

SENATE BILL NO. 231

1/22 Introduced
1/23 Referred to Fish & Game
1/24 Fiscal Note Requested
1/31 Request for Fiscal Note Withdrawn
2/05 Tabled in Committee

1 *Senate* BILL NO. *231*
 2 INTRODUCED BY *Gordon E. Smith* *LANE Boyle*
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4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GIVE THE DEPARTMENT
 5 OF FISH, WILDLIFE, AND PARKS JURISDICTION OVER THE SAFE
 6 OPERATION OF SEAPLANES ON WATER; AMENDING SECTIONS 23-2-523
 7 AND 23-2-527, MCA."
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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Section 23-2-523, MCA, is amended to read:
 11 "23-2-523. Prohibited operation and mooring --
 12 enforcement. (1) No person may operate or knowingly permit
 13 any person to operate any seaplane, motorboat, or vessel or
 14 manipulate any water skis, surfboard, or similar device or
 15 other contrivance in a reckless or negligent manner so as to
 16 endanger the life, limb, or property of any person. The
 17 department may adopt rules governing the safe operation of
 18 seaplanes on the water.

19 (2) No person may operate or knowingly permit any
 20 person to operate any motorboat or vessel or manipulate any
 21 water skis, surfboard, or similar device or other
 22 contrivance while intoxicated or under the influence of any
 23 narcotic drug, barbiturate, or marijuana.

24 (3) It is unlawful for the owner of any motorboat or
 25 vessel or any person having such in charge or in control to

1 authorize or knowingly permit the same to be operated by any
 2 person who by reason of physical or mental disability is
 3 incapable of operating such watercraft under the prevailing
 4 circumstances.

5 (4) No person may operate or knowingly permit any
 6 person to operate any motorboat or vessel at a rate of speed
 7 greater than will permit such person, in the exercise of
 8 reasonable care, to bring the vessel to a stop within the
 9 assured clear distance ahead. However, nothing in this part
 10 is intended to prevent the operator of a vessel actually
 11 competing in a regatta which is sanctioned by an appropriate
 12 governmental unit from attempting to attain high speeds on a
 13 marked racing course.

14 (5) No person may make a reckless approach to,
 15 departure from, or passage by a dock, ramp, diving board, or
 16 float.

17 (6) Skiers being pulled by motorboats must have on
 18 their person a life preserver, buoyant vest, or ski belt.

19 (7) No person may moor a vessel to any of the buoys or
 20 beacons placed in any waters of this state by the authority
 21 of the United States, an agency of the United States, or the
 22 department or in any manner hang on with a vessel to such
 23 buoy or beacon, except in the act of maintenance work on
 24 such buoy or beacon, nor may any person deface, remove, or
 25 destroy any such buoy, beacon, or other authorized



1 navigational marker maintained in the waters of this state.

2 (8) If an officer whose duty it is to enforce the
3 sections of this law observes a vessel being used without
4 sufficient lifesaving or firefighting devices or in an
5 overloaded or other unsafe condition and in his judgment
6 such use creates an especially hazardous condition, he may
7 direct the operator to take whatever immediate and
8 reasonable steps would be necessary for the safety of those
9 aboard the vessel, including directing the operator to
10 return to mooring or launching site and to remain there
11 until the situation creating the hazard is corrected or
12 ended."

13 Section 2. Section 23-2-527, MCA, is amended to read:

14 "23-2-527. Collisions, accidents, and casualties. (1)
15 The operator of a seaplane or vessel involved in a
16 collision, accident, or other casualty, so far as he can do
17 so without serious danger to his own seaplane or vessel,
18 crew, and passengers (if any), shall render to other persons
19 affected by the collision, accident, or other casualty such
20 assistance as may be practicable and as may be necessary in
21 order to save them from or minimize any danger caused by the
22 collision, accident, or other casualty and give his name,
23 address, and identification of his vessel in writing to any
24 person injured and to the owner or person in control of any
25 property damaged in the collision, accident, or other

1 casualty.

2 (2) The department shall prepare and distribute to
3 each sheriff's office and each game warden of this state a
4 standardized accident report form. Any person involved in a
5 collision, accident, or other casualty involving a death,
6 disappearance, personal injury, or property damage in excess
7 of \$100 shall immediately report such collision, accident,
8 or other casualty to the sheriff's office or game warden of
9 the county in which the collision, accident, or casualty
10 occurred and fill out a standardized accident report form.

11 (3) A sheriff advised of a collision, accident, or
12 other casualty reported under this part shall:

13 (a) conduct an appropriate investigation of such
14 collision, accident, or other casualty; and

15 (b) prepare and submit a report of the results of the
16 investigation, together with the completed standardized
17 accident report forms, to the department."

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