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# Kansas Boating Regulations Summary



# CONTACTS

This pamphlet is a summary of Kansas Boating statutes and regulations. It answers some frequently asked questions about boating in Kansas. Maps and area brochures are available through offices listed on this page and from the department website. For further information about boating laws contact us at:

**Kansas Department of Wildlife & Parks  
Law Enforcement Division**  
512 SE 25th Avenue  
Pratt, Kansas 67124-8174  
(620) 672-5911



**Website:**  
[kdwp.state.ks.us](http://kdwp.state.ks.us)  
**E-mail:**  
[Dan.Hesket@ksoutdoors.com](mailto:Dan.Hesket@ksoutdoors.com)

## WILDLIFE & PARKS OFFICES

**Office of the Secretary**  
1020 S Kansas Ave., Rm 200  
Topeka, KS 66612 .....(785) 296-2281

**Pratt Operations Office**  
512 SE 25th Ave.  
Pratt, KS 67124 .....(620) 672-5911

**Region 1 Office**  
1426 Hwy 183 Alt., PO Box 338  
Hays, KS 67601 .....(785) 628-8614

**Region 2 Office**  
300 SW Wanamaker  
Topeka, KS 66606 .....(785) 273-6740

**Region 3 Office**  
1001 W McArtor Rd.  
Dodge City, KS 67801 .....(620) 227-8609

**Region 4 Office**  
6232 E 29th St. North  
Wichita, KS 67220 .....(316) 683-8069

**Region 5 Office**  
1500 W 7th St., Box 777  
Chanute, KS 66720 .....(620) 431-0380

**Emporia Research & Survey Office**  
1830 Merchant, PO Box 1525  
Emporia, KS 66801 .....(620) 342-0658

**Kansas City District Office**  
8304 Hedge Lane Terr.,  
Shawnee, KS 66227 .....(913) 422-1314

## AREA & STATE PARK OFFICES

Cedar Bluff SP .....(785) 726-3212  
Cheney SP .....(316) 542-3664  
Cheyenne Bottoms WA .....(620) 793-7730  
Clinton SP .....(785) 842-8562  
Council Grove WA .....(620) 767-5900  
Crawford SP .....(620) 362-3671  
Cross Timbers SP .....(620) 637-2213  
Eisenhower SP .....(785) 528-4102  
El Dorado SP .....(316) 321-7180  
Elk City SP .....(620) 331-6295  
Fall River SP .....(620) 637-2213  
Finney Game Refuge .....(620) 276-8886  
Glen Elder SP .....(785) 545-3345  
Hillsdale SP .....(913) 783-4507  
Kanopolis SP .....(785) 546-2565  
Kaw River SP .....(785) 273-6740  
Lovewell SP .....(785) 753-4971  
Marais des Cygnes WA .....(913) 352-8941  
Meade SP .....(620) 873-2572  
Milford SP .....(785) 238-3014  
Mined Land WA .....(620) 231-3173  
Perry SP .....(785) 246-3449  
Pomona SP .....(785) 828-4933  
Prairie Dog SP .....(785) 877-2953  
Prairie Spirit Trail SP .....(785) 448-6767  
Pratt Sandhills WA .....(620) 672-5911  
Scott SP .....(620) 872-2061  
Tuttle Creek SP .....(785) 539-7941  
Webster SP .....(785) 425-6775  
Wilson SP .....(785) 658-2465

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## BOATING IN KANSAS

**Changes in boating laws may occur throughout the year. Boat owners and operators should contact Kansas Department of Wildlife & Parks with questions not covered in this pamphlet. Detailed information on boating laws and regulations is available from the KDWP offices listed in this brochure or on the department website at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us) .**

# BOAT REGISTRATION

## **Reference 32-1110, 32-1111, 115-30-1, and 115-30-2**

All boats powered by gasoline, diesel, electric motors, or sail must be registered and numbered. Sailboards and personal watercraft are considered boats.

Nonresidents using boats that are properly registered in another state may use their boats for up to 60 consecutive days without registering them in Kansas. Both in-state and out-of-state boats must have their Certificate of Number on board at all times. Boats that are required to be registered must be properly registered before they are operated.

## **REGISTRATION PROCESS**

There are three easy ways to register your boat. Online, by mail, or in person.

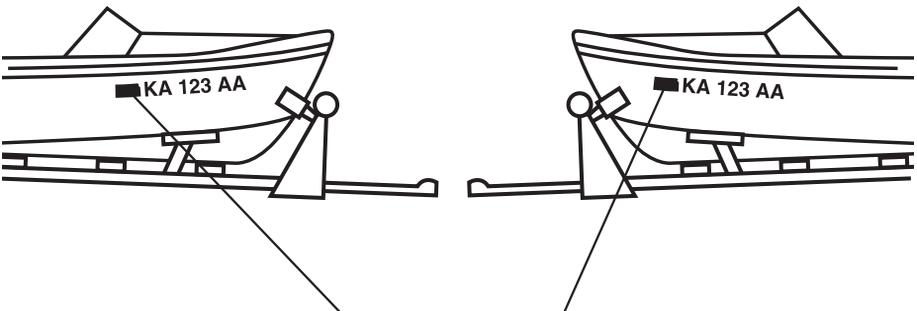
For new or reissue registration an application form is available to download at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us) or from the nearest marine dealer, county clerk's office, or KDWP State Park or office. Fill out the application completely and mail it along with the required documents and fee.

When a vessel is sold, lost, stolen, destroyed, transferred, or abandoned the person whose name appears on the Certificate of Number shall notify the department within 15 days.

## **REGISTRATION DECAL AND NUMBER PLACEMENT**

Your assigned number must be painted or permanently attached to each side of the forward top half of the boat. Numbers must be vertical block characters at least three inches tall that read from left to right. They must contrast with the background color and be distinctly visible and legible. Spaces or hyphens equal to letter width must separate letter groupings and numeral groupings.

Your assigned number consists of the prefix letters KA, one to four numerals and two suffix letters. For example: KA 123 AA or KA-123-AA.



## **Registration Decals**

# BOAT REGISTRATION

A registration decal will also be issued. This expiration decal remains on your boat for the duration of the three-year registration period.

Registration decals are displayed in line with the assigned number on each side of the boat. Boats registered in Kansas must display only current registration decals. Sailboards shall have the decal attached to the front half of the top of the sailboard. The registration numbers are not required to be displayed on the sailboard.



## REGISTRATION EXPIRATION

Kansas Boat Registrations expire every three years from the date of registration. Renewal notices are mailed approximately six weeks prior to the expiration date. If you have a change of address or have not received a renewal notice by mail, please contact Boating Registration at Kansas Department of Wildlife & Parks Pratt Operations office. Renewal registrations can be completed over the internet at [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us)

## IMPORTANT - READ THIS

Apply only to clean, smooth, wax free surface at moderate temperature.

1. Peel decal from paper backing by bending backward at center and lifting edge.
2. Place in position and rub firmly to surface.
3. Only the current decal (sticker) may be displayed or otherwise attached on either side of the bow of such motor boat. Expired decals shall be removed.

### DO NOT MOISTEN APPLY TO SIDE OF BOAT



The number shown on your certificate needs to be obtained by you.

#### SAILBOARD INSTRUCTIONS ONLY

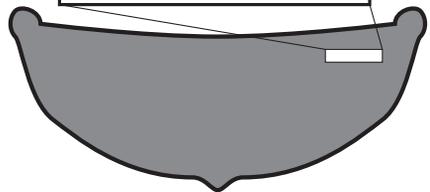
Apply both decals on the front half of the top sailboard. Your KA number does not need to be displayed.

## HULL IDENTIFICATION NUMBER

The hull identification number (HIN) on all boats built after November 1, 1972 is permanently affixed to the rear of the transom usually on the upper right corner. It is required by federal law and must appear on the registration application. The HIN consists of 12 letters and numerals at least one-quarter inch tall that indicate the manufacturer, hull serial numbers and/or letters, and model year and/or month.

Manufacturer's Identification Code (MIC)      Hull Serial Number      Date of Manufacture      Model Year

ABC 09329 C6 06



# EQUIPMENT REQUIREMENTS

Reference 32-1119

## BOAT CLASS CATEGORY

<b>Class A</b>	less than 16 feet in length
<b>Class I</b>	over 16 feet and less than 26 feet in length
<b>Class II</b>	over 26 feet and less than 40 feet in length
<b>Class III</b>	40 feet and over in length

## PERSONAL FLOTATION DEVICES (PFD)

Reference 32-1129 and 115-30-3

Kansas law requires that all boats have one type I, II, III, or V PFD of proper size, in serviceable condition, not in an enclosed compartment, and readily accessible for each person on board or being towed.



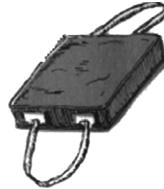
I



II



III



IV



V

**NOTE: A type V PFD is approved only for the activity listed on the label and must be worn to be legal. Persons 12 years of age and under are required to wear a type I, II, or III PFD while aboard or being towed by a boat. A life belt or ring does not satisfy this requirement.**

Serviceability means that fastening hardware is not broken or does not work; that webbing straps are not ripped, torn or missing; that fabric tears have not resulted in loss of buoyant material; and that buoyant material is not hardened or contaminated. The PFD must be structurally sound and free of rotted or corroded components.

Readily accessible means the PFDs are plainly visible to the passengers, in an area that can be reached in an emergency without opening a compartment, wrapping material or reaching under part of the boat's hull to get to them.

Boats 16 feet or longer, except canoes and kayaks, also must carry one type IV

throwable flotation device that is in serviceable condition and not in an enclosed compartment.

It is recommended that any person being towed on water skis, kneeboards, or similar devices should wear a properly fitted PFD. Each person operating or riding on a personal watercraft must wear a properly fitted PFD. Sailboarders are not required to wear a PFD, but it is recommended.

Inflatable PFDs are required to be USCG approved and must meet the general serviceability requirements for all types of PFDs and the additional requirements specific to inflatable PFDs.

# EQUIPMENT REQUIREMENTS

## FIRE EXTINGUISHERS

### **Reference 32-1119 and 115-30-4**

Every motorboat, unless exempt, must have the correct number, size and type of Coast Guard approved fire extinguishers. Fire extinguishers must be operable and readily accessible.

Motorboats with USCG approved built-in or affixed fire extinguishers in the motor areas are exempt from having a fire extinguisher in the motor area. They are required to have one BI or one BII fire extinguisher in the living space or galley, according to boat class.

### **Fire Extinguisher Requirements**

#### **Reference 32-1119 and 115-30-4**

**Class A:** less than 16 ft. – at least one type BI fire extinguisher shall be carried if the vessel has one or more of the following features:

- an onboard engine;
- closed compartments under thwarts and seats where portable fuel tanks may be stored; (*Examples of enclosed compartments include: live wells and storage compartments.*)
- double bottom construction not sealed to the hull or not completely filled with flotation materials;

- closed compartments in which combustible or flammable materials are stored;
- permanently installed fuel tanks.

**Class I:** 16 ft. to less than 26 ft. – at least one type BI fire extinguisher shall be carried.

**Class 2:** 26 ft. to less than 40 ft. – two type BI or one type BII fire extinguisher. If boat has a USCG approved built-in or affixed fire extinguisher, add two type BI fire extinguishers or one type BII fire extinguisher.

## VENTILATION

### **Reference 32-1119**

All closed-construction, fuel-powered motorboats must have ventilators to remove explosive vapors from engine and fuel tank compartments. Be sure that the boat is well ventilated before starting, especially after fueling. Gasoline vapors are heavier than air and accumulate in the bottom of the boat, creating a dangerous condition.

## BACKFIRE FLAME CONTROL

### **Reference 32-1119**

Inboard, fuel-powered engines must be equipped with a backfire flame arrestor on the carburetor. The flame arrestor must meet U.S. Coast Guard approval.

# EQUIPMENT REQUIREMENTS

## MUFFLING

### Reference 32-1120

The exhaust of every internal combustion engine used on any motorboat on the waters of the state shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust. The muffler system shall be in good working order and in constant operation and effectively installed to prevent any excessive or unusual noise.

## CAPACITY PLATES

### Reference 32-1126 and 115-30-5

All boats less than 20 feet, which were built after November 1, 1972, and designed to carry two or more people, shall have a permanently-affixed capacity plate.

No person shall operate any vessel beyond the safe passenger and carrying capacity and motor horsepower of the vessel as specified on the capacity plate.

## NAVIGATION LIGHTS

### Reference 32-1119

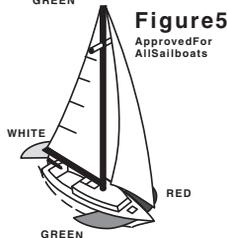
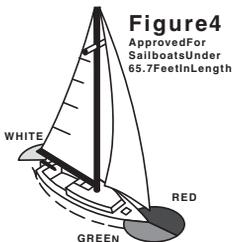
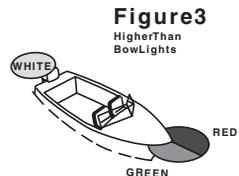
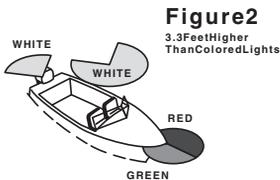
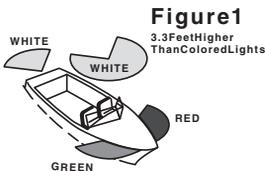
All boats must use navigation lights while operating on Kansas waters between sunset and sunrise.

Motorboats less than 40 feet long must have navigation lights shown in figures 1, 2, or 3. Motorboats 40-65 feet long must use lights shown in figure 1 or 2.

Sailboats must have navigation lights shown in figures 4, 5, or 6. Sailboats under power must conform to motorboat navigation light requirements.

Manually propelled boats shall carry, ready at hand, a flashlight or lantern showing a white light exhibited in sufficient time to prevent a collision.

Boats at anchor must display an all-round white anchor light unless anchored in a designated mooring area.



# EQUIPMENT REQUIREMENTS

## SOUND PRODUCING DEVICES

### *Reference 32-1119*

All motorboats are required to carry a mechanical sound producing device such as a horn or whistle is audible up to one mile. Vessels 40 feet and longer are also required to carry a bell made of proper material to sound a tone that may be heard during inclement weather.

## MARINE TOILETS

### *Reference 32-1151-55*

Human sewage from boats is a source of pollution that poses environmental and health problems. It is important that you dispose of your sewage properly while boating.

It is unlawful to place, leave or discharge sewage into waters of this state. All boats with a marine sanitation device shall be in compliance with all state and federal requirements and registration.

## KANSAS CLEAN VESSEL PUMP-OUT SITES

### REGION 1

**Lake Wilson Marina (Wilson Res.)**  
Wilson State Park #4,  
Sylvan Grove, KS 67841 (785) 685-2392

### REGION 2

**Lake Perry Marina (Perry Res.)**  
10770 Perry Park Dr.,  
Perry, KS 66073 (785) 597-5555

**DJ's Rock Creek Marina (Perry Res.)**  
6049 West Lake Rd.,  
Ozawkie, KS 660707 (785) 484-2656

**Thunderbird Marina (Milford Res.)**  
4725 W Rolling Hills Rd.,  
Junction City, KS 66441 (785) 238-5864

**Milford Lake (Milford Res.)**  
4312 State Park Rd.,  
Milford, KS 66514 (785) 238-4010

### REGION 4

**Cheney Marina (Cheney Res.)**  
9912 South Titan Rd.,  
Cheney, KS (316) 542-0163

**Shady Creek Marina (El Dorado Res.)**  
1000 NE Marina Rd. PO Box 287,  
El Dorado, KS (316) 321-0943

### REGION 5

**Lighthouse Bay Marina (Pomona Res.)**  
4009 Marina Rd, PO Box 60,  
Vassar, KS 66543 (785) 828-4777



## EQUIPMENT SUGGESTIONS

Boat owners are advised to carry a Coast Guard approved visual distress signal, flashlight, first aid kit, paddles, boarding ladder, tool kit, extra line, spare spark plugs, spare bilge pump, spare propellers, and anchor.

# OPERATION REQUIREMENTS

## AGE RESTRICTIONS

### **Reference 32-1139**

A person under 12 years of age cannot operate a motorboat, including PWCs, unless accompanied and under the direct supervision of a parent or other person over 17 years of age. All persons must comply with the boater education laws.

Any person born on or after Jan. 1, 1989 must complete an approved boater safety education course in order to operate a motorboat, PWC, or sailboat on public waters in Kansas.

This requirement does not apply to a person operating a motorboat, PWC, or sailboat accompanied by and under the direct supervision of a person over 17 years of age who either: possesses a certificate of completion of an approved boater safety education course, or is legally exempt from the requirement. This requirement does not apply to anyone 21 years of age or older, regardless of their date of birth.

## ALCOHOL AND DRUGS

### **Reference 32-1130 thru 32-1135**

It is unlawful to operate or attempt to operate any boat while under the influence of alcohol or drugs. Any person who operates or attempts to operate a boat is deemed to have given consent to an alcohol and/or drug test.

Failure to submit to a test will result in loss of boating privileges for three months, in addition to any other penalties prescribed by law, rule, or regulation.

Conviction of boating under the influence of alcohol or drugs is punishable by fine and/or imprisonment, and the loss of boating privileges. Successful completion of an approved boating safety course may also be required.

## WAKELESS SPEED

### **Reference 32-1119**

Wakeless speed is required close to boats engaged in fishing or moored, boat docks, launching areas, swimming areas, or within designated no wake areas. You are responsible for injury or damage caused by your boat's wake.

## WATER SKIING

### **Reference 32-1128**

Boats must be equipped with a wide-angle rearview mirror that is properly placed to provide maximum vision of the person being towed, or three must be an observer in the boat in addition to the operator. The observer must be a responsible person at least 12 years of age.

No person shall operate any vessel carrying passengers or cargo beyond the safe carrying capacity of the vessel. A passenger is any individual who is carried in or on a vessel. Any item attached to a vessel becomes part of the vessel and shall be included in the overall capacity of the vessel.

The operator or observer shall immediately display a bright orange or red flag not less than 12" square immediately after the person(s) being towed are in the water, either getting ready to be towed or during retrieval of a fallen skier.

It is illegal to operate a vessel while towing water skiers, surfboards, or similar devices from one half hour after sunset to one half hour before sunrise.

# OPERATION REQUIREMENTS

## NAVIGATION RULES

### ***Reference 32-1119 and 115-30-7***

Sailboats and manually powered craft usually have the right of way over motorboats. Motorboats should stay clear of sailboats and manually-powered craft and should not create a wake that may cause them trouble. Sailboats and manually-powered craft must yield the right of way when overtaking motorboats or when the motorboat is at anchor.

In overtaking and passing situations, the boat being passed has the right of way, and the passing boat is required to stay clear. Pass when it is safe and at a speed that will not endanger the overtaken vessel.

When meeting another boat head-on, stay to the right. When two boats are crossing paths, the boat on the right has the right-of-way and should maintain course and speed. The boat on the left should change its course to the right until the other boat passes. In narrow channels, boats underway must stay right of the middle of the channel.

When one boat passes another traveling in the same direction, the passing boat shall pass when it is safe to do so and at a speed and distance that does not endanger the overtaken boat.

## PERSONAL WATERCRAFT

### ***Reference 32-1110 and 115-30-10***

Personal watercraft are vessels that use an inboard motor powering a jet pump as their primary source of propulsion and are designed to be operated by a person sitting, standing, or kneeling inside the vessel.

Personal watercraft are Class A boats and must comply with all boating laws, registration procedures, operation and equipment requirements in addition to the regulations specific to personal watercraft.

Every person on board a personal watercraft shall wear a Type I, Type II, Type III, or Type V USCG approved PFD.

Each person operating a personal watercraft equipped with a lanyard engine cut-off shall attach the lanyard to the operator's person, clothing, or PFD.

Personal watercraft shall not be operated between sunset and sunrise.

Personal watercraft shall be operated at no wake speeds (5 m.p.h. or less) when within 200 feet of any of the following: docks, boat ramps, swimmers, bridges, moored or anchored boats, sewage pump-out facilities, or non-motorized watercraft.

A person shall not operate a personal watercraft unless facing forward. Personal watercraft shall not be used to tow a person on skis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.

Maneuvers which unreasonably endanger others are prohibited. This includes, but is not limited to, wake jumping and weaving through vessel traffic.

# OPERATION REQUIREMENTS

## ACCIDENT REPORTING

### ***Reference 32-1177 and 115-30-8***

An operator involved in a boating accident must immediately stop their vessel at the scene of an accident and do the following:

\*Assist anyone injured or in danger from the accident unless doing so would seriously endanger their own vessel or passengers.

\*Notify KDWP law enforcement officers immediately by the quickest means available.

\*Provide your name and address to any injured person or owner of property that is damaged in the accident.

## SAFETY & COURTESY TIPS

Courtesy docks are for your convenience. Be courteous by leaving your boat there no longer than 15 minutes.

Emergency situations require advance planning. Think about what to do if someone falls overboard or if there is a fire, breakdown, or collision. Practice putting on your life jacket in the water and throwing a type IV personal flotation device. Know the various distress signals such as slowly and repeatedly raising and lowering your outstretched arms. If your boat capsizes, it will usually float. Stay with it for flotation and to make yourself more visible. Put on a PFD.

## NEGLIGENT OPERATION

### ***Reference 32-1125***

Negligent operation is the failure to exercise the degree of care necessary to prevent the endangering of another person or their property. Some examples are bowriding, excessive speed, and operating too close to another boat.

# U.S AIDS TO NAVIGATION WATERWAY MARKER SYSTEM

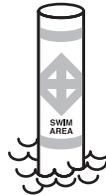
Markers give you the important information that will make your boating experience safe and enjoyable. They identify restricted or dangerous waters. They tell you where wakeless speed is required and where boating is not allowed. They mark channels. They alert you to SCUBA diving activities.

SCUBA divers must place a buoy at or near the point of submergence. The buoy must bear a red flag of proper size and requirements. It is unlawful to display this flag when diving or spear fishing is not in progress.



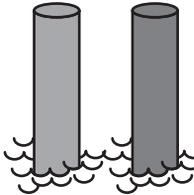
## Control or Restriction Buoys

These buoys are all white with an orange circle. They indicate controlled or restricted areas on the water such as speed limits, no fishing, no skiing, no scuba diving. Information on them is printed in black.



## Boats Prohibited Buoy

These buoys are all white with an orange diamond with an orange cross inside. They mean BOATS KEEP OUT. They most often indicate swimming beaches.



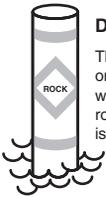
## Channel Marker Buoys

All-green and all-red companion buoys indicate that the boating channel is between them. In flowing water, the red buoy is on the right side of the channel when facing upstream. The boating channel lies between these buoys.



## Information or Direction Buoys

These buoys are all white with an orange rectangle. They inform boaters of directions, distances, locations, supplies, and other nonregulatory information. Information is printed in black.



## Danger Buoy

These buoys are all white with an orange diamond. They are used to warn boaters of dangers such as rocks or cables. Information on them is printed in black.



## Mooring Buoys

These buoys are all white with a blue stripe midway between the top and water-line. They will be spherical or ovate in shape with a minimum of 18 inches above the water line. Authorization for placement shall be regulated the same as any other buoy, aid, or marker when placed more than 150 feet from shore.



## All White Buoys with Black Vertical Stripes

These buoys indicate a dangerous area. Boats should not pass between the buoy and the shore.



## All White Buoys with Red Vertical Stripes

These buoys show the center of the channel and should be passed close to on either side.



## Divers Flag

Used by recreational divers. Required by law in some states. Flag color is red with white stripes.



## Alpha Flag

Displayed by vessels restricted in their ability to maneuver while engaged in diving operations. Flag color is blue with white stripe.

# KANSAS BOATING STATUTES

**32-1101** – Policy. It is the policy of this state to promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws relating thereto.

**32-1102** – Definitions. As used in article 11 of chapter 32 of the Kansas Statutes Annotated and amendments thereto, unless the context clearly requires a different meaning:

- (a) “Vessel” means any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water.
- (b) “Motorboat” means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- (c) “Owner” means a person, other than a lien holder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
- (d) “Waters of this state” means any waters within the territorial limits of this state.
- (e) “Person” means an individual, partnership, firm, corporation, association, or other entity.
- (f) “Operate” means to navigate or otherwise use a motorboat or a vessel.
- (g) “Department” means the Kansas department of wildlife and parks.
- (h) “Secretary” means the secretary of wildlife and parks.
- (i) “Length” means the length of the vessel measured from end to end over the deck excluding sheer.
- (j) “Operator” means the person who operates or has charge of the navigation or use of a motorboat or a vessel.
- (k) “Undocumented vessel” means a vessel which is not required to have, and does not have, a valid marine document issued by the United States coast guard or federal agency successor thereto.
- (l) “Reportable boating accident” means an accident, collision or other casualty involving a vessel subject to this act which results in loss of life, injury sufficient to require first aid or medical attention, or actual physical damage to property, including a vessel, in excess of an amount established by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805 and amendments thereto.
- (m) “Marine sewage” means any substance that contains any of the waste products, excrement or other discharges from the bodies of human beings or animals, or foodstuffs or materials associated with foodstuffs intended for human consumption.
- (n) “Marine toilet” means any latrine, head, lavatory or toilet which is intended to receive marine sewage and which is located on or in any vessel.
- (o) “Passenger” means any individual who obtains passage or is carried in or on a vessel.
- (p) “Sail board” means a surfboard using for propulsion a free sail system comprising one or more swivel-mounted rigs (mast, sail and booms) supported in an upright position by the crew and the wind.
- (q) “Dealer” means any person who:
  - (1) For a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel, whether or not the vessel is owned by such person;
  - (2) maintains an established place of business with sufficient space to display vessels at least equal in number to the number of dealer certificates of number the dealer has been assigned; and

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- (3) maintains signage easily visible from the street identifying the established place of business.
- (r) “Demonstrate” means to operate a vessel on the waters of this state for the purpose of selling, trading, negotiating or attempting to negotiate the sale or exchange of interest in new or used vessels or for the purpose of testing the design or operation of a vessel.
- (s) “Sailboat” means any vessel, other than a sail board, that is designed to be propelled by wind action upon a sail for navigation on the water.
- (t) “Boat livery” means any person offering a vessel or vessel of varying types for rent.
- (u) “Cargo” means the items placed within or on a vessel and shall include any persons or objects towed on water skis, surfboards, tubes or similar devices behind the vessel.
- (v) “State of principal use” means the state on the waters of which a vessel is used or to be used most during the calendar year.
- (w) “Use” means to operate, navigate or employ.
- (x) “Abandoned vessel” means any vessel on public waters or public or private land which remains unclaimed for a period of 15 consecutive days.

## **32-1103** – Applicable laws; rules and regulations.

- (a) The provisions of K.S.A. 1989 Supp. 32-1101 through 32-1104, 32-1110 through 32-1113, 32-1119, 32-1125 through 32-1128, 32-1130 through 32-1137, 32-1148 through 32-1155, 32-1166, 32-1172, 32-1173 and 32-1177 through 32-1180, and amendments thereto, and of other applicable laws of this state shall govern the operation, equipment, numbering and all other matters relating thereto whenever any vessel shall be operated on the waters of this state, or when any activity regu-

lated by this act shall take place thereon, but nothing in this act shall be construed to prevent the adoption of any ordinance or regulation by any subdivision or municipality of this state relating to waters under the control or jurisdiction of such subdivision or municipality, and such ordinances or regulations shall be valid and enforceable so long as and to the extent that they are not contradictory to provisions of article 11 of chapter 32 of the Kansas Statutes Annotated and amendments thereto or rules and regulations adopted thereunder. Such ordinances or regulations shall not be adopted by such subdivision or municipality until after public notice by the enacting body. Following such adoption the enacting body shall submit the same to the secretary, setting forth the reasons which make such regulations necessary or appropriate, and requesting the approval of such regulations by the secretary. If the secretary approves such regulations they shall become operative; otherwise, such regulations shall have no effect. Notwithstanding the foregoing provisions, the secretary shall not regulate fees to be charged by political subdivisions or municipalities as to waters under their control or jurisdiction.

- (b) The secretary is hereby authorized to adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations with reference to the operation of vessels on any waters within the state.

**32-1104** – Annual reports to county assessors. Annually, on or before the first day of February, the secretary shall furnish to the county assessor of each county in this state a list of the names and addresses of the owners of motorboats in each county and the identification numbers issued therefor by the secretary which were in effect on January 1 of each year. It shall be the duty of

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the county assessors of each county to check such lists against the personal property tax returns of the owners of such motorboats for any discrepancies between such lists and such personal property tax returns.

**32-1110** – Requirement. Every undocumented, mechanically propelled vessel or sailing vessel using the waters of this state, as its state of principal use, shall be numbered, except those exempted by K.S.A. 32-1113, and amendments thereto. No person shall operate or give permission for the operation of any motorboat or vessel propelled by sail on such waters unless such vessel is numbered in accordance with this act, applicable federal law or a federally approved numbering system of another state, and unless

- (1) the certificate of number awarded to such vessel is in full force and effect and
- (2) the identifying number set forth in the certificate of number is displayed on each side of the bow of such vessel, unless otherwise provided by rules and regulations of the secretary.

**32-1111** – Application; certification; temporary permit; rules and regulations.

- (a) The owner of each vessel requiring numbering by this state shall file an application for number with the secretary on forms approved by the secretary. The application shall be signed by the owner of the vessel and shall be accompanied by the vessel registration fee prescribed pursuant to K.S.A. 32-1172, and amendments thereto and by proof of payment of any tax imposed under the provisions of K.S.A. 12-187, 12-198, the Kansas retailers' sales tax act or the Kansas compensating tax act, and amendments thereto, as the case requires, upon forms devised and furnished by the department of revenue to every county treasurer for such purpose. Upon receipt of the application in approved form and proof of pay-

ment of sales or compensating tax, the secretary shall enter the same upon the records of the department and issue to the applicant a certificate of number stating the number awarded to the vessel and the name and address of the owner. Unless otherwise provided by rules and regulations, the owner shall paint on or attach to each side of the bow of the vessel the identification number in such manner as prescribed by rules and regulations of the secretary in order that it may be clearly visible. The number shall be maintained in legible condition. The certificate of number shall be pocket size and, unless otherwise provided by rules and regulations, shall be available at all times for inspection on the vessel for which issued, whenever such vessel is in operation. No person charged with a violation of the preceding sentence shall be convicted of such offense if such person produces in court or the office of the arresting officer a certificate of number issued and valid at the time of such person's arrest.

- (b) The owner of any vessel already covered by a number in full force and effect which has been awarded to it pursuant to the then operative federal law or a federally approved numbering system of another state shall record the number prior to operating the vessel on the waters of this state in excess of the 60-day reciprocity period provided for in subsection (l) of K.S.A. 32-1113, and amendments thereto. Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under this subsection, including the submission of proof of payment of sales or compensating tax, except that no additional or substitute number shall be issued.
- (c) Should the ownership of a numbered vessel change, a new application form with fee and proof of payment of sales

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or compensating tax shall be filed with the secretary and a new certificate of number shall be awarded in the same manner as provided for in an original award of number, except that where the state of principal use remains unchanged the number may be identical with the previous one.

- (d) If an agency of the United States government has in force an overall system of identification numbering for vessels within the United States, the numbering system employed pursuant to this act by the secretary shall be in conformity therewith.
- (e) The secretary may award any certificate of number directly or may authorize any person to act as agent for the awarding thereof. If a person accepts such authorization, such person may be assigned a block of numbers and certificates therefore which upon award, in conformity with this act and with any rules and regulations of the secretary, shall be valid as if awarded directly by the secretary.
- (f) All records of the secretary made or kept pursuant to this section shall be public records.
- (g) Every certificate of number awarded pursuant to this act shall continue in full force and effect for a period of three years unless sooner terminated or discontinued in accordance with the provisions of this act. Certificates of number may be renewed by the owner in the same manner provided for in the initial securing of the number.
- (h) The secretary shall fix a day and month of the year on which certificates of number due to expire during the calendar year shall lapse and no longer be of any force and effect unless renewed pursuant to this act.
- (i) The owner shall furnish the secretary notice of the transfer of all or any part of such owner's interest other than the creation of a security interest in a vessel numbered in this state pursuant to subsections (a) and (b) or of the destruction or abandonment of such vessel within 15 days thereof. Such transfer, destruction, or abandonment shall terminate the certificate of number for such vessel and the certificate of number shall be surrendered to the secretary as a part of the notification of transfer, destruction, or abandonment except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate of number.
- (j) Any holder of a certificate of number shall notify the secretary within 15 days if the holder's address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the secretary with a new address. The secretary may provide by rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.
- (k) No number other than the number awarded to a vessel or granted reciprocity pursuant to this act shall be painted, attached, or otherwise displayed on either side of the bow of such vessel.
- (l) If a certificate of number becomes lost, destroyed, mutilated or illegible, the owner of the vessel for which the same was issued may obtain a duplicate of such certificate upon application therefore to the secretary. The application shall be in writing, shall describe the circumstances of the loss or destruction and shall be accompanied by the duplicate fee prescribed pursuant to K.S.A. 32-1172, and amendments thereto.
- (m) The secretary is authorized, in the secretary's discretion, to provide and have issued for vessels requiring registra-

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tion and numbering under this act, a 30-day temporary registration permit for the temporary vessel registration fee prescribed pursuant to K.S.A. 32-1172, and amendments thereto. Such permits shall be in the form as prescribed by the secretary and available for purchase or resale by any person designated by the secretary. In addition to the permit fee, any person selling such temporary permits may collect a service charge of not to exceed \$1 for each permit issued. Such temporary permit shall expire 30 days from the date of issuance.

- (n) (1) The owner of any vessel documented by the United States Coast Guard and the new owner of any vessel, who upon the sale or transfer of the vessel that documents the vessel with the United States Coast Guard, shall apply for a vessel certificate of registration and pay a fee equal to the amount required for a vessel registration pursuant to K.S.A. 32-1172, and amendments thereto, before using such vessel on the waters of this state. The application shall include the county in which such vessel will be normally maintained by the owner and any other information required by the secretary. A certificate of registration and a set of registration decals in the form prescribed by the secretary shall be issued for a documented vessel. A nonresident shall make application for a vessel certificate of registration within 60 days after acquiring a vessel in this state or bringing a vessel into this state if the vessel will be kept in this state for a period in excess of 60 consecutive days. A delinquency penalty fee of \$20 shall be imposed for each 30 days of delinquency, not to exceed a total of \$60. If the secretary learns that any person failed to acquire a vessel certificate of registration in accordance with this section or has sold a vessel documented by the United States Coast Guard without obtaining a certificate of registration as provided by this section, the secretary shall cancel the registration of all vessels registered in the name of the person, whether as sole owner or a co-owner, and shall notify the person that the cancellation will remain in force until the person pays the delinquency penalty fee together with all fees, charges and payments which the person should have paid in connection with the vessel certificate of registration. The secretary shall maintain a listing of such registered documented vessels, to be supplied to the county assessor of each county in the state as required under K.S.A. 32-1104, and amendments thereto. Such vessels shall not be included in the total number of registered vessels of the state applied toward the number reflected on any United States Coast Guard grants, where prohibited.
- (2) The registration decals for any vessel documented by the United States Coast Guard shall be in force and effect for a period of three years so long as the vessel is owned or held by the original holder of the certificate of registration and shall be renewed upon application and payment of a registration renewal fee equal to the amount required for a vessel registration pursuant to K.S.A. 32-1172, and amendments thereto. The owner shall attach the registration decals to both sides of the forward half of the bow of the documented vessel in a place that is fully visible.
- (3) Upon the sale or transfer of any vessel documented by the United States Coast Guard, the new owner shall submit, in addition to the properly assigned certificate of registration, proof of release from the docu-

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mentation of the United States Coast Guard and shall comply with the provisions of this section. If the new owner elects not to document the vessel with the United States Coast Guard, the owner shall comply with the applicable provisions for registering vessels in this state.

- (4) The certificate of registration shall be available at all times for inspection on the vessel for which it is issued, whenever the vessel is in operation, moored or occupied while on waters within this state.
- (o) The secretary shall adopt, in accordance with K.S.A. 32-805, and amendments thereto, rules and regulations for the administration of the provisions of this section, including but not limited to numbering applications, certificates of number, temporary 30-day permits, display of number and reports on change of address, destruction and sale or transfer of ownership.

**32-1112** – Testing or demonstrating vessels. (a) A licensed dealer demonstrating, displaying or exhibiting on the waters of this state any vessel of a type required to be numbered under the laws of this state may obtain from the department, in lieu of obtaining a certificate of number for each such vessel, dealer certificates of number for use in demonstrating, displaying or exhibiting any such vessel. No such dealer certificate of number shall be issued by the department except upon application to the secretary upon forms prescribed by the secretary and upon payment of the required fees. The dealer certificate of number must accompany the vessel and the number assigned by such dealer certificate must be temporarily placed on the vessel while it is being demonstrated, displayed or exhibited on the waters of this state. During the calendar year for which issued, such dealer certificate may be transferred from one such vessel to another owned or operated by

such dealer. Such dealer certificate of number may be used in lieu of a regular certificate of number for the purposes of demonstrating, displaying or exhibiting vessels held in inventory of such dealer. Such dealer certificate of number may also be used on such dealer's service vessel, or substitute vessels owned by the dealer but loaned to a customer when the dealer is repairing such customer's vessel.

- (b) No dealer in vessels of a type required to be numbered under the laws of this state shall cause or permit any such vessel owned by such dealer to be on the waters of this state unless the original dealer certificate of number accompanies the vessel and the number assigned by such dealer certificate is temporarily placed on the vessel as required by this section. A dealer who wishes to operate or allow operation of more than one vessel simultaneously on the waters of this state shall apply for additional dealer certificates as provided by the secretary.

- (c) No dealer certificate of number shall be issued to any dealer unless such dealer at the time of making application therefore exhibits to the secretary or the secretary's agent a receipt showing that the applicant has paid all personal property taxes and sales tax levied against such dealer for the preceding year, including taxes assessed against vessels of such dealer which were assessed as stock in trade, or unless the dealer exhibits satisfactory evidence that the dealer had no taxable personal property for the preceding year. If application for registration is made before June 21, the receipt may show payment of only ? of the preceding year's taxes.

- (d) To determine the number of dealer certificates of number a dealer needs, the secretary may base the decision on the dealer's past sales, inventory and any other pertinent factors as the

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secretary may determine. After the end of the first year of licensure as a dealer, not more than one dealer certificate of number shall be issued to any dealer who has not reported to the secretary the sale of at least five vessels in the preceding year. There shall be no refund of fees for dealer certificates of number in the event of suspension, revocation or voluntary cancellation of such certificates of number.

- (e) Any dealer of vessels may authorize use of dealer certificates of number assigned to such dealer by the following:
  - (1) The licensed dealer and such dealer's spouse;
  - (2) any employee of such dealer when the use thereof is directly connected to a particular business transaction of such dealer; and
  - (3) the dealer's customer when operating a vessel in connection with negotiations to purchase such vessel or during a demonstration of such vessel, as stated in a written agreement between the dealership and the customer, with such required information as deemed necessary by the secretary.
- (f) Except as hereinafter provided, every dealer of vessels shall:
  - (1) On or before the 20th day of the month following the end of a calendar quarter, file a report for such quarter report, on a form prescribed and furnished by the secretary, listing all sales or transfers, including the name and address of the purchaser or transferee, date of sale, the serial or identification number of the vessel, and such other information as the secretary may require. The department of wildlife and parks shall make a copy of the report available to the department of revenue.
  - (2) Whenever a dealer sells or otherwise disposes of such dealer's business, or for any reason suspends or goes out of business as a dealer, such dealer shall

notify the secretary and return the dealer's license and dealer certificates of number and, upon receipt of such notice, license and certificates of number, the secretary shall cancel the dealer's certificates of number, except that such dealer, upon payment of 50% of the annual dealer's license fee to the secretary, may have the license and dealer certificates of number assigned to the purchaser of the business.

- (g) The secretary shall adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations for the administration of provisions of this section, including but not limited to, dealer certificate of number applications and renewals, temporary placement of numbers and possession of dealer certificates of number.

**32-1113** – Exemptions. A vessel shall not be required to be numbered under this act if it is:

- (l) Already covered by a number in full force and effect which has been awarded to it pursuant to federal law or a federally approved numbering system of another state, if such boat has not been within this state for a period in excess of 60 consecutive days.
- (2) A vessel from a country other than the United States temporarily using the waters of this state.
- (3) A vessel whose owner is the United States, a state or a subdivision thereof.
- (4) A ship's lifeboat.
- (5) A vessel belonging to a class of boats which has been exempted from numbering by the secretary if it is determined that the numbering of vessels of such class will not materially aid in their identification; and, if an agency of the federal government has a numbering system applicable to the class of vessels to which the

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vessel in question belongs, after the secretary has further found that the vessel would also be exempt from numbering if it were subject to the federal law.

**32-1114** – Dealer's license. (a) No dealer of vessels shall be eligible to obtain dealer certificates of number pursuant to K.S.A. 32-1112, and amendments thereto, unless such dealer holds a dealer's license issued by the secretary. The application for a dealer's license shall be made to the secretary and shall contain such information as the secretary deems reasonable and pertinent for the enforcement of the provisions of this section. The application shall be accompanied by the fee required under K.S.A. 32-1172, and amendments thereto.

(b) A dealer's license shall be granted or refused within 30 days after the application is received by the secretary. The license shall expire, unless previously suspended or revoked, on December 31 of the calendar year for which the license is granted. Any application for renewal received by the secretary after February 15 shall be considered as a new application.

(c) The secretary may deny, suspend, revoke or refuse renewal of a person's dealer's license if the person has:

- (1) Made a material false statement in an application for a dealer's license;
- (2) filed a materially false or fraudulent tax return as certified by the director of taxation;
- (3) knowingly used or permitted the use of a dealer certificate of number contrary to law;
- (4) failed to notify the secretary within 10 days of any dealer certificate of number that has been lost, stolen, mutilated or destroyed; or
- (5) has failed or refused to surrender the dealer's license or dealer's certificates of number to the secretary or the secretary's agent upon demand.

(d) The secretary may deny the application for the license within 30 days after receipt thereof by written notice to the applicant, stating the grounds for such denial. Upon request by the applicant whose license has been so denied, the applicant shall be granted an opportunity to be heard in accordance with the provisions of the Kansas administrative procedure act.

(e) If a licensee is a firm or corporation, it shall be sufficient cause for the denial, suspension or revocation of a license that any officer, director or trustee of the firm or corporation, or any member in case of a partnership, has been guilty of any act or omission which would be good cause for refusing, suspending or revoking a license to such party as an individual. Each licensee shall be responsible for the acts of any of the licensee's salespersons, representatives or employees while acting as the licensee's agent.

(f) Any licensee or other person aggrieved by a final order of the secretary pursuant to this section may appeal to the district court as provided by the act for judicial review and civil enforcement of agency actions.

**32-1115** – Identification numbers; unlawful acts

(a) No person shall:

- (1) Intentionally deface, destroy, remove or alter any hull identification number required for a vessel, without written authorization from the secretary.
- (2) Place or stamp any serial number upon a vessel other than a number assigned to the vessel by the secretary.

(b) It shall be unlawful to sell, barter, exchange or possess any vessel if the original hull identification number has been destroyed, removed, altered or defaced.

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(c) This section does not prohibit:

- (1) The restoration of the original hull identification number by an owner of a vessel when the restoration of such number is authorized by the secretary.
  - (2) Any manufacturer from placing numbers or marks in the ordinary course of business upon new vessels or parts of vessels.
- (d) Any law enforcement officer having knowledge of a vessel with a hull identification number that has been destroyed, removed, altered or defaced may seize and take possession of such vessel and may arrest the owner or custodian thereof and cause prosecution to be brought in a court of competent jurisdiction.
- (e) The secretary, upon request, shall assign a hull identification number to any handmade vessel.
- (f) Any person who knowingly violates any provision of subsection (a) or (b) shall be guilty of a class A nonperson misdemeanor.

**32-1116** – Assembled, reconstructed or restored vessels; existing number unidentifiable

- (a) When application for a certificate of number is made for a vessel which has been assembled, reconstructed, reconstituted or restored from one or more vessels, or the hull identification number as required by law is unidentifiable or uncertain, the owner of such vessel shall request the secretary inquire into the origin of the vessel. Such information shall be supplied by affidavit of the owner, if requested by the secretary. If, in the determination of the secretary, the vessel contains no stolen parts, the secretary shall assign an existing or new hull identification number to the vessel and direct the location and manner to affix the hull identification number. A charge of \$10

shall be paid by the owner of a vessel requesting the inquiry.

- (b) Any vessel having a destroyed, removed, altered or defaced hull identification number, which was not constructed in accordance with subsection (a), and if the true identity of the vessel cannot be determined, shall be re-assigned a new hull identification number by the secretary or destroyed.

**32-1117** – Handmade vessels; assignment of number and decals; display fee

- (a) Whenever the secretary assigns a hull identification number to a handmade vessel, the hull identification number shall consist of two letters designating the state followed by the letter "Z"; the next five characters shall be an identifying serial number and the last four characters shall indicate the month and year of the vessel certificate of ownership issuance.
- (b) The registered owner of a handmade vessel for which a hull identification number has been assigned shall carve, burn, stamp, emboss or otherwise permanently affix the assigned number to the outboard side of the starboard side of the transom or, if there is no transom, to the outermost starboard side at the end of the hull that bears the rudder or other steering mechanism and above the waterline of the vessel in such a way that alteration, removal, or replacement would be evident. The number must be at least 1/4 inch in height.
- (c) The secretary shall issue a decal which indicates the assigned hull identification number to be affixed to each vessel which has been assigned under this section. The decal shall be affixed no more than two inches below the location of the hull identification number placed pursuant to the provisions in subsection (b). Such decal, as well as a duplicate decal placed in an unex-

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posed portion of the interior of the vessel, shall be affixed by the department.

(d) It shall be unlawful to remove, alter or deface a decal or duplicate decal which has been issued for or affixed to a vessel pursuant to the provisions of subsection (c), or to affix or otherwise display such a decal or duplicate decal on any vessel other than the vessel for which the hull identification number was assigned, without first having obtained the written permission by the department.

(e) A hull identification inspection fee of \$10 shall be assessed to the owner of a vessel requesting a hull identification number pursuant to this section.

## **32-1119** – Classes; requirements.

(a) Motorboats subject to the provisions of this act shall be divided into four classes as follows:

Class A. Less than 16 feet in length.

Class 1. Sixteen feet or over and less than 26 feet in length.

Class 2. Twenty-six feet or over and less than 40 feet in length.

Class 3. Forty feet and over in length.

(b) Every motorboat in all weathers from sunset to sunrise shall carry and exhibit the following lights when under way, and during such time no other lights which may be mistaken for those prescribed shall be exhibited.

(1) Definitions.

(A) "Masthead light" means a white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of 225 degrees and so fixed as to present the light from the right ahead to 22.5 degrees abaft the beam on either side of the vessel, except that on a vessel of less than 12 meters in length, the masthead light shall be placed as nearly as practicable to the fore and aft centerline of the vessel.

(B) "Sidelights" means a green light on the starboard side and a red light on the port side each showing an unbroken light over an arc of the horizon of 112.5 degrees and so fixed as to show the light from right ahead to 22.5 degrees abaft the beam on its respective side. On a vessel of less than 20 meters in length, the sidelights may be combined in one lantern carried on the fore and aft centerline of the vessel.

(C) "Sternlight" means a white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon of 135 degrees and so fixed as to show the light of 67.5 degrees from right aft on each side of the vessel.

(D) "All-round light" means a light showing an unbroken light over an arc of the horizon of 360 degrees.

(2) Every motorboat of classes A and 1 shall carry the following lights: First. An all-round light carried aft and high enough to be unobstructed. Second. Sidelights in the fore part of the vessel and lower than the all-round light.

(3) Every motorboat of classes 2 and 3 shall carry a masthead light, sternlight and sidelights. The sidelights shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow.

(4) Motorboats when propelled by sail alone, and sailing vessels when propelled by sail alone, shall carry sidelights and a sternlight.

(5) Manually propelled vessels shall carry, ready at hand, a lantern or flashlight showing a white light which shall be exhibited in sufficient time to avert collision.

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- (6) Every white light prescribed by this section shall be of such character as to be visible at a distance of at least two miles. Every colored light prescribed by this section shall be of such character as to be visible at a distance of at least one mile. The word "visible" in this subsection, when applied to lights, shall mean visible on a dark night with clear atmosphere.
- (7) When propelled by sail and machinery any motorboat shall carry the lights required by this section for a motorboat propelled by machinery only.
- (8) All vessels at anchor between sunset and sunrise, unless anchored at a designated site, shall carry forward, or where it can best be seen, a bright white light to show all round the horizon and visible for one mile.
- (c) In lieu of the lights required by subsection (b), any vessel may carry and exhibit the lights required by the federal regulations under the inland navigational rules act of December 24, 1981 (33 U.S.C. 2020-2030), as in effect on the effective date of this act, or as prescribed by rules and regulations of the secretary.
- (d) Every motorboat shall be provided with an efficient whistle or other sound-producing mechanical appliance.
- (e) Every motorboat of class 3 shall be provided with an efficient bell.
- (f) Every vessel, other than sail boards used for wind surfing, racing shells or rowing sculls shall carry at least one coast guard approved lifesaving device of the sort prescribed by rules and regulations of the secretary, in good and serviceable condition, for each person on board, so placed as to be readily accessible. As used in this subsection, "racing shell" and "rowing scull" mean a manually propelled vessel that is recognized by national or international racing associations for use in competitive racing in which all occupants row, scull or paddle, with the exception of a coxswain, and is not designed to carry and does not carry any equipment, not solely for competitive racing.
- (g) Every motorboat shall be provided with such number, size, and type of coast guard approved fire extinguishers, capable of promptly and effectually extinguishing burning gasoline, as may be prescribed by rules and regulations of the secretary, which fire extinguishers shall be at all times kept in condition for immediate and effective use and shall be so placed as to be readily accessible.
- (h) The provisions of subsections (d), (e) and (g) shall not apply to outboard motorboats while competing in any race conducted pursuant to K.S.A. 32-1149, and amendments thereto or, if such boats are designed and intended solely for racing, while engaged in such navigation as is incidental to the tuning up of the boats and engines for the race.
- (i) Every motorboat shall have the carburetor or carburetors of every engine therein, except outboard motors using gasoline as fuel, equipped with such efficient coast guard approved flame arrester, backfire trap or other similar device as may be prescribed by rules and regulations of the secretary.
- (j) Every such motorboat and every such vessel, except open boats, using as fuel any liquid of a volatile nature shall be provided with such means as may be prescribed by rules and regulations of the secretary for properly and efficiently ventilating the bilges of the engine and fuel tank compartments so as to remove any explosive or inflammable gases.
- (k) The secretary is hereby authorized to adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations required to carry out in the most effective manner all of the provisions of this act and to alter,

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modify or supplement the equipment requirements contained in this section to the extent necessary to keep these requirements in conformity with the provisions of the federal navigation laws or with the navigation rules promulgated by the United States coast guard.

- (l) The secretary is hereby authorized to establish and maintain, for the operation of vessels on the waters of this state, pilot rules in conformity with the pilot rules contained in the federal navigation laws or the navigation rules promulgated by the United States coast guard.
- (m) No person shall operate or give permission for the operation of a vessel which is not equipped as required by the laws of Kansas and rules and regulations of the secretary.
- (n) No person shall operate a motorboat or other vessel close to swimming areas, moored boats or vessels engaged in fishing, servicing buoys or markings, or similar activities, without reducing the speed of the vessel so as to prevent wash or wake from the vessel causing damage or unnecessary inconvenience to the occupants of the area or other vessels.

## **32-1120** – Restrictions on motorboat exhaust noise; compliance; penalties.

- (a) A motorboat shall not be operated on the waters of this state under any condition or in any manner whereby the motorboat exhaust noise emits a sound level in excess of 92 decibels on the "A" weighted scale, when subjected to a stationary sound level test as prescribed by SAE J2005.
- (b) The provisions of subsection (a) shall not apply to motorboats officially registered and competing in or while on trial runs 48 hours immediately preceding a regatta, race, marine parade, tournament or exhibition which has been authorized or permitted by the department.

- (c) Any officer authorized to enforce the provisions of this section who has reasonable suspicion to believe that a motorboat is not in compliance with the noise levels established in this section may direct the operator of such motorboat to submit the motorboat to an on-site test to measure noise levels, with the officer on board if such officer chooses, and the operator shall comply with such request. The owner of any motorboat which violates any provision of this section shall have sixty days from the date of the violation to bring the motorboat into compliance with the provisions of this section. Thereafter, it shall be the owner's responsibility to have the motorboat tested by the department. If the motorboat fails such test, the motorboat shall not be operated on the waters of this state until the department certifies that the motorboat is in compliance with the provisions of this section. Failure to comply with a request or direction of an officer made pursuant to this subsection is a class C misdemeanor. Nothing in this section shall be construed to limit the officer's ability to enforce this section and to issue citations to the owner or operator of any motorboat during the sixty-day compliance period.

## **32-1125** – General prohibitions.

- (a) No person shall operate any motorboat or vessel or manipulate any water skis, surfboard or similar device in a reckless or negligent manner so as to endanger the life or property of any person.
- (b) No person shall manipulate any water skis, surfboard or similar device while under the influence of alcohol or drugs, or both.
- (c) No person shall operate any motorboat or vessel for pleasure riding or pull any water skis, surfboard or similar device in any waters of this state marked by buoys

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or otherwise designated as a mooring, launching, fishing or hunting non-boating area by a county or other political subdivision or by the secretary, except that a motorboat or vessel used for fishing may be operated in a mooring or launching non-boating area. As used in this subsection, "waters of this state" includes, but is not limited to, any water storage reservoir impoundments over which the secretary has been granted jurisdiction by the proper agency or official of the United States government.

- (d) No person shall operate or moor a vessel within a water area which is marked, by buoys or some other distinguishing device, as a bathing or swimming area or as an all-boats-prohibited area. No person shall operate a vessel for purposes other than fishing in areas marked by buoys or otherwise designated as fishing areas, and no person shall operate a vessel for purposes other than hunting in areas marked by buoys or otherwise designated as hunting areas, and in areas designated for combined use of fishing and hunting, vessels may be used for both purposes unless prohibited by federal law.
- (e) No owner or person in possession of a vessel shall permit a person under 12 years of age to operate a motorboat unless accompanied and under the direct and audible supervision of a parent or other person over 17 years of age. "Direct and audible supervision" means a person on board the same vessel and in sufficiently close proximity of the operator's station to enable such person to quickly and safely assume control of such vessel if needed.
- (f) No operator of a vessel shall willfully fail or refuse to bring such vessel to a stop, or otherwise flee or attempt to elude a pursuing law enforcement vehicle or vessel, when given a visual or audible signal to bring the operator's vessel to a stop. The signal may be given by

hand, voice, emergency light or siren and shall be given by a uniformed law enforcement officer prominently displaying the officer's badge of office.

## **32-1126** – Capacity limits.

- (a) No person shall operate any vessel on any waters of this state carrying passengers or cargo beyond the safe passenger and cargo carrying capacity of the vessel as specified on the capacity plate required by subsection (b).
- (b) Every vessel less than 20 feet on length designed to carry two or more persons and to be propelled by machinery as its principal source of power or designed to be propelled by oars, if manufactured or offered for sale in this state by the manufacturer after November 1, 1972, shall have permanently affixed thereto by the manufacturer a capacity plate as required by this section. Such capacity plate shall bear the following:
  - (l) For all vessels designed for or represented by the manufacturer as being suitable for use with outboard motor:
    - (A) The total weight of persons, motor, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.
    - (B) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.
    - (C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions and that the weight of the outboard motor and associated equipment is considered to be a part of total weight capacity.

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- (D) The maximum horsepower of the motor the vessel is designed or intended to accommodate.
- (2) For all other vessels to which this section applies:
  - (A) The total weight of persons, gear and other articles placed aboard which the vessel is capable of carrying with safety under normal conditions.
  - (B) The recommended number of persons commensurate with the weight capacity of the vessel and the presumed weight in pounds of each such person. In no instance shall such presumed weight per person be less than 150 pounds.
  - (C) Clear notice that the information appearing on the capacity plate is applicable under normal conditions.

The secretary is authorized to adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations to carry out the provisions of this section. The failure to affix a proper capacity plate shall constitute a separate violation for each vessel with respect to which such failure occurs.

**32-1127** – Application of stability test criteria, when.

- (a) No person shall operate, nor shall the owner permit the operation of, any vessel on the waters of this state carrying more than 20 passengers unless such vessel satisfies the United States coast guard stability test criteria for small passenger vessels in 46 C.F.R. 179.
- (b) The owner of any vessel operating on the waters of this state and carrying more than 20 passengers shall request the United States coast guard to conduct or to supervise the conducting of a stability test in accordance with 46 C.F.R. 179 and shall obtain and prominently display on such vessel an inspection certificate issued by the United States coast guard therefor,

except that the requirements of this subsection shall be deemed to be satisfied if the United States coast guard refuses or is unable to conduct or to supervise the stability test and issue such certificate and a copy of the letter or other written notification of such refusal or inability is displayed prominently on such vessel.

**32-1128** – Water skis and surfboards; requirements.

- (a) No person shall operate a vessel on any waters of this state towing a person or persons on water skis, a surfboard, or similar device, nor shall any person engage in water skiing, surfboarding, or similar activity at any time between the hours from one-half hour after sunset to one-half hour before sunrise.
- (b) The provisions of subsection (a) of this section do not apply to a performer engaged in a professional exhibition or a person or persons engaged in an activity authorized under K.S.A. 32-1149, and amendments thereto.
- (c) No person shall operate or manipulate any vessel, tow rope or other device by which the direction or location of water skis, a surfboard, or similar device may be affected or controlled in such a way as to cause the water skis, surfboard, or similar device, or any person thereon to collide with or strike against any object or person.
- (d) No person shall operate a motorboat on any waters of this state for towing a person or persons on water skis, a surfboard, or similar device, unless the boat is equipped with a wide angle rear view mirror properly placed to provide a maximum vision of the person or persons being towed, or there is an observer in the boat in addition to the operator. The observer must be a responsible person of at least 12 years of age.

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(e) The operator or observer shall observe the person or persons being towed and shall display a flag immediately after the towed person or persons enter into the water and during the time preparatory to towing or retrieving while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring not less than 12 inches per side, mounted on a handle and displayed as to be visible from all directions. It shall be unlawful to display such flag except under the conditions listed in this subsection.

## **32-1129** – Lifesaving devices.

- (a) The operator of every vessel shall require every person 12 years of age or under to wear a United States Coast Guard approved type I, type II or type III personal floatation device while aboard or being towed by such vessel. A life belt or ring shall not satisfy the requirement of this section.
- (b) Violation of subsection (a) shall constitute a class C misdemeanor.

## **32-1130** – Operating a vessel under the influence of alcohol or drugs; definitions. As used in K.S.A. 32-1131 through 32-1136:

- (a) “Alcohol concentration” means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath.
- (b) “Other competent evidence” includes:
- (1) Alcohol concentration tests obtained from samples taken two hours or more after the operation or attempted operation of a vessel; and
  - (2) readings obtained from a partial alcohol concentration test on a breath testing machine.
- (c) “Samples” includes breath supplies directly for testing, which breath is not preserved.
- (d) “Vessel” and “operate” have the meanings provided by K.S.A. 32-1102 and amendments thereto.

## **32-1131** – Same; crime.

- (a) No person shall operate or attempt to operate any vessel within the state while:
- (1) The alcohol concentration in the person’s blood or breath, at the time or within two hours after the person operated or attempted to operate the vessel, is .08 or more;
  - (2) the alcohol concentration in the person’s blood or breath, at the time or within two hours after the person operated or attempted to operate the vessel is .02 or more and the person is less than 21 years of age;
  - (3) under the influence of alcohol;
  - (4) under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely operating a vessel; or
  - (5) under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely operating a vessel.
- (b) No person shall operate or attempt to operate any vessel within this state if the person is a habitual user of any narcotic, hypnotic, somnifacient or stimulating drug.
- (c) If a person is charged with a violation of this section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- (d) No person shall operate or attempt to operate any vessel within this state for three months after the date of refusal of submitting to a test if such person refuses to submit to a test pursuant to K.S.A. 32-1132, and amendments thereto.
- (e) Except as provided by subsection (f), violation of this section is a misdemeanor punishable;
- (1) On the first conviction, by imprisonment of not more than one year or a fine of not less than \$100 nor more than \$500, or both; and

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- (2) on the second or subsequent conviction, by imprisonment for not less than 90 days nor more than one year and, in the court's discretion, a fine of not less than \$100 nor more than \$500.
- (f) Subsection (e) shall not apply to or affect a person less than 21 years of age who submits to a breath or blood alcohol test requested pursuant to K.S.A. 32-1132 and amendments thereto and produces a test result of an alcohol concentration of .02 or greater but less than .08. Such person's boating privileges upon the first occurrence shall be suspended for 30 days and upon a second or subsequent occurrence shall be suspended for 90 days.
- (g) In addition to any other penalties prescribed by law or rule and regulation, any person convicted of a violation of this section shall be required to satisfactorily complete a boater safety education course of instruction approved by the secretary before such person subsequently operates or attempts to operate any vessel.
- 32-1132** – Tests for alcohol or drugs; procedures.
- (a) Any person who operates or attempts to operate a vessel within this state is deemed to have given consent, subject to the provisions of this act, to submit to one or more tests of the person's blood, breath, urine or other bodily substance to determine the presence of alcohol or drugs. The testing deemed consented to herein shall include all quantitative and qualitative tests for alcohol and drugs. A person who is dead or unconscious shall be deemed not to have withdrawn the person's consent to such test or tests, which shall be administered in the manner provided by this section.
- (b) A law enforcement officer shall request a person to submit to a test or tests deemed consented to under subsection (a) if the officer has reasonable grounds to believe the person was operating or attempting to operate a vessel while under the influence of alcohol or drugs, or both, and one of the following conditions exists: (1) The person has been arrested or otherwise taken into custody for any offense involving operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both, in violation of a state statute or a city ordinance; or (2) the person has been involved in a vessel accident or collision resulting in property damage, personal injury or death. The law enforcement officer directing administration of the test or tests may act on personal knowledge or on the basis of the collective information available to law enforcement officers involved in the accident investigation or arrest.
- (c) If a law enforcement officer requests a person to submit to a test of blood under this section, the withdrawal of blood at the direction of the officer may be performed only by:
- (1) A person licensed to practice medicine and surgery or a person acting under the supervision of any such licensed person;
  - (2) a registered nurse or a licensed practical nurse; or
  - (3) any qualified medical technician. When presented with a written statement by a law enforcement officer directing blood to be withdrawn from a person who has tentatively agreed to allow the withdrawal of blood under this section, the person authorized herein to withdraw blood and the medical care facility where blood is withdrawn may reply on such a statement as evidence that the person has consented to the medical procedure used and shall not require the person to sign any additional consent or waiver form.

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In such a case, the person authorized to withdraw blood and the medical care facility shall not be liable in any action alleging lack of consent or lack of informed consent. No person authorized by this subsection to withdraw blood, nor any person assisting in the performance of a blood test nor any medical care facility where blood is withdrawn or tested that has been directed by any law enforcement officer to withdraw or test blood, shall be liable in any civil or criminal action when the act is performed in a reasonable manner according to generally accepted medical practices in the community where performed.

- (d) If there are reasonable grounds to believe that there is impairment by a drug which is not subject to detection by the blood or breath test used, a urine test may be required. If a law enforcement officer requests a person to submit to a test of urine under this section, the collection of the urine sample shall be supervised by persons of the same sex as the person being tested and shall be conducted out of the view of any person other than the persons supervising the collection of the sample and the person being tested, unless the right to privacy is waived by the person being tested. The results of qualitative testing for drug presence shall be admissible in evidence and questions of accuracy or reliability shall go to the weight rather than the admissibility of the evidence.
- (e) No law enforcement officer who is acting in accordance with this section shall be liable in any civil or criminal proceedings involving the action.
- (f)(1) Before a test or tests are administered under this section, the person shall be given oral and written notice that:
  - (A) There is no right to consult with an attorney regarding whether to submit to testing;
  - (B) refusal to submit to testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both;
  - (C) the results of the testing may be used against the person at any trial on a charge arising out of the operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both; and
  - (D) after the completion of the testing, the person has the right to consult with an attorney and may secure additional testing, which, if desired, should be done as soon as possible and is customarily available from medical care facilities and physicians. After giving the foregoing information, a law enforcement officer shall request the person to submit to testing. The selection of the test or tests shall be made by the officer. If the person refuses to submit to and complete a test as requested pursuant to this section, additional testing shall not be given. The person's refusal shall be admissible in evidence against the person at any trial on a charge arising out of the alleged operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both.
- (2) Failure of a person to provide an adequate breath sample or samples as directed shall constitute a refusal unless the person shows that the failure was due to physical inability caused by a medical condition unrelated to any ingested alcohol or drugs.
- (3) It shall not be a defense that the person did not understand the written or oral notice required by this section.
- (g) Nothing in this section shall be construed to limit the admissibility at any trial of alcohol or drug concentration

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testing results obtained pursuant to a search warrant.

- (h) Upon the request of any person submitting to testing under this section, a report of the results of the testing shall be made available to such person.
- (i) In addition to any other penalties prescribed by law or rule and regulation, any person refusing to take a test or tests when requested to do so by a law enforcement officer pursuant to this section shall be required to satisfactorily complete a boater education course of instruction approved by the secretary before such person subsequently operates or attempts to operate any vessel.

**32-1133** – Same additional test by own physician. With limiting or affecting the provisions of K.S.A. 32-1132, the person tested shall have a reasonable opportunity to have an additional test by a physician of the person's own choosing. In case the officer refuses to permit such additional testing, the testing administered pursuant to K.S.A. 32-1132 shall not be competent in evidence.

**32-1134** – Same; use as evidence. In any criminal prosecution for violation of the laws of this state relating to operating or attempting to operate a vessel while under the influence of alcohol or drugs, or both, or the commission of manslaughter while under the influence of alcohol or drugs, or both, or in any prosecution for a violation of a city ordinance relating to the operation or attempted operation of a vessel while under the influence of alcohol or drugs, or both, evidence of the concentration of alcohol or drugs in the defendant's blood, urine, breath or other bodily substance may be admitted and shall give rise to the following:

- (a) If the alcohol concentration is less than .08, that fact may be considered with other competent evidence to determine if the defendant was under the influence of alcohol, or both alcohol and drugs.

- (b) If the alcohol concentration is .08 or more, it shall be prima facie evidence that the defendant was under the influence of alcohol to a degree that renders the person incapable of safely operating a vessel.

- (c) If there was present in the defendant's bodily substance any narcotic, hypnotic, somnifacient, stimulating or other drug which has the capacity to render the defendant incapable of safely operating a vessel, that fact may be considered to determine if the defendant was under the influence of drugs, or both alcohol and drugs, to a degree that renders the defendant incapable of safely operating a vessel.

**32-1135** – Same; submission of other evidence.

- (a) The provisions of K.S.A. 32-1134 shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of alcohol or drugs, or both.

- (b) Nothing in this act shall require any samples of blood, breath or urine to be preserved for or furnished to the person for independent testing.

**32-1136** – Immunity from liability for damage to vessel. A law enforcement officer, and the state or any political subdivision of the state that employs a law enforcement officer, arresting or taking custody of a person for any offense involving the operation of or attempt to operate a vessel while under the influence of alcohol or drugs, or both, shall have immunity from any civil or criminal liability for the care and custody of the vessel that was being operated by or was in the physical control of the person arrested or in custody if the law enforcement officer acts in good faith and exercises due care.

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**32-1137** – Severability. If any clause, paragraph, subsection or section of this act is held invalid, it shall be conclusively presumed that the legislature would have enacted the remainder of this act without such invalid clause, paragraph, subsection or section.

**32-1138** – Same; preliminary screening test. A law enforcement officer may request a person who is operating or attempting to operate a vessel within this state to submit to a preliminary screening test of the person's breath to determine the alcohol concentration of the person's breath if the officer has reasonable grounds to believe that the person:

- (a) Has alcohol in the person's body;
- (b) has committed a boating law violation; or
- (c) has been involved in a vessel accident or collision. At the time the test is requested, the person shall be given oral notice that:

- (1) There is no right to consult with an attorney regarding whether to submit to testing;
- (2) refusal to submit to testing shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test; and (3) further testing may be required after the preliminary screening test. Failure to provide the notice shall not be an issue or defense in any action. The law enforcement officer then shall request the person to submit to the test. Refusal to take and complete the test as requested shall subject the person to the same fine as prescribed by K.S.A. 8-2118 and amendments thereto for refusal to submit to a preliminary breath test. If the person submits to the test, the results shall be used for the purpose of assisting law enforcement officers in determining whether an arrest should be made and whether to

request the tests authorized by K.S.A. 32-1132 and amendments thereto. A law enforcement officer may arrest a person based in whole or in part upon the results of a preliminary screening test. Such results shall not be admissible in any civil or criminal action except to aid the court or hearing officer in determining a challenge to the validity of the arrest or the validity of the request to submit to a test pursuant to K.S.A. 32-1132 and amendments thereto. Following the preliminary screening test, additional tests may be requested pursuant to K.S.A. 1132 and amendments thereto.

**32-1139** – Boater safety education; certification of completion requirements for certain operators.

(a) On and after January 1, 2001:

- (1) No person born on or after January 1, 1989, shall operate on public waters of this state any motorboat or sailboat unless the person possesses a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person as provided by this act.
- (2) No owner or person in possession of any motorboat or sailboat shall permit another person, who is subject to the requirements in subsection (a)(1), to operate such motorboat or sailboat unless such other person either: (A) Has been lawfully issued a certificate of completion of an approved boater safety education course of instruction as provided by this act; or (B) is legally exempt from the requirements of subsection (a)(1).
- (3) The requirement in subsection (a)(1), shall not apply to a person 21 years of age or older.

(b) The requirement in subsection (a)(1) shall not apply to a person operating a motorboat or sailboat accompanied by

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and under the direct and audible supervision of a person over 17 years of age who either: (1) Possesses a certificate of completion of an approved boater safety education course, or (2) is legally exempt from the requirements of subsection (a)(1).

- (c) No person who is charged with a violation of subsection (a)(1) shall be convicted of the violation if such person produces in court or in the office of the arresting officer a certificate of completion of an approved boater safety education course of instruction lawfully issued to such person and valid at the time of such person's arrest.

**32-1140** – Same; approval, and coordination development by secretary; fee.

- (a) The secretary shall prescribe an approved boater safety education course of instruction of not less than a total of eight hours concerning the safe operation of motorboats and sailboats. Such course of instruction must be recognized by the United States coast guard in order to gain approval of the secretary.
- (b) The secretary shall institute and coordinate an approved boater safety education course of instruction through the use of department personnel, as well as through cooperations with local subdivisions of government, federal governmental entities, reputable individuals or reputable organizations having boater safety education as an objective, as the secretary deems necessary and appropriate.
- (c) At the secretary's discretion, the requirement that a person complete an approved boater safety education course of instruction may be fulfilled through completion of correspondence course materials, including satisfactory completion of a written examination, recognized by the United States coast guard and approved by the secretary. Each person requesting a certificate based on com-

pletion of such correspondence course shall attest, to the satisfaction of the secretary, that the substance of the answers on the written examination were provided by that person without assistance. Persons requiring assistance to read examination questions or to mark examination answers may receive such assistance if they receive no assistance in the determination of the substance of the answers.

- (d) The secretary may require, pursuant to K.S.A. 32-988 and amendments thereto, a fee to cover costs of services, material and supplies from any person enrolling in an approved boater safety education course of instruction. .

**32-1141** – Same; certification of completion; issuance; revocation; reciprocity.

- (a) On and after January 1, 2001, the secretary may issue a certificate of completion of an approved boater safety education course of instruction to any person for course work completed prior to January 1, 2001, upon:
- (1) Submission to the secretary of evidence of successful completion of a boater safety education course of instruction as formerly approved by the secretary prior to January 1, 2001, and such other information as requested by the secretary; and
- (2) payment of the fee prescribed pursuant to K.S.A. 32-988 and amendments thereto.
- (b) The secretary shall designate those persons who are authorized to issue a certificate to persons who successfully complete, on and after January 1, 2001, an approved boater safety education course of instruction and the authorization shall continue until revoked by the secretary. Certificates issued by authorized designees shall remain valid until revoked. In addition to any other penalties prescribed by statute or rules and regulations, the

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secretary, in the secretary's discretion, may revoke the certificate of any person convicted of a violation of any provision in article 11 of chapter 32 of the Kansas Statutes Annotated. Upon revocation of a person's certificate, the person shall be required thereafter to satisfactorily complete an approved boater safety education course of instruction before operating any motorboat or sailboat in this state.

- (c) The secretary, in the secretary's discretion, may accept as complying with the requirements of this act any similar certificate issued outside the state of Kansas by a governmental agency, or by a public or private association or club, in compliance with an approved governmental program having boater safety education as one of the program's objectives and recognized by the United States coast guard.

**32-1142** – Same; liability insurance for persons conducting course. The committee on surety bonds and insurance, within the limitations of appropriations made therefor, shall purchase such liability insurance as the committee deems necessary for the protection of persons engaged in conducting an approved boater safety education course of instruction against any liability for injuries or damages arising from the conducting of such course by such persons.

**32-1143** – Sections part of Article 11. Sections 2 through 6 shall be part of and supplemental to article 11 of chapter 32 of the Kansas Statutes Annotated.

**32-1148** – Boat livery; duties.

- (a) The owner of a boat livery shall cause to be kept a record of the name and address of the person or persons hiring any vessel which is designed or permitted by him or her to be operated as a motorboat; the identification number thereof; and the departure date

and time, and the expected time or return. The record shall be preserved for at least six months.

- (b) Neither the owner of a boat livery, nor his or her agent or employee shall permit any motorboat or any vessel designed or permitted by him or her to be operated as a motorboat to depart from his or her premises unless it shall have been provided, either by owner or renter, with the equipment required pursuant to K.S.A. 1989 Supp. 32-1119 and amendments thereto and any rules and regulations adopted pursuant thereto.

**32-1149** – Regattas and other water events.

- (a) The secretary may authorize the holding of regattas, motorboat or other boat races, marine parades, tournaments or exhibitions on any waters of this state. The secretary shall adopt, in accordance with K.S.A. 1989 Supp. 32-805 and amendments thereto, rules and regulations necessary to implement this section, including but not limited to:
- (1) Provisions addressing the safety of all vessels, participants and the public;
  - (2) permit requirements and permit application procedures, including the providing of such information as the secretary requires; and
  - (3) establishment of conditions under which the event shall be conducted. The application for a permit to hold such regatta, motorboat or other boat race, marine parade, tournament or exhibition shall be accompanied by the water event permit fee prescribed pursuant to K.S.A. 1989 Supp. 32-1172. The secretary, upon receipt of a proper application and the prescribed permit fee may issue a permit if it is determined that the event is in the public interest, the area requested for holding the event has sufficient accommodations and facilities for the event and the event is compatible

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with other uses of the area requested for the event. No such event shall be conducted without the prior authorization of the secretary in writing.

- (b) The provisions of this section shall not exempt any person from compliance with applicable federal law or regulation.

**32-1150** – Scuba diving; rules and regulations. It shall be unlawful for any person to scuba dive in the streams or impounded waters of this state unless and except in compliance with rules and regulations of the secretary. The term scuba diving shall include any person diving or submerging in a body of water with the aid of any mechanical diving or breathing device or suit.

**32-1151** – Same; buoy required. Any person scuba diving in a body of water in which motorboats are operated shall place a buoy in the water at or near the point of submergence. The buoy shall bear a red flag at least twenty-one (21) inches square with a red background and white diagonal stripe that is one-fifth (1/5) the width of the flag. The white stripe must run from the top of the hoist to the bottom of the flag. It is unlawful to display this flag when diving or spear fishing is not in progress.

**32-1152** – Sanitation; toilet facilities. At such time as adequate on-shore facilities for receiving and treating marine sewage are available, as determined by the secretary of health and environment, no person shall operate, launch, moor, dock or use any vessel on the waters of the state, except as hereinafter provided, when said vessel has located on or in the vessel a marine toilet designed to or intended to discharge marine sewage to other than an on-shore receiving and treating facility operating under a valid permit as issued under the provisions of K.S.A. 65-165.

**32-1153** – Same; sewage disposal. It shall be unlawful to place, leave, discharge or

cause to be left, placed or discharged into or near the waters of this state any receptacle containing sewage, whether by the owner, operator or guest of a vessel.

**32-1154** – Same; rules and regulations. The secretary of health and environment shall adopt such rules and regulations as are necessary to properly administer and enforce the provisions of K.S.A. 32-1152 and 32-1154, inclusive. The secretary in adopting rules and regulations shall provide that any vessel having lawful registration from other than the state of Kansas and having marine toilets designed or intended to discharge marine sewage to the waters of the state, may be operated, launched, moored, docked or used on the waters of the state, if such vessel is in compliance with all applicable state and federal marine toilet requirements applicable and associated with the vessel registration. All vessels located on waters of this state may be inspected at any time for the purpose of determining if such vessel is in compliance with this act, and the secretary or the designees of the secretary shall have all powers necessary to properly enforce such rules and regulations.

**32-1155** – Applications for license of vessels to indicate presence of marine toilets. All applications for license or renewal application shall identify the presence of marine toilets constructed as required, and the department shall identify the presence of such toilets upon the certificate of number when issued to an applicant.

**32-1156** – Abandonment of a vessel; removal from public waterway, when.

- (a) No person shall abandon a vessel upon a public waterway or upon public or private property without the consent of the owner or person in lawful possession or control of the property.
- (b) The abandonment of any vessel in a manner prohibited by subsection (a) is

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prima facie evidence that the last registered owner of record is responsible for the abandonment, unless such owner has notified the department or other appropriate law enforcement agency of such owner's relinquishment of title or registration or interest therein. The person so responsible shall be required to pay the cost of removal and disposition of the vessel.

- (c) A law enforcement officer of this state may remove a vessel from a public waterway when:
  - (1) The vessel is left unattended and is adrift, moored, docked, beached or made fast to land in such a position as to interfere with navigation or in such a condition as to create a hazard to other vessels using the waterway, to public safety or to the property of another
  - (2) The vessel is found upon a waterway and a report has previously been made that the vessel has been stolen or embezzled.
  - (3) The person in charge of the vessel is by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal.
  - (4) A law enforcement officer arresting a person operating or in control of the vessel for an alleged offense, and the officer is required or permitted to take, and does take, the person arrested into custody without unnecessary delay.
  - (5) The vessel seriously interferes with navigation or otherwise poses a critical and immediate danger to navigation or to the public health, safety or welfare.

**32-1157** – Same; notification of parties having interests in vessel; failure to reclaim; use, sale or destruction by law enforcement agency.

- (a) A law enforcement officer may attempt

to identify the registered owner of a vessel abandoned on private property by inspection of the vessel and any trailer to which it is attached and may supply the information to the real property owner upon which vessel is presumed abandoned. The real property owner must declare by affidavit the reasons why such real property owner believes the property to be abandoned. The real property owner must give 5-days' notice to the last registered vessel owner before causing the removal of the vessel. If the last registered owner is unknown or cannot be notified, the vessel may immediately be removed to a secure location designated by a law enforcement officer.

- (b) A law enforcement officer, within 48 hours after directing the removal of an abandoned vessel on a public waterway or public or private property, shall notify the department of the status of the vessel.
- (c) A law enforcement officer who has custody of an abandoned vessel, if the law enforcement agency knows or can reasonably discover the name and address of the owner of the vessel or any person who holds a security interest in the vessel, shall notify the owner or the holder of the security interest of the location of the vessel and the method by which the vessel may be claimed. This notice must be sent by certified or registered mail.
- (d) If the abandoned vessel is held by a law enforcement agency as evidence in the investigation or prosecution of a criminal offense, the notice required by subsection (c) shall be sent:
  - (1) Upon the decision of the law enforcement agency or prosecuting attorney not to pursue or prosecute the case;
  - (2) upon the conviction of the person who committed the offense; or
  - (3) if the case is otherwise terminated.

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- (e) Failure to reclaim the vessel within 180 days after the date the notice is mailed constitutes a waiver of interest in the vessel by any person having an interest in the vessel and the vessel shall be deemed abandoned for all purposes.
- (f) If all recorded interests in a vessel are waived, as provided in subsection (e) or by written disclaimer, the department may issue a certificate of ownership to the law enforcement agency that has custody of the vessel. If necessary, the secretary may assign a hull number to the vessel. This subsection shall not preclude the subsequent return of a vessel, or any component part thereof, by a law enforcement agency to the registered owner of the vessel upon presentation by the registered owner of satisfactory proof of ownership.
- (g) A law enforcement agency to which a certificate of ownership is issued pursuant to subsection (f) may use, sell or destroy the vessel and shall keep a record of the disposition of the vessel. If the law enforcement agency:
  - (1) Sells the vessel, all proceeds from the sale of the vessel shall become the property of the law enforcement agency.
  - (2) Destroys the vessel, the law enforcement agency shall, within 10 days, give notice of the destruction of the vessel to the department.
- (b) The written notice provided pursuant to subsection (a) must indicate the reason for the destruction or abandonment of the vessel and the current location and condition of the vessel.
- (c) The registered owner shall surrender to the secretary the certificate of number and the certificate of ownership issued for the motorboat, if in existence, at the time the owner provides the written notice to the secretary pursuant to subsection (a).
- (d) Once a vessel has been destroyed or abandoned, the secretary shall print the word "salvage" on each subsequent certificate of number which it issues for that vessel.

## **32-1159** – Preservation of evidence of criminal offenses; liability for storage fees.

- (a) If a law enforcement officer has probable cause to believe that a vessel or its contents contain evidence tending to show that a criminal offense has been committed or that a particular person has committed an offense, the officer may take whatever steps are reasonable to ensure the preservation of the evidence, including safe storage of the vessel or its contents.
- (b) If a criminal conviction is obtained as a result of an action taken pursuant to subsection (a), the person convicted shall pay any storage fees incurred pursuant to that subsection. If a conviction is not obtained, the law enforcement agency that seized the vessel pursuant to subsection (a) shall pay any storage fees incurred.

History: L. 2006, ch. 85, sec. 14; Jan. 1, 2007.

## **32-1158** – Notice of destruction or abandonment of vessel by owner; surrender of certificates of number and ownership.

- (a) The registered owner of a destroyed or abandoned vessel that is numbered pursuant to chapter 32 of the Kansas Statutes Annotated, and amendments thereto, shall provide the notice required by K.S.A. 32-1111, and amendments thereto, to the secretary in writing. The written notice must be signed by the registered owner and notarized.

**32-1166** – Vessels exempt from provisions of act. The provisions of K.S.A. 32-1110, 32-1111, 32-1119 and 32-1125 shall not apply to vessels used solely on lakes, ponds or streams privately owned or leased and not open to the general public.

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**32-1172** – Fees. The secretary is authorized to adopt, in accordance with K.S.A. 32-805 and amendments thereto, rules and regulations fixing the amount of fees for the following items, subject to the following limitations and subject to the requirement that no such rules and regulations shall be adopted as temporary rules and regulations:

Dealer certificate of number: maximum \$50

Additional dealer certificates: maximum \$10

Dealer license: maximum \$50

Duplicate registrations, certificates or permits: maximum \$10

Vessel registrations: maximum \$30

Water event permits: maximum \$50

Special departmental services, materials or supplies: no maximum

**32-1173** – Same; disposition. All moneys received pursuant to K.S.A. 32-1101 through 32-1104, 32-1110 through 32-1113, 32-1119, 32-1125 through 32-1128, 32-1130 through 32-1137, 32-1148 through 32-1155, 32-1166, 32-1172, 32-1173, 32-1177 through 32-1180 and sections 9 and 10, and amendments thereto, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and 74-7336, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount as prescribed by K.S.A. 74-7336, and amendments thereto, in the state treasury to the credit of the boating fee fund, which is hereby created, to be dedicated and used to administer and enforce the provisions of K.S.A. 32-1101 through 32-1104, 32-1110 through 32-1113, 32-1119, 32-1125 through 32-1128, 32-1130 through 32-1137, 32-1148 through 32-1155, 32-1166, 32-1172, 32-1173, 32-1177 through 32-1180, and sections 7 through 14, and amendments thereto. When sufficient moneys are available from the fees so collected, the secretary may use the same to construct or repair boating facilities, ramps and docks at public waters within this state.

**32-1174** – Boating fee fund; use of federal moneys. All federal moneys received pursuant to federal assistance, federal-aid funds or federal-aid grant reimbursements related to boating or boating programs under the control, authorities and duties of the department of wildlife and parks shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of the remittance, the state treasurer shall deposit the entire amount in the state treasury and credit it to the boating fund-federal, which is hereby created, to be dedicated and used for the purposes authorized in K.S.A. 32-1173, and amendments thereto.

**32-1177** – Accident Reports. It shall be the duty of the operator of a vessel involved in a collision, accident or other casualty, so far as the operator can do so without serious danger to the operator's own vessel, crew, and passengers (if any) to render to other persons affected by the collision, accident or other casualty such assistance as practicable and as necessary in order to save them from or minimize any danger caused by the collision, accident or other casualty, and also to give the operator's name, address and identification of the operator's vessel, in writing, to any person injured and to the owner of any property damaged in the collision, accident or other casualty.

(b) In the case of collision, accident or other casualty involving a vessel, the operator thereof, if the collision, accident or other casualty results in death or injury to a person or damage to property in excess of the amount established by rules and regulations of the secretary shall file with the department a full description of the collision, accident or other casualty, including such additional information as required by rules and regulations adopted by the secretary pursuant to K.S.A. 1992 Supp. 32-805 and amendments thereto.

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**32-1178** – Same; transmittal to federal agency. 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 department pursuant to subsection (b) of K.S.A. 1989 Supp. 32-1177 and amendments thereto shall be transmitted to such official or agency of the United States.

**32-1179** – Peace officer's powers. Every peace officer of this state and its subdivisions or caretakers at federally impounded waters shall have the authority to enforce the provisions of this act and in the exercise thereof shall have the authority to stop and board any vessel subject to this act.

**32-1180** – Penalties for violations. Unless otherwise provided by statute or rules and regulations of the secretary, violation of K.S.A. 1989 Supp. 32-1101 through 32-1104, 32-1110 through 32-1113, 32-1119, 32-1125 through 32-1128, 32-1130 through 32-1137, 32-1148 through 32-1155, 32-1166, 32-1172, 32-1173, 32-1177 through 32-1180, and sections 7 through 11, and amendments thereto, or rules and regulations adopted there under is a class C misdemeanor. Crime victims compensation fund; crime victims assistance fund; county money to aid witnesses and victims of crime.

- (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit 11.99% to the crime victims compensation fund, 2.45% to the crime victims assistance fund, 2.01% to the community alcoholism and intoxication programs fund, 2.01% to the department of corrections alcohol and drug abuse treatment fund and 0.17% to the boating fee fund. The remainder of the remittances shall be credited to the state general fund.
- (b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created

for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.

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## **115-1-1** – Definitions.

- (a) Except as specified in subsection
- (b) the following definitions shall apply to all of department's regulations.
  - (13) "Department lands and waters" means state parks, state lakes, recreational grounds, wildlife areas, sanctuaries, fish hatcheries, natural areas, historic sites, and other lands, waters, and facilities under the jurisdiction and control of the secretary through ownership, lease, license, cooperative agreement, memorandum of understanding, or other arrangement.
  - (37) "Moorage site" means a location designated for the fastening or securing of a vessel.
  - (55) "Skin and scuba diving" means swimming or diving while equipped with a face mask or goggles, allowing underwater vision and possibly involving an underwater breathing apparatus.
  - (66) "Wake" means the waves thrown by a vessel moving on water.

## **115-30-1.** Display of identification number and decal.

- (a) All vessels required to be numbered pursuant to K.S.A. 31-1110 and amendments thereto, except sailboards, shall display the identification number stated on the certificate of number issued by the department to the vessel owner and the decals supplied by the department to the vessel owner as follows:
  - (1) Each number consisting of a combination of capital letters and arabic numbers shall read from left to right and shall be painted or permanently attached on the top forward half of the vessel.
  - (2) Each character of the number shall be in block form and easily read.
  - (3) Each character of the number shall be of the same height and shall not be less than three inches in height.
  - (4) The number shall be of a color that contrasts with the color of the vessel.

- (5) A hyphen or equivalent space that is equal to the width of a letter other than "l" or a number other than "1" shall separate arabic numbers from capital letters occurring in the number.
- (6) Department-issued validation decals shall be placed in line and within three inches of the registration number on both sides of the hull of the vessel.
- (b) A sailboard shall display only the decals supplied by the department with the certificate of number issued to the sailboard owner. The decals shall be attached to the front half of the top of the sailboard.

## **115-30-2** – Certificate-of-number and registration; application, temporary permits and expiration date.

- (a) Applications for a certificate-of-number and registration shall be available at designated department offices.
- (b) Vendor agents shall be authorized to issue temporary and permanent certificates-of-number and registrations.
- (c) Issue of a temporary registration shall be authorized when application for and issuance of a permanent certificate-of-number and registration is pending.
- (d) The certificate-of-number and registration decals shall be valid for a period of time ending three years from the date of issue.
- (e) An address change addendum issued by the department pursuant to K.S.A. 1989 Supp. 32-1111 to a certificate-of-number holder shall be a part of the certificate-of-number and shall be retained by the holder with the certificate-of-number.
- (f) This regulation shall be effective January 1, 1991.

## **115-30-3** – Personal flotation devices; requirements.

- (a) "PFD" means any type I, II, III, IV or V personal flotation device approved by the United States coast guard for use on recreational vessels.

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- (b) Each vessel shall have at least one type I, II, or III PFD on board for each individual in the vessel and at least one type I, II, or III PFD on board for each individual being towed.
  - (c) To meet the “serviceable condition” requirement of K.S.A. 32-1119, each required PFD shall meet the requirements defined by 33 C.F.R. 175.23, as in effect on April 29, 1996, and shall be of the appropriate size and type for the individual to whom it is assigned.
  - (d) In addition to the provisions of subsection (b), each vessel 16 feet or greater in length, except canoes and kayaks, shall have at least one type IV PFD on board.
  - (e) A type V personal flotation device may be used to satisfy requirements of subsections (b) or (d) if these conditions are met:
    - (1) the device is United States coast guard approved;
    - (2) the device is labeled for the activity for which the recreational vessel is being used;
    - (3) the device is used in accordance with requirements on the label; and
    - (4) the device is used in accordance with the requirements in its owner’s manual if the label refers to the manual.
  - (f) To meet the Areadily accessible@ requirement of K.S.A. 32-1119, each required PFD shall be in open view and shall not be stowed in locked or closed compartments or be inside plastic or other packaging material.
    - (B) closed compartments under thwarts and seats where portable fuel tanks may be stored;
    - (C) double bottom construction not sealed to the hull or not completely filled with flotation materials;
    - (D) closed compartments in which combustible or flammable materials are stored; or
    - (E) permanently installed fuel tanks. Fuel tanks that cannot be moved in case of fire or other emergency or if the weight of the fuel tank precludes movement of the tank by an individual on board shall be considered permanently installed.
- (2) The provisions of subsection (1) shall not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.
- (3) Class 1: at least one type B, size I fire extinguisher shall be carried, except the provisions of this subsection not apply if the motorboat has a United States coast guard approved built-in or affixed fire extinguisher in the motor area.
- (4) Class 2: at least two type B, size I fire extinguishers or one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least one type B, size I fire extinguisher.
- (5) Class 3: at least three type B, size I fire extinguishers or one type B, size I fire extinguisher and one type B, size II fire extinguisher shall be carried, except each motorboat that has a United States coast guard approved built-in or affixed fire extinguisher in the motor area shall only be required to carry at least two type B, size I fire extinguishers or one type B, size II fire extinguisher.
- 115-30-4 – Fire extinguishers; requirements.**
- (a) United States coast guard approved hand portable fire extinguishers of type B, size I or type B, size II or both shall be carried on board each motorboat as determined by the following classes:
    - (1) Class A: at least one type B, size I fire extinguisher shall be carried if any one or more of the following conditions exist:
      - (A) an inboard engine;

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(b) Each vessel, including each motorboat having an approved built-in or affixed fire extinguisher in the motor area, that has enclosed living spaces or galleys shall carry at least one United States coast guard approved type B, size I or type B, size II fire extinguisher in the living space or galley.

**115-30-5** – Boating; capacity plate and operation; calculation of person capacity.

- (a) A capacity plate, once installed on a vessel, shall not be removed, defaced, replaced, or altered.
- (b) A vessel shall not be operated with a motor whose horsepower exceeds the maximum horsepower of the motor as specified on the capacity plate or as computed under K.A.R. 115-30-6.
- (c) The person capacity for monohull vessels that are less than 20 feet in length, except sailboats, canoes, kayaks, personal watercraft, and inflatable boats, and that are without a manufacturer's capacity plate shall be calculated using the following formula:
- (1) Multiply the length of the vessel, in feet, by the width of the vessel, in feet; and
  - (2) divide the product calculated in paragraph (c)(1) by 15.

**115-30-6** – Boating; adoption by reference of certain code of federal regulations. The following parts and sections of the federal rules and regulations promulgated by the United States coast guard are hereby incorporated by reference as the rules and regulations of the department.

- (a) "Identification of Boats": 33 C.F.R. section 181 Subpart C, including sections 181.21, 181.23, 181.25, 181.27, and 181.29, each as in effect on August 1, 1984; sections 181.31 and 181.33, both as in effect on July 1, 1988; and section 181.35, as in effect on August 1, 1984;

- (b) "Definitions": 33 C.F.R. section 183.3, except the definitions of "sailboat" and "vessel," as in effect on June 30, 1996.
- (c) "Applicability": 33 C.F.R. section 183.31 as in effect on November 1, 1972;
- (d) "Maximum weight capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.33 as in effect on November 1, 1972;
- (e) "Maximum weight capacity: outboard boats": 33 C.F.R. section 183.35 as in effect on January 13, 1977;
- (f) "Maximum weight capacity: boats rated for manual propulsion and boats rated for motors of two horsepower or less": 33 C.F.R. section 183.37 as in effect on November 1, 1972;
- (g) "Persons capacity: inboard and inboard-outdrive boats": 33 C.F.R. section 183.39 as in effect on April 3, 1985;
- (h) "Persons capacity: outboard boats": 33 C.F.R. section 183.41 as in effect on April 3, 1985;
- (i) "Persons capacity: boats rated for manual propulsion and boats rated for motors of 2 horsepower or less": 33 C.F.R. section 183.43 as in effect on August 1, 1980;
- (j) "Applicability": 33 C.F.R. section 183.51 as in effect on November 1, 1972;
- (k) "Horsepower capacity": 33 C.F.R. section 183.53 as in effect on August 1, 1987;
- (l) "Requirements": 46 C.F.R. section 25.35-1 as in effect on August 28, 1991; and
- (m) "Tanks and engine spaces": 46 C.F.R. section 25.40-1 as in effect on October 18, 1995.

*(You can access the Code of Federal Regulations by going to the following website: [www.uscgboating.org/regulations/fedreg](http://www.uscgboating.org/regulations/fedreg) .)*

**115-30-7** – Boating; steering and sailing requirements.

- (a) Each operator of a vessel shall keep the vessel to the right of the channel if it is safe and practicable to do so.

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- (b) When two vessels are approaching each other head-on or nearly so, each operator shall pass the other on that operator's own left side at a speed and distance so that the wake of each vessel will not endanger the other vessel.
- (c) When one vessel passes another traveling in the same direction, the operator of the passing vessel shall pass when it is safe to do so and at a speed and distance that do not endanger the overtaken vessel. The operator of the overtaken vessel shall maintain its course and speed until the passing vessel has safely passed.
- (d) When two vessels are approaching each other in a crossing situation that involves risk of collision, the operator of the vessel on the right shall maintain that vessel's course and speed. The operator of the vessel on the left shall direct that vessel's course to the right to cross the stern of the other vessel or shall stop and reverse if necessary to avoid collision.
- (e) Each operator of a vessel propelled by machinery shall keep that vessel clear of any vessel under sail or being propelled by oars or paddles and shall maintain a speed and distance so that the wake will not endanger any vessel under sail or being propelled by oars or paddles.
- (f) Each operator of a vessel shall maintain a proper look-out at all times by sight and sound as well as other available means in order to make a full appraisal of the surroundings and avoid the risk of collision.
- (g) Each operator of a vessel shall proceed at a speed that is safe and appropriate under the conditions and with regard to the actual hazards then existing, in order to avoid a collision and stop within any distance necessary to avoid a collision.
- (h) No operator of a vessel shall interfere with the placement or visibility of any navigational aid.
- (i) No operator of a vessel shall moor the vessel to any navigation buoy except a designated mooring buoy.
- 115-30-8** – Boating; accident reports.
- (a) Each accident resulting either in property damage in excess of \$2000 or in the total loss of any vessel shall be reported to the department by the operator of the vessel. This requirement shall include all collision-type accidents involving other vessels, floating objects, and fixed objects.
- (b) Each accident report required under K.S.A. 32-1177 and amendments thereto and each accident specified in subsection (a) shall be filed with the department or a commissioned law enforcement officer by the operator of the vessel immediately after the time of the accident.
- (c) An accident report shall be required in accordance with subsection (b) when a person disappears from a vessel under circumstances that indicate death, injury or other cause for disappearance.
- (d) An accident report shall be required in accordance with subsection (b) when a person dies, or when a person is injured and requires medical treatment beyond first aid.
- (e) Each accident report shall be submitted on forms provided by the department and shall contain the following information:
- (1) The names, addresses, and telephone numbers of the vessel operator and any passengers in the operator's vessel;
  - (2) the names, addresses, and telephone numbers of the vessel operators and any passengers in any other vessels involved;
  - (3) the registration number and a description of the operator's vessel;
  - (4) the registration number and a description of any other vessels involved in the accident;
  - (5) a complete description of the accident, including any injuries or deaths; and

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- (6) other relevant information as required by the secretary.
- (f) Any individual with knowledge of the accident, including a responding or investigating law enforcement officer, may file the required accident report if the operator is unable to file the report due to injury or death.
- (c) Each water event permit application may include multiple events if the events to be covered under the water event permit are all conducted on the same area or body of water.
- (d) Each application for a water event shall be submitted not less than 30 days prior to the proposed event.

## **115-30-9** – Water event permit; application and requirements.

- (a) A water event permit shall be required for any event as described in K.S.A. 1989 Supp. 32-1149. A special event permit issued under K.A.R. 115-8-21 shall satisfy the requirement for a water event permit on department lands and waters if processed in compliance with provisions of subsections (b) and (d) of K.A.R. 115-30-9.
- (b) Any person may apply to the secretary for a water event permit. The application shall be on forms provided by the department and each applicant shall provide the following information:
  - (1) the name of the applicant;
  - (2) the address of the applicant;
  - (3) the location of the event;
  - (4) the date and time of the event;
  - (5) a description of the event;
  - (6) estimated number of boats and individuals participating;
  - (7) a description of safety measures to be utilized for the protection of the public and water event participants including, but not limited to:
    - (A) traffic control;
    - (B) lifeguards;
    - (C) patrol boats equipped with life saving equipment;
    - (D) first aid equipment; and
    - (E) fire extinguishers;
  - (8) written approval for the event from the controlling authority of the water to be used; and
  - (9) other information as required by the secretary.

- (e) A water event permit shall be valid for the period of time as specified in the permit, but shall not extend beyond December 31 of the year in which the water event permit was issued.
- (f) A water event involving 25 or fewer participants shall not require payment of the water event permit fee.
- (g) Each water event shall be conducted in conformance with conditions established by the department in the water event permit.

## **115-30-10** – Personal watercraft; definition, requirements, and restrictions.

- (a) Personal watercraft shall mean any vessel that uses an inboard motor powering a jet pump as the vessel's primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than the conventional manner of sitting, standing, or kneeling inside the vessel.
- (b) Personal watercraft shall be subject to all applicable laws and regulations that govern the operation, equipment, registration, numbering, and all other matters relating to vessels whenever a personal watercraft is operated on the waters of this state, except as follows:
  - (1) A personal watercraft shall not be operated unless each person aboard the personal watercraft is wearing a type I, type II, type III, or type V United States coast guard-approved personal floatation device.
  - (2) Each person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to the

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- operator's person, clothing, or personal flotation device, as appropriate.
- (3) A person shall not operate a personal watercraft between sunset and sunrise.
- (4) Each person shall operate a personal watercraft at no-wake speeds of five miles per hour or less when within 200 feet of the following:
- (A) A dock;
  - (B) a boat ramp;
  - (C) a person swimming;
  - (D) a bridge structure;
  - (E) a moored or anchored vessel;
  - (F) a sewage pump-out facility;
  - (G) a nonmotorized watercraft;
  - (H) a boat storage facility; or
  - (I) a concessionaire's facility.
- (5) A person shall operate a personal watercraft in a reasonable and prudent manner. Maneuvers that endanger life, limb, or property shall be prohibited. This prohibition shall include weaving through congested vessel traffic or jumping the wake produced by another vessel at an unsafe distance.
- (6) A person shall not operate a personal watercraft unless the person is facing forward.
- (7) A person shall not operate or use a personal watercraft to tow a person on waterskis, kneeboards, inflatable crafts, or any other device unless the personal watercraft is designed to accommodate more than one person.
- (8) No person in possession of a personal watercraft shall permit another person to operate the personal watercraft unless that person has met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.
- (c) A boat livery shall not lease, hire, or rent a personal watercraft to, or for the operation by, any person who has not met the boater education requirements as specified in K.S.A. 32-1139 and amendments thereto.
- (d) The provisions of paragraphs (b) (4), (5), (6), and (8) shall not apply to a person participating in a regatta, race, marine parade, tournament, or exhibition that has been authorized or permitted by the department or is otherwise exempt from this authorization or permit requirement.

**115-30-11** – Exemption from numbering. The secretary having determined, pursuant to K.S.A. 32-1113(5), that numbering will not materially aid in identification of certain vessels and that such vessels are exempt from numbering under federal law, numbering shall not be required for any vessel, as defined by K.S.A. 32-1102, and amendments thereto, while actually engaged in water events authorized by K.S.A. 32-1149, and amendments thereto, and by K.A.R. 115-30-9, if that vessel is designed for racing and is operated exclusively in competitive racing, racing demonstrations or special racing exhibitions.

**115-30-12** – Marine sanitation devices; vessel requirements.

- (a) Each person owning, operating, launching, mooring, docking, or using any vessel equipped with a marine sanitation device on the waters of the state shall meet the following requirements:
- (1) Ensure that all valves capable of allowing the discharge of sewage into the water are locked in a closed position by the use of a nonreleasing locking device approved by the department or by removing the handle of the valve after the valve has been placed in the closed position; and
  - (2) make any necessary modifications to securely lock any overboard sewage discharge valve into the closed position or use any other means listed in paragraph (a)(1).

# GENERAL INFORMATION

(b) No person may alter or remove any department-approved locking device once installed by a department employee or authorized agent of the department, unless the person notifies the department in writing before the alteration or removal and includes the following information:

- (1) The vessel's registration number or documentation number;
- (2) the vessel's hull identification number;
- (3) the vessel owner's name and address;
- (4) the purpose for altering or removing the locking device; and
- (5) the name of the individual or business performing the alteration or removal.

**115-8-7** – Boating and general restrictions. All department lands and waters, including all federal reservoirs, shall be open to boating subject to provisions, restrictions, and closures as established by posted notice. The following general restrictions shall apply:

- (a) motorized vessels on state fishing lakes shall be operated for fishing or hunting purposes only unless otherwise authorized by the department;
- (b) motorized vessels on state lakes shall be operated at no wake speeds if required by posted notice;
- (c) vessels shall not be operated within 200 feet of any area posted specifically for swimming and delineated by buoys or other markers;
- (d) vessels shall be operated at no wake speeds within 200 feet of a boat ramp, boat dock, boat storage or concessionaire's facilities;
- (e) vessels may be moored or stored in excess of 24 hours only at sites designated for moorage or storage of vessels; and
- (f) vessels left unattended at other than a designated moorage or storage site or vessels not in conformity with posted notice provisions or restrictions for

moorage or storage sites shall be subject to removal by the department as authorized by law.

**115-8-20** – Construction, littering, and prohibited activities.

(a) The following activities shall be prohibited on department lands and waters except as specified in rules and regulations or as authorized by the department.

- (1) Constructing any structure, building, facility, appurtenance or roadway;
  - (2) dumping, discarding, or depositing trash, litter, or waste material;
  - (3) digging holes or pits; and
  - (4) destroying, defacing, degrading, or removing any of the following:
    - (A) Signs;
    - (B) real or personal property, other than property owned by that person;
    - (C) geological formations;
    - (D) historical sites;
    - (E) archeological relics or ruins; or
    - (F) vegetation, except for the noncommercial gathering of edible wild plants, wild fruits, nuts, or fungi for human consumption.
- (b) Trash, litter, and waste material shall be deposited or discarded only in containers provided for the depositing of trash, litter, and waste material. Each person using lands or waters where these containers are not provided shall remove any trash, litter, and waste material generated as a result of and during the person's use of the area.

# BOATING EDUCATION REQUIREMENTS

A listing of boater safety courses offered by KDWP, U.S. Coast Guard Auxiliary and U.S. Power Squadrons is maintained on the KDWP web site at: [www.kdwp.state.ks.us](http://www.kdwp.state.ks.us) . Home study and internet courses are available year round, and classroom based courses are usually taught from January thru June.

## HOME STUDY COURSE

Contact [Erika.Brooks@ksoutdoors.com](mailto:Erika.Brooks@ksoutdoors.com) or

(620) 672-5911 ext 170

to have a home study textbook mailed to you. There is no fee.

## INTERNET COURSE

[www.boat-ed.com/ks](http://www.boat-ed.com/ks)

[www.boaterexam.com](http://www.boaterexam.com)

Fees apply for both of these courses.

Check with each company for their cost and turnaround time for certification.

## CLASSROOM INSTRUCTION

Volunteer instructors and KDWP staff organize classes in their communities.

Class locations can be found on the KDWP website.

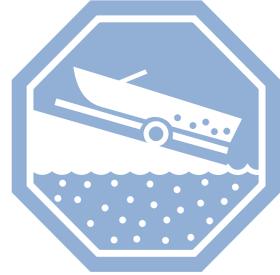
For more information contact [Erika.Brooks@ksoutdoors.com](mailto:Erika.Brooks@ksoutdoors.com) or

(620) 672-5911 ext 170. Some classroom courses may have a fee.



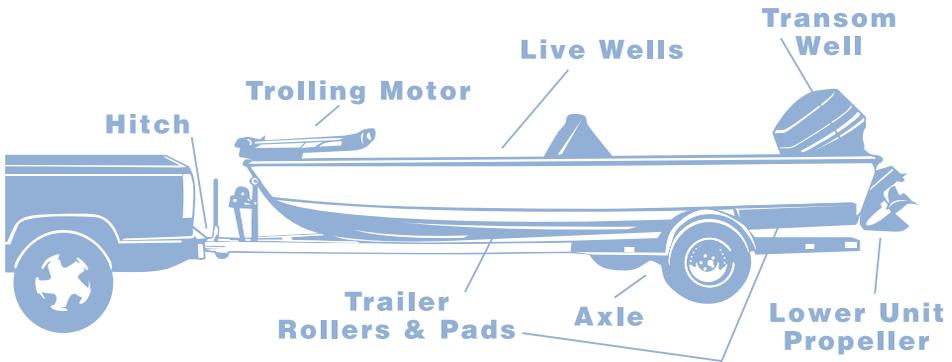
# STOP AQUATIC HITCHHIKERS

**CLEAN  
REMOVE  
DRAIN  
INSPECT TO  
PROTECT**



**STOP AQUATIC  
HITCHHIKERS!**

**CLEAN BOATS,  
CLEAN WATERS**



## **WHEN YOU LEAVE A BODY OF WATER:**

Remove any visible mud, plants, fish or animals before transporting equipment.

Drain water from equipment (boat, motor, trailer, live wells) before transporting.

Clean and dry anything that comes into contact with water  
(equipment, clothing, dogs, etc).

Never release plants, fish or animals  
into a body of water unless they came out of that body of water.

Equal opportunity to participate in and benefit from programs described herein is available to all individuals without regard to race, color, national origin, sex, age, disability, sexual orientation, gender identity, political affiliation, and military or veteran status. Complaints of discrimination should be sent to Office of the Secretary, Kansas Department of Wildlife and Parks, 1020 S Kansas Ave., Topeka, KS 66612-1327. 09/10