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ARCHIVE

**IDAPA 26
TITLE 01
CHAPTER 30**

26.01.30 - IDAHO SAFE BOATING RULES

000. LEGAL AUTHORITY.

The Idaho Park and Recreation Board is authorized under Section 67-7002, Idaho Code to promulgate rules to effectuate the purposes of and aid in the administration of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (1-1-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter shall be cited in full as Idaho Department of Parks and Recreation Rules, IDAPA 26.01.30, "Idaho Safe Boating Rules." (1-1-94)

02. Scope. This chapter establishes rules to effectuate the purposes of and aid in the administration and enforcement of the Idaho Safe Boating Act, Title 67, Chapter 70, Idaho Code. (1-1-94)

002. WRITTEN INTERPRETATIONS.

This agency has written interpretations of these rules, in the form of explanatory comments accompanying the notice of proposed rule-making that originally proposed the rules, or documentation of compliance with IDAPA 26.01.01.150, "Rules of Administrative Procedure of the Idaho Park And Recreation Board." These documents are available for public inspection and copying in the central office of the agency. (1-1-94)

003. APPEALS.

Any person who may be adversely affected by a final decision, ruling, or direction of the director may appeal the decision, ruling, or direction as outlined under IDAPA 26.01.01.250, "Rules of Administrative Procedure of the Idaho Park and Recreation Board." (1-1-94)

004. -- 005. (RESERVED)

006. CITATION.

The official citation of this chapter is IDAPA 26.01.30.000 et seq. For example, the citation for this section is IDAPA 26.01.30.006. (1-1-94)

007. -- 009. (RESERVED)

010. DEFINITIONS.

As used in this chapter: (1-1-94)

01. Duly Constituted Water Ski School. A profit-making business which files Idaho income tax returns in accordance with the Idaho Income Tax Act (Title 63, Chapter 30, Idaho Code) substantiating that instruction of water ski students for the making of a profit is or was being performed by the instructor. (1-1-94)

02. Lifeboat. A vessel that: (7-1-93)

a. Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-93)

b. Is kept with the numbered vessel during normal operation of the numbered vessel; and (7-1-93)

c. Is used solely in life threatening situations. (7-1-93)

03. Motorboat. Any vessel propelled by machinery, which is powered by an energy source other than human effort, whether or not such machinery is the principal source of propulsion. (7-1-93)

04. Sailboat. Any vessel equipped with mast(s) and sail(s), dependent upon the wind to propel the vessel in the normal course of operation of the vessel. (1-1-94)

05. Sailboard. A surfboard type sailboat with no freeboard and using a triangular sail on a swivel mounted mast not secured to a hull by guys or stays. (7-1-93)

06. Tender. A vessel equipped with propulsion machinery of less than ten (10) horsepower that: (7-1-93)

- a.** Is owned by the owner of a vessel for which a valid certificate of number has been issued; (7-1-93)
- b.** Displays the number of that numbered vessel followed by the suffix "1"; and (7-1-93)
- c.** Is used for direct transportation between the numbered vessel and the shore and for no other purpose. (7-1-93)

07. Watercraft. Those devices designed as a means of transportation on water. The following devices are not considered watercraft: (7-1-93)

- a.** Diver's aids operated and designed primarily to propel a diver below the surface of the water; and (7-1-93)
- b.** Non-motorized devices not designed as a means of transportation on water, such as inflatable air mattresses, single inner tubes, and beach and water toys. (3-23-98)
- c.** Float houses as defined in Section 67-7003(8), Idaho Code. (3-23-98)

08. Whistle or Horn. Any sound producing appliance capable of producing the prescribed blasts and which complies with the specifications of 33 U.S.C. Section 2001 et seq. and 33 CFR Section 86.01 et seq. (1-1-94)

09. Other Definitions. Other definitions set forth in the Idaho Safe Boating Act (Title 67, Chapter 70, Idaho Code) are incorporated herein by reference. (7-1-93)

011. -- 049. (RESERVED)

050. PERSONAL FLOTATION DEVICES (PFD'S).

01. Personal Flotation Devices Required. Except seaplanes, sailboards, and as provided in Subsections 050.03 and 050.04 of this chapter, no person shall operate or permit to be operated any vessel on the waters of this state without carrying on board personal flotation devices (Type I life preservers, Type II buoyant vests, Type III special purpose marine buoyant devices, Type IV buoyant cushions or ring life buoys, or Type V restricted use devices) as follows: (7-1-93)

a. Recreational vessels (used for non-commercial use) less than sixteen (16) feet in length, and canoes and kayaks of any length, shall have one (1) type I, II, or III wearable personal flotation devices of a suitable size for each person on board. (5-1-95)

b. Recreational vessels sixteen (16) feet in length and over, except as stated in Subsection 050.01.a. of this chapter, shall have one (1) type I, II, or III wearable personal flotation device of a suitable size for each person on board and, in addition, one (1) type IV throwable device. (1-1-94)

c. Commercial vessels less than forty (40) feet in length not carrying passengers for hire shall have at least one (1) Type I, II, or III wearable personal flotation device of a suitable size for each person on board. (1-1-94)

d. Commercial vessels carrying passengers for hire and commercial vessels forty (40) feet in length or longer not carrying passengers for hire shall have at least one Type I wearable personal flotation device of a suitable size for each person on board. (1-1-94)

e. Commercial vessels twenty-six (26) feet in length or longer shall have at least one (1) Type IV

throwable ring life buoy in addition to other requirements. (1-1-94)

f. Children fourteen (14) years of age and younger, onboard vessels nineteen (19) feet or less, must wear an approved flotation device when the vessel is underway. (3-15-02)

02. Location and Condition. All personal flotation devices required by Section 050 of this chapter shall be readily accessible to persons on board and be of good and serviceable condition. When aboard a personal watercraft (Jet Ski, Wave Runner, etc.) or being towed by a boat (water ski, wake board, knee board, tube, etc.), an approved flotation device must be worn to be considered readily accessible. All such devices shall be approved by the U.S. Coast Guard, and shall be marked in accordance with U.S. Coast Guard standards. All such devices shall comply with the construction and design standards set forth by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (3-30-01)

03. Alternative PFD Requirement. A Type V personal flotation device may be carried in lieu of any required personal flotation device if U.S. Coast Guard approved for the activity engaged in. (7-1-93)

04. Exemptions. (7-1-99)

a. Racing shells, rowing sculls and racing kayaks are exempt from the requirements of Section 050 of this chapter provided they are manually propelled, recognized by a national or international racing association and designed solely for competitive racing. (7-1-99)

b. Float tubes are exempt from the requirements of Section 050 of this chapter while being operated on lakes and reservoirs of this state of less than two hundred (200) surface acres in size at natural or ordinary high water. (7-1-99)

051. -- 074. (RESERVED)

075. FIRE EXTINGUISHERS.

01. Fire Extinguishers Required. Except seaplanes and those motorboats less than twenty-six (26) feet in length, propelled by outboard motors, of open construction which will not permit the entrapment of explosive or flammable gases or vapors, and not carrying passengers for hire, no person shall operate or permit to be operated any motorboat on the waters of this state unless it shall carry on board and have readily accessible at least the minimum number of serviceable U.S. Coast Guard approved fire extinguishers as set forth below. (7-1-93)

02. Type and Size -- Table. Extinguishers approved for use on motorboats are hand portable of either B-I or B-II classification. "B" type is for gasoline, oil and grease fires. "I" and "II" denotes size as follows:

Classification	Foam Dioxide	Carbon Chemical	Dry Freon	Halon/
B-I	1.25 gals.	4 lbs.	2 lbs.	2.5 lbs.
B-II	2.50 gals.	15 lbs.	10 lbs.	

(1-1-94)

03. Inspections. Dry chemical fire extinguishers without gauges or indicating devices shall be inspected every six (6) months. If the gross weight of a carbon dioxide (CO₂) fire extinguisher is reduced by more than ten percent (10%) of the net weight, the extinguisher is not acceptable and shall be recharged. (1-1-94)

04. Specific Requirements. Except as provided in Subsection 075.01 of this chapter, the requirements for fire extinguishers by length of motorboat are as follows: (7-1-93)

a. Less than twenty-six (26) feet in length: At least one (1) B-1 fire extinguisher is required. (7-1-93)

b. Twenty-six (26) feet to less than forty (40) feet in length: At least two (2) B-1 fire extinguishers are

required. (7-1-93)

c. Forty (40) feet to not more than sixty-five (65) feet in length: At least three (3) B-I fire extinguishers are required. (7-1-93)

d. Over sixty-five (65) feet in length: Federal requirements shall apply as stated in 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 46 CFR Section 25.30-1 et seq. (1-1-94)

05. Alternative Fire Extinguisher Requirement. One (1) B-II fire extinguisher may be substituted for two (2) B-I fire extinguishers. (7-1-93)

06. Fixed Systems. When a fixed fire extinguishing system is installed in machinery space(s), one (1) less B-I fire extinguisher is required. (7-1-93)

076. -- 099. (RESERVED)

100. LIGHTS AND SHAPES.

01. Lights Required. No person shall operate or permit the operation of any vessel on the waters of this state between sunset and sunrise or in other times of restricted visibility unless the vessel is equipped with and displays the lights herein specified, and during such time no other lights which may be mistaken for those prescribed shall be exhibited. (1-1-94)

02. Motorized Vessels. A motorboat less than sixty-five and six-tenths (65.6) feet in length shall exhibit navigation lights as follows: (7-1-93)

a. A white light placed over the fore and aft centerline of the vessel showing an unbroken light over an arc of the horizon of two hundred twenty-five (225) degrees (twenty (20) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on either side of the vessel. (1-1-94)

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-93)

c. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (1-1-94)

d. A motorboat less than thirty-nine and four-tenths (39.4) feet in length may exhibit a white light aft visible all around the horizon in lieu of the white lights prescribed in Subsections 100.02.a. and 100.02.b. of this chapter. (7-1-93)

03. Non-Motorized Vessels. A sailboat, under sail alone, and a vessel under oars or paddles, shall exhibit navigation lights as follows: (1-1-94)

a. On the starboard side a green light and on the port side a red light each showing an unbroken light over an arc of the horizon of one hundred twelve and five-tenths (112.5) degrees (ten (10) points) and so fixed as to show the light from right ahead to twenty-two and five-tenths (22.5) degrees (two (2) points) abaft (toward the stern from) the beam on its respective side. These sidelights may be combined in one (1) lantern carried on the fore and aft centerline of the vessel. (1-1-94)

b. A white light placed as nearly as practicable at the stern showing an unbroken light over an arc of the horizon one hundred thirty-five (135) degrees (twelve (12) points) and so fixed as to show the light sixty-seven and five-tenths (67.5) degrees (six (6) points) from right aft on each side of the vessel. (7-1-93)

c. A sailboat of less than twenty-three (23) feet in length or a vessel under oars or paddles shall, if practicable, exhibit the lights prescribed in Subsections 100.03.a. and 100.03.b. of this chapter, but if it does not, it shall have ready at hand an electric torch or lighted lantern showing a white light which shall be exhibited in sufficient time to prevent collision. (7-1-93)

04. Anchorage. All vessels shall display a white light visible all around the horizon when anchored on the waters of this state, unless anchored in a designated mooring area. (1-1-94)

05. Seaplanes. Where it is impracticable for a seaplane to exhibit lights of the characteristics or in the positions prescribed in Section 100 of this chapter, it shall exhibit lights as similar in characteristics and position as is possible. (1-1-94)

06. Sailboats. Between sunrise and sunset, a vessel proceeding under sail when also being propelled by machinery shall exhibit forward where it can best be seen a conical shape, apex downward. A vessel of less than thirty-nine and four-tenths (39.4) feet in length is not required to exhibit this shape, but may do so. (7-1-93)

07. Visibility. Every white light prescribed by Section 100 of this chapter shall be of such character as to be visible at a distance of at least two (2) miles. Every other colored light shall be fitted with inboard screens of sufficient height so set as to prevent these lights from being seen across the bow and shall be of such character as to be visible at a distance of at least one (1) mile. The word "visible" in Section 100 of this chapter shall mean visible on a dark night with clear atmosphere. (7-1-93)

08. Alternative Lights and Shapes. In lieu of the lights and shapes required in Section 100 of this chapter, a vessel may exhibit those lights and shapes provided for by 33 U.S.C. Section 1601 et seq., or 33 U.S.C. Section 2001 et seq. and applicable regulations, and as published by the U.S. Coast Guard in the Navigational Rules International - Inland. (1-1-94)

101. -- 124. (RESERVED)

125. VENTILATION.

01. Ventilation Required. Except seaplanes, no person shall operate or permit to be operated any vessel having aboard a gasoline engine used for any purpose, unless it shall be provided with proper ventilation. (7-1-93)

02. Compartments With Gasoline Engines. Each compartment in a vessel that has a permanently installed gasoline engine with a cranking motor shall be open to the atmosphere, or be ventilated by a natural ventilation system and a mechanical exhaust blower system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 183.601 et seq. (1-1-94)

03. Collection of Vapors or Gases. Each compartment or tank in a vessel that may permit the entrapment of explosive or flammable gases or vapors shall be ventilated by a natural ventilation system. (1-1-94)

04. Natural Ventilation System. A natural ventilation system shall be approved for use by the U.S. Coast Guard and include a supply opening or duct from the atmosphere or from a ventilated compartment or from a compartment that is open to the atmosphere, and an exhaust opening into another ventilated compartment or an exhaust duct to the atmosphere. Each exhaust opening or duct shall originate in the lower third of the compartment; and each supply opening or duct and each exhaust opening or duct in a compartment shall be above the normal accumulation of bilge water. Each supply opening shall be forward facing and located on the exterior surface of a vessel, or be constructed so that air shall effectively flow into or out of the supply or exhaust openings. (1-1-94)

05. Exhaust Blowers. Each vessel that is required to have an exhaust blower shall have a label that is located as close as practicable to each ignition switch, is in plain view of the operator, and has at least the following information:

**“WARNING -- GASOLINE VAPORS CAN EXPLODE. BEFORE STARTING ENGINE
OPERATE BLOWER FOR FOUR (4) MINUTES AND CHECK ENGINE
COMPARTMENT BILGE FOR GASOLINE VAPORS.”**

(1-1-94)

06. Alternative Ventilation System. In lieu of the ventilation and warning label required in Section 125. of this chapter, a vessel may be provided with any type of ventilating system as required by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and applicable federal regulations. (1-1-94)

126. -- 149. (RESERVED)

150. SOUND PRODUCING DEVICES.

No person shall operate or permit to be operated any vessel on the waters of this state without carrying on board sound producing devices as follows: (7-1-93)

01. Vessels Thirty-Nine and Four-Tenths Feet and Over. A vessel of thirty-nine and four-tenths (39.4) feet or more in length shall be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq., and a bell. The whistle or horn shall be audible for at least one-half (1/2) nautical mile, and the bell, when struck, shall produce a clear bell-like tone of full sound characteristic. (1-1-94)

02. Vessels Under Thirty-Nine and Four-Tenths Feet. A vessel of less than thirty-nine and four-tenths (39.4) feet in length shall be provided with a whistle or horn capable of making the prescribed signals provided for by 33 U.S.C. Section 2001 et seq. The whistle or horn shall be audible for at least one-half (1/2) nautical mile. (1-1-94)

151. -- 174. (RESERVED)

175. BACKFIRE FLAME CONTROL.

Except seaplanes, no person shall operate or permit to be operated any motorboat on the waters of this state unless each carburetor on every inboard gasoline engine installed in a motorboat shall be equipped with a U.S. Coast Guard approved backfire flame arrester or other means of backfire flame control approved for use by the U.S. Coast Guard, each of which is securely attached to the carburetor and in proper working order. (7-1-93)

176. -- 199. (RESERVED)

200. WARNING FLAGS FOR DOWNED SKIERS.

No person shall operate or permit to be operated any vessel used for towing waterskiers or similar devices in which persons or objects are being towed above, in, or on the waters of this state unless it shall have on board and display a warning flag as specified in Section 200 of this chapter. (7-1-93)

01. Size and Color. A warning flag shall be international orange or red in color and shall be at least one (1) foot square. (7-1-93)

02. Use. When any person being towed by the vessel becomes disengaged from the towline and is down in the water, a person in the vessel shall immediately hold the warning flag aloft, visible from all sides, as an indicator to other vessels in the area that a person is down in the water. As long as such downed person is in the water, the flag shall remain displayed to prevent danger to that person and hazards to passing vessels. (1-1-94)

03. Use Limited. Such warning flag shall be displayed only under the conditions set forth in Section 200 of this chapter or when other eminent danger exists. (3-23-98)

201. -- 224. (RESERVED)

225. VESSEL LIVERIES -- EQUIPMENT.

Neither the owner of a vessel livery nor his agent or employee shall permit any vessel permitted by him to be operated as a vessel to depart from his premises unless it shall have been provided, either by owner or renter, with the

equipment required pursuant to Title 67, Chapter 70, Idaho Code and this chapter. (1-1-94)

226. PERSONAL WATERCRAFT LIVERIES.

01. Education Required. All liveries renting, leasing or hiring out any personal watercraft shall provide education in the laws, rules and safe operation of the personal watercraft to each person that will operate the personal watercraft. No person shall operate any personal watercraft which is rented, leased or hired without first completing instruction in the laws, rules and safe operation of the personal watercraft. This instruction shall include: (3-23-98)

a. The complete reading of "Personal Watercraft Laws and Safe Operation," IDPR form REV 50.13; (3-23-98)
and

b. The complete viewing of the video "Play It Safe" produced by the Personal Watercraft Industry Association. (3-23-98)

02. Acknowledgment Required. All persons operating a rented, leased or hired personal watercraft shall carry on board for inspection by any law enforcement officer a valid "Idaho PWC Renter's Acknowledgment of Education" form, IDPR form REV 50.14. (3-23-98)

03. Provision of Forms, Videos, Publications. All forms, videos and other required educational materials will be provided to personal watercraft liveries by the Department at no charge to the livery. (3-23-98)

227. -- 249. (RESERVED)

250. REGISTRATION NUMBERS -- DISPLAY, SIZE, COLOR.

01. Requirements. Each registration number required by Section 67-7008, Idaho Code shall: (1-1-94)

a. Be in plain vertical block characters of not less than three (3) inches in height; (7-1-93)

b. Contrast with the color of the background; (7-1-93)

c. Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (Example: ID 5678 A or ID-5678-A); (7-1-93)

d. Read from left to right; (7-1-93)

e. Be maintained in legible condition; (7-1-93)

f. Be as high above the waterline as practicable without decreasing the visibility of the number. (7-1-93)

02. Manufacturers and Dealers. When a vessel is used by a manufacturer or dealer for testing or demonstrating, the registration number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel. (1-1-94)

03. Special Circumstances. On vessels so configured that a registration number on the hull or superstructure would not be easily visible, the registration number shall be painted on or attached to a backing plate that is attached to the forward half of the vessel so that the registration number is visible from each side of the vessel. (1-1-94)

251. -- 274. (RESERVED)

275. REGISTRATION NUMBERS - FORM.

01. Numbering. Each registration number issued according to Section 67-7008, Idaho Code, shall

consist of the prefix "ID," which denotes Idaho as the State of issuing authority, followed by: (1-1-94)

a. Not more than four (4) numerals followed by not more than two (2) capital letters (Example: ID 1234 AB); or (1-1-94)

b. Not more than three (3) numerals followed by not more than three (3) capital letters (Example: ID 123 ABC). (7-1-93)

02. Prohibited Letters. A registration number suffix may not include the letters "I," "O," or "Q," which may be mistaken for numerals. (1-1-94)

276. -- 299. (RESERVED)

300. REGISTRATION/USE PERMIT -- VALIDATION STICKERS.

01. Size and Location of Stickers. Registration validation stickers issued according to Section 67-7008, Idaho Code shall: (1-1-94)

a. Be displayed within six (6) inches of and directly in line with the registration number displayed on the vessel; (7-1-93)

b. Be approximately three (3) inches square; and (7-1-93)

c. Indicate the year in which each validation sticker expires by the colors, green, red, blue, and international orange, in rotation beginning with green for stickers that expire in 1987. (7-1-93)

02. Removal of Stickers. Validation stickers issued according to Sections 67-7008 or 67-7011, Idaho Code, which have become invalid, shall be removed from the vessel. (1-1-94)

301. -- 324. (RESERVED)

325. APPLICATION AND CERTIFICATE OF REGISTRATION -- CONTENTS.

01. Requirements. Except as allowed in Subsections 325.03 and 325.04 of this chapter, each application for a certificate of registration and each certificate of registration, referred to in Section 67-7008, Idaho Code, shall contain the following information: (1-1-94)

a. Number issued to the vessel; (7-1-93)

b. Expiration date of the certificate; (7-1-93)

c. State of principal use; (7-1-93)

d. Name of the owner; (7-1-93)

e. Address of owner, including ZIP code; (7-1-93)

f. Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing or other use; (7-1-93)

g. Manufacturer's hull identification number (if any); (7-1-93)

h. Make of vessel; (7-1-93)

i. Year vessel was manufactured; (7-1-93)

j. Overall length of vessel; (7-1-93)

- k.** Whether the vessel is an open boat, cabin cruiser, houseboat, or other type; (7-1-93)
- l.** Hull material; (7-1-93)
- m.** Whether the propulsion is inboard, outboard, inboard-outdrive, or sail; (7-1-93)
- n.** Whether the fuel is gasoline, diesel, or other; (7-1-93)
- o.** The number previously issued by an issuing authority for the vessel, if any; (7-1-93)
- p.** Whether the application is for a new registration, renewal of a registration, or transfer of ownership; (7-1-93)
- q.** The signature of the owner. (7-1-93)

02. Manufacturer or Dealer. A certificate of registration issued to a manufacturer or dealer to be used on a vessel for test or demonstration purposes may omit the requirements of Subsections 325.01.g. through 325.01.n. of this chapter if the word “manufacturer” or “dealer” is plainly marked on the certificate. (7-1-93)

03. Livery Vessels. A certificate of registration issued to a vessel that is to be rented or leased without propulsion machinery may omit the requirements of Subsections 325.01.m. and 325.01.n. of this chapter if the words “livery vessel” are plainly marked on the certificate. (7-1-93)

04. Proof of Ownership. Each applicant for a certificate of registration as prescribed in Section 67-7008, Idaho Code, shall submit one (1) of the following documents to the Department or authorized vendor: (3-23-98)

- a.** The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (3-23-98)
- b.** If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (3-23-98)
- c.** If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (3-23-98)
- d.** If none of the documents listed in Subsections 325.04.a. or 325.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (3-23-98)

326. -- 349. (RESERVED)

350. NUMBERING - EXEMPTIONS.

The following vessels are exempt from the numbering provisions of Title 67, Chapter 70, Idaho Code, pursuant to Section 67-7009(5), Idaho Code: (7-1-93)

- 01. Rowboats.** Rowboats without motors; (7-1-93)
- 02. Canoes.** Canoes without motors; (7-1-93)
- 03. Kayaks.** Kayaks without motors; (7-1-93)
- 04. Inflatables.** Inflatable vessels without motors; (7-1-93)

- 05. Paddle Vessels.** Paddle vessels without motors; (7-1-93)
- 06. Sailboards.** Sailboards without motors; (7-1-93)
- 07. Tenders.** Tenders; (7-1-93)
- 08. Documented Vessels.** Vessels properly documented with the U.S. Coast Guard, according to 46 U.S.C. 12101 et seq.; and (3-23-98)
- 09. Government Vessels.** Vessels exempted in Section 67-7009(3), Idaho Code, include those vessels owned by the United States, another state or a political subdivision thereof, which are used principally for governmental purposes other than recreation, and which are clearly identifiable as a government-owned vessel. (7-1-93)

351. -- 399. (RESERVED)

400. COUNTY ELIGIBILITY TO RECEIVE MONEYS FROM THE STATE VESSEL ACCOUNT.

01. Boating Improvement Program. Only those counties in the state with a boating improvement program, as recognized by the Department, shall be eligible to receive moneys from the state vessel account. "A 'boating improvement program' means that one or more recognized boating facilities are being developed and/or maintained within the county's jurisdiction and/or that the county has or is actively developing a recognized boating law enforcement program" (Section 67-7013(6), Idaho Code). (1-1-94)

02. Requirements for Boating Improvement Program. A boating improvement program is recognized if it contains one (1) or more of the following: (7-1-93)

a. Boating facilities which are being maintained within the county's jurisdiction. A boating facility is an improved public boating access site, which includes at least an improved (concrete or asphalt) boat ramp and any type parking area for vehicles and their attached boat trailers. (1-1-94)

b. Boating facilities which are being developed within the county's jurisdiction. "Being developed" means that substantiating evidence can and shall be presented in proof of the development. (1-1-94)

c. The county has a boating law enforcement program. A boating law enforcement program is a program whereby an agent of the county sheriff's Department is currently, or has in the recent past, patrolled the county's waterways and enforced Title 67, Chapter 70, Idaho Code. (1-1-94)

d. The county is actively developing a boating law enforcement program. "Actively developing" means that substantiating evidence can and shall be presented in proof if the development. (1-1-94)

401. -- 424. (RESERVED)

425. HULL IDENTIFICATION NUMBERS - REQUIRED.

01. Obtaining a Hull Identification Number. A person who builds or imports a vessel for his own use and not for the purposes of sale shall request a hull identification number from the director and affix the number as instructed (Section 67-7004(2), Idaho Code). (1-1-94)

02. Displaying the Hull Identification Number. A person shall identify a vessel with the display of two (2) identical hull identification numbers, or as otherwise provided by 46 U.S.C. Section 2101 et seq. and Section 4301 et seq., and 33 CFR Section 181.21 et seq. (1-1-94)

03. Duplicate Numbers Prohibited. The same hull identification number may not be assigned to more than one (1) vessel. (7-1-93)

04. Proof of Ownership. Each applicant for a hull identification number as prescribed in Sections 67-7004(2) and 67-7004(4), Idaho Code, shall submit one (1) of the following documents to the Department: (3-23-98)

a. The bill of sale from the dealer or a bill of sale from the previous owner of the vessel; (3-23-98)

b. If the vessel is home built, a sworn statement attesting to the identity of the builder, the location or place of construction, the source of the material used for construction and a description of the vessel. The statement must also be accompanied by any receipts received from the purchase or acquisition of the materials used in the construction of the vessel and a copy of the construction plans, if any; (3-23-98)

c. If the vessel has been rebuilt, a sworn statement attesting to the identity of the builder, the location or place of rebuilding, the source of the material used for rebuilding and a description of the vessel. The statement must also be accompanied by any receipts received for the purchase or acquisition of the materials used in the rebuilding of the vessel and documentation indicating the source of the original hull and proof of ownership from the previous owner; (3-23-98)

d. If none of the documents listed in Subsections 425.04.a. or 425.04.b. of this Section are available, the applicant must submit an affidavit of ownership to the Department. (3-23-98)

426. -- 449. (RESERVED)

450. HULL IDENTIFICATION NUMBERS -- FORM.

Each hull identification number issued according to Section 67-7004(2), Idaho Code shall consist of twelve (12) characters, uninterrupted by slashes, hyphens, or spaces, as follows: (1-1-94)

01. Prefix. The first three (3) characters (prefix) shall be "IDZ," which denotes Idaho as the issuing authority. (1-1-94)

02. Hull Serial Number. Characters four (4) through eight (8) shall be the hull serial number assigned by the director in letters of the English alphabet, or Arabic numerals, or both, except the letters "I," "O," and "Q." (1-1-94)

03. Date of Manufacture. Characters nine (9) and ten (10) shall indicate the month and year of manufacture. The date indicated can be no earlier than the date construction or assembly began and no later than the date construction or assembly is completed or the vessel is imported into the United States. Character nine (9) shall be indicated using letters of the English alphabet. The first month of the year, January, shall be designated by the letter "A," the second month, February, by the letter "B," and so on until the last month of the year, December. Character ten (10) shall be the last digit of the year of manufacture or import and shall be an Arabic numeral. (1-1-94)

04. Model Year. Characters eleven (11) and twelve (12) shall indicate the model year using Arabic numerals for the last two (2) numbers of the model year such as "87" for 1987 and "88" for 1988. (1-1-94)

451. -- 474. (RESERVED)

475. HULL IDENTIFICATION NUMBERS -- DISPLAY.

Each hull identification number issued according to Section 67-7004(2), Idaho Code shall be displayed as follows: (1-1-94)

01. Primary Number. The primary hull identification number shall be affixed: (1-1-94)

a. On vessels with transoms, to the starboard outboard side of the transom within two (2) inches of the top of the transom, gunwale, or hull/deck joint, whichever is lowest. (7-1-93)

b. On vessels without transoms or on vessels on which it would be impractical to use the transom, to the starboard outboard side of the hull, aft, within one (1) foot of the stern and within two (2) inches of the top of the hull side, gunwale or hull/deck joint, whichever is lowest. (7-1-93)

c. On catamarans and pontoon vessels which have readily replaceable hulls, to the aft crossbeam within one (1) foot of the starboard hull attachment. (7-1-93)

d. If the hull identification number would not be visible, because of rails, fittings, or other accessories, the number shall be affixed as near as possible to the location specified in Subsection 475.01 of this chapter. (1-1-94)

02. Duplicate Number. The duplicate hull identification number shall be affixed in an unexposed location on the interior of the vessel or beneath a fitting or item of hardware. (1-1-94)

03. Hull Identification Number to Be Permanently Affixed. Each hull identification number shall be carved, burned, stamped, embossed, molded, bonded, or otherwise permanently affixed to the vessel so that alteration, removal, or replacement would be obvious. If the number is on a separate plate, the plate shall be fastened in such a manner that its removal would normally cause some scarring of or damage to the surrounding hull area. A hull identification number may not be attached to parts of the vessel that are removable. (1-1-94)

04. Size of Characters. The characters of each hull identification number shall be no less than one-fourth (1/4) of an inch high. (1-1-94)

476. -- 499. (RESERVED)

500. IDAHO WATERWAY MARKING SYSTEM.

01. Uniform System. In the marking of water areas, as described in Section 67-7031, Idaho Code, the Uniform State Waterway Marking System shall be used for the placement of aids to navigation and regulatory markers in the waters of the state. (1-1-94)

02. Regulatory Markers. Regulatory markers shall be used to indicate to a vessel operator the existence of dangerous areas as well as those which are restricted or controlled, such as speed zones and areas dedicated to a particular use, or to provide general information and directions. (1-1-94)

03. Colors. Each regulatory marker shall be colored white with international orange geometric shapes. (7-1-93)

04. Buoys. When a buoy is used as a regulatory marker it shall be white with horizontal bands of international orange placed completely around the buoy circumference. One (1) band shall be at the top of the buoy body, with a second band placed just above the waterline of the buoy so that both international orange bands are clearly visible to approaching vessels. The area of buoy body visible between the two (2) bands shall be white. (7-1-93)

05. Geometric Shapes. Geometric shapes shall be placed on the white portion of the buoy body and shall be colored international orange. The authorized geometric shapes and meanings associated with them are as follows: (7-1-93)

a. A vertical open faced diamond shape to mean danger. (7-1-93)

b. A vertical open faced diamond shape having a cross centered in the diamond to mean that a vessel is excluded from the marked area. (7-1-93)

c. A circular shape to mean that vessel operated in the marked area is subject to certain operating restrictions. (7-1-93)

d. A square or rectangular shape with directions or information lettered on the inside. (7-1-93)

06. Signs. Where a regulatory marker consists of a square or rectangular shaped sign displayed from a structure, the sign shall be white, with an international orange border. When a diamond or circular geometric shape associated with meaning of the marker is included it shall be centered on the signboard. (7-1-93)

07. Navigation Aids. Aids to navigation shall be used to supplement the federal lateral system of buoyage and shall have either a lateral or cardinal meaning. (1-1-94)

08. Defined Channel. On a well defined channel including a river or other relatively narrow natural or improved waterway, an aid to navigation shall normally be a solid colored buoy. A buoy which marks the left side of the channel viewed looking upstream or toward the head of navigation shall be colored all black. A buoy which marks the right side of the channel viewed looking upstream or toward the head of a navigation shall be colored all red. On a well defined channel, solid colored buoys shall be established in pairs, one (1) on each side of the navigable channel which they mark, and opposite each other to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-93)

09. Irregularly Defined Channel. On an irregularly defined channel, solid colored buoys may be used singly in staggered fashion on alternate sides of the channel provided they are spaced at sufficiently close intervals to inform the user that the channel lies between the buoys and that he should pass between the buoys. (7-1-93)

10. Undefined Channel. Where there is no well defined channel or when a body of water is obstructed by objects whose nature or location is such that the obstruction can be approached by a vessel from more than one (1) direction, supplemental aids to navigation having cardinal meaning (i.e., pertaining to the cardinal points of the compass, north, east, south, and west) may be used. The use of an aid to navigation having cardinal meaning is discretionary provided that the use of such a marker is limited to wholly state owned waters and the state waters for private aids to navigation as defined and described in Section 500 of this chapter. (1-1-94)

11. Cardinal System. Aids to navigation conforming to the cardinal system shall consist of three (3) distinctly colored buoys. (7-1-93)

a. A white buoy with a red top may be used to indicate to a vessel operator that he shall pass to the south or west of the buoy. (1-1-94)

b. A white buoy with a black top may be used to indicate to a vessel operator that he shall pass to the north or east of the buoy. (1-1-94)

c. In addition, a buoy showing alternate vertical red and white stripes may be used to indicate to a vessel operator that an obstruction to navigation extends from the nearest shore to the buoy and that he may not pass between the buoy and shore. The number of white and red stripes is discretionary, provided that the white stripes are twice the width of the red stripes. (1-1-94)

12. Markers to Be Visible. The size, shape, material, and construction of all markers, both fixed and floating, shall be such as to be observable under normal conditions of visibility at a distance such that the significance of the marker or aid shall be recognizable before the observer stands into danger. (1-1-94)

13. Lettering to Be Visible. Numbers, letters or words on an aid to navigation or regulatory marker shall be placed in a manner to enable them to be clearly visible to an approaching and passing vessel. They shall be block style, well proportioned, and as large as the available space permits. Numbers and letters on red or black backgrounds shall be white; numbers and letters on white backgrounds shall be black. (7-1-93)

14. Numbering Buoys. Odd numbers shall be used to identify solid colored black buoys or black topped buoys; even numbers shall be used to identify solid colored red buoys or red topped buoys. All numbers shall increase in an upstream direction or toward the head of navigation. The use of numbers to identify buoys is discretionary. (7-1-93)

15. Lettering Markers. Letters only may be used to identify regulatory and the white and red vertically striped obstruction markers. When used the letters shall follow alphabetical sequence in an upstream direction or toward the head of navigation. The letters "I" and "O" shall be omitted to preclude confusion with numbers. The use of letters to identify regulatory markers and obstruction markers is discretionary. (7-1-93)

16. Reflective Material. The use of reflectors or retroreflective materials shall be discretionary. (7-1-93)

17. Color of Reflective Material. When used on buoys having lateral significance, red reflectors or retroreflective materials shall be used on solid colored red buoys; green reflectors or retroreflective materials shall be used on solid colored black buoys; white reflectors or retroreflective materials only shall be used for all other buoys including regulatory markers, except that orange reflectors or retroreflective materials may be used on the orange portions of regulatory markers. (7-1-93)

18. Lights. The use of navigational lights on state aids to navigation, including regulatory markers, is discretionary. When used, lights on solid colored buoys shall be regularly flashing, regularly occulting, or equal interval lights. For ordinary purposes the frequency of flashes may not be more than thirty (30) flashes per minute (slow flashing). When it is desired that lights have a distinct cautionary significance, as at sharp turns or sudden constrictions in the channel or to mark wrecks or other artificial or natural obstructions, the frequency of flashes may not be less than sixty (60) flashes per minute (quick flashing). When a light is used on a cardinal system buoy or a vertically striped white and red buoy it shall always be quick flashing. The colors of the lights shall be the same as for reflectors; a red light only on a solid colored red buoy; a green light on solid colored black buoy; white light only for all other buoys including regulatory markers. (1-1-94)

19. Ownership Identification. The use and placement of ownership identification is discretionary, provided that ownership identification is worded and placed in a manner which shall avoid detracting from the meaning intended to be conveyed by a navigational aid or regulatory marker. (1-1-94)

20. Mooring Buoys. Mooring buoys in state waters for private aids to navigation shall be colored white and shall have a horizontal blue band around the circumference of the buoy centered midway between the top of the buoy and the waterline. (1-1-94)

21. Lighted Mooring Buoys. A lighted mooring buoy shall normally display a slow flashing white light. When its location in a waterway is such that it constitutes an obstruction to a vessel operated during hours of darkness, it shall display a quick flashing white light. (1-1-94)

22. Identifying Mooring Buoys. A mooring buoy may bear ownership identification provided that the manner and placement of the identification does not detract from the meaning intended to be conveyed by the color scheme or identification letter when assigned. (7-1-93)

501. -- 524. (RESERVED)

525. NEGLIGENCE OPERATION.

Negligent operation, as used in Section 67-7017, Idaho Code, shall include, but not be limited to, the following: (1-1-94)

01. Airborne. Becoming airborne or completely leaving the water while crossing the wake of another vessel at an unsafe distance from the vessel creating the wake; or (3-23-98)

02. Weaving. Weaving through congested traffic; or (3-23-98)

03. Speed or Proximity. Operating at such a speed and proximity to another vessel, a person, or property of other persons so as to require the operator to swerve at the last moment to avoid collision. (3-23-98)

526. -- 999. (RESERVED)

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