CARRYING PASSENGERS FOR HIRE
STUDY GUIDE

Lake and Reservoir Captain Endorsements

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UTAH STATE PARKS AND RECREATION

CARRYING PASSENGERS FOR HIRE STUDY GUIDE FOR THE Lake and Reservoir Captain Endorsements

This study guide has been organized for persons to review when preparing to take the Utah Whitewater River Guide or Other River Guide endorsement. This study guide does not contain the entire Boating Laws and Rules for Utah. For a complete copy contact Utah State Parks and Recreation at (801) 538-7361, usprcpfh@utah.gov, or 1594 West North Temple, Salt Lake City, Utah 84116.

Testing Locations

Please visit our website at www.stateparks.utah.gov/boating/commercial-boating .

TABLE OF CONTENTS

Policy Statement	Page 5
General Definitions	Page 5
Carrying Passengers for Hire (CPFH)	
General Definitions	Page 6
Outfitting Company Responsibilities	Page 7
Utah Captain/Guide License and Utah Boat Crew Permit Requirements and Information	Page 9
CPFH Maintenance and Vessel Inspection	Page 14
Personal Flotation Devices (Life Jackets)	Page 15
Additional Personal Flotation Devices for CPFH	Page 17
Fire Extinguishers	Page 18
Additional Fire Extinguishers for CPFH	Page 19
Safety Equipment Required on Board	Page 19
Navigation Lights	Page 20
Additional Equipment Requirements for Vessels CPFH	Page 21
Vessel Registration and Numbering Requirements	Page 23
Zoned Waters	Page 24
Waterway Markers	Page 24
Channel Markers	Page 25
Vessel Navigation and Steering Rules “Rules of the Road”	Page 25
Minimum Age of Operators	Page 26
Towed Devices	Page 26
Accident Reporting Requirements	Page 27
Reckless/Negligent Driving (Boating)	Page 28
Enforcement and Jurisdiction of Utah Boating Act	Page 28
Utah Motorboat Liability Insurance	Page 29
Utah-Boating Litter and Pollution Control Act	Page 30
Responsibility to the Environment	Page 31
Utah Water Safety Rules and Regulations	Page 31
Utah Litter Law	Page 31
Driving While Intoxicated (Boating)	Page 32

Alcohol Effects Page 35

Swimming Page 35

Capsizing and Swamping Page 35

Weather Emergencies Page 36

Cold Water Immersion and Hypothermia Page 36

Dehydration Page 37

The Rescue Page 37

Fee Schedule Page 39

Resources Page 40

EXCERPTS FROM:

UTAH BOATING ACT

TITLE 73, CHAPTER 18, UTAH CODE ANNOTATED 1953, As Amended

AND

BOARD OF PARKS AND RECREATION BOATING RULES

RULES OF THE BOARD ARE PRECEDED BY R651.

"*Italics*" indicates that information has been added for clarification and ease of understanding.
"**Bold**" has been added for point of emphasis.
"Underline" indicates a grouping of information into specific categories.

STATEMENT OF POLICY

73-18-1 It is the policy of this state to regulate and promote safety for persons and property in and connected with the use, operation and equipment of vessels and to promote uniformity of laws and to adopt and pursue an educational program in relation thereto.

ENFORCEMENT OF STATE BOATING ACT to be Supervised by the Division of Utah State Parks and Recreation.

73-18-3 The administration and enforcement of the State Boating Act shall be under the supervision and direction of the Division.

BOATING ADVISORY COUNCIL

R651-202-1 A Boating Advisory Council, consisting of nine members, has been appointed by the Board to represent boaters and others in boating matters. There is one member from each of the following interests: boating safety and education, sailing, personal watercraft, marine dealers, outfitting companies, paddle craft, boating anglers, water sports and motorboats.

GENERAL DEFINITIONS

R651-201-1 **"Approved"** means approved by the commandant of the United States Coast Guard, unless the context clearly requires a different meaning. For carburetor backfire flame control devices "approved" means the device is marked with one of the following: a United States Coast Guard approval number; complies with Underwriters Laboratory Test UL 1111; or complies with the Society of Automotive Engineers Test SAE J-1928.

73-18-2(1) **"Board"** means the Board of Utah State Parks and Recreation.

73-18-2(2) **"Boat livery"** means an entity which holds any vessel for renting or leasing.

73-18-2(3) **"Carrying passengers for hire"** means to transport persons on vessels or to lead persons on vessels for consideration.

73-18-2(4) **"Consideration"** means something of value given or done in exchange for something given or done by another.

"Cubic feet per second" means the volume of water represented by a flow of one cubic foot per second for 24 hours.

73-18-2(6) **"Division"** means the Division of Utah State Parks and Recreation.

73-18-2(7) **"Motorboat"** means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion.

73-18-2(8) **"Operate"** means to navigate, control, or otherwise use a vessel.

73-18-2(9) **"Operator"** means the person who is in control of a vessel while it is in use.

73-18-2(11) **"Owner"** means:

(a) Person, other than a lien holder, holding a proprietary interest in or the title to a vessel.

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

(c) Does not include a lessee under a lease not intended as security.

73-18-2(12) **"Personal Watercraft"** means a motorboat that is:

(a) Less than 16 feet in length;

(b) Propelled by a water jet pump; and

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

R651-215-1(1) ***"Personal Flotation Device" (PFD)*** *(more commonly known as a life jacket) which is approved for the type of use by the commandant of the U.S. Coast Guard.*

R651-201-2 **"Sailboard"** means a wind-propelled vessel with a mast and sail that are held up by the operator who stands while operating the vessel.

73-18-2(13) **"Sailboat"** means any vessel having one or more sails and propelled by wind.

73-18-2(14) **"Vessel"** means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

R651-215-1(2) **"Vessel length"** is the measurement of the permanent part of the hull, from bow to stern, across the deck down the centerline, excluding sheer.

73-18-2(15) **"Wakeless speed"** means an operating speed at which the vessel does not create or make a wake or white water trailing the vessel. This speed is not in excess of five miles per hour.

73-18-2(16) **"Waters of this state"** means any waters within the territorial limits of Utah.

R651-215-1(3) **"Wear"** means to have the PFD properly worn with all fasteners connected.

R615-215-1(4) "**Whitewater canoe"** means a one or two person capacity hard hulled canoe designed for whitewater activities and is equipped with: floatation (e.g., factory end chambers or float bags) and thigh straps or retention devices to hold operator(s) in the vessel if it rolls.

CARRYING PASSENGERS FOR HIRE REQUIREMENTS

Definitions:

R615-206-1(10) **"License"** means a Utah Captain's/Guide's License or U.S. Coast Guard Master's License.

R651-206-1(14) **"Permit"** means a Utah Boat Crew Permit.

73-18-2(10) **"Outfitting company"** means any person who, for consideration:

(a) Provides equipment to transport persons on all waters of this state; and

(b) Supervises a person who:

(i) Operates a vessels to transport passengers; or

(ii) Leads persons on vessels.

R651-206-1(1) **"Agent"** means a person(s) designated by an outfitting company to act in behalf of that company in certifying:

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

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

R651-206-1(4) **"Certifying experience"** means vessel operation river running experience obtained within 10 years of the date of application for the license or permit.

R651-206-1(11) **"Low capacity vessel"** means a vessel with a carrying capacity of three or fewer occupants (e.g., canoe, kayak, inflatable kayak or similar vessel).

R651-206-1(19) **"Float trip vessel"** means a vessel, or the components and equipment used to configure such a vessel that is designed to be operated on a whitewater river or section of river. A float trip vessel may be a raft with inflatable chambers or a configuration of metal and/or wood frames, straps or chains, and inflatable pontoon tubes that are integral in maintaining the flotation, structural integrity and general seaworthiness of the vessel.

R651-206-1(13) **"Other rivers"** means all rivers or river sections in Utah not defined in Subsection (18) of this rule as a whitewater river.

R651-206-1(18) **"Whitewater river"** means the following river sections: the Green and Yampa rivers within Dinosaur National Monument, the Green River in Desolation-Gray Canyon (Mile 96 to Mile 20), the Colorado River in Westwater Canyon, the Colorado River in Cataract Canyon, or other Division recognized "whitewater rivers" in other states. *A "whitewater river" is a river or river section with Class III or above rapids when using the International Scale of River Difficulty. See the Appendix for information regarding the river classification system.*

Outfitting Company Responsibilities:

R651-206-2(1) ***Outfitting company registration.*** Each outfitting company carrying passengers for hire on waters of this state shall register with the Division annually prior to commencement of operation.

(a) Outfitting company registration with the Division requires the completion of the prescribed application form and providing the following:

(i) Evidence of a current and valid business license;

(ii) Evidence of a current and valid river trip authorization(s), Special Use Permit(s), or performance contract(s) issued by an appropriate federal or state land managing agency;

(iii) Evidence of general liability insurance coverage; and

(iv) Payment of a $150 fee for an outfitting company whose place of business is physically located within the State of Utah, or

(v) Payment of a $200 fee for an outfitting company whose place of business is physically located outside of the State of Utah.

(b) Upon successful registration with the Division, the Division shall issue a certificate registration in the name of the outfitting company. An outfitting company shall display its certificate of outfitting company registration at its place of business in a prominent location, visible to persons and passengers who enter the place of business.

R615-206-2(14) ***Outfitting Companies registered in another state.*** An outfitting company that is registered to carry passengers for hire in another state and possesses a state-issued certificate of outfitting company registration, or similar license, permit or registration accepted and recognized by the Division, where the state has similar outfitting company registration provisions, shall not be required to obtain and display a Utah certificate of outfitting company registration as required by this section when:

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

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

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

(ii) For vessels operating on the Dolores River, the first available takeout is the Dewey Bridge launch ramp/take-out on the Colorado River.

(iii) For vessels operating on the Green River, the first available take out is the Split Mountain launch ramp/take-out.

(iv) For vessels operating on the San Juan River, the first available takeout is the Montezuma Creek launch ramp/take-out.

R651-206-2(3) ***Role of certifying agent.*** An agent of an outfitting company shall certify that each license or permit applicant sponsored by the outfitting company has:

(a) Obtained the minimum levels of required vessel operation experience corresponding to the type of license or permit applied for;

(b) Obtained the appropriate first aid and CPR certificates; and

(c) Completed the prescribed application for with true and correct identifying information.

R651-206-2(4) ***Suspension or revocation of an outfitting company registration.*** An outfitting company's annual registration with the Division may be suspended, denied, or revoked for a length of time determined by the Division director, or an individual designated by the Division director, if one of the following occurs:

(a) The outfitting company's, or agent's negligence caused personal injury or death as determined by due process of law;

(b) The outfitting company or agent is convicted of three violations of Title 73, Chapter 18, or rules promulgated there under during a calendar year period;

(c) False or fictitious statements were certified or false qualifications were used to qualify a person to obtain a license or permit for an employee or others;

(d) The Division determines that the outfitting company intentionally provided false or fictitious statements or qualifications when registering with the Division;

(e) The outfitting company has utilized a private trip permit for carrying passengers for hire and has been prosecuted by the issuing agency and found guilty of the violation;

(f) The outfitting company used a vessel operator without a valid license or permit or without the appropriate license or permit while engaging in carrying passengers for hire; or

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

R651-206-2(5) ***Outfitting company drug policy.*** An outfitting company shall have a written policy describing a program for a drug free workplace.

R651-206-2(6) ***Outfitting company training logs.*** An outfitting company shall maintain a training log for each of its vessel operators.

R651-206-2(7) ***Outfitting company passenger manifest.*** An outfitting company shall maintain a voyage plan and a passenger manifest, on shore, for each trip or excursion the company conducts.

R651-206-2(8) ***Outfitting company daily trip logs.*** An outfitting company shall maintain a daily or trip operations log for each of its vessels.

R651-206-2(9) ***Outfitting company vessel operator trip checks.*** An outfitting company shall ensure that each of its vessel operators conducts a check of the vessel he or she will be operating. The vessel check shall include:

(a) Passenger count;
(b) A discussion of safety protocols and emergency operations with passengers on board the vessel;
(c) A check of the vessel's required carriage of safety equipment;
(d) A check of the vessel's communication systems;
(e) A check of the operation and control of the vessel's steering controls and propulsion system; and
(f) A check of the vessel's navigation lights, if the vessel will be operating between sunset and sunrise.

R651-206-2(11) ***Outfitting company vessel maintenance and inspection.*** An outfitting company shall maintain each vessel in its fleet according to good marine practices and standards.

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

R651-206-2(12) ***Outfitting company insurance requirements.*** The owner of a vessel carrying passengers for hire, shall carry general liability insurance. The insurance coverage shall be for a minimum of $1,000,000 aggregate per incident.

<u>Utah Captains/Guides License and Utah Boat Crew Permits:</u>

R651-206-3(1) ***Possession of a valid license or permit.*** No person shall operate a vessel engaged in carrying passengers for hire on sole state waters unless that person has in his possession a valid and appropriately endorsed Utah Captain/Guide License or Utah Boat Crew Permit issued by the Division, or a valid and appropriately endorsed U.S. Coast Guard Master's License.

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

R651-206-3(2) ***License and Permit Requirements.***

(a) The license or permit must be accompanied by current and appropriate first aid and CPR certificates. A photocopy of both sides of the first aid and CPR certificates is allowed when carrying passengers for hire on rivers.

(b) A license with a "Lake and Reservoir Captain" endorsement is required when carrying passengers for hire on any lake or reservoir.

(c) A license with a "Tow Vessel Captain" endorsement is required when towing or assisting other vessels for hire on waters of this state.

(d) A license with a "Whitewater River guide" endorsement is required when carrying passengers for hire on any river section, including "whitewater," "other," and "flatwater" river designations.

(e) A license with an "Other River Guide" endorsement is required when carrying passengers for hire on any river or river section designated as "other" or "flatwater."

(f) A permit with a "Lake and Reservoir Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Lake and Reservoir Captain" endorsement.

(g) A permit with a "Tow Vessel Crew" endorsement is valid only when the holder is accompanied, on board the vessel, by a qualified license holder with a "Tow Vessel Captain" endorsement.

(h) A permit with a "Whitewater River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with a "Whitewater River Guide" endorsement.

(i) A permit with an "Other River Crew" endorsement is valid only when the holder is accompanied on the river trip, by a qualified license holder with either a "Whitewater River Guide" or "Other River Guide" endorsement.

(j) All Vessel Operator Permits and River Guide 1, 2, 3, and 4 Permits will expire at the end of their current term. Applications for renewal or duplicate of a Vessel Operator or River Guide Permit will be changed to the respective Utah Captain's/Guide's License or Utah Boat Crew Permit.

(k) All Boatman Permits issued by the Division are expired.

R651-206-3(3) ***Requirements to obtain a Utah Captain's/Guides License.***

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

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

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

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

(iii) For persons who are applying for their first license, the application, testing, and issuance of the license shall be done in person at a Division designated location.

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

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

(i) Lake and Reservoir Captain (LCG)

(ii) Tow Vessel Captain (TCG)

(iii) Whitewater River Guide (WCG)

(iv) Other River Guide (OCG)

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

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

(ii) The CPR certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the 2005 Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

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

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

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

(i) 80 percent correct is required to pass.

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

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

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

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

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

(ii) Tow Vessel Captain (TCG) - A minimum of at least 80 hours of actual vessel operation experience. At least 40 of these hours must be obtained while operating the vessel, or a similar vessel, that will be towing for hire on the specific lake or reservoir on which the operator will be towing vessels for hire. The applicant shall provide proof of successful completion of a NASBLA approved boating safety course.

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

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

R651-206-3(4) ***Expiration dates of Utah Captain's/Guide's License.*** A Utah Captain's/Guide's License is valid for a term of five years. The license will expire five years from the date of issue, unless suspended or revoked.

R651-206-3(4)**(a-d)** ***Renewal of Utah Captain's/Guide's License.*** A Utah Captain's/Guide's License may be renewed up to six months prior to expiration. The applicant must complete the prescribed application form along with adhering to the requirements described above. A current license holder may renew his license in a manner accepted by the Division. The renewed permit shall

have the same month and day expiration date as the original license. A Utah Captain's/Guide's License that has expired holder whose permit has expired shall be required to apply for a new license.

R651-206-3(5) ***Requirements to obtain a Utah Boat Crew Permit***

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

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

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

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

(iii) For persons who are applying for their first permit, the application and issuance of the permit shall be done, in person, at a Division designated location.

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

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

(i) Lake and Reservoir Crew (LRC)

(ii) Tow Vessel Crew (TVC)

(iii) Whitewater River Crew (WRC)

(iv) Other River Crew (ORC)

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

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

(ii) The first aid certificate must be issued for an American Red Cross, American Heart Association, American Safety and Health Institute, National Safety Council CPR or BLS course, or an equivalent course from a reputable provider whose curriculum is in accordance with the 2005 Consensus on Science for Cardiopulmonary Resuscitation (CPR) and Emergency Cardiovascular Care (ECC).

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

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

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

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

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

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

R651-2-6-3(6) ***Expiration dates of Utah Boat Crew Permit.*** A Utah Boat Crew Permit is valid for a term of five years. The permit will expire five years from the date of issue, unless suspended or revoked.

R651-206-3(6)**(a-d)** ***Renewal of Utah Boat Crew Permit.*** A Utah Boat Crew Permit may be renewed within the six months prior to its expiration. To renew a Utah Boat Crew Permit, the applicant must complete the prescribed application form along with the requirements described above. A current permit holder may renew his license in a manner accepted by the Division. The renewed permit will have the same month and day expiration as the original permit. A Utah Boat Crew Permit that has expired shall not be renewed and the applicant shall be required to apply for a new permit.

R651-206-3(6)**(e)** ***Utah Boat Crew Permit upgrade.*** A Utah Boat Crew Permit holder who upgrades to a Utah Captain's/Guide's License, within one year of when the permit was issued, shall receive a $25 discount on the fee for the Utah Captain's/Guide's License.

R651-206-3(7)**(a-b)** ***Replacement of Captain's/Guide's License or Boat Crew Permits.*** In the event a Utah Captain's/Guide's License or Utah Boat Crew Permit is lost or stolen, a duplicate license or permit may be issued with the same expiration date as the original license or permit. The applicant must complete the prescribed application form. The fee for a duplicate license or permit is $15.

R651-206-3(8) ***Change of address.*** Current Utah Captain's/Guide's License and Utah Boat Crew Permit holders shall notify the Division within 30 days of any change of address.

R651-206-3(9) ***Suspension or revocation of a License or Permit.*** A Utah Captain's/Guide's License or Utah Boat Crew Permit may be suspended or revoked for a length of time determined by the Division Director, or individual designated by the Division Director, if one of the following occurs:

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

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

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

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

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

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

R651-206-3(10) ***Experience restrictions***. A Utah Captain's/Guide's License or Utah Boat Crew Permit holder shall not carry passengers for hire while operating an unfamiliar vessel or operating on an unfamiliar lake, reservoir, or river section, unless there is a license holder aboard who is familiar with the vessel and the lake, reservoir, or river section. An exception to this rule allows a license or permit holder to lead passengers for hire on a lake, reservoir, or designated flatwater river section, as long as there is a license holder who is familiar with the vessel and the lake, reservoir, or river section and remains within sight of the rest of the group.

R651-206-3(11) ***Number of passengers carried for each license pr permit holder.***

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

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

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

R651-206-3(12) ***Low capacity vessel led requirements.*** .

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

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

R615-206-3(13) ***Operating within a 24 hour period.*** A license or permit holder shall not operate a vessel carrying passengers for hire for more than 12 hours in a 24 hour period.

R615-206-3(14) ***Safety and emergency protocol discussion.*** A license or permit holder shall conduct a safety and emergency protocols discussion with passengers prior to the vessel getting underway. This discussion shall include the topics of water safety, use and stowage of safety equipment, wearing and usage of life jackets and initiating the rescue of a passenger(s).

R651-206-3(15) ***Carrying passengers for hire on interstate waters***. Vessel operators who are licensed or permitted to carry passengers for hire in another state, and possess a state-issued vessel captain's license, or similar license or permit accepted and recognized by the Division, where the state has similar vessel operator licensing provisions, shall not be required to obtain and possess a Utah Captain's/Guide's License or Utah Boat Crew Permit as required by this section.

<u>CPFH Maintenance and Vessel Inspections</u>

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

(1) Each outfitting company carrying passengers for hire shall have an ongoing vessel maintenance and inspection program. The vessel maintenance and inspection program shall include the structural integrity, flotation, propulsion of the vessel, and equipment associated with passenger safety.

(2) The annual vessel maintenance and inspection program certification will be required beginning January 1, 2009. The five-year vessel inspections will be required no later than January 1, 2014.

(3) The Division shall prepare and maintain a "Carrying Passengers for Hire Vessel Inspection Manual".

(a) The Division shall establish a committee to oversee, maintain, and recommend any substantive changes in the "Carrying Passengers for Hire Vessel Inspection Manual".

(i) The members of this committee shall be selected by the Boating Advisory Council and shall report directly to the Boating Advisory Council.

(ii) This committee shall consist of five members: two members who will represent the non-float trip vessel carrying passengers for hire industry in Utah; two members who will represent the float trip vessel carrying passengers for hire industry in Utah; and one member who will represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(iii) This committee shall convene when information regarding substantive changes to the "Carrying Passengers for Hire Vessel Inspection Manual" has been presented to the Boating Advisory Council.

(b) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers for Hire Vessel Inspection Manual" that do not pertain to Float Trip Vessels.

(i) This committee shall consist of five members: three members who represent the carrying passengers for hire industry in Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

(c) The Division shall establish a committee to prepare and develop the portions of the "Carrying Passengers For Hire Vessel Inspection Manual" that pertain to Float Trip Vessels.

(i) This committee shall consist of five members: three members who represent the Float Trip Vessel carrying passengers for hire industry in Utah; and two members who represent a state or federal agency responsible for managing or regulating the activity of carrying passengers for hire in Utah.

(ii) This committee will disband after the original "Carrying Passengers for Hire Vessel Inspection Manual" is approved and accepted by the Boating Advisory Council.

PERSONAL FLOTATION DEVICE REQUIREMENTS

R651-215-4 **Types of personal flotation devices.**

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

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

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

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

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

73-18-8(1)(d) ***The Board may require by rule for personal flotation devices to be worn:***

(i) While a person is on board a certain type of vessel;

(ii) By a person under a certain age; or

(iii) On certain waters of this state.

73-18-8(1)(a) ***One PFD per person on board.*** Except as provided in 73-18-8(1)(c), each vessel shall have, for each person on board, one Personal Flotation Device which is approved for the type of use by the commandant of the United States Coast Guard.

73-18-8(1)(b) ***PFD in good and serviceable condition.*** Each Personal Flotation Device *(PFD)* shall be:

(i) in serviceable condition;

(ii) legally marked with the United States Coast Guard approval number; and

(iii) of an appropriate size for the person for whom it is intended.

PERSONAL FLOATATION DEVICES - "NON-SERVICEABLE" DEFINED

Personal floatation devices are non-serviceable if: missing or illegible United States Coast Guard approval numbers or related information, missing the approval label, improper size for person, improper type for activity, after-market alteration is made, rips, tears, broken buckles, or missing straps, etc. United States Coast Guard justification for deeming a PFD non-serviceable with illegible approval numbers is that a PFD with an illegible approval number is believed to have undergone sufficient compromise to render the PFD non-serviceable. PFD integrity is compromised by deterioration from ultraviolet light, body oils, and general wear and tear.

R651-215-11 ***Approved uses of PFDs.*** All personal Flotation Devices (PFDs) must be used according to the conditions or restrictions listed on the U.S. Coast Guard Approval Label.

R651-201-4 **Immediately Available** means stored in plain and open view in the area where it will be used; not obstructed, blocked or covered in any way and capable of being quickly deployed.

R651-201-5 **Readily Accessible** means easily located and retrieved without searching, delay or hindrance.

R651-215-5 ***Immediately available and readily accessible.*** Type IV PFDs shall be immediately available; all other types of PFDs shall be readily accessible, unless wearing is required.

R651-215-8 ***River throw bag in lieu of Type IV PFD.*** On a river section where PFDs are required to be worn, or on any river section where all vessel occupants are wearing PFDs, in lieu of the Type IV PFD requirement, a throw bag with a minimum of 40 feet of line may be carried.

R651-215-2. ***PFD requirements for vessels less than 16 feet in length.*** No person shall operate or give permission for the operation of a vessel less than 16 feet in length unless there is at least one Type I, II, or III PFD for each person on board.

R651-215-3. ***PFD requirements for vessels 16 feet or more in length.*** No person shall operate or give permission for the operation of a vessel 16 feet or more in length unless there is at least one type I, II, or III PFD for each person on board. In addition to the total number of PFDs, there shall also be one Type IV PFD on board.

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

R651-215-9 ***Required wearing of PFDs.***

(1) An inflatable PFD may not be used to meet the requirements of R651-215-11.

(2) All persons on board a personal watercraft (PWC) shall wear a PFD.

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

(4) On rivers, every person on board a vessel shall wear a PFD, except PFDs may be loosened or removed by persons 13 years of age or older on designated "river flat water" areas as listed in R651-215-12. When carrying passengers for hire, the river guide is responsible for the passengers on his vessel to be in compliance with this subsection.

R651-215-6 ***Type V PFD carried in lieu.*** A Type V PFD may be carried or worn in lieu of another required PFD, but only if it used according to the approval conditions on its label.

Type V PFDs (life jacket) are the most common type of life jackets used when carrying passengers for hire on rivers. They are more comfortable, adjustable and employ a fastening system different than Type I life jackets. These life jackets have straps around the

body with buckles, a floatation collar behind the head, and ample size adjustment to fit a wide range of wearers. The information listed on the United States Coast Guard approval label of a Type V PFD - Commercial White Water Vest may read as follows:

COMMERCIAL WHITE WATER VEST. Approved only for use by persons engaged in commercial white water service within the USA. This is a Type V PFD because it has restricted U.S. Coast Guard approval allowing it to be used in place of a Type I PFD in commercial whitewater activities only. When worn it offers special protection to those participating in the activities and therefore, must be worn at all times in order to be accepted for meeting the U.S. Coast Guard regulations requiring PFDs to be carried.

R651-215-7 **Whitewater river PFD requirements.** On whitewater rivers, as defined in R651-206-2(1)(18), Type I or Type III PFDs are required and shall be used according to the approval conditions on their labels.

R651-215-10 **"River flat water" areas.**

(1) On the Green River:

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

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

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

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

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

(2) On the Colorado River:

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

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

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

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

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

ADDITIONAL PFD REQUIREMENTS FOR CPFH

R651-206-4 (1) Type I PFDs are required. Each vessel shall have an adequate number of Type I PFDs on board, that meets or exceeds the number of persons on board the vessel. A Type V PFD may be used in lieu of a Type I PFD if the Type V PFD is approved for the activity in which it is going to be used.

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

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

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

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

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

(a) Vessels that are 40 feet or more in length shall carry a minimum of two Type IV PFDs.

(b) Ring life buoys shall have a minimum of 60 feet of line attached.

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

(8) On rivers, hard-hulled kayak or white water canoe operators or a working employee of the outfitting company, may wear a Type III PFD in lieu of the Type I PFD.
(9) On lakes and reservoirs, for hard-hulled kayak or sea-kayak operators, a Type III PFD may be carried or worn in lieu of the required Type I PFD.
(10) All passengers and crew members shall wear a PFD when a vessel is being operated in hazardous conditions.
(11) The license or permit holder is responsible for the passengers on his vessel to be in compliance with this section and R651-215.

FIRE EXTINGUISHERS

R651-217-1 ***Fire extinguisher requirements.*** All motorboats, unless exempt, must have on board the approved type of fire extinguisher as specified in R651-217-2.

73-18-8(4) Each vessel shall have fire extinguishing equipment on board.

R651-217-2 **Fire extinguishers required.**

TABLE	
LENGTH OF MOTORBOAT	NUMBER/SIZE
Less than 26 feet in length*	1/B-I
26 feet to less than 40 feet in length	2/B-I OR 1/B-II
40 feet to 65 feet in length	3/B-I OR 1/B-I and 1/B-II
*If an outboard motorboat of open construction and not carrying passengers for hire, a fire extinguisher is not required (see R651-217-5)	

Extinguishers are classified by a letter and number symbol. The number indicates the relative size of the extinguisher and the letter indicates the type of fire it will extinguish:
Type A fires are of combustible solids like wood.
Type B fires are of flammable liquids like gasoline or oil.
Type C fires are electrical fires.

R651-217-3 **Fire extinguisher types.**

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

R651-217-4 ***Engine compartment fire extinguishers.*** When the engine compartment is equipped with a fixed extinguishing system, one less B-I extinguisher is required.

R651-217-6 **Certifying, Recharging, or Servicing a Fire Extinguisher.** Each fire extinguisher, except a disposable fire extinguisher, must show evidence of being certified, recharged, or serviced once every five years, or a current standard as described in the National Fire Protection Agency - Publication 10, by a qualified fire fighting equipment repair service.

R651-217-7 **Disposable Fire Extinguishers.**
(1) If a fire extinguisher is unable to be certified, recharged or serviced by a qualified fire fighting equipment repair service, it is considered disposable.
(2) The serviceability of a disposable fire extinguisher expires upon being discharged, loss of pressure or charge, or 12 years from the date of manufacture printed on the label or imprinted on the bottom of the fire extinguisher.

R651-217-5 ***Open construction exemptions.*** An outboard motorboat is not considered "of open construction" if any one of the following conditions exist: closed compartment under thwarts (motor well) and seats where portable fuel tanks may be stored; double bottoms not sealed to the hull or which are not completely filled with flotation material; closed living spaces; closed stowage compartments in which combustible or flammable materials are stored; or permanently installed fuel tanks.

73-18-8(3) ***Ventilation requirement.*** If a vessel is not entirely open and it carries or uses any flammable or toxic fluid in any enclosure for any purpose, the vessel must be equipped with an efficient natural or mechanical ventilation system which is capable of removing resulting gases prior to and during the time the vessel is occupied by any person. *Utah and Federal vessel ventilation requirements are established for the safety of people onboard motorboats.*

ADDITIONAL FIRE EXTIGUISHER REQUIREMENTS FOR CPFH

R651-206-5 **(1)** Each motorboat that carries passengers for hire, must carry a minimum of one type B-1 fire extinguisher. Vessels equipped solely with an electric motor, and not carrying flammable fuels on board, are exempt from this provision.
(2) Each motorboat that carries more than six passengers for hire and is equipped with an inboard, inboard/outboard, inboard jet, or direct drive gasoline engine, and carrying passengers for hire, shall have at least one fixed U.S. Coast Guard approved fire extinguishing system mounted in the engine compartment.
(3) Portable fire extinguishers shall be mounted in a readily accessible location, near the helm, away from the engine compartment. For motorized vessels operating on rivers, portable fire extinguishers may be stowed in a readily accessible location near the operator's position.
(4) For vessels carrying more than 12 passengers for hire or providing on board overnight passenger accommodations, smoke detectors shall be installed in each enclosed passenger area.

FIRE EMERGENCIES

Many vessels have burned to the water line. To help prevent a fire; do not mix the three ingredients required for a fire to erupt; fuel, oxygen, and fire or heat. Make sure ventilation systems have been installed and are properly used. Maintain the fuel system to avoid leaks. Follow safe fueling procedures. If a fire erupts while your vessel is underway, follow these steps: Stop the vessel. Keep the fire downwind. If a motor catches on fire, shut off the fuel immediately. Aim the fire extinguisher at the base of the flames, and sweep back and forth. Use P.A.S.S.(Pull the pin, Aim at the base, Squeeze handle, Sweep side to side) to operate the fire extinguisher. Never use water on gasoline, oil, grease or electrical fires. Summon help.

SAFETY EQUIPMENT REQUIRED TO BE ON BOARD

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

Safety lanyard. Although it is not legally required, it is strongly recommended that operators

of boats equipped with lanyard-type ignition safety switch attach the lanyard to their person, clothing or life jacket. The safety switch shuts down the engine if the operator falls.

R651-219-5 **Equipment good and serviceable.** All required safety equipment shall be in good and serviceable condition.

R651-219-1 **Sound producing device.**
(1) Vessels 16 feet to less than 40 feet in length shall have on board a means of making an efficient sound, horn or whistle, capable of a four-to-six-second blast.
(2) Vessels 40 feet to less than 65 feet in length shall have on board a horn and a bell. The horn shall be capable of a four-to-six-second blast and audible for one-half mile. The bell shall be designed to give a clear tone.

R651-219-2 **Bailing device.** All vessels, not of self-bailing design, shall have on board an adequate bail bucket or be equipped with a mechanical means for pumping the bilge.

R651-219-3 **Spare propulsion.** Vessels less than 21 feet in length shall have on board at least one spare motor, paddle, or oar capable of maneuvering the vessel when necessary.

Spare paddle requirement for "low capacity vessels". On rivers when one-or-two-man capacity vessels less than 16 feet in length are traveling in a group, the above requirement may be met by carrying one spare oar or paddle for every three vessels in the group. On hard hulled white water kayaks, paddles designed to be strapped to or worn on the hand meet this requirement.

73-18-8(2) **Use of Navigation lights.** Each vessel shall display navigation lights when the vessel is on the waters of this state between sunset and sunrise.

R651-216 **Navigation Lights**

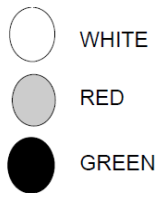


Figure 1

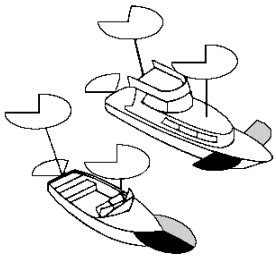


Figure 2

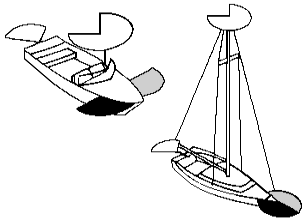


Figure 3

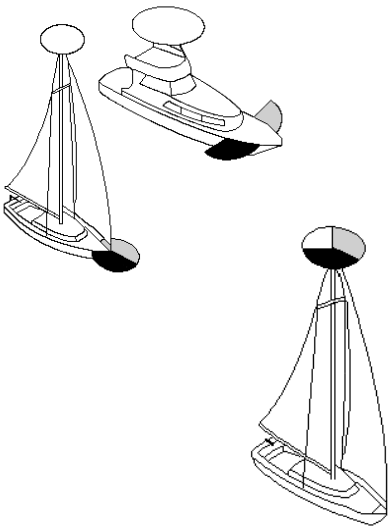


Figure 4

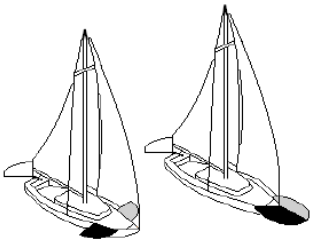
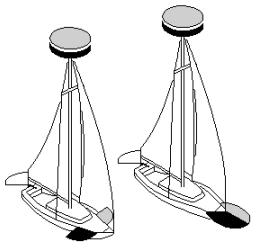


Figure 5



R651-216-1 **Motorboats less than 40 feet** in length shall exhibit the navigation lights shown in either figures 1, 2, or 3.

R651-216-2 **Navigation Lights On Motorboats 40 Feet To Less than 65 Feet.** Motorboats 40 feet in length to less than 65 feet in length shall exhibit the navigation lights shown in either figure 1 or 2.

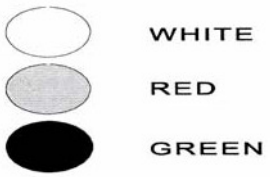
R651-216-3 **Navigation Lights On Sailboats.** Sailboats shall exhibit the navigation lights shown in either figure 4, 5, or 6.

R651-216-4 **Navigation Lights On Sailboats Under Motor Power.** A sailboat under motor power shall exhibit the motorboat navigation light requirements.

R651-216-5 ***Manually Propelled Vessels.*** A vessel manually propelled may exhibit the navigation lights required for sailboats or have ready at hand a flashlight or lighted lantern showing a white light which shall be displayed in sufficient time to prevent collision (figure 4).

R651-216-6 **Vessels at anchor** shall display an all-around white anchor light unless anchored in a designated mooring area.

R651-216-7 **Visible Range.**



Type and Location of Lights on Vessel	Vessel Length		Degrees of Arc Lights
	Less than 12 meters	12 meters but less than 20 meters	
	Visible distance in miles		
Masthead	2	3	225
All-round	2	2	360
Side lights	1	2	112.5 each color
Stern light	2	2	135

73-18-8.1(2) **Capacity and certification label.** No person shall operate, or give permission for the operation of, any vessel on the waters of this state if it is loaded or powered in excess of the maximum capacity information on the United States Coast Guard capacity label.

Capacity plate indicates the maximum weight capacity and/or the maximum number of people that the vessel can safely carry. You should not exceed either the stated maximum weight capacity or the maximum number of people. Maximum weight is the combined weight of passengers, gear and motors.

<u>ADDITIONAL EQUIPMENT REQUIREMENTS FOR VESSELS CPFH</u>

R651-206-6 (1) Emergency communications equipment.

(a) An outfitting company shall have appropriate communication equipment for contacting emergency services, or, have a policy and emergency communications

protocols that describe the quickest and most efficient means of contacting emergency services, taking into consideration the remoteness of the area in which the vessel will be operated.

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

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

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

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

(5) **Navigation equipment.**

(a) Each vessel must carry a map or chart of the water body and a compass or GPS unit that is in good and serviceable condition.

(b) For vessels traveling in a group, this requirement can be met by carrying a map or chart and a compass or GPS unit in the group.

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

(6) **Lines, straps and anchorage.**

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

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

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

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

(8) **First Aid Kit.**

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

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

(9) **Identification of outfitting company.**

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

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

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

(10) **Marine toilets and sanitary facilities.**

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

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

(c) For vessels traveling in a group, this requirement can be met by carrying one marine sanitation device in the group.
(d) Marine toilets and washbasins shall be maintained in a good and serviceable, sanitary condition.
(e) A vessel that carries more than 49 passengers shall have at least two marine toilets and washbasins, one each for men and women.
(f) A vessel operating on a trip or excursion with a duration of one hour or less, or operating on a river, is not required to be equipped with a marine toilet or washbasin.

VESSEL REGISTRATION AND NUMBERING REQUIREMENTS

73-18-7(1) ***Vessels required to be registered.***
(a) Except as provided by Section 73-18-9, the owner of each motorboat and sailboat on the waters of this state shall register it with the division as provided in this chapter.
(b) A person may not place, give permission for the placement of, operate, or give permission for the operation of a motorboat or sailboat on the waters of this state, unless the motorboat or sailboat is registered as provided in this chapter.

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

R651-212-2 ***Display of month of expiration decals.*** A month of expiration decal, issued by the Division of Motor Vehicles, shall be displayed immediately aft of the yearly registration decal.

73-18-7(11) ***Registration expiration.***
(a) Each registration, registration card, and registration decal issued under this chapter shall continue in effect for 12 months, beginning with the first day of the calendar moth of registration.
(b) Each registration, registration card, and registration decal expires the last day of the month in the year following the calendar month of registration.

73-18-7(3)(b) ***Registration card.*** The registration card shall be available for inspection on the motorboat or sailboat for which it was issued, whenever that motorboat or sailboat is in operation.

73-18-9(1) ***Nonresident exemption from registration.*** Registration under this chapter is not required for any of the following: A motorboat or sailboat that:
(a) Already covered by a valid registration issued by its nonresident owner's resident state; and
(b) Has not been within this state in excess of 60 days for the calendar year;

73-18-6(1) ***Numbering of motorboats and sailboats required.*** Every motorboat and sailboat on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any motorboat or sailboat on the waters of this state unless the motorboat or sailboat is numbered in accordance with:
(a) This chapter;
(b) Applicable federal law; or
(c) A federally approved numbering system of another state, if the owner is a resident of that state and his motorboat or sailboat has not been in this state in excess of 60 days for the calendar year.

73-18-7(4) ***Placement, size, color and style of bow numbers.*** The assigned *(bow)* number shall:
(a) Be painted or permanently attached to each side of the forward half of the motorboat

or sailboat;
(b) Consist of plain vertical block characters of not less than three inches in height;
(c) Contrast with the color of the background and be distinctly visible and legible;
(d) Have spaces or hyphens equal to the width of a letter between the letter and numeral groupings; and
(e) Read from left to right.

R651-208-1 ***Bow numbers displayed on backing plates.*** On vessels where an assigned (bow) number on the hull or superstructure would not be visible or where the type of hull material used would make it impractical to attach an assigned (bow) number, the assigned (bow) number and registration decals may be mounted on a backing plate and displayed as required in 73-18-7(4) of the Utah Code Annotated and Rule R651-212.

73-18-7(15) ***Display of bow number only.*** A number other than the (bow) number assigned to a motorboat or sailboat or a (bow) number for a motorboat or sailboat granted reciprocity under this chapter may be painted, attached, or otherwise displayed on either side of the bow of a motorboat or sailboat.

ZONED WATERS

73-18-4(1)(c) **Zoning waters.** Zoning waters of this state for the purpose of prohibiting the operation of vessels or motors for safety and health purposes only.

R651-205-1 **Obeying zoned waters.** The operator of a vessel shall obey zoned water requirements or restrictions.

R651-205-3 **Green River.** The use of motors is prohibited between the Flaming Gorge Dam and the confluence with Red Creek.

R651-205-5 **Lower Provo River.** The section from where it enters into Utah Lake upstream to the gas pipeline is designated as a wakeless speed area, and the use of motors is prohibited upstream from this point.

R651-205-9 **Jordan River.** The use of motors is prohibited.

REGULATORY MARKERS

R651-203-1 An orange cross within an orange diamond, on end, means: “Boats Keep Out.”
An orange circle means: “Controlled Area.”
An orange diamond, on end, without a cross means: “Danger.”
An orange square or rectangle: “Provides Information.”
(1) The following regulatory symbols shall be international orange on a white background, and descriptive wording within or accompanying the regulatory symbols shall be in black letters.
(2) When the regulatory symbols are displayed on a buoy, an orange band should encircle the buoy near the water line and near the top.

R651-204-1. **Placement of Waterway Markers.** No person shall place on or near the waters of this state any waterway marker, except a diver’s flag, without written authorization by a federal agency operating within federal authority or by the division.

CHANNEL MARKERS

R651-203-2 **(1)** White buoys with red vertical stripes mark the center of a channel and may be lettered alphabetically from downstream to upstream.
(2) Green can buoys, odd numbers, mark the left side, and red nun buoys, even numbers, mark the right side of a channel when proceeding upstream or returning from the main body of water.
Vessels operating in a narrow channel must keep as far to the right of the channel as is safe and practical.

VESSEL NAVIGATION AND STEERING RULES - "RULES OF THE ROAD"

73-18-15.1(1) ***Proper lookout.*** The operator of a vessel shall maintain a proper lookout by sight and hearing at all times to avoid the risk of collision.

73-18-15.1(2) ***Meeting head on - passing bow to bow.*** When the operators of two motorboats approach each other where there is risk of a collision, each operator shall alter course to the right *(starboard)* and pass on the left *(port)* side of the other.

73-18-15.1(3) ***Crossing - passing from the side.*** When the operators of two motorboats are crossing paths and are at risk of a collision, the operator of the vessel which has the other vessel on its right *(starboard)* side shall keep out of the way and yield right-of-way if necessary.

73-18-15.1(4) ***Overtaking - passing from the stern.*** The operator of any vessel overtaking any other vessel shall keep out of the way of the vessel being overtaken.

73-18-15.1(5) ***Vessels not under command, with restricted maneuverability, engaged in fishing, and sailing.*** The operator of a vessel underway shall keep out of the way of a:
(a) Vessel not under command;
(b) Vessel restricted in its ability to maneuver;
(c) Vessel engaged in fishing; and
(d) Sailing vessel.

73-18-15.1(6) ***Rule of responsibility and prudentially.*** If the operator of one of two vessels is to keep out of the way, the other vessel operator shall maintain his course and speed unless it becomes apparent the other vessel is not taking the appropriate action.

73-18-15.1(7) ***Operation in narrow channels.*** In narrow channels an operator of a vessel underway shall keep to the right of the middle of the channel. *According to the Federal Navigation Rules – Inland, if you are operating a power-driven vessel heading upstream (against the direction of the current) on a river; then all vessels coming toward you from the opposite direction has the right-of-way and you must give way.*

73-18-15.1(8) ***Safe operating speed and distance.*** The operator of a vessel shall proceed at a safe speed at all times so that he can take proper and effective action to avoid collision and be stopped within a distance appropriate to the prevailing circumstances or conditions.

73-18-15.1(10) ***Speed and proximity.*** The operator of any vessel may not exceed a wakeless speed in an area designated as a wakeless speed area, or when within 150 feet of: another vessel; a person in or floating on the water; a water skier being towed by another boat; a shore fisherman; a launching ramp; a dock; a designated swimming area; or in an area designated as a wakeless speed area.

73-18-15.1(11) **Responsibility for wake damage.** The operator of a motorboat is responsible for any damage or injury caused by the wake produced by the operator's motorboat.

73-18-15.1(13) **Bow/Deck Riding.** If a person is riding upon the bow decking of a motorboat, which does not have designed seating for passengers, the person shall straddle one of the upright supports of the bow rail and may not block the vision of the operator.

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

MINIMUM AGE OF OPERATORS

73-18-15.2(1) **(a)** ***Motorboat.*** A person under 16 years of age may not operate a motorboat on the waters of this state unless the person is under the on-board and direct supervision of a person who is at least 18 years of age.

73-18-15.2(1) **(b)** ***Sailboat.*** A person under 16 years of age may operate a sailboat, if the person is under the direct supervision of a person who is at least 18 years of age.

73-18-15.2(2) ***Personal watercraft - 12 to 15 years of age.*** A person who is at least 12 years of age or older but under 16 years of age may operate a personal watercraft provided he:

(a) Is under the direct supervision of a person who is at least 18 years of age;
(b) Completes a boating safety course approved by the Division; and
(c) Has in his possession a boating safety certificate issued by the boating safety course provider.

73-18-15.2(3) ***Personal watercraft - 16 and 17 years of age.*** A person who is at least 16 years of age but under 18 years of age may operate a personal watercraft, if the person:

(a) Completes a boating safety course approved by the Division; and
(b) Has in his possession a boating safety certificate issued by the boating safety course provider.

73-18-15.2(5) ***Permission for a minor to operate.*** A person may not give permission to another person to operate a vessel in violation of 73-18-15.2.

73-18-15.2(6) ***"Direct supervision".*** As used in this section, "direct supervision" means oversight at a distance within which visual contact is maintained.

73-18-18 **Liability of owner for injury or damage occasioned by negligent operation of a vessel by a minor.** The owner of a vessel shall be liable for any injury or damage occasioned by the negligent operation of such vessel, by a minor under the age of 18 years operating such vessel with the express or implied consent of the owner, whether under the laws of this state or by neglecting to observe such ordinary care and such operation as the rules of common law require.

TOWED DEVICES

R651-224-1 **Observer Required.** The operator of a vessel which is towing a person on water skis or other devices shall be responsible for maintaining a safe course with proper lookout. The progress of the person under tow shall be reported to the vessel operator by the observer.

R651-224-2 **Unlawful Methods of Towing.** No person shall operate a motorboat or have the engine of a motorboat run idle while a person is occupying or holding onto the swim platform, swim deck, swim step or swim ladder of the motorboat or while a person is

being towed in a non-standing position within 20 feet of the vessel. These restrictions do not apply when a person is occupying the swim platform, swim deck, swim step or swim ladder while assisting with the docking or departure of the motorboat, while exiting or entering the motorboat, or when a motorboat is engaged in law enforcement activity.

R651-224-3 **Flag Required.** The operator of a vessel shall be responsible for a flag to be displayed by the observer in a visible manner to other boaters in the area while the person to be towed is in the water, either preparing to be towed or finishing a tow. The flag shall be international orange at least 12 inches square and mounted on a handle.

R651-224-4 **PFD to be Worn.** The operator of a vessel which is towing a person(s) on water skis or other devices shall require each person who is water skiing or using other devices to wear a United States Coast Guard approved personal flotation device (PFD), except an inflatable PFD may not be used.

R651-224-5 **Capacity of Towing Vessel.** The operator of a vessel which is towing a person(s) on water skis or other devices shall use a vessel with sufficient carrying capacity, as defined by the manufacturer, for the occupant(s) onboard and the person(s) being towed.

R651-224-6 **No Towing in Marinas.** The operator of a vessel shall not tow a person(s) in or on any towed device within a wakeless area surrounding a developed marina or launch ramp.

ACCIDENT REPORTING REQUIREMENTS

Risk Management: Risk management is the practice of recognizing and acting on the warning signs of accidents, or lessening the effect of an accident if it does occur.
Nearly all accidents are the result of human error and thus preventable. Most boating accident occur when the weather and visibility is clear, the winds and water are calm. The warnings signs are there, but go unrecognized or ignored. The best way to handle a boating emergency is to reduce the chance of an emergency happening before it ever occurs. If an emergency does occur, you should minimize the risk of a fatality, injury or damage. Risk management is the practice of recognizing and acting on the warning signs of accidents, or lessening the effect of an accident if it does occur.

73-18-13(2) **Duties of operator involved in accident.** It is the duty of the operator of a vessel involved in an accident, if he can do so without seriously endangering his own vessel, crew, or passengers, to render aid to those affected by the accident as may be practicable. The operator shall also give his name, address, and identification of his vessel in writing to any person injured or to the owner of any property damaged in the accident.

R651-223-1 ***Notification of a boating accident.*** An operator shall immediately and by the quickest means of communication available notify the nearest State Park Ranger or other law enforcement officer of an accident that involves a vessel or its equipment when one of the following occurs: a person dies or disappears from a vessel under circumstances that indicate death; a person is injured and receives medical treatment beyond first aid; or property is damaged in excess of $2000. This notification shall include:

- **(a)** The date, time, and location of the occurrence;
- **(b)** The name of each person who died or disappeared;
- **(c)** The assigned number of the vessel; and
- **(d)** The name and address of the owner and operator.

R651-223-2 ***Operator unable to provide notification.*** If the operator cannot provide this notification, then another person on board shall make the notification required in R651-223-1.

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

73-18-13(6) ***Providing false information in an accident report.*** Any person who gives false information, knowingly or having reason to believe it is false, in an oral or written report as required in this chapter, is guilty of a class A misdemeanor.

RECKLESS/NEGLIGENT DRIVING (BOATING)

41-6-45(1)(a) ***Motorboats*** *(in addition, refer to 41-6-43.5).* A person is guilty of reckless driving who operates a vehicle in a willful or wanton disregard for the safety of persons or property.

73-18-12(1) ***Nonmotorized vessels, skis, or towed devices.*** A person may not operate any nonmotorized vessel, or manipulate any water skis or any device towed by a motorboat in a willful or wanton disregard for the safety of persons or property.

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

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

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

ENFORCEMENT AND JURISDICTION OF UTAH'S BOATING ACT

73-18-20(1) ***Authority to enforce boating laws and rules.*** Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, may enforce the provisions of this chapter and the rules promulgated under this chapter *(refer to 73-18-1 and 73-18-2(16) for purpose and jurisdiction)*.

73-18-20(2) ***Authority to stop and board a vessel.*** Any law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, has the authority to stop and board any vessel subject to this chapter, whether the vessel is on water or land. If that officer determines the vessel is overloaded, unseaworthy, or the safety equipment required by this chapter or rules of the Board is not on the vessel, that officer may prohibit the launching of the vessel or stop the vessel from operating.

73-18-20(3) ***Failure to stop.*** An operator who, having received a visual or audible signal from a law enforcement officer authorized under Title 53, Chapter 13, Peace Officer Classifications, to bring his vessel to a stop, operates his vessel in willful or wanton disregard of the signal so as to interfere with or endanger the operation of any vessel or endanger any person, or who attempts to flee or elude the officer whether by vessel or otherwise is guilty of a class A misdemeanor.

73-18-20.1 **Seizure of a vessel.**

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

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

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

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

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

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

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

73-18-20.7 **Unlawful control over vessels.**

(1) Any person who exercises unauthorized control over a vessel, not his own, without the consent of the owner or lawful custodian and with intent to temporarily deprive the owner or lawful custodian of possession of the vessel, is guilty of a class A misdemeanor.

(2) An offense under this section is a third degree felony if the actor does not return the vessel to the owner or lawful custodian within 24 hours after the exercise of unauthorized control.

(3) The consent of the owner or legal custodian of a vessel to its control by the actor is not in any case presumed or implied because of the owners or legal custodians consent on a previous occasion to the control of the vessel by the same or a different person.

(4) Any person who assists in, or is a party or accessory to or an accomplice in, an unauthorized taking or operating of a vessel is guilty of a class A misdemeanor.

73-18-21 ***Violations and associated punishments.*** Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

A class A misdemeanor is punishable with a fine of $0 to $and/or 0 to 1 year in jail.
A class B misdemeanor is punishable with a fine of $0 to $and/or 0 to 6 months in jail.
A class C misdemeanor is punishable with a fine of $0 to $ and/or 0 to 90 days in jail.

EXCERPTS FROM:

UTAH MOTORBOAT LIABILITY INSURANCE & UTAH FINANCIAL RESPONSIBILITY OT MOTORBOAT OWNERS AND OPERATORS ACT

Title 73, Chapter 18c, UTAH Code 1953

INSURANCE REQUIREMENTS

For this section; "Motorboat" has the same meaning as defined in Section 73-18-2 and includes:

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

(c) *"Motorboat" does not include:*

(i) *A boat with a manufacturer listed horsepower of 50 horsepower or less; or*
(ii) *An airboat.*

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

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

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

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

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

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

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

31A-22-1503 **Motorboat liability policy minimum limits.** Policies containing motorboat liability coverage may not limit the insurer's liability under that coverage below the following:

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

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

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

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

73-18c-304 **Evidence of owner's or operator's security to be carried when operating motorboat.**

(1)(a)(i) Except as provided in Subsection (1)(a)(ii), a person operating a motorboat shall:

(A) Have in the person's immediate possession evidence of owner's or operator's security for the motorboat the person is operating; and

(B) Display it upon demand of a peace officer.

(ii) A person operating a government-owned or government-leased motorboat is exempt from the requirements of Subsection (1)(a)(i).

(b) Evidence of owner's or operator's security includes any one of the following:

(i) The operator's:

(A) Insurance policy;

(B) Binder notice;

(C) Renewal notice; or

(D) Card issued by an insurance company as evidence of insurance;

(ii) A copy of a surety bond, certified by the surety, which conforms to Section 73-18c-103;

(iii) A certificate of the state treasurer issued under Section 73-18c-305; or

(iv) A certificate of self-funded coverage issued under Section 73-18c-306.

EXCERPTS FROM:

UTAH-BOATING LITTER AND POLLUTION CONTROL ACT

TITLE 73, CHAPTER 18a, UTAH CODE ANNOTATED 1953, As Amended

73-18a-1(3) **"Human body waste"** means excrement, feces, or other waste material discharged from the human body.

73-18a-1(4) **"Litter"** means any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, or similar refuse discarded as no longer useful.

73-18a-1(5) **"Marine toilet"** means any toilet or other receptacle permanently installed on or within any vessel for the purpose of receiving human body waste. This term does not include portable toilets, which may be removed from a vessel in order to empty its contents.

73-18a-1(9) **"Vessel"** means every type of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

73-18a-1(10) **"Waters of this state"** means all waters within the territorial limits of this state except those used exclusively for private purposes.

73-18a-2(1) ***Litter and pollution.*** A person may not place, throw, deposit, discard, drop, or discharge and the operator of a vessel may not permit to be placed, thrown, deposited, discarded, dropped, or discharged into or upon the waters of this state, or lands adjacent to these waters, any litter, human body waste, or other liquid or solid materials which may render the water or

lands unsightly, noxious, or otherwise unwholesome or detrimental to the public health or welfare or the enjoyment of the water or lands for all legitimate uses, including recreational purposes.

73-18a-3(1) ***Marine toilets.*** No marine toilet on any vessel used or operated upon the waters of this state may be operated so as to discharge any inadequately treated human body waste into or upon waters of this state directly or indirectly.

73-18a-4(1) Every marine toilet on a vessel used or operated upon the waters of this state shall be equipped with an approved pollution control device in operative condition.

73-18a-3(3) ***Human waste.*** No container of human body waste may be placed, left, discharged or caused to be placed, left, or discharged into or upon any waters of this state or lands adjacent to these waters by any person at any time.

73-18a-14 ***Violation and punishment.*** Unless otherwise specified, any person who violates any provision of this chapter or rule promulgated under this chapter is guilty of a class B misdemeanor.

RESPONSIBILITY TO THE ENVIRONMENT

While the effect of a single vessel on our rivers, lakes and coastal waters may seem insignificant. Multiply that effect by the millions of vessels on the waterways today. If we are to preserve and protect the waters, wildlife and aquatic vegetation we enjoy while boating each of us must do our part. To protect the shoreline from erosion and preserve aquatic vegetation we should; reduce throttle to “no wake” speed when close to the shoreline or in small rivers to prevent erosion.

EXCERPTS FROM:

UTAH WATER SAFETY RULES AND REGULATIONS

TITLE 73, CHAPTER 18b,UTAH CODE ANNOTATED 1953, As Amended

R651-801-1 ***Swimming prohibited.*** No person shall engage in swimming activity in any of the following:
(1) A designated "No Swimming" area;
(2) A vessel launching, docking, mooring, or harbor area; or
(3) Near or in spillways or outlets.

R615-801-2(1)***Scuba diving.*** A scuba diver shall display a diver’s flag prior to diving activity and shall dive and surface in close proximity to the flag.

73-18b-3 ***Violation and punishment.*** Any person who violates any rules made by the Board of Parks and Recreation under authority of this chapter is guilty of a class B misdemeanor.

EXCERPTS FROM:

THE UTAH LITTER LAW

TITLE 41, CHAPTER 6, UTAH CODE ANNOTATED 1953, As Amended

41-6a-1712(1) **Destructive or injurious materials on highways, parks, recreation areas, waterways, or other public or private lands.** A person may not throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded on any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the state whether under private, state, county, municipal, or federal ownership without the permission

of the owner or person having control or custody of the land.

41-6a-1712(2) ***Use of litter receptacles.*** A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:

(a) immediately remove the material or cause it to be removed; and
(b) deposit the material in a receptacle designed to receive the material.

41-6a-1713(1) **Penalty for littering.** A person who violates any of the provisions of Section 41-6a-1712 is guilty of a class C misdemeanor and shall be fined not less than $100 for each violation.

41-6a-1713(2) ***Community service as a condition of punishment.*** The sentencing judge may require that the offender devote at least four hours in cleaning up:

(a) litter caused by him; and
(b) existing litter from a safe area designated by the sentencing judge.

EXCERPTS FROM:

DRIVING WHILE INTOXICATED AND RECKLESS DRIVING

TITLE 41, CHAPTER 6a, UTAH CODE ANNOTATED 1953, As Amended

DRIVING (BOATING) UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

41-6a-501(i)(i) ***"Vehicle" or "motor vehicle" definition.*** "Vehicle" or "motor vehicle," means a vehicle or motor vehicle as defined in Section 41-6a-102, includes an off-highway vehicle as defined under 41-22-2 and a motorboat as defined in 73-18-2.

41-6a-502(1) ***Driving (Boating) under the influence (DUI).*** A person may not operate or be in actual physical control of a vehicle within this state if the person:

(a) Has sufficient alcohol in the person's body that a subsequent that a subsequent chemical test shows that the person has a blood or breath alcohol concentration of .08 grams or greater at the time of the test;
(b) Is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the person incapable of safely operating a vehicle; or
(c) Has a blood or breath alcohol concentration of .08 grams or greater at the time of operation or actual physical control.

41-6a-503 ***Penalties for DUI/BUI violations .*** A person convicted the first or second time of a violation of 41-6a-502 is guilty of a:

(a) Class B misdemeanor; or
(b) Class A misdemeanor if the person:
(i) Has also inflicted bodily injury upon another as a proximate result of having operated the vessel in a negligent manner;
(ii) Had a passenger under 16 years of age in the vehicle at the time of the offense; or
(iii) Was 21 years of age or older and had a passenger under 18 years of age in the vehicle at the time of the offense.

41-6a-503(2) ***Criminal punishment – felony.*** A person convicted of a violation of 41-6a-502 is guilty of a third degree felony if the person has also inflicted serious bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner.

41-6a-508 ***Arrest without a warrant.*** A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has probable cause to believe the violation has occurred, although not in his presence, and if the peace officer has probable cause to believe that the violation was committed by the person.

41-6a-520(1)(a) ***Implied consent to a chemical test.*** A person operating a motor vehicle in this state is considered to have given the person's consent to a chemical test or tests of the person's breath, blood, urine, or oral fluids for the purpose of determining whether the person was operating or in actual physical control of a motor vehicle while having a blood or breath alcohol content statutorily prohibited under Section 41-6a-502, 41-6a-530, or 53-3-231, or 53-3-232; under the influence of alcohol, any drug, or combination of alcohol and any drug under 41-6a-502, or having any measurable controlled substance or metabolite of a controlled substance in the person's body in violation of Section 41-6a-517. A test or tests authorized under this Subsection must be administered at the direction of a peace officer having grounds to believe that person to have been operating or in actual physical control of a motor vehicle while in violation of any provision under the previous mentioned Subsections.

41-6a-520(1)(c)***Selection of a chemical test(s) by a peace officer.***

(i) The peace officer determines which of the test are administered and how many of them are administered.

(ii) If a peace officer requests more than one test, refusal by a person to take one or more requested tests, even though he does submit to any other requested test or tests, is a refusal under this section.

41-6a-520(1)(d)***Selection of a chemical test(s) by an arrested person.***

(i) A person who has been requested under this section to submit to a chemical test or tests of the person's breath, blood, or urine, or oral fluids may not select the test or tests to be administered.

(ii) The failure or inability of a peace officer to arrange for any specific chemical test is not a defense to taking a test requested by a peace officer, and it is not a defense in any criminal, civil, or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

41-6a-520(2)(a)***Refusal to submit to a chemical test(s).*** A peace officer requesting a test or tests shall warn a person that refusal to submit to the test or tests may result in revocation of the person's license to operate a motor vehicle and a five or ten year prohibition of the person driving with any measurable or detectable amount of alcohol in the person's body depending on the person's driving history of the person.

(i) Has been placed under arrest;

(ii) Has then been requested by a peace officer to submit to any one or more of the chemical tests under Subsection (1); and

(iii) Refuses to submit to any chemical test requested.

41-6a-520(2)(b)(i)***Revocation of person's privilege or license to operate a motor vehicle.*** Following the warning under Subsection above, if the person does not immediately request that the chemical test or tests as offered by a peace officer be administered a peace officer shall, on behalf of the Driver License Division and within 24 hours of the arrest, give notice of the Driver License Division's intention to revoke the person's privilege or license to operate a motor vehicle.

(ii) When the officer serves the immediate notice on behalf of the Driver License Division, the peace officer shall:

(A) Take the Utah license certificate or permit, if any, of the operator;

(B) Issue a temporary license effective for only 29 days; and

(C) Supply to the operator, in a manner specified by the Driver License Division, basic information regarding how to obtain a hearing before the

Driver License Division.

41-6a-520(2)(d)***Peace officer's report of a refusal to submit to a chemical test(s).*** As a matter of procedure, the peace officer shall submit a signed report, within ten calendar days after the day on which notice is provided under previous Subsection that the peace officer had grounds to believe the arrested person was in violation of any provision under Subsection (1)(a)(i) through (iii) and the person had refused to submit to a chemical test or tests under Subsection (1).

41-6a-522 ***Person incapable of refusal.*** Any person who is dead, unconscious, or in any other condition rendering the person incapable of refusal to submit to any chemical test or tests is considered to not have withdrawn the consent provided for in Subsection 41-6a-520(1), and the test or tests may be administered whether the person has been arrested or not.

41-6a-523 ***Persons authorized to withdraw blood.***

(1)(a) Only a physician, registered nurse, practical nurse, or person authorized under 26-1-30, acting at the request of a peace officer, may withdraw blood to determine the alcoholic or drug content.

(b) This limitation in Subsection (1)(a) does not apply to taking a urine or oral fluid specimen.

(2) Any physician, registered nurse, practical nurse, or person authorized under 26-1-30 who, at the direction of a peace officer, draws a sample of blood from any person whom a peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which the sample is drawn, is immune from any civil or criminal liability arising from drawing the sample, if the test is administered according to standard medical practice.

41-6a-520(4)(a)***Choice of additional chemical test(s).*** The person to be tested may, at the person's own expense, have a physician of the person's own choice administer a chemical test in addition to the test or tests administered at the direction of a peace officer.

(b) The failure or inability to obtain the additional test does not affect admissibility of the results of the test or tests taken at the direction of a peace officer, or preclude or delay the test or tests to be taken at the direction of a peace officer.

(i) The additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

41-6a-524 ***Refusal to submit to a chemical test may be used as evidence.*** If a person under arrest refuses to submit to a chemical test or tests or any additional test under Section 41-6a-520, evidence of any refusal is admissible in any civil or criminal action or proceeding arising out of acts alleged to have been committed while the person was operating or in actual physical control of a motor vehicle while under the influence of alcohol, any drug, or a combination of alcohol and any drug, or having any measurable controlled substance or metabolite of a controlled substance in the person's body.

41-6a-526 **Drinking alcoholic beverages and open containers in a motor vehicle prohibited.**

(1) In this section:

(a) "Alcoholic beverage" has the meaning given in 32A-1-105.

(d)(i) "Passenger compartment" means the area of the vehicle normally occupied by the operator and passengers and includes areas accessible to the operator and passengers while traveling, such as a utility or glove compartment, but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the operator or passengers while inside the vehicle.

(2) A person may not drink any alcoholic beverage while operating a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway.

(3) A person may not keep, carry, possess, transport, or allow another to keep, carry,

possess, or transport in the passenger compartment of a motor vehicle, when the vehicle is on any highway, any container which contains any alcoholic beverage if the container has been opened, its seal broken, or the contents of the container partially consumed.

(4)(c) In a motorboat on the waters of this state as these terms are defined in 73-18-2.

41-6a-527 **Seizure and impoundment of a vehicle by peace officers.**

(1) If a peace officer arrests or cites the operator of a vehicle for violating 41-6-44, 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 41-6a-606, 53-3-231, 53-3-232, or a local ordinance similar to 41-6a-502 which complies with Subsection 41-6a-510(1), the peace officer shall seize and impound the vehicle in accordance with Section 41-6a-1406, except as provided under Subsection (2).

(2) If a registered owner of the vehicle, other than the operator, is present at the time of arrest, the peace officer may release the vehicle to that registered owner, but only if:

(a) The registered owner:

(i) Requests to remove the vehicle from the scene; and

(ii) Presents to the peace officer sufficient identification to prove ownership of the vehicle or motorboat;

(b) The registered owner identifies a driver with a valid operator's license who:

(iii) Complies with all restrictions of his operator's license; and

(iv) Would not, in the judgment of the officer, be in violation of Section 41-6a-502, 41-6a-517, 41-6a-518.2, 41-6a-520, 41-6a-530, 53-3-231, 53-3-232, Subsection 41-6a-518(10), or a local ordinance similar to 41-6a-502 which complies with 41-6a-510(1), if permitted to operate the vehicle; and

(c) The vehicle itself is legally operable.

(3) If necessary for transportation of a motorboat for impoundment under this section, the motorboat's trailer may be used to transport the motorboat.

ALCOHOL EFFECTS

Alcohol affects the body by depressing the central nervous system, affects judgment and slows reaction time. It also is difficult for you to pay attention, especially to multiple tasks. Alcohol can reduce the ability to distinguish and interpret colors, particularly red and green. It increases impairment and the likelihood of an accident.

SWIMMING

Knowing when to swim aggressively to either a boat, shore, or an eddy and when to be in the defensive swimming position takes practice, experience and judgment.

Aggressive swimming position is when you are actively swimming on your belly using both your arms and legs. You must also try to keep your body at a good ferry angle of 45 degrees to the current.

Defensive swimming position is when you are floating on your back with your feet downstream and toes out of the water to help push off of obstacles. You can use your arms in a double backstroke to control your angle and direction.

CAPSIZING AND SWAMPING

Capsizing is when a vessel turns on its side or turns completely over. Swamping is when a vessel fills with water. To reduce the risks of capsizing or swamping do not overload your vessel. Balance the load of all passengers and gear. Turn your vessel at controlled speeds. If anchoring, secure the anchor line to the bow of the vessel. If you should capsize or swamp your vessel, or if you have fallen out and can't get back in, stay with the vessel. Your swamped vessel will signal that you are in trouble. If you capsize on the upstream side of the vessel do not attempt to stand or walk in swift moving water. Float on your back with your feet and arms extended. Float with your feet pointed downstream and with knees slightly bent to fend off rocks. Don't fight the current. Take a headcount. Use a rescue technique known as reach, throw, row or go to

anyone in distress. If the vessel remains a float, try to reboard. If the vessel is overturned or swamped, hang onto it.

WEATHER EMERGENCIES

Weather can change very rapidly and create unexpected situations for vessel operators. You should always watch for changes in the weather and monitor the weather forecast. Things you should do to avoid being caught in foul weather include; tune a portable radio to a local station for current weather updates, be alert for developing clouds, shifting winds and graying skies, track changes in the barometer, watch for wind direction shifts, watch for lightning and rough water, watch the weather to the west. (the direction most bad weather arrives), and watch for fog.

COLD WATER IMMERSION AND HYPOTHERMIA

Cold water immersion kills in several ways. The colder the water, the greater the chance of death. By understanding how your body reacts to cold water, you can prepare for and be better able to appropriately respond, thus increasing your chance of survival.

There are four stages of cold water immersion:

Stage 1: Initial "cold shock" occurs in the first 3/5 minutes of immersion in cold water. Sudden immersion into cold water can cause immediate, involuntary gasping, hyperventilation, panic, and vertigo--all of which can result in water inhalation and drowning.

Stage 2: Short-term "swim failure" occurs 3-30 minutes following immersion in cold water. The muscles and nerves in the arms and legs cool quickly. Manual dexterity, hand grip strength, and speed of movement can all drop by 60-80%

Stage 3: Long-term immersion hypothermia sets in after 30 minutes, at a rate depending on water temperature, clothing, body type, and your behavior in the water. Cold water robs the body of heat 25 times faster than cold air. Hypothermia occurs when your body loses heat faster than it produces it, cooling the organs in the core of your body. Hypothermia eventually leads to loss of consciousness and death, with or without drowning.

Stage 4: Post-immersion collapse occurs during or after rescue. Once rescued, if you have been immersed in cold water you are still in danger from collapse of arterial blood pressure leading to cardiac arrest.

Your chance of surviving a cold water immersion depends on having sufficient flotation to keep your head above water, controlling your breathing, timely rescue by yourself or others, and heat retention.

Prepare for boating in cold water conditions by always wearing a secured life jacket. Also wear layered clothing for insulation. Equip your vessel with a means for re-entry (ladder, sling, etc.) to use if you should fall in.

The best prevention is to take all measures necessary to avoid capsizing your vessel or falling into cold water in the first place. If you do fall into or must enter cold water:

- Don't panic
- When your breathing is under control, perform the most important functions first before you lose dexterity (10-15 minutes after immersion).
- If you were not wearing a life jacket when entering the water, look to see if one is floating around you and put it on immediately.
- Focus on locating and getting everyone out of the water quickly before you lose full use of your hands, arms, and legs. Try to reboard your vessel, even if it is swamped or capsized, or anything else that is floating. Get as much of your body out of the water as possible.

- In as little as 10 minutes, you may be unable to self-rescue. Your focus should now be to slow heat loss. Stay as motionless as possible, protect the high heat loss areas of your body, and keep your head and neck out of the water. Safety usually looks closer than it actually is, so staying with the boat is usually a better choice than swimming. Adopt a position to reduce heat loss. If alone, use the HELP (Heat Escape Lessening Posture) position or if there are others in the water with you, huddle together. If you must swim, conserve energy and minimize movement. Swim on your back, with your upper arms against the sides of your chest, your thighs together, and your knees bent.

  Some points to remember when threatening victims of cold water immersion are:
- Get the victim our of the water as soon as possible
- Prevent further heat loss.
- Treat the hypothermia victim gently, and to your level of training. Be prepared to provide basic life support.
- Seek medical help immediately.

DEHYDRATION

A typical boating day in the summer causes your body to generate a large amount of heat. Sitting exposed out in the sun increases your body heat. The way the body rids itself of increased heat is by sweating. Increased sweating will cause dehydration if fluids are not replaced. Dehydration will make you more fatigued. The best way to minimize the risk of dehydration is to drink plenty of water. A good rule of thumb while you are out on the water is to drink at least one quart of water per hour. Besides thirst, other signs of dehydration are nausea, sleepiness, dizziness, irritability and headaches. The first thing you should do if you experience any of these symptoms is to drink plenty of water, get out of the sun and rest.

THE RESCUE

- Stay calm to go Fast.
- Do not race to failure.
- Pick the safest and SIMPLEST option!

LOCATE:
This can be very simple or complicated. The TIME and POINT last seen are both important indicators of your search area. This will close your search box and give you an idea of how far downstream someone could be. Often times if you can get above the river and look down, it can be easier to find someone pinned under water.

Hasty Search: Quick and fast; no flagging or getting out of the boat. Looking for a viable victim above water or easy to spot.

Primary Search: Quick, but with special attention to spots where someone is likely to be; i.e. outside of bends, sieves, strainers. Flagging may be used to mark footprints or high probability areas.

Secondary Search: Complete and Thorough. Usually outside of the rescue window, this can be days or months.

ASSESS/ACCESS
Your assessment includes the quickest, safest way to access your victim. The simpler, the better. Remember you need to first access them with your VOICE. Gather information and try to keep a victim with an airway calm.

STABILIZE
An EXTREMELY important step. If they are heads up, you want to keep them heads up! If they have an airway, you want to keep the airway. This includes anything from tying off a car in a flood channel, to

keeping a kayaker from tipping over. Missing this step could result in a fatality. If the kayaker is pinned on the person, you need to assess what will happen to the person before you remove the kayak. If someone is safe on top a car, be sure they STAY there!

TRANSPORT

This is the step where you figure out how to extricate the person from an entrapment or transport people off of a car or rock to the side of the river. It will then involve your method of evacuation.

FEE SCHEDULE

Outfitting Company Registration:

In State annual registration fee	$150.00
Out of State Annual registration fee	$200.00

River Guide Permitting:

Captain/Guide License (valid for 5 years from date of issue)	$ 50.00[1]
Utah Boat Crew Permits	$ 50.00[1]
Renewal of License or Permits	$ 50.00 [2]
Duplicates of Licenses or Permits	$ 15.00 [2]
Retesting, per attempt (7 day waiting period required between tests)	$ 15.00

Captain/Guide Licenses and Utah Boat Crew Permits may be renewed up to six months prior to expiration.

[1] A fee of $10 will be charged for each additional license or permit endorsement.

[2] Requires a new, complete application including employing agent's verification signature.

STUDY GUIDE RESOURCES

ABC of Rafting, River signals, abc-of-rafting.com/info/rafting-river-signlas.asp

Colorado State Parks, River Safety Gear Section, Arkansas Headwaters Recreation Area, subsection - dress. parks.state.co.us

Sierra Rescue, Swiftwater Rescue Handbook, written by Julie Munger and Abigail Polsby. Cited pages 9, 17, 39, 49 and 50.

Utah's Boating Course, 2009 edition.

Utah Criminal and Traffic Code, 2007 edition.

Utah's Personal Watercraft Education Course, 2004 edition.

United States Geological Service, Water Resources Data for Washington 2004, pubs.usgs.org/wdr/2004/wdr/wa/04-1/pdf

Utah State Parks Boating Laws and Rules, April 2009. stateparks.utah.gov/boating/publications

Wikipedia, free encyclopedia, Ineternational Scale of River Difficulty. wikipedia.org/wiki/International_Scale_of_River_Difficulty