fee.

R651-207-1. Yearly Registration Fee.

The registration fee shall be $25 per year.

73-18-7(3)(a) Upon receipt of the application in the approved form, the division shall record the receipt and issue to the applicant registration decals and a registration card that state the number assigned to the motorboat or sailboat and the name and address of the owner.

(b) The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

(4) The assigned number shall:

(a) Be painted or permanently attached to each side of the forward half of the motorboat or sailboat;

(b) Consist of plain vertical block characters not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and

(e) Read from left to right.

R651-208. Backing Plates.

R651-208-1. Backing Plates.

On vessels where an assigned number on the hull or superstructure would not be visible or where the type of hull material used would make it impractical to attach an assigned number, the assigned number and registration decals may be mounted on a backing plate and displayed as required in Subsection 73-18-7 (4) of the Utah Code Annotated and Rule R651-212.

73-18-4(1)(e) regulating anchored, beached, moored, or abandoned vessels to minimize health, safety and environmental concerns.

R651-209 Anchored and beached vessels

R651-209-1. Anchored Vessels.

Unless permitted to do so by the local managing agency:

(1) an anchored vessel may not be left unattended for more than 48 hours.

(2) a vessel may not be anchored for more than 72 hours in one location.

(3) a vessel anchored for 72 hrs that wishes to continue anchorage on a waterbody must move at least two miles away from the last position of anchorage.

R651-209-2. Beached Vessels.

Unless permitted to do so by the local managing agency:

(1) a beached vessel may not be left unattended for more than 48 hours.

(2) a vessel may not be beached for more than 72 hours in one location.

(3) a vessel beached for 72 hrs that wishes to continue to beach on a waterbody must move at least two miles away from the last position of being beached.

73-18-7. (5) A motorboat or sailboat with a valid marine document issued by the United States Coast Guard is exempt from the number display requirements of Subsection (4).

(6) The nonresident owner of any motorboat or sailboat already covered by a valid number that has been assigned to it according to federal law or a federally approved numbering system of the owner's resident state is exempt from registration while operating the motorboat or sailboat on the waters of this state unless the owner is operating in excess of the reciprocity period provided for in Subsection 73-18-9(1).

(7)(a) If the ownership of a motorboat or sailboat changes, the new owner shall file a new application form and fee with the division, and the division shall issue a new registration card and registration decals in the same manner as provided for in Subsections (2) and (3).

(b) The division shall reassign the current number assigned to the motorboat or sailboat to the new owner to display on the motorboat or sailboat.

(8) If the United States Coast Guard has in force an overall system of identification numbering for motorboats or sailboats within the United States, the numbering system employed under this chapter by the board shall conform with that system.

(9)(a) The division may authorize any person to act as its agent for the registration of motorboats and sailboats.

(b) A number assigned, a registration card, and registration decals issued by an agent of the division in conformity with this chapter and rules of the board are valid.

(10)(a) The Motor Vehicle Division shall classify all records of the division made or kept according to this section in the same manner that motor vehicle records are classified under Section 41-1a-116.

(b) Division records are available for inspection in the same manner as motor vehicle records pursuant to Section 41-1a-116.

(11)(a)(i) Each registration, registration card, and decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar month of registration.

(ii) A registration may be renewed by the owner in the same manner provided for in the initial application.

(iii) The division shall reassign the current number assigned to the motorboat or sailboat when the registration is renewed.

(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

(c) If the last day of the registration period falls on a day in which the appropriate state or county offices are not open for business, the registration of the motorboat or sailboat is extended to 12 midnight of the next business day.

(d) The division may receive applications for registration renewal and issue new registration cards at any time before the expiration of the registration, subject to the availability of renewal materials.

(e) The new registration shall retain the same expiration month as recorded on the original registration even if the registration has expired.

(f) The year of registration shall be changed to reflect the renewed registration period.

(g) If the registration renewal application is an application generated by the division through its automated system, the owner is not required to surrender the last registration card or duplicate.

(12)(a) An owner shall notify the division of:

(i) The transfer of all or any part of the owner's interest, other than creation of a security interest, in a motorboat or sailboat registered in this state under Subsections (2) and (3); and

(ii) The destruction or abandonment of the owner's motorboat or sailboat.

(b) Notification must take place within 15 days of the transfer, destruction, or abandonment.

(c)(i) The transfer, destruction, or abandonment of a motorboat or sailboat terminates its registration.

(ii) Notwithstanding Subsection (12)(c)(i), a transfer of a part interest that does not affect the owner's right to operate a motorboat or sailboat does not terminate the registration.

(13)(a) A registered owner shall notify the division within 15 days if the owner's address changes from the address appearing on the registration card and shall, as a part of this notification, furnish the division with his new address.

(b) The board may provide in its rules for:

(i) The surrender of the registration card bearing the former address; and

(ii)(A) The replacement of the card with a new registration card bearing the new address; or

(B) The alteration of an existing registration card to show the owner's new address.

R651-210. Change of Address.

R651-210-1. The registered owner of a motorboat or sailboat, after notifying the division or agent of the division of his change of address, shall note the new address on his current registration card.

73-18-7 (14)(a) If a registration card is lost or stolen, the division may collect a fee of $4 for the issuance of a duplicate card.

(b) If a registration decal is lost or stolen, the division may collect a fee of $3 for the issuance of a duplicate decal.

(15) A number other than the number assigned to a motorboat or sailboat or a number for a motorboat or sailboat granted reciprocity under this chapter may not be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.
(16) A motorboat or sailboat registration and number are invalid if obtained by knowingly falsifying an application for registration.
(17) The board may designate the suffix to assigned numbers, and by following the procedures and requirements of Title 63, Chapter 46a, Utah Administrative
Rulemaking Act, make rules for:

R651-211. Assigned Numbers.

R651-211-1. The assigned number will consist of the prefix letters, "UT", to designate the State of Utah, one to four numerals, and two suffix letters that may designate a certain type of vessel. The suffix letters that designate a certain type of vessel are: AB -Airboat; DL - marine dealer or manufacturer; EX - Exempt (for official government business only). All other suffixes shall be randomly assigned.

R651-211-2. Assigned Number Reserved for the Division.

"UT 2628 BP" shall be the assigned number reserved for Division use in boating education and law enforcement training, and shall not be assigned to any vessel.

73-18-7(17)(a) the display of registration decals

R651-212. Display of Yearly Registration Decals and Month of Expiration Decals.

R651-212-1. A yearly registration decal shall be displayed three inches aft of the assigned number on each side of the vessel. On documented vessels, a yearly registration decal shall be displayed on each side of the forward half of the vessel. Only current year registration decals may be displayed.

R651-212-2. A month of expiration decal shall be displayed immediately aft of the yearly registration decal.

73-18-7(17)(b) the issuance and display of dealer numbers and registrations; and

R651-213. Dealer Numbers and Registrations.

R651-213-1. (1) Each person acting as a vessel dealer who has an established place of business and is engaged in the business of selling motorboats and/or sailboats shall make application to the Division of Motor Vehicles, who is acting as agent for the division, to obtain dealer numbers and registration decals.

(2) The application shall contain the following information:
- (a) The name of the business;
- (b) The business address;
- (c) The business owner's name (if the business is a corporation, the names of the principal officers of the corporation);
- (d) The type of vessels offered for sale; and
- (e) The manufacture line of vessels which the dealer holds franchise from the manufacturer to sell. Attached to the application shall be copies of the appropriate city, county, and state licenses required to do business in this state.

(3) Upon filing the application by the dealer, the Division of Motor Vehicles may assign dealer numbers and registration decals to the dealer.
(4) Dealer numbers and registration decals are valid only when demonstrating a motorboat or sailboat to a prospective purchaser and the dealer or employee of the dealer is present during the demonstration.
(5) Every vessel dealer who obtains dealer numbers and registration decals is responsible to maintain the numbers and to control their use.
(6) Dealer numbers and registration decals are not valid on any vessel which is a rental or lease unit, or on a vessel which is not part of the dealer inventory and available for immediate sale.
(7) Dealer numbers and registration decals shall not be permanently attached to any vessel, but shall be mounted and displayed on a backing plate.

(8) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, dealer numbers and registration decals may be suspended. Upon suspension, the dealer will surrender all of his dealer numbers and registration decals to the Division of Motor Vehicles within 15 days.

73-18-7(17) (c) The issuance and display of temporary registrations.

R651-214. Temporary Registration.

R651-214-1. (1) A vessel dealer may apply for temporary registrations to be used on motorboats or sailboats sold by his business. The application to obtain temporary registrations is the same as outlined in Section R651-213-1.

(2) Each temporary registration will be valid for a period not to exceed 30 days from date of issue.

(3) A temporary registration will not be valid on any motorboat or sailboat held in the dealer's inventory for sale or any motorboat or sailboat not sold by the same dealer who issued the registration.

(4) A dealer shall not issue more than one temporary registration for any motorboat or sailboat.

(5) A dealer who obtains temporary registrations will be responsible for their issuance and is required to maintain records of each registration obtained and issued. Dealer records will contain a description of the vessel sold, the name and address of the purchaser, and the date issued.

(6) Temporary registration records kept by the dealer shall be made available for inspection and audit by authorized agents of the Division of Motor Vehicles during regular business hours.

(7) If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, temporary registration issuance privileges may be canceled. Upon cancellation, the dealer will surrender all unissued temporary registrations to the Division of Motor Vehicles within 15 days.

(8) Temporary Operating Authority

(a) The Division, or its authorized representatives, may grant a temporary permit to operate a vessel for which:

(i) application for registration has been made, or, in the case of a newly purchased vessel, will be made

(ii) evidence of ownership is provided; and

(iii) the proper fees have been paid.

(b) The temporary permit allows the vessel to be operated pending complete registration by displaying the temporary permit.

(c) If a vessel is operated on a temporary permit issued under this section, that vessel is subject to all other statutes, rules, and regulations intended to control the use and operation of vessels on the waterways.

(9) Relocation Permit

(a) Under rules made by the administrator, relocation permits may be issued by the division or its authorized representatives.

(b) Relocation permits allow the use of the waterways for a time period not to exceed 96 hours.

(c) The division or its authorized representatives may issue relocation permits without requiring a property tax clearance for the vessel on which the permit is to be used.

(d) Relocation permits allow for the purpose of testing for mechanical or seaworthiness of vessels.

(e) If a vessel is operated on a relocation permit under this section, that vessel is subject to all other statutes, rules, and regulations intended to control the use and operation of vessels on the waterways.

73-18-7.1. Fraudulent application for registration or certificate of title.

A person is guilty of a third degree felony if he:

(1) Fraudulently uses a false or fictitious name in any application for a registration or certificate of title for a motorboat, sailboat, or outboard motor; or
(2) In making an application specified in Subsection (1), he:
(a) Knowingly makes a false statement;
(b) Knowingly conceals a material fact; or
(c) Otherwise commits a fraud.

73-18-7.2. Falsified registration or certificate of title.

It is a third degree felony for any person to:
(1) Alter with fraudulent intent any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title issued by the division or its authorized agent;
(2) Forge or counterfeit any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title purporting to have been issued by the division or its authorized agent;
(3) Alter, falsify, or forge any assignment upon a motorboat, sailboat, or outboard motor certificate of title; or
(4) Hold or use any motorboat or sailboat certificate of title, registration card, or registration decal or outboard motor certificate of title knowing it has been altered, forged, or falsified.

73-18-7.3. Suspension or revocation of a registration or certificate of title.

The division or its authorized agent may suspend or revoke the registration or certificate of title of a motorboat, sailboat, or outboard motor if:
(1) The division or its authorized agent determines that the registration or certificate of title was fraudulently or erroneously issued;
(2) The division or its authorized agent determines that a registered motorboat or sailboat is mechanically unfit or unseaworthy for operation on the waters of this state;
(3) A registered motorboat or sailboat has been dismantled or wrecked so that it loses its character as a vessel;
(4) The division or its authorized agent determines that the required registration or titling fee has not been paid or is not paid upon reasonable notice and demand;
(5) A registration decal or number is knowingly displayed upon a motorboat or sailboat other than the one for which the decal or number was issued;
(6) The division or its authorized agent determines that the owner has committed any offense under this chapter or Title 41, Chapter 1a, Part 5, involving the registration or certificate of title of a motorboat, sailboat, or outboard motor; or
(7) The division or authorized agent is so authorized under any other provision of law.

73-18-7.4. Canceled, suspended, or revoked registration or certificate of title to be returned.

If the division or its authorized agent cancels, suspends, or revokes the registration or certificate of title of a motorboat, sailboat, or outboard motor, the owner shall immediately return the canceled, suspended, or revoked registration card, registration decal, or certificate of title to the division or authorized agent.

73-18-8. Safety equipment required to be on board vessels.

(1)(a) Except as provided in Subsection (1)(c), each vessel shall have, for each person on board, one personal flotation device that is approved for the type of use by the commandant of the United States Coast Guard.
(b) Each personal flotation device shall be:
(i) In serviceable condition;
(ii) Legally marked with the United States Coast Guard approval number; and;
(iii) Of an appropriate size for the person for whom it is intended.
(c) (i) Sailboards are exempt from the provisions of Subsection (1)(a).
(ii) The board may exempt certain types of vessels from the provisions of Subsection (1)(a) under certain conditions or upon certain waters.
(d) The board may require by rule for personal flotation devices to be worn:

(i) While a person is on board a certain type of vessel;
(ii) By a person under a certain age; or
(iii) On certain waters of the state.

R651-215. Personal Flotation Devices.

R651-215-1. Definitions.

(1) "PFD" means personal flotation device.
(2) "Vessel length" is the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.
(3) "Wear" means to have the PFD properly worn with all fasteners connected.
(4) "Whitewater canoe" means a one or two person capacity hard hulled canoe designed for white water activities and is equipped with: floatation (e.g., factory end chambers or float bags) and thigh straps or retention devices to hold the operator(s) in the vessel if it rolls.

R651-215-2. Type IV PFD Requirements

No person shall operate or give permission for the operation of a vessel

(1) 16 feet to less than 40 feet in length unless there is at least one Type IV PFD on board.
(2) 40 feet or more in length unless there is at least two Type IV PFDs on board, one shall be a minimum 18" ring buoy type with at least 30 feet of rope attached. Where reasonable, one shall be located near the bow and one shall be located near the stern of the vessel.

R651-215-4. Types of Personal Flotation Devices.

Type I - Off-shore Life Jacket - provides the most buoyancy of any type of PFD.
Designed to turn the most unconscious wearers to a face-up position in the water. Effective for all waters, especially open, rough or remote waters where rescue may be delayed. Acceptable for use on all vessels.

Type II - Near Shore Buoyancy Vest - is designed to turn some unconscious wearers to a face-up position in the water. Intended for calm, inland waters where there is a good chance of quick rescue.

Type III - Flotation Aid - Good for conscious users in calm, inland waters where there is good chance of quick rescue. Designed so conscious wearers can place themselves in a face up position in the water. The wearer may have to tilt their head back to avoid turning face-down in he water.

Type IV - Throwable Device - Designed to be thrown to a person in the water and grasped and held by the user until rescued. Not designed to be worn.

Type V - Special Use Device - Intended for specific activities and may be carried instead of another PFD if used according to the approval conditions on its label.

R651-215-5. Immediately Available and Readily Accessible.

Type IV PFDs shall be immediately available; all other types of PFD shall be readily accessible, unless wearing is required.

R651-215-6. Type V PFD Carried in Lieu.

A Type V PFD may be carried or worn in lieu of another required PFD, but only if it is used according to the approval conditions on its label.

R651-215-7. Whitewater River PFD Requirements.

On whitewater rivers, as defined in Subsection R651-206-1(18) Type I or Type III PFDs, are required and shall be used according to the approval conditions on their labels.

R651-215-8. River Throw Bag in Lieu of Type IV PFD.

On a river section where PFDs are required to be worn, or on any river section where all vessel occupants are wearing PFDs, in lieu of the Type IV PFD requirement, a throw bag with a minimum of 40 feet of line may be carried.

R651-215-9. Required Wearing of PFDs.

(1) An inflatable PFD may not be used to meet the requirements of this Section.
(2) All persons on board a personal watercraft shall wear a PFD.

(3) The operator of a vessel under 19 feet in length shall require each passenger 12 years of age or younger to wear a PFD. This rule is also applicable to vessels 19 feet or more in length, except when the child is inside the cabin area.

(4) On rivers, every person on board a vessel shall wear a PFD, except PFDs may be loosened or removed by persons 13 years of age or older on designated flat water areas as listed in Section R651-215-10.

R651-215-10. River Flat Water Areas.

(1) On the Green River:

(a) From Red Creek Camp below Red Creek Rapids to the Indian Crossing Boat Ramp;

(b) From 100 yards below Taylor Flats Bridge to the Utah/Colorado state line in Browns Park;

(c) Within Dinosaur National Monument, from the mouth of Whirlpool Canyon to the head of Split Mountain Gorge;

(d) From the mouth of Split Mountain to Jack Creek in Desolation Canyon; and

(e) From the Green River Diversion Dam below Gray Canyon to the confluence with the Colorado River.

(2) On the Colorado River:

(a) From the Colorado/Utah state line to the Westwater Ranger Station;

(b) From Big Hole Canyon in Westwater Canyon to Onion Creek;

(c) From Drinks Canyon, mile 70, to the confluence with the Green River; and

(d) After the last active rapid in Cataract Canyon.

(3) On the San Juan River, after the last active rapid prior to Lake Powell.

R651-215-11. PFDs.

All Personal Flotation Devices (PFDs) must be used according to the conditions or restrictions listed on the U.S. Coast Guard Approval Label.

73-18-8(1)(e) For vessels 16 feet or more in length, there shall also be on board, one Type IV throwable personal flotation device, which is approved for this use by the commandant of the United States Coast Guard.

(2) The operator of a vessel operated between sunset and sunrise shall display lighted navigation lights approved by the division.

R651-216 Navigation Lights.

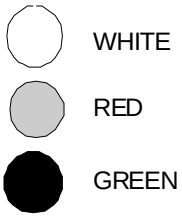
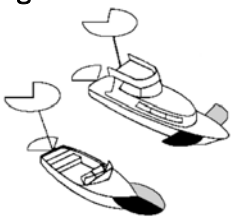


Figure 1



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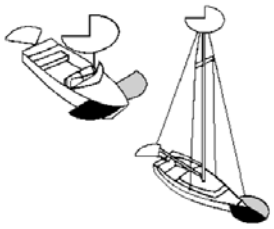

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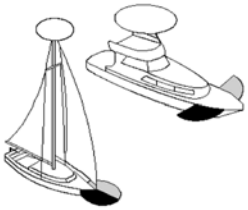

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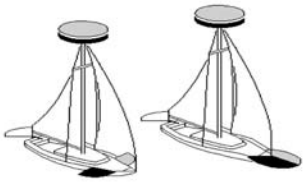


Figure 5

Figure 6

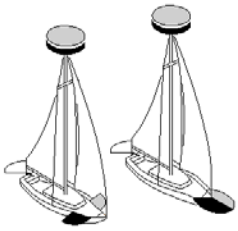
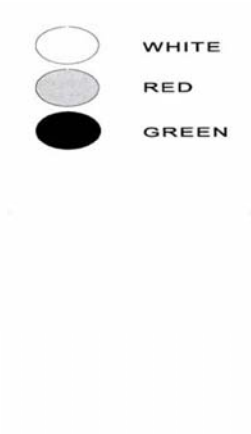


Figure 7

R651-216-1. Navigation Lights On Motorboats Less Than 40 Feet.
Motorboats of less than 40 feet in length shall exhibit the navigation lights shown in either figure 1, 2, or 3.
R651-216-2. Navigation Lights On Motorboats 40 Feet or greater in length.
Motorboats 40 feet-or greater in length shall exhibit the navigation lights shown in either figure 1 or 2.
R651-216-3. Navigation Lights On Sailboats.
Sailboats shall exhibit the navigation lights shown in either figure 4, 5, or 6.
R651-216-4. Navigation Lights On Sailboats Under Motor Power.
A sailboat under motor power shall exhibit the motorboat navigation light requirements.
R651-216-5. Navigation Lights On Manually Propelled Vessels.
A vessel manually propelled may exhibit the navigation lights required for sailboats or have ready at hand a flashlight or lighted lantern showing a white light which shall be displayed in sufficient time to prevent collision (figure 7).
R651-216-6. Displaying All Around White Anchor Light On Vessels At Anchor.
Vessels at anchor shall display an all-round white anchor light unless anchored in a designated mooring area.
R651-216-7. Visible Range.



Type and Location of Lights on Vessel	Vessel Length		Degrees of Arc Lights
	Less than 39 feet	39 feet but less than 65 feet	
	Visible distance in miles		
Masthead	2	3	225
All-round	2	2	360
Side lights	1	2	112.5 each color
Stern light	2	2	135

R651-216-8. Use of Non-Navigational Lights.
Vessels may only display lights as outlined above, except: (a) a spotlight or other non-navigational light may be used intermittently to locate a hazard to navigation, or (b) non-navigational lights may be used during a federal or state permitted marine parade, or (c) a spotlight or other non-navigational light may be used when actively engaged in fishing, bow fishing or scientific research on board vessels that are not in an navigational channel and that are being operated at a wakeless speed.
73-18-8(3) If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel shall be equipped with an efficient natural or mechanical ventilation system that is capable of removing resulting gases before and during the time the vessel is occupied by any person.
(4) Each vessel shall have fire extinguishing equipment on board.
73-18-8(4) Fire Extinguishers
R651-217. Fire Extinguishers.
R651-217-1. Fire Extinguishers On Motorboats.
All motorboats, unless exempt, must have on board a readily accessible and approved fire extinguisher as specified in Section R651-217-2.

R651-217-2. Fire Extinguishers Required.

TABLE	
LENGTH OF MOTORBOAT	NUMBER/SIZE
Less than 26 feet in length*	1/B-I
26 feet to less than 40 feet in length	2/B-I or 1/B-II
40 feet to less than 65 feet in length	3/B-I or 1/B-I and 1/B-II
65 feet in length and greater**	1/fixed system in the engine compartment and 3/B-II of which 1- at helm, 1- in galley, 1-engine compartment
*If a outboard motorboat of open construction and not carrying passengers for hire, a fire extinguisher is not required (see R651-217-5) **if no engine compartment, fixed system not required and B-II shall be placed near stern. If no galley, BII shall be placed midships.	

R651-217-3. Fire Extinguisher Types.

TABLE				
LISTING TYPES	FOAM	CARBON DIOXIDE	DRY CHEMICAL	HALON
B-I	1.25 GAL	4 LBS	2 LBS	2.5 LBS
B-II	2.5 GAL	15 LBS	10 LBS	10 LBS

R651-217-4. Engine Compartment Fire Extinguishers.
When the engine compartment is equipped with a fixed extinguishing system, one less B-I extinguisher is required.
R651-217-5. Open Construction Exemptions.
An outboard motorboat is not considered "of open construction" if any one of the following conditions exist: closed compartment under thwarts (motor well) and seats where portable fuel tanks may be stored; double bottoms not sealed to the hull or which are not completely filled with flotation material; closed living spaces; closed stowage compartments in which combustible or flammable materials are stored; or permanently installed fuel tanks.
R651-217-6. Certifying, Recharging, or Servicing a Fire Extinguisher.
Each fire extinguisher, except a disposable fire extinguisher, must show evidence of being certified, recharged, or serviced once every five years, or a current standard as described in the National Fire Protection Agency - Publication 10, by a qualified fire fighting equipment repair service.
R651-217-7. Disposable Fire Extinguishers.
(1) If a fire extinguisher is unable to be certified, recharged or serviced by a qualified fire fighting equipment repair service, it is considered disposable.
(2) The serviceability of a disposable fire extinguisher expires upon being discharged, loss of pressure or charge, or 12 years from the date of manufacture printed on the label or imprinted on the bottom of the fire extinguisher.
73-18-8(5) Any inboard gasoline engine shall be equipped with a carburetor backfire flame control device.
R651-218. Carburetor Backfire Flame Control.
R651-218-1. Acceptable Means Of Backfire Flame Control.
(1) The following are acceptable means of backfire flame control:
(a) A approved flame arrestor secured to the air intake with flame tight connection;
(b) An approved engine air and fuel induction system; or

(c) An attachment to the carburetor or location of the engine air induction system where a flame caused by engine backfire will be dispersed outside the vessel in a manner that the flame will not endanger the vessel or passengers. All attachments shall be of metallic construction with flame tight connections and secured to withstand vibration, shock, and engine backfire.

73-18-8(6) The board may:

(a) Require additional safety equipment by rule; and

(b) Adopt rules conforming with the requirements of this section which govern specifications for and the use of safety equipment.

R651-219. Additional Safety Equipment.

R651-219-1. Sound Producing Device.

(1) Vessels 16 feet to less than 40 feet in length shall have on board a means of making an efficient sound, horn or whistle, capable of a four-to-six-second blast.

(2) Vessels 40 feet and greater in length shall have on board a horn or whistle and a bell. The horn or whistle shall be capable of a four-to-six-second blast and audible for one-half mile. The bell shall be designed to give a clear tone.

R651-219-2. Bailing Device.

All vessels, not of self-bailing design, shall have on board an adequate bail bucket or be equipped with a mechanical means for pumping the bilge. For vessels 65 feet or greater in length, there shall be a bilge pump for each below deck compartment.

R651-219-3. Spare Propulsion.

Vessels less than 21 feet in length shall have on board at least one spare motor, paddle or oar capable of maneuvering the vessel when necessary. On rivers when low capacity vessels less than 16 feet in length are traveling in a group, the above requirement may be met by carrying one spare oar or paddle for every three vessels in the group. Paddles designed to be strapped to or worn on the hand meet this requirement.

R651-219-4. Airboat Requirements.

Airboats operated on the Great Salt Lake and adjacent refuges shall also have on board a compass and one of the following: approved flares, a strobe light, or other visual distress signal.

R651-219-5. Equipment Good and Serviceable.

All required safety equipment shall be in good and serviceable condition, and readily accessible, unless required to be immediately available.

R651-219-6. Law Enforcement Vessels.

No vessel operator except authorized law enforcement and emergency vessel operators may display red or blue flashing lights or sound a siren on any waters of this state.

R651-219-7. Equipment Exemptions.

(1) Sailboards, float tubes, standup paddlecraft and personal watercraft are exempt from the following rules: Section R651-219-2 bail buckets and Section R651-219-3 spare propulsion.

(2) Vessels owned by the Lagoon Corporation and operated by its employees or customers under the controlled use and confines of the Lagoon Amusement Park waterways are exempt from the following Sections: R651-215-9 (3), R651-219-2, and R651-219-3.

(3) Vessels owned by the Salt Lake Airport Hilton Inn and operated by its employees or customers under the controlled use and confines of the Salt Lake Airport Hilton Inn waterways are exempt from the following sections: R651-219-2 and R651-219-3.

(4) Racing vessels participating in a sanctioned race may be exempted from certain equipment requirements by the division upon written request to the division. The equipment exemption shall only be in effect the day before and the day of the race if conditions of the exemption are met.

(5) Non-standard, manually propelled vessels such as air mattresses and inner tubes are required to be compliant with life jacket and equipment requirements when:

(a) being used on any river

(b) being used over 50 feet from shore, except in a marked swimming area.

73-18-8(7) A person may not operate or give permission for the operation of a vessel that is not equipped as required by this section or rules promulgated under this section.

73-18-8.1. Capacity and certification label.

(1) Each vessel manufactured after November 1, 1972, which is less than 20 feet in length, except a sailboat, canoe, kayak, inflatable vessel, or homemade motorboat must have a United States Coast Guard capacity and certification label permanently affixed to the vessel and clearly visible to the operator when boarding or operating the vessel. The capacity and certification information may be combined together and displayed on one label.

(2) No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

(3) No person shall alter, deface, or remove any United States Coast Guard capacity or certification information label affixed to a vessel.

(4) No person shall operate, or give permission for the operation of, a vessel on the waters of this state if the required United States Coast Guard capacity or certification information label has been altered, defaced, or removed.

73-18-9. Exemptions from registration.

Registration under this chapter is not required for any of the following:

(1) A motorboat or sailboat that:

(a) Already covered by a valid registration issued by its nonresident owner's resident state; and

(b) Has not been within this state in excess of 60 days for the calendar year;

(2) A motorboat or sailboat from a country other than the United States temporarily using the waters of this state;

(3) A motorboat or sailboat whose owner is the United States, a state or subdivision thereof;

(4) A ship's lifeboat; or

(5) A motorboat or sailboat belonging to a class of vessels which is exempted from registration by the board after the board finds:

(a) That the registration of motorboats or sailboats of this class will not materially aid in their identification; and

(b) That the United States Coast Guard has a numbering system applicable to the class of motorboats or sailboats to which the motorboat or sailboat in question belongs, and the motorboat or sailboat would also be exempt from numbering if it were subject to federal law.

R651-220. Registration and Numbering Exemptions.

R651-220-1. Racing Vessel Exemptions.

Racing vessels owned by nonresidents, if not required to be registered and numbered in their resident state, are exempt from the registration and numbering requirements of this chapter. This exemption is valid only at the race site, on the day before and the day of a division authorized race.

R651-220-2. Sailboard Exemption.

A sailboard is exempt from the registration and numbering requirements of this chapter.

73-18-10. Owner of boat livery – Duties.

(1) The owner of a boat livery shall keep a record of the following: the name and address of the person hiring any vessel; the identification number of the vessel; the vessel's departure date and time; and the vessel's expected time of return. The record shall be preserved for at least one year.

(2) Neither the owner of a boat livery nor his agent or employee may permit any vessel to depart from the premises of the boat livery unless the owner has equipped it as required under this chapter and unless he has advised the lessee or renter of the vessel of all rules promulgated under this chapter which the lessee or renter must obey.

R651-221. Boat Liveries - Boat Rental Companies.

R651-221-1. Boat Livery Responsibilities.

(1) Each boat livery shall register with the Division annually and pay the appropriate fee, prior to the commencement of the operation.

(a) The annual boat livery registration requires the following:

(i) The completion of the prescribed application form;

(ii) Evidence of a valid business license; and

(iii) Payment of the prescribed fee.

(b) The annual boat livery registration fee shall be:

(i) $50 for boat liveries with up to 25 vessels in its fleet;

(ii) $75 for boat liveries with up to 50 vessels in its fleet;

(iii) $100 for boat liveries with more than 50 vessels in its fleet.

(c) A boat livery that is registered with the Division as an outfitting company shall not pay the boat livery registration fee.

(d) The annual boat livery registration will be required beginning January 1, 2008.

(2) The name of the boat livery shall be displayed on the outward superstructure of each vessel in the boat livery's fleet. If another governmental agency prohibits the display of a livery's name on the exterior of a vessel, the name shall be displayed in a visible manner that does not violate the agency's requirements.

(3) A boat livery shall produce a lease or rental agreement for each vessel leased or rented from its fleet.

(a) The lease or rental agreement shall contain the following information and shall be signed by the owner of the livery or his representative and by the person leasing or renting the vessel.

(i) The name of the person leasing or renting the vessel;

(ii) The vessel's assigned bow number, hull identification number, or other number if the vessel is not powered by a motor or sail;

(iii) A description of the vessel's make, model, color and length;

(iv) The period of time for which the vessel is leased or rented; and

(v) A check-off list of the required safety equipment provided on the vessel.

(b) For motorboats and sailboats, a copy of the lease or rental agreement shall be carried on board.

(c) For non-motorized vessels rented or leased in a group, one rental agreement is required.

(4) Upon request of an agent of the Division, the owner of a boat livery or his representative shall provide the Division with a copy of a lease or rental agreement.

(5) The certificate of registration for a leased or rented vessel may be retained on shore by the boat livery.

(6) A recreational "equipment timeshare" business which leases or rents vessels for consideration is a boat livery.

(7) A boat livery shall have each vessel in its fleet that is equipped with a 50 hp or greater motor covered with liability insurance as required in UCA 73-18c-101 through 308, and UCA 31A-22-1501 through 1504.

73-18-11. Regulation of muffling devices.

The board shall adopt rules for the regulating of muffling devices on all vessels.

R651-222. Muffling Requirements.

R651-222-1. Mufflers Required.

Every motorboat operated upon the waters of this State shall at all time be equipped with a muffler or a muffler system in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

R651-222-2. Muffler Defined.
"Muffler" means a sound suppression device or system designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and prevents excessive or unusual noise.

R651-222-3. Maximum Sound Level SAE J2005.
No person shall operate or give permission for the operation of any motorboat upon the waters of this state in such a manner as to exceed the following noise levels:

(1) For engines manufactured before January 1, 1993, a noise level of 90dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005; or

(2) For engines manufactured on or after January 1, 1993, a noise level of 88dB(A) when subjected to a stationary sound level test as prescribed by test SAE J2005.

R651-222-4. Maximum Sound Level SAE J1970.
After January 1, 1992, no person shall operate a motorboat on the waters of this state in such a manner as to exceed a noise level of 75dB(A) measured as specified in test SAE J1970. Provided, that such measurement shall not preclude a stationary sound level test as prescribed by SAE J2005.

R651-222-5. Muffler Bypass or Alteration Prohibited.

(1) No person shall operate or give permission for the operation of any motorboat upon the waters of this state that is equipped with an altered muffler, muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat.

(2) Rule R651-222-5 (1) shall not apply to a motorboat equipped with a muffler cutout, muffler bypass, or other device designed or installed so that it can be used to continually or intermittently bypass; or reduce or eliminate the effectiveness of any muffler or muffler system installed on a motorboat if:

(a) If the mechanism has been permanently disconnected or made inoperable, where it cannot be operated in the manner described in Rule R651-222-5 (1), or

(b) The muffling systems operated by the bypass meet the requirements in R651-222-3.

R651-222-6. Muffler Removal Prohibited.
No person shall remove, alter, or otherwise modify in any way a muffler or muffler system on a motorboat, in a manner that will prevent the motorboat from complying with rule R651-222-3.

R651-222-7. Mufflers Required on Motorboats Sold.

(1) No person shall manufacture, sell, or offer for sale any motorboat:

(a) That is not equipped with a muffler or muffler system; or

(b) That does not comply with rule R651-222-3.

(2) This rule shall not apply to motorboats designed, manufactured and sold for the sole purpose of competing in racing events only and for no other purpose. Any motorboat exempted under this rule shall be documented as such in the sales agreement and shall be formally acknowledged by signature of the buyer and seller and copies of the agreement shall be maintained by both parties. A copy of the agreement shall be kept on board whenever the motorboat is operated. Any motorboat sold under this exemption may only be operated on the waters of this State in accordance with rule R651-222-8.

R651-222-8. Muffler Exemptions.
Except as outlined in rule R651-222-7, the operational provisions of this rule shall not apply to:

(1) Motorboats registered in and actually participating in a racing event authorized by the Division or scheduled tune up periods prior to the racing event; or

(2) To a motorboat being operated by a boat or engine manufacturer for the purpose of testing and/or development and the testing has been authorized by the Division.

R651-222-9. Enforcement.
A peace officer who has reason to believe that a motorboat is being operated in excess of the noise levels established in rule R651-222-3, may direct the operator of the motorboat to submit the motorboat to an on-site test to measure the noise level. If the motorboat exceeds the established decibel level, in addition to issuing a summons, the officer may direct the operator to return to the point of embarkation and prohibit operation of the motorboat until the motorboat meets the established decibel level.

73-18-12. Operation in willful or wanton disregard for safety – Penalty.

(1) A person may not operate any non-motorized vessel, or manipulate any water skis or any device towed by a motorboat in a willful or wanton disregard for the safety of persons or property.

(2) A violation of Subsection (1) is a class B misdemeanor.

73-18-13. Duties of operator involved in accident – Notification and reporting procedures – Use of accident reports – Giving false information as misdemeanor.

(1) As used in this section, "agent" has the same meaning as provided in Section 41- 6a-404.

(2)(a) It is the duty of the operator of a vessel involved in an accident, if the operator can do so without seriously endangering the operator's own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable.

(b)The operator shall also give the operator's name, address, and identification of the operator's vessel in writing to:

(i) any person injured, or

(ii) the owner of any property damaged in the accident.

(3)(a) The board shall adopt rules governing the notification and reporting procedure for vessels involved in accidents.

(b) The rules shall be consistent with federal requirements.

R651-223. Vessel Accident Reporting.

R651-223-1. Notification Required. An operator shall immediately and by the quickest means of communication available notify the nearest state park ranger or other law enforcement officer of an accident that involves a vessel or its equipment when one of the following occurs: a person dies or disappears from a vessel under circumstances that indicate death; a person is injured and receives medical treatment beyond first aid; or property is damaged in excess of $2,000. This notification shall include:

(a) The date, time, and location of the occurrence;

(b) The name of each person who died or disappeared;

(c) The assigned number of the vessel; and

(d) The name and address of the owner and operator.

R651-223-2. Other Notification.
If the operator cannot provide this notification, then another person on board shall make the notification required in rule R651-223-1.

R651-223-3. Report Required.
The operator, owner, or other person on board shall submit a completed and signed Owner/Operator Boating Accident Report (PR-53A) to the division within 10 days of the accident.

73-18-13(4) (a) Except as provided in Subsection (4)(b), all accident reports:

(i) Are protected and shall be for the confidential use of the division or another state, local, or federal agencies having use for the records for official governmental statistical, investigative, and accident prevention purposes; and

(ii) May be disclosed only in a statistical form that protects the privacy of any person involved in the accident.

(b) The division shall disclose a written accident report and its accompanying data to:

(i) A person involved in the accident, excluding a witness to the accident;

(ii) A person suffering loss or injury in the accident;

(iii) An agent, parent, or legal guardian of a person described in Subsections (4)(b)(i) and (ii);

(iv) A member of the press or broadcast news media;
(v) A state, local, or federal agency that uses the records for official governmental, investigative, or accident prevention purposes;
(vi) Law enforcement personnel when acting in their official governmental capacity; and
(vii) A licensed private investigator.
(c) Information provided to a member of the press or broadcast news media under Subsection (4)(b)(iv) may only include:
(i) The name, age, sex, and city of residence of each person involved in the accident;
(ii) The make and model year of each vehicle involved in the accident;
(iii) Whether or not each person involved in the accident was covered by a vehicle insurance policy;
(iv) The location of the accident; and
(v) A description of the accident that excludes personal identifying information not listed in Subsection (4)(c)(I).
(5)(a) Except as provided in Subsection (5)(c), an accident report may not be used as evidence in any civil or criminal trial, arising out of an accident.
(b) Upon demand of any person who has, or claims to have, made the report, or upon demand of any court, the division shall furnish a certificate showing that a specified accident report has or has not been made to the division solely to prove a compliance or a failure to comply with the requirement that a report be made to the division.
(c) Accident reports may be used as evidence when necessary to prosecute charges filed in connection with a violation of Subsection (6).
(6) Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

73-18-13.1. Accident involving property damage – Duties of operator, occupant, and owner – Penalties.

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting only in damage to another vessel or other property shall remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.
(b) If the operator has reason to believe that the operator may have been involved in an accident resulting in damage to another vessel or other property only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.
(3) A person who violates the provisions of this section is guilty of a class B misdemeanor.

73-18-13.2. Accident involving injury – Stop at accident – Penalty.

(1) As used in this section:
(a) "Reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.
(b) "Serious bodily injury" means bodily injury which involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty.
(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in injury to a person shall:
(i) immediately stop the vessel at the scene of the accident or as close to it as safely possible; and
(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.

(b) If the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.

(3) (a) Except as provided in Subsection (3)(b), a person who violates the provisions of Subsection (2):

(i) is guilty of a class A misdemeanor if the accident resulted in injury to any person; and

(ii) shall be fined not less than $750.

(b) A person who violates the provisions of Subsection (2):

(i) is guilty of a third degree felony if the accident resulted in serious bodily injury to a person; and

(ii) shall be fined not less than $750.

73-18-13.3. Accident involving death – Stop at accident – Penalty.

(1) As used in this section, "reason to believe" means information from which a reasonable person would believe that the person may have been involved in an accident.

(2) (a) The operator of a vessel who has reason to believe that the operator may have been involved in an accident resulting in the death of a person shall:

(i) immediately stop the vessel at the scene of the accident or as close to it as safely possible; and

(ii) remain at the scene of the accident until the operator has fulfilled the requirements of Section 73-18-13.

(b) If the operator of a vessel has reason to believe the operator may have been involved in an accident only after leaving the scene of the accident, the operator shall immediately comply as nearly as possible with the requirements of Section 73-18-13.

(3) A person who violates the provisions of Subsection (2) is guilty of a third degree felony and shall be fined not less than $750.

73-18-13.5. Motorboat accidents – Investigation and report of operator security – Agency action if no security – Surrender of registration materials.

(1) Upon request of a peace officer investigating an accident involving a motorboat as defined in Section 73-18c-102, the operator of the motorboat shall provide evidence of the owner's or operator's security required under Section 73-18c-301.

(2) The peace officer shall record on a form approved by the division:

(a) The information provided by the operator;

(b) Whether the operator provided insufficient or no information; and

(c) Whether the peace officer finds reasonable cause to believe that any information given is not correct.

(3) The peace officer shall deposit all completed forms with the peace officer's agency, which shall forward the forms to the division no later than ten days after receipt.

(4) (a) The division shall revoke the registration of a motorboat as defined in Section 73-18c-102 involved in an accident unless the owner or operator can demonstrate to the division compliance with the owner's or operator's security requirement of Section 73-18c-301 at the time of the accident.

(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.

(5) A person may appeal a revocation issued under Subsection (4) in accordance with procedures established by the board by rule that are consistent with Title 63, Chapter 46b, Administrative Procedures Act.

(6) (a) Any person whose registration is revoked under Subsection (4) shall return the registration card and decals for the motorboat to the division.

(b) If the person fails to return the registration materials as required, they shall be confiscated under Section 73-18-13.6.

(7) The board may make rules for the enforcement of this section.

(8) In this section, "evidence of owner's or operator's security" includes any one of the following:

(a) The operator's:

(i) Insurance policy;
(ii) Binder notice;
(iii) Renewal notice; or
(iv) Card issued by an insurance company as evidence of insurance;
(b) A copy of a surety bond, certified by the surety, which conforms to Section 73-18c-102;
(c) A certificate of the state treasurer issued under Section 73-18c-305; or
(d) A certificate of self-funded coverage issued under Section 73-18c-306.

73-18-13.6. Grounds for confiscation of registration materials by state – Additional fee for reinstatement.

(1) (a) The division, any peace officer acting in an official capacity, or a person authorized under Subsection (2) may take possession of any registration card or decal issued by the state:
(i) Upon revocation of it;
(ii) That is fictitious;
(iii) That has been unlawfully or erroneously issued; or
(iv) That is unlawfully or erroneously displayed.
(b) A receipt shall be issued that describes each confiscated item.
(2) The division may enter into contractual agreements with constables or other law enforcement agencies to facilitate confiscation of items listed in Subsection (1) if a person fails or refuses to surrender any of those documents to the division upon demand.
(3) The division shall renew a registration that has been revoked under this section in accordance with the provisions of Section 73-18-7.

73-18-14. Transmittal of information to official or agency of United States.

In accordance with any request duly made by an authorized official or agency of the United States, any information compiled or otherwise available to the division under Section 73-18-13 shall be transmitted to the official or agency of the United States.

73-18-15. Board to adopt rules concerning water skiing and aquaplane riding and use of other devices towed behind a vessel.

The board shall adopt rules for the regulation and safety of water skiing and aquaplane riding, and the use of other devices that are towed behind a vessel pursuant to this section and in accordance with Section 73-18-16.

R651-224. Towed Devices.

R651-224-1. Observer Required.

The operator of a vessel which is towing a person on water skis or other devices shall be responsible for maintaining a safe course with proper lookout. Except as provided in 73-18-16, UCA. The progress of the person under tow shall be reported to the vessel operator by the observer.

R651-224-2. Unlawful Methods of Towing.

No person shall operate a motorboat or have the engine of a motorboat run idle while a person is occupying or holding onto the swim platform, swim deck, swim step or swim ladder of the motorboat or while a person is being towed in a non-standing position within 20 feet of the vessel. These restrictions do not apply when a person is occupying the swim platform, swim deck, swim step or swim ladder while assisting with the docking or departure of the motorboat, while exiting or entering the motorboat, or when a motorboat is engaged in law enforcement activity.

R651-224-3. Flag Required.

Except as provided in 73-18-16, UCA. The operator of a vessel shall be responsible for a flag to be displayed by the observer in a visible manner to other boaters in the area while the person to be towed is in the water, either preparing to be towed or finishing a tow. The flag shall be international orange at least 12 inches square and mounted on a handle.

R651-224-4. PFD to be Worn.

Except as provided in 73-18-16, UCA . The operator of a vessel which is towing a person(s) on water skis or other devices shall require each person who is water skiing or using other devices to

wear a United States Coast Guard approved personal flotation device (PFD), except an inflatable PFD may not be used.

R651-224-5. Capacity of Towing Vessel.

The operator of a vessel which is towing a person(s) on water skis or other devices shall use a vessel with sufficient carrying capacity, as defined by the manufacturer, for the occupant(s) onboard and the person(s) being towed.

R651-224-6. No Towing in Marinas.

The operator of a vessel shall not tow a person(s) in or on any towed device within a wakeless area surrounding a developed marina or launch ramp.

73-18-15.1. Vessel navigation and steering laws.

(1) The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

(2) When the operators of two motorboats approach each other where there is risk of collision, each operator shall alter course to the right and pass on the left side of the other.

(3) When the operators of two motorboats are crossing paths and are at risk of a collision, the operator of the vessel that has the other vessel on its right side shall keep out of the way and yield right-of-way if necessary.

(4) The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

(5) The operator of a vessel underway shall keep out of the way of a:

(a) Vessel not under command;

(b) Vessel restricted in its ability to maneuver;

(c) Vessel engaged in fishing; and

(d) Sailing vessel.

(6) If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

(7) In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel.

(8) The operator of a vessel shall proceed at a safe speed at all times so that the operator can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances or conditions.

(9)(a) When the operators of two sailboats are approaching one another so as to involve risk of collision, one of the operators shall keep out of the way of the other as follows:

(i) When each has the wind on a different side, the operator of the vessel that has the wind on the left side shall keep out of the way of the other;

(ii) When both have the wind on the same side, the operator of the vessel that is to the windward shall keep out of the way of the vessel that is to leeward; and

(iii) If the operator of a vessel with the wind on the left side sees a vessel to windward and cannot determine with certainty whether the other vessel has the wind on the left or on the right side, the operator shall keep out of way of the other vessel.

(b) For purposes of this Subsection (9), the windward side shall be the side opposite that on which the mainsail is carried.

(10) The operator of any vessel may not exceed a wakeless speed when within 150 feet of:

(a) Another vessel;

(b) A person in or floating on the water;

(c) A water skier being towed by another boat;

(d) A water skier that had been towed behind the operator's vessel unless the skier is still surfing or riding in an upright stance on the wake created by the vessel;

(e) A water skier that had been towed behind another vessel and the skier is still surfing or;

(f) A shore fisherman;

(g) A launching ramp;

(h) A dock; or
(i) A designated swimming area
(11) The operator of a motorboat is responsible for any damage or injury caused by the wake produced by the operator's motorboat.
(12)(a) Except as provided in Subsection (12)(b), the operator of a motorboat that is less than 65 feet in length may not exceed a wakeless speed while any person is riding upon the bow decking, gunwales, transom, seatbacks, or motor cover.
(b) Subsection (12)(a) does not apply if the motorboat is:
(i) Between 16 feet and 65 feet in length; and
(ii) The motorboat is equipped with adequate rails or other safeguards to prevent a person from falling overboard.
(13) If a person is riding upon the bow decking of a motorboat, that does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and may not block the vision of the operator.
(14)(1) The operator of a vessel may not tow a water skier or a person on another device:
(a) Unless an onboard observer, who is at least eight years of age, is designated by the operator to watch the person being towed; or
(b) Between sunset and sunrise.
(15) A person who violates this section is guilty of a class C misdemeanor.

73-18-15.2. Minimum age of operators – Boating safety course for youth to operate personal watercraft.

(1)(a) A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.
(b) A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.
(2) A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:
(a) Is under the direct supervision of a person who is at least 18 years of age;
(b) Completes a boating safety course approved by the division; and
(c) Has in his possession a boating safety certificate issued by the boating safety course provider.
(3) A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:
(a) Completes a boating safety course approved by the division; and
(b) Has in his possession a boating safety certificate issued by the boating safety course provider.
(4) A person required to attend a boating safety course under Subsection (3)(a) need not be accompanied by a parent or legal guardian while completing a boating safety course.
(5) A person may not give permission to another person to operate a vessel in violation of this section.
(6) As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.
(7)(a) The division may collect fees set by the board in accordance with Section 63-38-3.2 from each person who takes the division's boating safety course to help defray the cost of the boating safety course.
(b) Money collected from the fees collected under Subsection (7)(a) shall be deposited in the Boating Account.

R651-227. Boating Safety Fees.

R651-227-1. Boating Safety Course Fees.

(1) The fee for the Division's personal watercraft education course is $12.
(2) The fee to replace a lost or stolen Boating Education Certificate certificate is $5.00.

(3) The fee for issuance of a state issued Boating Education Certificate is$5.00.

73-18-15.3. Personal watercraft -- Prohibition on operation between sunset and sunrise. A person may not operate a personal watercraft on the waters of this state between sunset and sunrise.

73-18-15.5. Authorizing or permitting driving a vessel in violation of law.

(1) A person may not authorize or knowingly permit a vessel owned by him or that is under his control to be driven by a person in violation of this chapter or Title 41,
Chapter 6a, Part 5, Driving Under the Influence and Reckless Driving.

(2) A person who violates Subsection (1) is guilty of a class C misdemeanor.

73-18-16. Regattas, races, exhibitions – Rules.

(1) The division may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments, or exhibitions on any waters of this state.

(2) The board may adopt rules concerning the safety of vessels and persons, either as observers or participants[.], that do not conflict with the provisions of Subsections (3) and (4).

(3) A person may elect, at the person's own risk, to wear a non-Coast Guard approved personal floatation device if the person is on an American Water Ski Association regulation tournament slalom course and is:

(a) engaged in barefoot water skiing;

(b) water skiing in an American Water Ski Association regulation competition;

(c) a performer participating in a professional exhibition or other tournament; or

(d) practicing for an event described in Subsection (3)(b) or (c).

(4) If a person is water skiing in an American Water Ski Association regulation tournament slalom course, an observer and flag are not required if the vessel is:

(a) equipped with a wide angle mirror with a viewing surface of at least 48 square inches; and

(b) operated by a person who is at least 18 years of age.

R651-226. Regattas and Races.

R651-226-1. Authorization To Hold A Marine Event.

Authorization to hold a marine event shall be obtained from the division as well as from any other person or agency who owns or administers the land adjacent to the marine event.

R651-226-2. Safety Vessels Permitted.

Designated safety vessels associated with permanent, long-term or short-term human powered marine events are permitted on any waterway zoned by the State Parks Board as wakeless or motor restricted and within an area marked by waterway markers as a controlled area under the following conditions:

(1) The person responsible for the event has permission from the managing agency to hold the event.

(2) The safety vessels used shall be:

(a) designed and operated to create a minimal wake.

(b) operated by representatives of the person responsible for the event.

(c) operated only for the coaching, support and safety of the event.

73-18-17. Scope of application of chapter – Identical local ordinances authorized – Application for special local rules.

(1) This chapter, and other applicable laws of this state govern the operation, equipment, and numbering of vessels whenever any vessel is operated on the waters of this state, or when any activity regulated by this chapter takes place on the waters of this state. Nothing in this chapter prevents the adoption of any ordinance or local law relating to operation and equipment of vessels, the provisions of which are identical to the provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter. Ordinances or local laws shall be operative only so long as and to the extent that they continue to be identical to provisions of this chapter, amendments to this chapter, and rules promulgated under this chapter.

(2) Any political subdivision of this state may, at any time, but only after public notice, formally apply to the board for special rules concerning the operation of vessels on any waters within its

territorial limits. The political subdivision shall set forth in the application the reasons, which make special rules necessary or appropriate.

73-18-18. Liability of owner for injury or damage occasioned by negligent operation of vessel by minor.

The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

73-18-19. Publication of rules and regulations.

The rules promulgated under this chapter shall be published as required by Title 63, Chapter 46a, the Utah Administrative Rulemaking Act.

73-18-20. Enforcement of chapter – Authority to stop and board vessels – Disregarding law enforcement signal to stop as misdemeanor – Procedure for arrest.

(1) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter.

(2) Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

(3) An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

(4) Whenever any person is arrested for any violation of the provisions of this chapter or of the rules promulgated under this chapter, the procedure for arrest is the same as outlined in Sections 77-7-22 through 77-7-24.

73-18-20.1. Seizure of a vessel.

(1) A peace officer, without a warrant, may seize and take possession of a vessel:

(a) That is placed or being operated on the waters of this state with improper registration;

(b) That the peace officer has reason to believe has been stolen;

(c) On which any hull identification number or serial number for an engine or outboard motor has been defaced, altered, or obliterated;

(d) That has been abandoned on public land, highways, or waters of this state; or

(e) If the registration or title fees for the vessel or outboard motor have not been paid.

(2) If necessary for the transportation of a seized vessel, the vessel's trailer may be seized to transport and store the vessel.

(3) Any peace officer seizing or taking possession of a vessel under this section shall comply with the provisions of Section 41-6a-1406.

73-18-20.2. Defaced, altered, or obliterated identification or serial number – Release of vessel.

If the hull identification number or serial number for the engine or outboard motor of a vessel seized under Section 73-18-20.1 has been defaced, altered, or obliterated, the vessel may not be released until:

(1) The original manufacturer's hull identification number or engine or outboard motor serial number has been replaced; or

(2) A new number assigned by the division or its authorized agent has been provided and has been affixed to the vessel, engine, or outboard motor.

73-18-20.3. Falsified hull identification, engine, or motor number.

(1) A person is guilty of a third degree felony if he:

(a) With fraudulent intent defaces, destroys, or alters a vessel hull identification number or serial number for an engine or outboard motor;
(b) Places or stamps any vessel hull identification number upon a vessel or serial number upon an engine or outboard motor, except one assigned by the division or its authorized agent;
(c) Knowingly buys, receives, disposes of, sells, offers for sale, or has in his possession any vessel, or engine or outboard motor removed from a vessel, from which the vessel hull identification number or engine or outboard motor serial number, has been removed, defaced, covered, altered, or destroyed for the purpose of concealing or misrepresenting the identity of the vessel, engine, or outboard motor;
(d) With intent to procure or pass title to a vessel or outboard motor, receives or transfers possession of a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken; or
(e) Has in his possession a vessel or outboard motor which he knows or has reason to believe has been stolen or unlawfully taken, unless the person is a peace officer engaged at the time in the performance of his duty.

(2) (a) This section does not prohibit the restoration by an owner of an original vessel hull identification number or manufacturer's serial number for an engine or outboard motor if the restoration is made by application to the division or its authorized agent.
(b) This section does not prohibit any manufacturer from placing, in the ordinary course of business, numbers or marks upon vessels, motors, outboard motors, or parts.

73-18-20.4. Duty to report falsified vessel or motor number.

Any person owning or operating a marina, marine dealership, service station, public garage, paint shop, or a vessel repair shop shall immediately notify the local police authorities of any vessel or outboard motor that has any numbers that have apparently been altered, obliterated, or removed.

73-18-20.5. Reporting of theft and recovery of vessels.

(1)(a) Any peace officer upon receiving reliable information that any vessel or outboard motor has been stolen shall immediately report the theft to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103.
(b) Any peace officer upon receiving information that any vessel or outboard motor which was previously reported as stolen has been recovered shall immediately report the recovery to his law enforcement agency and to the Criminal Investigations and Technical Services Division.

(2) The reporting and recovery procedures for vessels and outboard motors shall be the same as those specified in Section 41-1a-1401 for motor vehicles.

73-18-20.6. Report by owners or lien holders of thefts and recoveries.

(1) The owner, or person having a lien or encumbrance upon a registered vessel or outboard motor which has been stolen or embezzled, may notify the law enforcement agency having jurisdiction were the theft or embezzlement occurred. If a vessel or outboard motor was embezzled, a report may be made only after having procured the issuance of a warrant for the arrest of the person charged with embezzlement.
(2) Any person who has given any notice under Subsection (1) shall notify the law enforcement agency where the theft or embezzlement was reported of a recovery of the vessel or outboard motor.

73-18-20.7. Unlawful control over vessels – Penalties – Effect of prior consent – Accessory or accomplice.

(1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.
(2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.

(3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the vessel by the same or a different person.
(4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.

73-18-21. Violation of chapter as class B misdemeanor.

Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

73-18-22. Boating Account created – Contents – Use of money.

(1) There is created within the General Fund a restricted account known as the Boating Account.
(2) Except as provided under Sections 73-18-24 and 73-18-25, all registration fees and related moneys collected by the division or any authorized agent, less the costs of collecting motorboat and sailboat registration fees by an authorized agent, shall be deposited into the Boating Account.
(3) The amount retained by an authorized agent may not exceed 20% of the fees charged in Section 73-18-7.
(4) Money in the Boating Account may be used for:
  (a) The construction, improvement, operation, and maintenance of publicly owned boating facilities;
  (b) Boater education; and
  (c) The payment of the costs and expenses of the division in administering and enforcing this chapter.

73-18-23. Separability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the rest of this act shall not be affected thereby.

73-18-24. Search and rescue fee – Amount – Deposition.

(1) In addition to the fee imposed under Section 73-18-7, there is imposed a search and rescue fee of 50 cents on each motorboat or sailboat required to pay the fee imposed under Subsection 73-18-7(2) to be registered or renewed under Section 73- 18-7.
(2) The fees imposed under this section shall be collected in the same manner and by the same agency designated to collect the fees imposed under this chapter.
(3) The fees collected under this section shall be deposited in the General Fund as dedicated credits for the Search and Rescue Financial Assistance Program created under Section 53-2-107.

73-18-25. Fees to cover the costs of electronic payments.

(1) As used in this section:
  (a) "Electronic payment" has the same meaning as defined in Section 41-1a-1221.
  (b) "Electronic payment fee" has the same meaning as defined in Section 41- 1a-1221.
(2) (a) The Motor Vehicle Division may collect an electronic payment fee on all registrations and renewals of registration under Section 73-18-7.
  (b) The fee described under Subsection (2)(a) shall be imposed regardless of the method of payment for a particular transaction.
(3) The Motor Vehicle Division shall establish the fee according to the procedures and requirements of Section 63J-1-303.
(4) A fee imposed under this section:
  (a) Shall be used by the Motor Vehicle Division as a dedicated credit to cover the costs of electronic payments;
  (b) Is non-lapsing;
  (c) Is not subject to Subsection 63J-2-202(2); and
  (d) Need not be separately identified from the fees imposed on registrations and renewals of registration under Section 73-18-7.

UTAH
BOATING LITTER
AND
POLLUTION CONTROL ACT

TITLE 73, CHAPTER 18a, UTAH CODE ANNOTATED 1953
As Amended
Updated as of April 2001

73-18a-1. Definitions.

As used in this chapter:

(1) "Board" means the Board of Parks and Recreation.

(2) "Division" means the Division of Parks and Recreation.

(3) "Human body waste" means excrement, feces, or other waste material discharged from the human body.

(4) "Litter" means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.

(5) "Marine toilet" means any toilet or other receptacle permanently installed on or within any vessel for the purpose of receiving human body waste. This term does not include portable toilets, which may be removed from a vessel in order to empty its contents.

(6) "Operate" means to navigate, control, or otherwise use a vessel.

(7) "Operator" means the person who is in control of a vessel while it is in use.

(8) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a vessel. The term does not include a lessee under a lease not intended as security.

(9) "Vessel" means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(10) "Waters of this state" means all waters within the territorial limits of this state except those used exclusively for private purposes.

73-18a-2. Littering and pollution of water or lands prohibited - Penalty.

(1) A person may not place, throw, deposit, discard, drop, or discharge and the operator of a vessel may not permit to be placed, thrown, deposited, discarded, dropped, or discharged into or upon the waters of this state, or lands adjacent to these waters, any litter, human body waste, or other liquid or solid materials which may render the water or lands unsightly, noxious, or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.

(2) A person violating any provision of Subsection (1) is guilty of a class B misdemeanor and shall be fined not less than $100 for each violation.

73-18a-3. Marine toilets - Use without pollution control device prohibited – Containers of body waste - Discharge into waters prohibited.

(1) No marine toilet on any vessel used or operated upon the waters of this state may be operated so as to discharge any inadequately treated human body waste into or upon waters of this state directly or indirectly.

(2) No person owning or operating a vessel with a marine toilet may use, or permit the use of, a toilet on the waters of this state, unless the toilet is equipped with facilities that will adequately treat, hold, incinerate, or otherwise handle human body waste in a manner that is capable of preventing water pollution.

(3) No container of human body waste may be placed, left, discharged or caused to be placed, left, or discharged into or upon any waters of this state or lands adjacent to these waters by any person at any time.

73-18a-4. Marine toilets - Pollution control devices required - Rules established by the board.

(1) Every marine toilet on a vessel used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.

(2) The board shall make rules in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, as provided in this chapter, establishing criteria or standards for definition and approval of acceptable pollution control devices for vessels.

73-18a-5. Chemical treatment of marine toilet contents - Rules established by board and Department of Environmental Quality.

The board shall establish by rule, in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, with approval by the Department of Environmental Quality, as provided in this chapter, standards relating to chemical treatment of marine toilet contents.

73-18a-6. Repealed.

73-18a-7. Repealed.

73-18a-8. Public marinas - Duty to maintain waste disposal facilities.

The owner or whoever is lawfully vested with the possession, management, or control of a public marina or other public waterside facility used by a vessel for launching, docking, mooring, and related purposes shall be required to have, and properly maintain, waste receptacles or similar devices of proper design for the depositing of waste, litter, and human body waste, as required at locations where they can be conveniently used by a vessel's occupants. Waterside toilet facilities may be required if their absence contributes to or creates unsightliness or a hazard to the public health and welfare.

73-18a-9. Public educational program.

The division may undertake and enlist the support and cooperation of all agencies, political subdivisions, and organizations to conduct a public educational program designed to inform the public of the undesirability of depositing trash, litter, and other objectionable materials in the waters of this state and the penalties provided by this chapter for such action. The division may use funds provided by the Legislature for this purpose. The division may utilize all means of communication in the conduct of this program.

73-18a-10. Enforcement - Inspection of vessels, marinas, and other boating facilities.

Enforcement of this chapter or the rules promulgated under it shall be by law enforcement officers. Any vessel in this state is subject to inspection by the officers for the purpose of determining whether the vessel is equipped in compliance with this chapter. If the vessel is not so equipped, the division may suspend its registration until the proper installation is completed or the marine toilet is sealed in a manner, which prohibits its use. The division may inspect marinas or other waterside public facilities used by vessels for launching, docking, or mooring purposes to determine whether they are adequately equipped for proper handling, storing, or disposal of waste, litter, or human body waste.

73-18a-11. Regulation by political subdivisions prohibited - Exception.

Through the passage of this chapter, the state fully reserves to itself the exclusive right to establish requirements concerning the disposal of human body waste and litter from a vessel. To ensure statewide uniformity of the disposal of litter or human body waste from a vessel, regulation, other than the adoption for local enforcement of state rules, by any political subdivision of the state is prohibited.

73-18a-12. Rules promulgated by board - Subject to approval by Department of Environmental Quality.

The board may promulgate rules under Title 63, Chapter 46a, Utah Administrative Rulemaking Act, which are necessary for the carrying out of duties, obligations, and powers conferred on the division by this chapter. These rules shall be subject to review and approval by the Department of Environmental Quality. This approval shall be recorded as part of the rules.

73-18a-13. Publication of rules.

The rules promulgated under this chapter shall be published as required by the Utah Administrative Rulemaking Act.

73-18a-14. Violation - Class B misdemeanor.
Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.
73-18a-15. Arrest for violation - Procedure.
Whenever any person is arrested for any violation of the provisions of this chapter or rule promulgated under this chapter, the procedure for arrest is the same as specified in Sections 41-6-166 through 41-6-169.
73-18a-16. Repealed.
73-18a-17. Repealed.
73-18a-18. Act supplemental to other laws.
This act shall not be construed as repealing any laws of the state relating to the pollution or littering of waters or lands thereof or any conservation laws, but shall be held and construed as auxiliary and supplemental thereto.
73-18a-19. Repealed.

UTAH WATER SAFETY RULES AND REGULATIONS

73-18b-1. Water safety rules and regulations adoption.
(1)The Board of Parks and Recreation may make rules necessary to promote safety in swimming, scuba diving, and related activities on any waters where public boating is permitted.
(2)The commission may consider recommendations of and cooperate with other state agencies and the owners or operators of those waters.
R651. Natural Resources, Parks and Recreation.
R651-801. Swimming Prohibited.
R651-801-1. No person shall engage in swimming activity in any of the following:
(1) A designated 'No Swimming' area;
(2) A vessel launching, docking, mooring, or harbor area; or
(3) Near or in spillways or outlets.
R651-802. Scuba Diving.
R651-802-1.
(1) A scuba diver shall display a diver's flag prior to diving activity and shall dive and surface in close proximity to the flag.
(2) No person shall place a diver's flag on the waters of this state unless diving activity is in progress in that area.
(3) If a diver=s flag is placed after sunset or before sunrise, it shall be lighted.
(4) No person shall place a diver=s flag in any area where boating activity might be unduly restricted.
(5) No scuba diver shall dive in a congested boating or fishing area such as narrow channels, launching or docking areas, or near reservoir outlets.
(6) No person shall scuba dive in any waters of this state unless he holds a valid certificate from an accredited scuba diving school or is in the company of a certified scuba diving instructor.
73-18b-2. Filing and publishing regulations.
A copy of the regulations adopted pursuant to this act and any amendments thereto shall be filed in the office of the commission and with the Division of Archives and shall be published in a convenient form.
73-18b-3. Violation of regulations - Misdemeanor.
Any person who violates any rules made by the Board of Parks and Recreation under authority of this chapter is guilty of a class B misdemeanor.
73-18b-4. Enforcement of regulations.
(1)The Board of Parks and Recreation shall designate officers to enforce board rules made under the authority of this chapter.

(2)Those officers have the same authority in making arrests and responsibility in arrest procedures as they have in their other enforcement activities.

UTAH
FINANCIAL RESPONSIBILITY
OF
MOTORBOAT OWNERS AND OPERATORS ACT
TITLE 73, CHAPTER 18c, UTAH CODE 1953
March 1998

Part 1. General Provisions

73-18c-101. Title.

This chapter is known as the "Financial Responsibility of Motorboat Owners and Operators Act."

73-18c-102. Definitions.

As used in this chapter:

(1) "Airboat" means a vessel propelled by air pressure caused by an airplane type propeller mounted above the stern and driven by an internal combustion engine.

(2) "Board" means the Board of Parks and Recreation.

(3) "Division" means the Division of Parks and Recreation.

(4) "Judgment" means any judgment that is final by:

(a) Expiration without appeal of the time within which an appeal might have been perfected; or

(b) Final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action for damages:

(i) Arising out of the ownership, maintenance, or use of any personal watercraft, including damages for care and loss of services because of bodily injury to or death of any person, or because of injury to or destruction of property including the loss of use of the property; or

(ii) On a settlement agreement.

(5) (a) "Motorboat" has the same meaning as defined in Section 73-18-2 .

(b) "Motorboat" includes personal watercraft regardless of the manufacturer listed horsepower.

(c) "Motorboat" does not include:

(i) A boat with a manufacturer listed horsepower of 50 horsepower or less; or

(ii) An airboat.

(6) "Nonresident" means any person who is not a resident of Utah.

(7) "Operator" means the person who is in control of a motorboat while it is in use.

(8) (a) "Owner" means a person, other than a lien holder, holding a proprietary interest in or the title to a motorboat.

(b) "Owner" includes a person entitled to the use or possession of a motorboat subject to an interest by another person, reserved or created by agreement and securing payment or performance of an obligation.

(c) "Owner" does not include a lessee under a lease not intended as security.

(9) "Owner's or operator's security," "owner's security," or "operator's security" means any of the following:

(a) An insurance policy or combination of policies conforming to Sections 31A-22-1502 and 31A-22-1503, which is issued by an insurer authorized to do business in Utah;

(b) A surety bond issued by an insurer authorized to do a surety business in Utah in which the surety is subject to the minimum coverage limits and other requirements of policies conforming to Sections 31A-22-1502 and 31A-22-1503, which names the

division as a creditor under the bond for the use of persons entitled to the proceeds of the bond;

(c) A deposit with the state treasurer of cash or securities complying with Section 73-18c-305;

(d) A certificate of self-funded coverage issued under Section 73-18c-306; or

(e) A policy conforming to Sections 31A-22-1502 and 31A-22-1503 issued by the Risk Management Fund created in Section 63A-4-201.

(10) "Personal watercraft" has the same meaning as provided in Section 73-18-2.

(11) "Registration" means the issuance of the registration cards and decals issued under the laws of Utah pertaining to the registration of motorboats.

(12) "Registration materials" means the evidences of motorboat registration, including all registration cards and decals.

(13) "Self-insurance" has the same meaning as provided in Section 31A-1-301.

(14) "Waters of the state" means any waters within the territorial limits of this state.

73-18c-103. Liability not limited to face amount of owner's security.

(1) If a person maintains owner's security under this chapter, it does not limit the person's liability to the face amount of the owner's security.

(2) Nothing in this chapter prevents the plaintiff in any action at law from relying for relief upon other processes provided by law.

Part 2. Administration

73-18c-201. Division to administer and enforce chapter – Board may adopt rules.

(1) The division shall administer and enforce the provisions of this chapter.

(2) The board may adopt rules as necessary for the administration of this chapter in accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

Part 3. Owner's or Operator's Security Requirement

73-18c-301. Requirement of owner's or operator's security.

(1) Each resident owner of a motorboat shall maintain owner's or operator's security in effect at any time that the motorboat is operated on waters of the state.

(2) Each nonresident owner of a motorboat that has been physically present in this state for 90 or fewer days during the preceding 365 days shall maintain the type and amount of owner's or operator's security required in his or her place of residence at any time the motorboat is operated on waters of the state.

(3) Each nonresident owner of a motorboat that has been physically present in this state more than 90 days during the preceding 365 days shall thereafter maintain owner's or operator's security in effect at any time the motorboat is operated on waters of the state.

(4) The state and each of its political subdivisions and their respective departments, institutions, or agencies shall maintain owner's or operator's security in effect at any time their motorboat is operated on waters of the state.

(5) Any other state is considered a nonresident owner of its motorboat and is subject to Subsection (2) or (3).

(6) The United States, any political subdivision of it, or any of its agencies may maintain owner's or operator's security in effect for their motorboat.

73-18c-302.Operating motorboat without owner's or operator's security – Penalty.

(1) Any owner of a motorboat on which owner's or operator's security is required under Section 73-18c-301, who operates the motorboat or permits it to be operated on waters of the state without owner's security being in effect is guilty of a class B misdemeanor.

(2) Any other person who operates a motorboat upon waters of the state with the knowledge that the owner does not have owner's security in effect for the motorboat is also guilty of a class B misdemeanor, unless that person has in effect owner's or operator's security on a Utah-registered motorboat or its equivalent that covers the operation, by him or her, of the motorboat in question.

73-18c-303. Condition to obtaining registration.
The owner of a motorboat required to maintain owner's security under Section 73-18c-301 shall be required to swear or affirm, in writing, that he or she has owner's security in effect at the time of registering the motorboat.
73-18c-304. Evidence of owner's or operator's security to be carried when operating motorboat– Defense – Penalties.
(1)(a)(i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat shall:
(A) Have in the person's immediate possession evidence of owner's or operator's security for the motorboat the person is operating; and
(B) Display it upon demand of a peace officer.
(ii) A person operating a government-owned or government-leased motorboat is exempt from the requirements of Subsection (1)(a)(i).
(b) Evidence of owner's or operator's security includes any one of the following:
(i) The operator's:
(A) Insurance policy;
(B) Binder notice;
(C) Renewal notice; or
(D) Card issued by an insurance company as evidence of insurance;
(ii) A copy of a surety bond, certified by the surety, which conforms to Section 73-18c-103;
(iii) A certificate of the state treasurer issued under Section 73-18c-305; or
(iv) A certificate of self-funded coverage issued under Section 73-18c-306.
(2) It is an affirmative defense to a charge under this section that the person had owner's or operator's security in effect for the motorboat the person was operating at the time of the person's citation or arrest.
(3)(a) A letter from an insurance agent or company verifying that the person had the required liability insurance coverage on the date specified is considered proof of owner's or operator's security for purposes of Subsection (2).
(b) The court considering a citation issued under this section shall allow the letter under Subsection (3)(a) and a copy of the citation to be faxed or mailed to the clerk of the court to satisfy Subsection (2).
(4) A violation of this section is a class B misdemeanor.
(5) If a person is convicted of a violation of this section and if the person is the owner of a motorboat, the court shall:
(a) Require the person to surrender the person's registration materials to the court; and
(b) Forward the registration materials, together with a copy of the conviction, to the division.
(6)(a) Upon receiving notification from a court of a conviction for a violation of this section, the division shall revoke the person's motorboat registration.
(b) Any registration revoked shall be renewed in accordance with Section 73-18-7.
73-18c-305. State treasurer's certificate to satisfy owner's or operator's security requirement.
(1) A certificate of the state treasurer that conforms to this section satisfies the owner's or operator's security requirement of Section 73-18c-301.
(2) The certificate of the state treasurer shall certify that the person named in it has deposited in trust with the state treasurer cash in an amount equal to twice the single limit under Subsection 31A-22-1503(2) or securities with a fair market value of a similar amount, which securities are legal investments for insurers under Section 31A-18-105. The state treasurer may not accept a deposit and issue a certificate for it, unless the deposit is accompanied by evidence that there are no unsatisfied liens of any character on the assets deposited.
(3) The deposit shall be held by the state treasurer in trust to satisfy any execution on a judgment that would be paid under an insurance policy conforming to Sections 31A-22-1502 and 31A-22-1503 had the treasurer issued such a policy.

(4) Except as provided under Subsection (3), assets deposited with the treasurer under this chapter are exempt from attachment or execution.

73-18c-306. Certificate of self-funded coverage as proof of owner's or operator' security.

(1) The division may, upon the application of any person, issue a certificate of self funded coverage when it is satisfied that the person has:

(a) More than 24 motorboats; and

(b) On deposit, in a form approved by the division, securities in an amount of $200,000 plus $100 for each motorboat up to and including 1,000 motorboats and $50 for each motorboat over 1,000 motorboats.

(2) Persons holding a certificate of self-funded coverage under this chapter shall pay benefits to persons injured from the self-funded person's operation, maintenance, and use of motorboats as would an insurer issuing a policy to the self-funded person containing the coverage under Sections 31A-22-1502 and 31A-22-1503.

(3) In accordance with Title 63, Chapter 46b, Administrative Procedures Act, the division may, upon reasonable grounds, cancel the certificate. Failure to pay any judgment up to the limit under Subsection 31A-22-1503(2) within 30 days after the judgment is final is a reasonable ground to cancel the certificate.

(4) Any government entity with self-funded coverage for government-owned motorboats under Title 63, Chapter 30, Utah Governmental Immunity Act, meets the requirements of this section.

73-18c-307. Claims adjustment by persons with owner's or operator's security other than insurance.

(1) An owner or operator of a motorboat who maintains owner's or operator's security by a means other than an insurance policy under Section 73-18c-103, shall refer all bodily injury claims against the owner's or operator's security to an independent adjuster licensed under Title 31A, Chapter 26, Insurance Adjusters, or to an attorney.

(2) Unless otherwise provided by contract, any motorboat claim adjustment expense incurred by a person maintaining owner's or operator's security by a means other than an insurance policy under Section 73-18c-103, shall be paid by the person who maintains this type of owner's or operator's security.

(3) Owners and operators of motorboats maintaining owner's or operator's security by a means other than an insurance policy under Section 73-18c-103 are subject to the claim adjustment provisions of Title 31A, Chapter 26, Part III, Claims Practices, in connection with claims against persons which arise out of the ownership, maintenance, or use of a motorboat.

73-18c-308. Providing false evidence of owner's or operator's security – Penalty.

(1) A person who provides evidence of owner's or operator's security to a peace officer under Section 73-18-13.5 or 73-18c-304 knowing or having reason to believe that the evidence of owner's or operator's security is false or that it is evidence of owner's or operator's security that is not in effect is guilty of a class B misdemeanor.

(2) A person is guilty of a class A misdemeanor if the person:

(a) Forges or, without authority, signs any evidence of proof of owner's or operator's security; or

(b) Falsely swears or affirms when obtaining a registration under Section 73-18c.

UTAH
MOTORBOAT
LIABILITY INSURANCE

PART 15, TITLE 31A, CHAPTER 22, UTAH CODE 1953
March 1998

31A-22-1501. Definitions.

As used in this part:

(1) "Motorboat" has the same meaning as under Section 73-18c-102.

(2) "Motorboat business" means a motorboat sales agency, repair shop, service station, storage garage, or public marina.

(3) "Operator" has the same meaning as under Section 73-18c-102.

(4) "Owner" has the same meaning as under Section 73-18c-102.

(5) "Rental Company" means any person or organization in the business of providing motorboat to the public.

(6) "Renter" means any person or organization obtaining the use of a motorboat from a rental company under the terms of a rental agreement.

31A-22-1502. Motorboat liability coverage.

(1) A liability insurance policy purchased to satisfy the owner's or operator's security requirement of Section 73-18c-301 shall:

(a) Name the motorboat owner or operator in whose name the policy was purchased, state that named insured's address, the coverage afforded, the premium charged, the policy period, and the limits of liability;

(b) (i) If it is an owner's policy:

(A) Designate by appropriate reference each motorboat on which coverage is granted;

(B) Insure the person named in the policy;

(C) Insure any other person using any named motorboat with the express or implied permission of the named insured; and

(D) Except as provided in Subsection (7), insure any person included in Subsection (1)(c) Against loss from the liability imposed by law for damages arising out of the ownership, maintenance, or use of the named motorboat within the United States and Canada, subject to limits exclusive of interest and costs, for each motorboat, in amounts not less than the minimum limits specified under Section 31A-22-1503; or

(ii) If it is an operator's policy, insure the person named as insured against loss from the liability imposed upon him or her by law for damages arising out of the insured's use of any motorboat not owned by the insured, within the same territorial limits and with the same limits of liability as in an owner's policy under Subsection (1)(b)(i); and

(d) Except as provided in Subsection (7), insure persons related to the named insured by blood, marriage, adoption, or guardianship who are residents of the named insured's household, including those who usually make their home in the same household but temporarily live elsewhere, to the same extent as the named insured.

(2) A liability insurance policy covering motorboat may:

(a) Provide for the prorating of the insurance under that policy with other valid and collectible insurance;

(b) Grant any lawful coverage in addition to the required motorboat liability coverage;

(c) If the policy is issued to a person other than a motorboat business, limit the coverage afforded to a motorboat business or its officers, agents, or employees to the minimum limits under Section 31A-22-1503, and to those instances when there is no other valid and collectible insurance with at least those limits, whether the other insurance is primary, excess, or contingent; and

(d) If issued to a motorboat business, restrict coverage afforded to anyone other than the motorboat business or its officers, agents, or employees to the minimum limits under Section 31A-22-1503, and to those instances when there is no other valid and collectible insurance with at least those limits, whether the other insurance is primary, excess, or contingent.

(3) Motorboat liability coverage need not insure any liability:

(a) Under any workers' compensation law under Title 34A, Utah Labor Code;

(b) Resulting from bodily injury to or death of an employee of the named insured other than a domestic employee, while engaged in the employment of the insured, or while engaged in the operation, maintenance, or repair of a designated motorboat; or

(c) Resulting from damage to property owned by, rented to, bailed to, or transported by the insured.

(4) An insurance carrier providing motorboat liability coverage has the right to settle any claim covered by the policy, and if the settlement is made in good faith, the amount of the settlement is deductible from the limits of liability specified under Section 31A-22-1503.

(5) A policy containing motorboat liability coverage imposes on the insurer the duty to defend, in good faith, any person insured under the policy against any claim or suit seeking damages which would be payable under the policy.

(6)(a) If a policy containing motorboat liability coverage provides an insurer with the defense of lack of cooperation on the part of the insured, that defense is not effective against a third person making a claim against the insurer, unless there was collusion between the third person and the insured.

(b) If the defense of lack of cooperation is not effective against the claimant, after payment, the insurer is subrogated to the injured person's claim against the insured to the extent of the payment and is entitled to reimbursement by the insured after the injured third person has been made whole with respect to the claim against the insured.

(7) A policy of motorboat liability coverage may specifically exclude from coverage a person who is a resident of the named insured's household, including a person who usually makes his or her home in the same household but temporarily lives elsewhere, if each person excluded from coverage satisfies the owner's or operator's security requirement of Section 73-18c-301, independently of the named insured's proof of owner's or operator's security.

31A-22-1503. Motorboat liability policy minimum limits.

Policies containing motorboat liability coverage may not limit the insurer's liability under that coverage below the following:

(1)(a) $25,000 because of liability for bodily injury to or death of one person, arising out of the use of a motorboat in any one accident;

(b) Subject to the limit for one person in Subsection (1)(a), in the amount of $50,000 because of liability for bodily injury to or death of two or more persons arising out of the use of a motorboat in any one accident; and

(c) In the amount of $15,000 because of liability for injury to, or destruction of, property of others arising out of the use of a motorboat in any one accident; or

(2) $65,000 in any one accident whether arising from bodily injury to or the death of others, or from destruction of, or damage to, the property of others.

31A-22-1504. Mandatory coverage.

(1) A rental company shall provide its renters with primary coverage meeting the requirements of Title 73, Chapter 18c, Financial Responsibility of Motorboat Owners and Operators Act.

(2) All coverage shall include primary defense costs and may not be waived.

IMPOUNDED VEHICLES, VESSELS, OR OUTBOARD MOTORS

41-1a-1009. Abandoned and inoperable vehicles, vessels, and outboard motors – Determination by commission – Disposal of vehicles.

(1) A vehicle, vessel, or outboard motor is abandoned and inoperable when:

(a) the vehicle, vessel, or outboard motor has been inspected by an authorized investigator or agent appointed by the commission; and

(b) the authorized investigator or agent has made a written determination that the vehicle, vessel, or outboard motor cannot be rebuilt or reconstructed in a manner that allows its use as designed by the manufacturer or is a derelict vessel as defined in Section 73-18-2.

(2) (a) Before issuing a written determination under Subsection (1), a signed statement is required from the purchaser of the vehicle, vessel, or outboard motor for salvage, identifying the vehicle, vessel, or outboard motor by identification number and certifying that the inoperable vehicle, vessel, or outboard motor will not be rebuilt, reconstructed, or in any manner allowed to operate as designed by the manufacturer.

(b) The operator of the junk or salvage yard disposing of an inoperable vehicle, vessel, or outboard motor is required to keep copies of the signed statements and other written records required by the commission.

(3) Upon a determination that a vehicle, vessel, or outboard motor is inoperable and cannot be rebuilt or reconstructed, the vehicle, vessel, or outboard motor may be converted to scrap or otherwise disposed of without necessity of compliance with the requirements of Sections 41-1a-1010 and 41-1a-1011.

41-6a-1408. Abandoned vehicles – Removal by peace officer – Report – Vehicle identification.

(1) As used in this section, "abandoned vehicle, vessel, or outboard motor" means a vehicle, vessel, or outboard motor that is left unattended:

(a) on a highway or on or in the waters of the state for a period in excess of 48 hours; or

(b) on public or private property for a period in excess of seven days without express or implied consent of the owner or person in lawful possession or control of the property.

(2) A person may not abandon a vehicle, vessel, or outboard motor on a highway or on or in the waters of the state.

(3) A person may not abandon a vehicle, vessel, or outboard motor on public or private property without the express or implied consent of the owner or person in lawful possession or control of the property.

(4) A peace officer who has reasonable grounds to believe that a vehicle, vessel, or outboard motor has been abandoned may remove the vehicle, vessel, or outboard motor or cause it to be removed in accordance with Section 41-6a-1406 or 73-18-20.1.

(5) If the motor number, manufacturer's number or identification mark of the abandoned vehicle, vessel, or outboard motor has been defaced, altered or obliterated, the vehicle, vessel, or outboard motor may not be released or sold until:

(a) the original motor number, manufacturer's number or identification mark has been replaced; or

(b) a new number assigned by the Motor Vehicle Division has been stamped on the vehicle, vessel, or outboard motor.

41-6a-501 Definitions. (Parts omitted)

(1) As used in this part:

(d) "Negligence" means simple negligence, the failure to exercise that degree of care that an ordinarily reasonable and prudent person exercises under like or similar circumstances.

(f) "Serious bodily injury" means bodily injury that creates or causes:

(i) Serious permanent disfigurement;

(ii) Protracted loss or impairment of the function of any bodily member or organ; or

(iii) A substantial risk of death.

(2) "Vehicle" or "motor vehicle" means a vehicle or motor vehicle as defined in Section 41-6a-102; and

(ii) "Vehicle" or "motor vehicle" includes:

(A) An off-highway vehicle as defined under Section **41-22-2**; and

(B) A motorboat as defined in Section **73-18-2**.

41-6a-502 Driving under the influence of alcohol, drugs, or a combination of both or with specified or unsafe blood alcohol concentration.

(1) A person may not operate or be in actual physical control of a vehicle within this state if the person:

(a) Has sufficient alcohol in the person's body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(b) Is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(c) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

(2) Alcohol concentration in the blood shall be based upon grams of alcohol per 100 milliliters of blood, and alcohol concentration in the breath shall be based upon grams of alcohol per 210 liters of breath.

(3) A violation of this section includes a violation under a local ordinance similar to this section adopted in compliance with Section 41-6a-510.

41-6a-503 Penalties for driving under the influence violations.

(1) A person convicted the first or second time of a violation of Section 41-6a-502 is guilty of a:

(a) Class B misdemeanor; or

(b) Class A misdemeanor if the person:

(i) Has also inflicted bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;

(ii) Had a passenger under 16 years of age in the vehicle at the time of the offense; or

(iii) Was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.

(2) A person convicted of a violation of Section 41-6a-502 is guilty of a third degree felony if:

(a) The person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner;

(b) The person has two or more prior convictions as defined in Subsection **41-6a-501(2)**, each of which is within ten years of:

(i) The current conviction under Section **41-6a-502**; or

(ii) The commission of the offense upon which the current conviction is based; or

(c) The conviction under Section **41-6a-502** is at any time after a conviction of:

(i) Automobile homicide under Section 76-5-207 that is committed after July 1, 2001;
(ii) A felony violation of Section 41-6a-502 or a statute previously in effect in this state that would constitute a violation of Section 41-6a-502 that is committed after July 1, 2001; or
(iii) Any conviction described in Subsection (2)(c)(i) or (ii) which judgment of conviction is reduced under Section 76-3-402.

41-6a-504 Defense not available for driving under the influence violation.
(Text omitted)

41-6a-505 Sentencing requirements for driving under the influence of alcohol, drugs, or a combination of both violations.
(Text omitted)

41-6a-506 Electronic monitoring requirements for certain driving under the influence violations.
(Text Omitted)

41-6a-507 Supervised probation for certain driving under the influence violations.
(Text Omitted)

41-6a-508 Arrest without a warrant for a driving under the influence violation.
A peace officer may, without a warrant, arrest a person for a violation of Section 41-6a-502 when the peace officer has probable cause to believe the violation has occurred, although not in the peace officer's presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

41-6a-509 Driver license suspension or revocation for a driving under the influence violation.
(Text Omitted)

41-6a-510 Local DUI and related ordinances and reckless driving ordinances – Consistent with code.
(Text Omitted)

41-6a-511 Courts to collect and maintain data.
(Text Omitted)

41-6a-512 Factual basis for alcohol or drug-related reckless driving plea.
(Text Omitted)

41-6a-513 Acceptance of plea of guilty to DUI B Restrictions – Verification of prior violations – Prosecutor to examine defendant's record.
(Text Omitted)

41-6a-514 Procedures – Adjudicative proceedings.
(Text Omitted)

41-6a-515 Standards for chemical breath or oral fluids analysis – Evidence.
(Text Omitted)

41-6a-516 Admissibility of chemical test results in actions for driving under the influence – Weight of evidence.

41-6a-517 Definitions – Driving with any measurable controlled substance in the body – Penalties – Arrest without warrant. (Parts Omitted)

(2) In cases not amounting to a violation of Section 41-6a-502, a person may not operate or be in actual physical control of a motor vehicle within this state if the person has any measurable controlled substance or metabolite of a controlled substance in the person's body.
(3) It is an affirmative defense to prosecution under this section that the controlled substance was:
(a) Involuntarily ingested by the accused;
(b) Prescribed by a practitioner for use by the accused; or
(c) Otherwise legally ingested.
(5) A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in the officer's

presence, and if the officer has probable cause to believe that the violation was committed by the person.

41-6a-518 Ignition interlock devices – Use – Probationer to pay cost – Impecuniosity –Fee.

(Text Omitted)

41-6a-519 Municipal attorneys for specified offenses may prosecute for certain DUI offenses and driving while license is suspended or revoked.

(Text Omitted)

41-6a-520 Implied consent to chemical tests for alcohol or drug – Number of tests – Refusal – Warning, report.

(1)(a) A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while:

(i) Having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, 53-3-231, or 53-3-232;

(ii) Under the influence of alcohol, any drug, or combination of alcohol and any drug under Section 41-6a-502; or

(iii) Having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517.

(b) A test or tests authorized under this Subsection (1) must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under Subsections (1)(a)(i) through (iii).

(c)(i) The peace officer determines which of the tests are administered and how many of them are administered.

(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though the person does submit to any other requested test or tests, is a refusal under this section.

(d)(i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

(2)(a) A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle and a five or ten-year prohibition of the person driving with any measurable or detectable amount of alcohol in the person's body depending on the person's prior driving history if the person:

(i) Has been placed under arrest;

(ii) Has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and

(iii) Refuses to submit to any chemical test requested.

(b)(i) Following the warning under Subsection (2)(a), if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered, a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.

(ii) When a peace officer gives the notice on behalf of the Driver License Division, the peace officer shall:

(A) Take the Utah license certificate or permit, if any, of the operator;

(B) Issue a temporary license certificate effective for only 29 days from the date of arrest; and

(C) Supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the Driver License Division.

(c) A citation issued by a peace officer may, if provided in a manner specified by the Driver License Division, also serve as the temporary license certificate.

(d) As a matter of procedure, the peace officer shall submit a signed report, within ten calendar days after the day on which notice is provided under Subsection (2)(b), that:

(i) The peace officer had grounds to believe the arrested person was in violation of any provision under Subsections (1)(a)(i) through (iii); and

(ii) The person had refused to submit to a chemical test or tests under Subsection (1).

(3) Upon the request of the person who was tested, the results of the test or tests shall be made available to the person.

(4)(a) The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(c) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

(5) For the purpose of determining whether to submit to a chemical test or tests, the person to be tested does not have the right to consult an attorney or have an attorney, physician, or other person present as a condition for the taking of any test.

41-6a-521 Revocation hearing for refusal – Appeal.

(Text Omitted)

41-6a-522 Person incapable of refusal.

Any person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

41-6a-523 Persons authorized to withdraw blood – Immunity from liability.

(1)(a) Only a physician, registered nurse, practical nurse, or person authorized under Section 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the alcoholic or drug content.

(b) The limitation in Subsection (1)(a) does not apply to taking a urine, breath, or oral fluid specimen.

(2) Any physician, registered nurse, practical nurse, or person authorized under Section 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

41-6a-524 Refusal as evidence.

If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while:

(1) Under the influence of:

(a) Alcohol;
(b) Any drug; or
(c) A combination of alcohol and any drug;
(2) Having any measurable controlled substance or metabolite of a controlled substance in the person's body;
(3) Having any measurable or detectable amount of alcohol in the person's body if the person is an alcohol restricted driver as defined under Section 41-6a-529; or
(4) Having any measurable or detectable amount of alcohol in the person's body if the person has been issued a conditional license under Section 53-3-232.

41-6a-525 Reporting test results – Immunity from liability.

(Text Omitted)

41-6a-526 Drinking alcoholic beverage and open containers in motor vehicle prohibited – Definitions – Exceptions.

(1) As used in this section:
(e) "Water of this state" has the same meaning as defined in Section 73-18-2.
(2) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway or waters of the state.
(3) A person may not keep, carry, possess, transport, or allow another to keep, carry, possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway or waters of the state, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.
(4) Subsections (2) and (3) do not apply to a passenger:
(a) In the living quarters of a motor home or camper;
(b) Who has carried an alcoholic beverage onto a limousine or chartered bus that is in compliance with Subsections 32A-12-213(3)(b) and (c); or
(c) In a motorboat on the waters of the state.

41-6a-527 Seizure and impoundment of vehicles by peace officers – Impound requirements – Removal of vehicle by owner.

(1) If a peace officer arrests or cites the operator of a vehicle for violating Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, 53-3-232, or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).
(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:
(a) The registered owner:
(i) Requests to remove the vehicle from the scene; and
(ii) Presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;
(b) The registered owner identifies a driver with a valid operator's license who:
(i) Complies with all restrictions of his operator's license; and
(ii) Would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, Subsection 41-6a-518(10), or a local ordinance similar to Section 41-6a-502 which complies with Subsection 41-6a-510(1) if permitted to operate the vehicle; and
(c) The vehicle itself is legally operable.
(3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

41-6a-528 Reckless driving – Penalty.

(1) A person is guilty of reckless driving who operates a vehicle:

(a) In willful or wanton disregard for the safety of persons or property; or
(b) While committing three or more moving traffic violations under Title 41, Chapter 6a, Traffic Code, in a series of acts within a single continuous period of driving.
(2) A person who violates Subsection (1) is guilty of a class B misdemeanor.

41-6a-529 Definitions – Alcohol restricted drivers. (Text Omitted)

41-6a-530 Alcohol restricted drivers – Prohibited from operating a vehicle while having any measurable or detectable amount of alcohol in the person's body – Penalties. (parts omitted)

(1) An alcohol restricted driver who operates or is in actual physical control of a vehicle in this state with any measurable or detectable amount of alcohol in the person's body is guilty of a class B misdemeanor.
(2) A "measurable or detectable amount" of alcohol in the person's body may be established by:
(a) A chemical test;
(b) Evidence other than a chemical test; or
(c) A combination of Subsections (2)(a) and (b).

41-6a-1406 Removal and impoundment of vehicles – Reporting and notification requirements – Administrative impound fee – Refunds – Possessory lien –Rulemaking.

(Text Omitted)

53-3-231 Person under 21 may not operate a vehicle or motorboat with detectable alcohol in body – Chemical test procedures – Temporary license – Hearing and decision – Suspension of license or operating privilege – Fees – Judicial review – Referral to local substance abuse authority or program. (Parts Omitted)

(2) (a) A person younger than 21 years of age may not operate or be in actual physical control of a vehicle or motorboat with any measurable blood, breath, or urine alcohol concentration in the person's body as shown by a chemical test.
(b) A person who violates Subsection (2)(a), in addition to any other applicable penalties arising out of the incident, shall have the person's operator license denied or suspended as provided in Subsection (8).
(3) (a) When a peace officer has reasonable grounds to believe that a person may be violating or has violated Subsection (2), the peace officer may, in connection with arresting the person for a violation of Section **32A-12-209**, request that the person submit to a chemical test or tests to be administered in compliance with the standards under Section **41-6a-520**.
(b) The peace officer shall advise a person prior to the person's submission to a chemical test that a test result indicating a violation of Subsection (2)(a) will result in denial or suspension of the person's license to operate a motor vehicle or a refusal to issue a license.
(c) If the person submits to a chemical test and the test results indicate a blood, breath, or urine alcohol content in violation of Subsection (2)(a), or if a peace officer makes a determination, based on reasonable grounds, that the person is otherwise in violation of Subsection (2)(a), a peace officer shall, on behalf of the division and within 24 hours of the arrest, give notice of the division's intention to deny or suspend the person's license to operate a vehicle or refusal to issue a license under this section.
(4) When a peace officer gives notice on behalf of the division, the peace officer shall:
(a) Take the Utah license certificate or permit, if any, of the operator;
(b) Issue a temporary license certificate effective for only 29 days from the date of arrest if the driver had a valid operator's license; and
(c) Supply to the operator, in a manner specified by the division, basic information regarding how to obtain a prompt hearing before the division.
(5) A citation issued by a peace officer may, if provided in a manner specified by the division, also serve as the temporary license certificate under Subsection (4)(b).
(6) As a matter of procedure, a peace officer shall send to the division within ten calendar days after the day on which notice is provided:
(a) The person's driver license certificate, if any;
(b) A copy of the citation issued for the offense;

(c) A signed report in a manner specified by the Driver License Division indicating the chemical test results, if any; and

(d) Any other basis for a peace officer's determination that the person has violated Subsection (2).

53-3-232 Conditional license – May not operate a vehicle or motorboat with alcohol in body – Penalty.

(Parts Omitted)

(3) A no alcohol conditional license shall be issued on the condition that the person may not operate or be in actual physical control of a vehicle or motorboat in this state with any alcohol in the person's body.

(5) It is a class B misdemeanor for a person who has been issued a no alcohol conditional license to operate or be in actual physical control of a vehicle or motorboat in this state in violation of Subsection (3).

76-5-207 Automobile homicide. (parts omitted)

(1) As used in this section:

(a) "Drug" or "drugs" means:

(i) A controlled substance as defined in Section 58-37-2;

(ii) A drug as defined in Section 58-17b-102; or

(iii) Any substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of a person to safely operate a motor vehicle.

(b) "Motor vehicle" means any self-propelled vehicle and includes any automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.

(2)(a) Criminal homicide is automobile homicide, a third degree felony, if the person operates a motor vehicle in a negligent manner causing the death of another and:

(i) Has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) Is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(iii) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) A conviction for a violation of this Subsection (2) is a second degree felony if it is subsequent to a conviction as defined in Subsection 41-6a-501(2).

(c) As used in this Subsection (2), "negligent" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.

(3)(a) Criminal homicide is automobile homicide, a second degree felony, if the person operates a motor vehicle in a criminally negligent manner causing the death of another and:

(i) Has sufficient alcohol in his body that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;

(ii) Is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or

(iii) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation.

(b) As used in this Subsection (3), "criminally negligent" means criminal negligence as defined by Subsection 76-2-103(4).

(4) The standards for chemical breath analysis as provided by Section 41-6a-515 and the provisions for the admissibility of chemical test results as provided by Section 41-6a-516 applies to determination and proof of blood alcohol content under this section.

(5) Calculations of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(1).

(6) The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.
(7) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by Rules of Evidence or the constitution.