

## NOTICES OF PROPOSED RULEMAKING

Unless exempted by A.R.S. § 41-1005, each agency shall begin the rulemaking process by first submitting to the Secretary of State's Office a Notice of Rulemaking Docket Opening followed by a Notice of Proposed Rulemaking that contains the preamble and the full text of the rules. The Secretary of State's Office publishes each Notice in the next available issue of the *Register* according to the schedule of deadlines for *Register* publication. Under the Administrative Procedure Act (A.R.S. § 41-1001 et seq.), an agency must allow at least 30 days to elapse after the publication of the Notice of Proposed Rulemaking in the *Register* before beginning any proceedings for making, amending, or repealing any rule. (A.R.S. §§ 41-1013 and 41-1022)

### NOTICE OF PROPOSED RULEMAKING

#### TITLE 12. NATURAL RESOURCES

#### CHAPTER 4. GAME AND FISH COMMISSION

[R07-180]

#### PREAMBLE

**1. Sections Affected**

R12-4-501  
R12-4-502  
R12-4-503  
R12-4-505  
R12-4-506  
R12-4-507  
R12-4-509  
R12-4-511  
R12-4-514  
R12-4-516  
R12-4-517  
R12-4-520  
R12-4-524  
R12-4-526  
R12-4-528

**Rulemaking Action**

Amend  
New Section  
New Section

**2. The specific authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statute: A.R.S. § 5-311

Implementing statute: A.R.S. §§ 5-311(A), 5-321, 5-321.01, 5-324, 5-331, 5-332, 5-336, 5-322, 5-346, 5-349, 5-361, and 5-391 for all rules, and A.R.S. Title 5, Chapter 3, Article 11 in addition for R12-4-527.

**3. A list of all previous notices appearing in the *Register* addressing the proposed rule:**

Notice of Rulemaking Docket Opening: 13 A.A.R. 2098, June 15, 2007 (*in this issue*)

**4. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name: Carlos Ramírez, Rules Analyst  
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2221 W. Greenway Road DORR  
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**5. An explanation of the rule, including the agency's reasons for initiating the rule:**

The Arizona Game and Fish Commission is proposing to amend its Article 5 rules, dealing with boating and water sports, to enact changes developed during a preceding five-year-rule review. After evaluating the scope and effectiveness of the revisions specified in the review, the Commission is also proposing additional changes to further implement its original proposal.

The Commission proposes to amend R12-4-501 to add a definition for the term “certificate of origin” as part of a suite of amendments intended to address concerns about the illegal laundering of watercraft. A certificate of origin will be defined as a document establishing the initial chain of ownership of a watercraft, specifically a manufacturer’s certificate of origin (MCO), a manufacturer’s statement of origin (MSO), an importer’s certificate of origin (ISO), or builder’s certification (Form CG-1261), provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, and the original purchaser.

The Commission’s principle efforts in addressing watercraft laundering are focused in R12-4-502. First, the Commission is proposing to amend subsection (B) to compel the inspection of homemade watercraft. Under subsection (K), the Game and Fish Department reserves the right to require inspection of any watercraft to verify registration information provided by the applicant if the Department has reason to believe that the information is inaccurate or false. The agency is having a continuing problem with individuals registering a “homemade watercraft” with a “statement of fact” under subsection (F) for illegal purposes. Under A.R.S. § 5-321, these types of watercraft are not necessarily required for inspection, and criminals are using the registration procedures to fraudulently facilitate personal economic gains, which include tax evasion, insurance fraud, theft, and reductions in registration fees. Many times, remodeled watercraft are reregistered as homemade when in fact these watercraft are stolen, interiorly modified, and have the hull identification number (HIN) removed. By receiving a HIN through the registration process, criminals are able to pass the stolen watercraft as legal, and otherwise lawfully sell it to those who also assume that the watercraft is homemade.

To further combat attempted unlawful registration and potential laundering of watercraft, the Commission proposes to amend subsection (F)(6) to require that an individual that applies to register a watercraft under a statement of fact present the watercraft to the Department for inspection. It is sometimes difficult to clearly establish ownership of a watercraft registered under a statement of fact because no other form of documentation of the watercraft exists. This amendment would allow the Department to inspect the watercraft and establish a history of ownership through a HIN or other identifiers. The Department also proposes adding a new item (7) to require that an individual that applies to register a new watercraft provide an original certificate of origin (CO). By providing an original CO, the Department is able to verify use and lawful possession of the watercraft, and establish a more definitive history of the watercraft if it is sold or registered by another lawful owner. Requiring an original CO also prevents criminal laundering of watercraft. By requiring a CO, the Department can establish a record that can be used by the Coast Guard and other states to prevent someone from registering an identical watercraft in another state under the same CO. For the purposes of this Section, a new watercraft is any watercraft purchased from a new watercraft dealer or manufacturer within a year before it is registered. The Commission will also add a provision to allow for application for registration if the CO is held by a lien holder. Currently, 34 states require a CO from the owner when registering a watercraft.

Lastly under this rule, the Commission proposes to amend R12-4-502 to ensure that an individual transfers registration of an abandoned watercraft through the appropriate process and prevent individuals from transferring registration of watercraft that are erroneously claimed to be abandoned when they may in fact be stolen. To achieve this objective, the Commission proposes to amend subsection (F)(6)(d) to clearly state that an individual who is applying to transfer registration of a watercraft under a statement of fact shall certify that the watercraft was purchased, received as a gift, or received as a trade, and that the watercraft has not been registered, titled or otherwise documented in the past five years.

In the preceding five-year review, the Department suggested amending R12-4-503 to divide telecommunication renewal of watercraft registration into telephone and online renewal to make each process more understandable. This change would result in a new subsection (D) that clearly prescribes requirements for online renewal of watercraft registration. In the original proposal, an applicant for online renewal was only required to provide a Department-approved password and the applicant’s date of birth. The Department is now modifying the new subsection (D) to fully include the existing requirements for online renewal. In addition to an applicant paying the registration fee required by A.R.S. § 5-321, an applicant shall also provide the assigned Arizona watercraft number (or AZ number) of the watercraft being renewed. This process is necessary because it identifies what watercraft is being renewed. The Department is also proposing to require an online renewal applicant to provide either the date of birth, the Department-assigned authorization number (previously called the identification number), or the applicant’s password.

The Department proposes to further amend R12-4-503 to state that an applicant for watercraft renewal who applies by telephone shall provide the Department-assigned authorization number or the applicant’s date of birth under subsection (C)(3). Many people do not feel comfortable giving their security password over the phone, and it is not necessary in lieu of either an authorization number or date of birth.

In reviewing R12-4-505, the Commission did not believe the rule adequately communicated the intent of the rule when prescribing requirements for affixation of a Department-issued HIN. This is problematic when the Department issues a number to a watercraft that already has a HIN that does not conform to Coast Guard standards. Because the Coast Guard has eminent authority over watercraft, it determines the format of HIN’s. When the Department encounters a watercraft that has a non-conforming HIN, it will notify the Coast Guard and issue a new number. A problem occurs when those who are issued a replacement HIN do not place it on the watercraft, or place it somewhere on the watercraft where it fades and becomes unreadable. To resolve this concern, the Department proposes to amend sub-

section (E) of the rule to require an individual to permanently affix the HIN within 30 days of issuance. Either the applicant, the registered owner, or the Department shall affix the permanent HIN.

The Commission proposes to amend R12-4-506 to add a new item (7) under subsection (B) to invalidate a certificate of number and any decals if they are issued as a result of an internal processing error. When entering registration information, these errors can disqualify an individual from receiving an otherwise lawful registration or may result in the Department issuing a registration for an improper application. All such internal processing errors would be corrected using the proper registration process or other procedures.

The Commission proposes to amend R12-4-507 first to alphabetize the definitions listed in subsection (A) according to APA guidelines. The Commission next proposes to amend the subsection to make clear what constitutes "abandoned" in the definition of "abandoned watercraft." The current definition uses terms that are not definitive and could be openly interpreted. Some individuals have attempted to exploit the ambiguity of the definition in order to transfer registration and gain ownership of a watercraft that may not truly be abandoned. The Commission proposes to amend the definition to state that a watercraft is abandoned if it has remained on private property without the consent of the private property owner or has remained unattended on a highway, public street, or other public property, or waterways for more than seven days.

The Commission also proposes to amend subsection (C) of this rule to require additional information when reporting an abandoned watercraft. This information will help determine whether the watercraft was truly abandoned. The Commission proposes to amend item (7) to also require an individual to state whether the watercraft was abandoned on private or public property and, if private, whether the applicant is the legal owner of the property. The Department has occasionally received applications for transfer of ownership from individuals who have attempted to fraudulently transfer a watercraft that is left in another person's driveway or other type of property. The Commission also proposes to add a new item (10) to require an applicant for transfer of registration to state the length of time the watercraft was abandoned. This requirement will ensure that both the Department and the applicant adhere to the transfer of ownership process for abandoned watercraft. Finally, the Commission proposes to add a new item (11) that would require the applicant for transfer to provide a reason why the applicant believes the watercraft is abandoned. This item would reduce fraud by eliminating false claims and determine the appropriate process by which the watercraft can be registered.

The Commission is also proposing to amend R12-4-507 to make the rule more effective in achieving its objective. Under subsection (D), the Department has established a process to notify the owner of an abandoned watercraft when someone is attempting to transfer ownership of it. The agency notifies the legal owner via certified mail and gives the owner the opportunity to reclaim the watercraft or release interest in the watercraft by returning an enclosed pre-addressed postage-paid response card. The Department knows that the owner received the letter when the owner signs and returns the attached response card. The Department does not have a process in rule to resolve what happens when a legal owner does not indicate whether or not he or she is releasing ownership of the watercraft. The Department proposes to add a new (D)(1)(d) to state that failure to either claim or release ownership of the watercraft within 180 days after the date the Department receives a signed certified card constitutes a waiver of interest in the watercraft by any individual having an interest in the watercraft and the watercraft shall be deemed abandoned for all purposes. This addition gives a watercraft owner a sizable opportunity to reclaim his or her property and prescribes a method by which an applicant for transfer may still obtain ownership.

In conjunction with the amendments proposed to R12-4-502, the Commission proposes to amend R12-4-509(G) to add an item requiring a watercraft agent to obtain a certificate of origin when purchasing a new watercraft on behalf of another person. Under the proposed amendments to R12-4-502, a watercraft owner must present that certificate of origin to register the watercraft.

The Commission proposes to amend R12-4-511, dealing with personal flotation devices to reorder the subsections according to the Administrative Procedures Act standards. All references will be updated as well.

The Commission is also proposing to amend R12-4-514 to ensure that watercraft liveries comply with all safety equipment requirements prescribed in this Article and its authorizing statutes. Watercraft law enforcement officers statewide routinely encounter rental boats that do not have the appropriate equipment on board. Thus, the Commission proposes to require written acknowledgement of compliance with A.R.S. § 5-371 by the livery operator. This provides written documentation on the rental receipt that the livery operator has provided to the renter all required safety equipment of proper size, quantity, and type as required by A.R.S. Title 5, Chapter 3, Articles 4 and 5, and A.A.C. Title 12, Chapter 4, Article 5. The Commission will also propose that the receipt be signed by both the renter and the livery operator or the livery's agent so that both parties are aware of what equipment is on board and are knowingly in compliance.

The Commission is proposing to make significant changes to R12-4-516 to address the growing problem of watercraft that produce an excessive amount of noise. More and more people are using the state's lakes, and watercraft are being built bigger, faster, and most of all louder. To effectively regulate noise levels on state waters, the Department proposes adding new language that would allow for additional sound tests, incorporating the Society of Automotive Engineers recommended practices SAEJ2005 and SAEJ1970, in addition to those sound tests currently used by the Department.

The Commission will make further changes to its original proposal to clearly prescribe what these tests are and how they are to be conducted. The Department will clarify that SAEJ2005 tests are stationary sound level tests, which have their own protocol, and that an SAEJ1970 test is a shoreline sound level test. The Department is also adjusting the new subsection (C) drafted during the five-year review by creating a new subsection (D) that specifically speaks to operators of watercraft. The new subsection prescribes additional guidelines to the operator of a watercraft if the operator is directed to correct deficiencies by a law enforcement officer after failing a noise level test.

The Department's need to renovate lakes for use by the public are prompting the Commission to propose amendments to R12-4-517 to make greater allowances for use of motorized watercraft on state lakes. To make available the necessary funds for the Department to meet its obligations for conserving aquatic habitat and resources and to serve public safety, the Commission proposes to amend the rule to authorize the use of a maximum 10 horsepower electric motor or single gasoline engine on certain lakes. By authorizing the use of engines that may run on fossil fuels on specific lakes, they will be eligible for improvement funds under the Wallop-Breaux tax, more commonly known as the "gas tax" issued through the State Lakes Improvement Fund. Because of the controversial nature of this proposal, the Commission is only proposing that four lakes be opened to 10 horsepower engines: Arivaca Lake, Black Canyon Lake, Lynx Lake, and Peña Blanca Lake.

The Commission has also received requests from Department personnel in Flagstaff and the division of the National Forest Service that presides over the Coconino National Forest to restrict use of Lower Lake Mary and Marshall Lake to single electric motors or single gasoline engines not exceeding 10 hp in subsection (B). During very wet winters, Lower Lake Mary spreads out, but remains shallow with limited visibility. The obscurity makes it difficult to identify the depth and the numerous hazards that become submerged at the bottom, such as well heads, fences, roads, and signs. Marshall Lake is a smaller lake that fosters waterfowl habitat. For the sake of conserving and retaining this habitat, restrictions will be put in place.

The Commission proposes to amend R12-4-520 to comply with Administrative Procedures Act guidelines for rule-making language and style and to update references to the Code of Federal Regulations.

When the Commission reviewed R12-4-521, it attempted to address the problem of individuals who reside, live in, or leave watercraft, such as houseboats, on waters that have shared jurisdictions. On these waters, an individual is required to moor their watercraft either to a dock or a government-authorized or private buoy if they leave their watercraft unattended. However, some individuals tie their watercraft to a regulatory marker or aid, or simply drop anchor. The concern is aggravated by the fact that some of these waters do not prescribe time limits for prolonged residence or "camping" on the water. These "water squatters" generate additional problems while moored in the water, including abandonment of watercraft or houseboat, violating clean water regulations by discharging waste or leaking oil from watercraft, blocking access to public waters, thereby obstructing government agencies from carrying out their duties, and avoidance of paying mooring fees.

R12-4-521 already prescribes regulations for mooring or fastening a watercraft to a marker or aid not intended for mooring, but it is not intended to regulate "water squatting." Instead of expanding the rule, the Commission proposes to add a new Section to address unlawful mooring. The new rule R12-4-526 will state that an individual shall not moor, anchor, fasten to the shore or otherwise secure a watercraft for longer than 14 consecutive days on any public body of water, unless those waters are a special anchorage area as defined in A.R.S. § 5-301.12, or authorized private docks or moorages, or as authorized by the government agency or private interest that has jurisdiction over those waters.

Under R12-4-524, anyone who water skis must be observed by another individual who is physically capable and mentally competent to act as an observer. However, the Department has developed concerns over the use of underage youth as waterskiing observers, like very young children or toddlers. The Commission holds that an individual younger than 12 is not of sound enough temperament to act as observer and will propose the rule accordingly. Both California and Nevada require an observer to be 12 years of age or older.

Finally, the Commission is proposing to add a new Section R12-4-528 to prescribe procedures for watercraft stops and checkpoints as wells as to specify the responsibilities of the public when stopped or upon encountering these checkpoints. A key element of the agency's mission is to provide safe waterways for the use and enjoyment of the regulated community. Watercraft stop procedures allow an officer to ensure presence of working safety equipment. Checkpoints designated to inspect whether someone is operating a watercraft under the influence serve a public interest in ensuring that safety, particularly with the increasing use of the state's lakes.

**6. A reference to any study that the agency proposes to rely on in its evaluation of or justification for the proposed rule and where the public may obtain or review the study, all data underlying each study, any analysis of the study and other supporting material:**

The Department did not rely on any study in its evaluation of or justification for the proposed rules.

**7. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

In proposing many of these amendments, the Commission's intent is to address watercraft laundering and watercraft safety, and ensure that ownership of watercraft is clearly established through a lawful process. In that sense, the majority of the benefit of this rulemaking is intended for the regulated community. The agency will also benefit from the proposed rulemaking, although some amendments may incur implementation costs. Overall, the proposed rulemaking will not affect businesses; however, amendments dealing with liveries and safety equipment may result in minor implementation costs. The proposed rulemaking will not affect other agencies, private or public employment, or the state general fund. Although proposed amendments to R12-4-517 that allow maximum 10 horsepower engines on the lakes listed will make them eligible for State Lake Improvement Funds, it will not increase or decrease the amount the agency may receive from the fund. The Commission has determined the benefits of the rulemaking outweigh any costs.

**9. The name and address of agency personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:**

Name: Carlos Ramírez, Rules Analyst  
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2221 W. Greenway Road DORR  
Phoenix, AZ 85023-4399  
Telephone: (602) 789-3288  
Fax: (602) 789-3677

**10. The time, place, and nature of the proceedings for the making, amendment, or repeal of the rule; or, if no proceeding is scheduled, where, when, and how persons may request an oral proceeding on the proposed rule:**

Written comments will be accepted at the above address for 30 days following publication of this Notice in the *Arizona Administrative Register*. The Game and Fish Commission will hold a public hearing and may take action to amend the rule on:

Date: September 7-8, 2007  
Time: TBD  
Location: Woodland Inn and Suites  
458 E. White Mountains Blvd.  
Pinetop, AZ 85935

The Arizona Game and Fish Commission follows Title II of the Americans with Disabilities Act. The Commission does not discriminate against persons with disabilities who wish to make oral or written comments on proposed rulemaking or otherwise participate in the public comment process. Individuals with disabilities who need a reasonable accommodation (including auxiliary aids or services) to participate in the public comment process, or who require this information in an alternate form, may contact Dustin McKissen at (602) 789-3288 (Voice); 1-800-367-8939 (TDD); 2221 W. Greenway Road, Phoenix, AZ 85023. Requests should be made as soon as possible so that the Arizona Game and Fish Department will have sufficient time to respond.

**11. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

**12. Incorporations by reference and their location in the rules:**

Not applicable

**13. The full text of the rules follows:**

**TITLE 12. NATURAL RESOURCES**

**CHAPTER 4. GAME AND FISH COMMISSION**

**ARTICLE 5. BOATING AND WATERSPORTS**

Section

- R12-4-501. Boating and Water Sports Definitions
- R12-4-502. Application for Watercraft Registration
- R12-4-503. Renewal of Watercraft Registration
- R12-4-505. Hull Identification Numbers
- R12-4-506. Invalidation of Watercraft Registration
- R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft
- R12-4-509. Watercraft Agents

- R12-4-511. Personal Flotation Devices
- R12-4-514. Liveries
- R12-4-516. Watercraft Sound Level Restriction
- R12-4-517. Watercraft Motor and Engine Restrictions
- R12-4-520. Arizona Uniform State Waterway Marking System
- R12-4-524. Water Skiing
- R12-4-526. ~~Reserved~~ Unlawful Mooring
- R12-4-528. ~~Reserved~~ Watercraft Checkpoints

#### ARTICLE 5. BOATING AND WATERSPORTS

##### **R12-4-501. Boating and Water Sports Definitions**

In addition to the definitions provided in A.R.S. § 5-301, the following definitions apply to this Article unless the context requires otherwise:

1. "Aids to navigation" means buoys, beacons, or other fixed objects placed on, in, or near the water to mark obstructions to navigation or to direct navigation through channels or on a safe course.
2. "Bill of sale" means a written agreement transferring ownership of a watercraft and listing the following: the name of the buyer and seller; the manufacturer of the watercraft sold, if known; the hull identification number, unless exempted by R12-4-505; the purchase price and sales tax paid, if any; and the signature of the seller.
3. "Boats keep out" means that an operator or user of a watercraft, or a person being towed by a watercraft on waterskis, a surfboard, or similar device or equipment shall not enter.
4. "Certificate of origin" means a document establishing the initial chain of ownership of a watercraft: a manufacturer's certificate of origin (MCO), a manufacturer's statement of origin (MSO), an importer's certificate of origin (ICO), an importer's statement of origin (ISO), or builder's certification (Form CG-1261), provided by the manufacturer of a new watercraft or its distributor, its franchised new watercraft dealer, or the original purchaser.
- ~~4-5.~~ "Controlled-use marker" means an anchored or fixed marker on the water, shore, or on a bridge that controls the operation of watercraft, water skis, surfboard, or similar devices or equipment.
- ~~5-6.~~ "Homemade watercraft" means a watercraft that is not fabricated or manufactured for resale and to which a manufacturer has not attached a hull identification number. A watercraft assembled from a kit, or constructed from an unfinished manufactured hull, is a "homemade watercraft" if not already assigned a hull identification number by the manufacturer.
- ~~6-7.~~ "Hull identification number" means a number assigned to a specific watercraft by the manufacturer or by a government jurisdiction as prescribed by the U.S. Coast Guard.
- ~~7-8.~~ "Letter of gift" means a document transferring ownership of a watercraft and listing the following: the name of both the previous owner and the new owner; the name of the manufacturer of the watercraft if known; the hull identification number, unless exempted by R12-4-505; a statement that the watercraft is a gift; and the signature of the previous owner.
- ~~8-9.~~ "Livery" means a business authorized to rent watercraft without an operator under A.R.S. § 5-371.
- ~~9-10.~~ "No ski" means a person shall not be towed on water skis, an inflatable device, or similar equipment.
- ~~10-11.~~ "No wake" means wakeless speed, as defined by A.R.S. § 5-301, and flat wake as referenced in A.R.S. § 5-350.
- ~~11-12.~~ "Owner" in reference to a watercraft means a person who claims lawful possession of a watercraft by virtue of legal title or equitable interest, which entitles that person to possession.
- ~~12-13.~~ "Personal flotation device" means a U.S. Coast Guard approved Type I, II, III, or V wearable, or Type IV throwable device for use on any watercraft, as prescribed by A.R.S. § 5-331(A), (C), and (D); A.R.S. § 5-350(A); and R12-4-511.
- ~~13-14.~~ "Regatta" means an organized water event of limited duration that affects the use of waterways by the public and is conducted according to a prearranged schedule, for which a lawful jurisdiction has issued a permit, but the term does not include fishing tournaments.
- ~~14-15.~~ "Registered owner" means the person or persons to whom a watercraft is currently registered by any jurisdiction.
- ~~15-16.~~ "Regulatory marker" means a waterway marker placed on, in, or near the water to indicate the presence of a danger or a restricted or controlled-use area or to convey general information and directions.
- ~~16-17.~~ "Sound level" means the noise level measured in decibels on the A-weighted scale of a sound level instrument that conforms to recognized industry standards and is maintained according to the manufacturer's instructions.
- ~~17-18.~~ "Staggered registration" means the system of renewing watercraft registrations that expire in accordance with the schedule contained in R12-4-504.
- ~~18-19.~~ "State of principal use" means the state on whose waters the watercraft is used or to be used most during the calendar year.
- ~~19-20.~~ "Use" in reference to a watercraft means any watercraft underway, moored, anchored, or beached on the waterways of the state.

~~20-21.~~ “Watercraft” means a boat or other floating device of rigid or inflatable construction designed to carry people or cargo on the water that is propelled by machinery, oars, paddles, or wind action on a sail. Exceptions are sea-planes, makeshift contrivances constructed of innertubes or other floatable materials that are not propelled by machinery, personal flotation devices worn or held in hand, and other objects used as floating or swimming aids. Only motorized watercraft are subject to registration.

~~21-22.~~ “Watercraft agent” means a person authorized by the Department to collect appropriate fees for the registration and numbering of watercraft.

~~22-23.~~ “Watercraft number” means the registration number issued by the Department under A.R.S. § 5-321.

~~23-24.~~ “Watercraft registration” means the validated certificate of number and validating decals issued by the Department.

**R12-4-502. Application for Watercraft Registration**

- A.** A person shall apply for watercraft registration under A.R.S. § 5-321 using a form provided by the Department. The applicant shall provide the following information for registration of all watercraft except homemade watercraft, which are addressed in subsection (B):
1. Type of watercraft and propulsion type;
  2. Overall length of watercraft;
  3. Manufacturer’s name, if known;
  4. Year built or model year, if known;
  5. Hull identification number;
  6. Hull material;
  7. Fuel type;
  8. Category of use;
  9. Watercraft number previously issued for the watercraft, if any;
  10. State of principal use; and
  11. Name, mailing address, and date of birth of each owner. To simplify the description of joint ownership when a watercraft is owned by more than one person, the applicant shall indicate ownership by use of one of the following methods:
    - a. Where ownership is joint tenancy with right of survivorship or community property with right of survivorship, the applicant shall use “and/or” between the names of the owners. To transfer registration of the watercraft, each party shall provide a signature if both are living. Upon legal proof of the death of either party, the living party may transfer registration of the watercraft upon the signature of the living party.
    - b. Where ownership is a tenancy in common the applicant shall use “and” between the names of the owners. To transfer registration of the watercraft, each party shall provide a signature. In the event of the death of any party, the interest of the deceased party shall be handled through appropriate legal proceedings.
    - c. Where the ownership is joint tenancy with an express intent that either of the owners has full authority to transfer registration, the applicant shall use “or” between the names of the owners. Each owner shall sign the application for registration. To transfer registration, either party’s signature is sufficient for transfer.
- B.** The builder, owner or owners of a homemade watercraft shall present the watercraft for inspection at a Department office, and shall sign the application and have it notarized unless it is signed in the presence of a Department employee. The applicant shall provide the following information for registration of homemade watercraft, using the same ownership designations specified in subsection (A):
1. Type of watercraft and propulsion type;
  2. Overall length of watercraft;
  3. Year built;
  4. Hull material;
  5. Fuel type;
  6. Category of use;
  7. Name, mailing address, and date of birth of each owner;
  8. State of principal use;
  9. Whether the watercraft was assembled from a kit or rebuilt from a factory or manufacturer’s hull; and
  10. Hull identification number, if assigned.
- C.** In accordance with A.R.S. § 5-321, the applicant shall submit with the application for registration a receipt for use tax paid from the Arizona Department of Revenue unless at least one of the following applies:
1. The applicant is exempt from use tax as provided in ~~45 A.A.C. 5~~ A.A.C. Title 15, Chapter 5,
  2. The applicant is transferring the watercraft from another jurisdiction to Arizona without changing ownership,
  3. Sales or use tax paid is shown on the bill of sale or receipt submitted by the applicant, or
  4. The applicant submits a notarized affidavit of exemption stating that the acquisition of the watercraft was for rental or resale purposes.
- D.** To obtain registration as a commercial watercraft under A.R.S. § 5-322(H), the owner shall provide evidence of payment

of the ad valorem property tax under the provisions of Article 9, Section 16 of the Arizona Constitution; the tax privilege license number; and the business name, address, and telephone number.

- E. To obtain watercraft dealer registration under A.R.S. § 5-322(G), the applicant shall be a business offering watercraft for sale, or a watercraft manufacturer registered by the U.S. Coast Guard. A person shall display dealer numbers for demonstration purposes only. "Demonstration" means to operate a watercraft on the water for the purpose of selling, trading, negotiating, or attempting to negotiate the sale or exchange of interest in new watercraft. Demonstration also includes operation by a manufacturer for purposes of testing a watercraft. Demonstration does not include operation of a watercraft for personal purposes by a dealer or manufacturer, employee of a dealer or manufacturer, family member of a dealer or manufacturer, or an associate of a dealer or manufacturer. The Department shall issue the number of certificates and decals specified on the application, or deny issuance within 30 calendar days of receiving the application. The applicant shall provide the following information on a form available from the Department:
1. All business names used for the sale or manufacture of watercraft in Arizona, and the mailing address and telephone number for each business to be issued watercraft dealer registrations;
  2. Tax privilege license number;
  3. U.S. Coast Guard manufacturer identification code, if applicable;
  4. Total number of certificates of number and decals to be issued; and
  5. Name, address, signature, and phone number of the owner or manager of the principal business.
- F. In addition to submitting the application form and any other information required by this Section, the applicant for watercraft registration shall submit one of the following additional forms of documentation:
1. An original title if the watercraft is titled in another state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
  2. An original registration if the watercraft is from a registration state, and a release of interest if the watercraft is being transferred to an individual other than the original listed owner;
  3. A bill of sale as defined in R12-4-501 if the watercraft has never been registered or titled in any state;
  4. A letter of gift as defined in R12-4-501 if the watercraft was received as a gift and was never registered or titled in another state;
  5. A court order or other legal documentation establishing lawful transfer of ownership; or
  6. A statement of fact form available from any Department office if none of the documentation identified in subsections (F)(1) through (F)(5) exists, either in the possession of the watercraft owner or in the records of any jurisdiction responsible for registering or titling watercraft. An applicant that applies for watercraft registration under a statement of fact shall present the watercraft for inspection at a Department office. The owner or owners of the watercraft shall sign the statement of fact form and shall have it notarized unless it is signed in the presence of an authorized Department employee. The owner or owners of the watercraft shall provide the hull identification number of the watercraft on the statement of fact form and shall certify one of the following:
    - a. The watercraft was manufactured prior to 1972, is 12 feet in length or less, and is not propelled by an inboard engine;
    - b. The watercraft is owned by the applicant, and it has never been registered or titled;
    - c. The watercraft was owned in a state that required registration, but the watercraft was never registered or titled; or
    - d. The watercraft was purchased, received as a gift, or received as a trade, and that the watercraft has not been registered, titled, or otherwise documented in the past five years; or
  7. An original certificate of origin if the watercraft was purchased as new, the applicant is applying for watercraft registration within a year of purchasing the watercraft, and the certificate of origin is not held by a lien holder.
- G. The Department shall register a watercraft, if the watercraft's original title or registration is lost, upon receipt of one of the following:
1. A letter or printout from any jurisdiction responsible for registering or titling watercraft that verifies the owner of record for that specific watercraft,
  2. A statement of fact by the applicant as prescribed in subsection (F)(6) if the watercraft has not been registered, titled, or otherwise documented in the past five years, or
  3. An affidavit of publication demonstrating the applicant's compliance with R12-4-507.
- H. If the original title is held by a lien holder, the applicant for a watercraft registration shall submit a form furnished by the Department and available from any Department office along with a copy of the title. The applicant shall comply with the following requirements when submitting the form:
1. The applicant shall provide the following information on the form:
    - a. The applicant's name,
    - b. The applicant's address,
    - c. The watercraft make, and
    - d. The watercraft hull identification number (HIN).
  2. The applicant shall ensure that the lien holder provides the following information on the form:
    - a. The lien holder's name,

Notices of Proposed Rulemaking

- b. The lien holder's address,
  - c. The name of the person completing the form for the lien holder,
  - d. The title of the person completing the form for the lien holder, and
  - e. The notarized signature of the person completing the form for the lien holder.
- I. A person shall not apply for or obtain a watercraft registration by making a false statement or providing false information on any application, statement of fact, or written instrument submitted to the Department. The Department shall provide notice that a watercraft registration is invalid if the registration is obtained by an applicant who makes a false statement or provides false information on any application, statement of fact, or written instrument submitted to the Department, and as prescribed in R12-4-506.
- J. The Department shall issue a watercraft registration within 30 calendar days of receiving a valid application and documentation required by this Section, whether from the applicant or from a watercraft agent under R12-4-509. An application is not considered valid if the Department receives legal documentation that legal action may affect ownership of the watercraft.
- K. All watercraft registrations and supporting documentation are subject to verification by the Department and to the requirements of R12-4-505. The Department shall require a watercraft to be presented for inspection to verify the information provided by an applicant if the Department has reason to believe that the information provided by the applicant is inaccurate or false.

**R12-4-503. Renewal of Watercraft Registration**

- A. The Department shall mail renewal notices to the address of the watercraft owner, as shown on the certificate of number, six weeks before the last day of the month of expiration established under R12-4-504. The owner of a watercraft shall ensure that the watercraft's registration is renewed regardless of whether the renewal notice is received.
- B. To renew a watercraft's registration in person or by mail, an applicant shall submit the registration fee required by A.R.S. § 5-321 and the renewal notice provided by the Department. In the absence of the renewal notice, the registered owner shall present one of the following:
- 1. A current or prior certificate of number;
  - 2. A valid driver's license;
  - 3. A valid Arizona Motor Vehicle Division identification card; or
  - 4. A valid passport.
- C. To renew a watercraft's registration by ~~telecommunications~~ telephone, an applicant shall pay the registration fee required by A.R.S. § 5-321 and shall provide either of the following to the Department or its agent:
- 1. The name ~~and address~~ of the watercraft's registered owner as it appears on the renewal notice, and
  - 2. The assigned Arizona watercraft number (AZ number) of the watercraft being renewed, ~~or~~ and
  - 3. The Department-assigned ~~identification~~ authorization number or ~~password~~ the applicant's date of birth.
- ~~D.~~ To renew a watercraft's registration via the Internet, an applicant shall pay the registration fee required by A.R.S. § 5-321 and shall provide the assigned Arizona watercraft number (AZ number) of the watercraft being renewed and one of the following to the Department or its agent:
- 1. The Department-assigned authorization number.
  - 2. The applicant's date of birth, or
  - 3. The applicant's password.
- ~~D-E.~~ The Department or its agent shall renew a watercraft's registration within 30 calendar days of receiving a valid application for renewal. The Department shall mail the renewal to the address of record unless the applicant renews the watercraft's registration in person, or unless there is a notarized request from the registered owner to mail it to another address.

**R12-4-505. Hull Identification Numbers**

- A. The Department shall not register a watercraft without a hull identification number.
- B. The Department shall assign a hull identification number to a watercraft with a missing hull identification number only if the Department determines that:
- 1. A hull identification number has not been illegally removed or altered, unless the application is made by a governmental agency and is accompanied by an order of forfeiture or order of seizure or other civil process; or
  - 2. The missing hull identification number was caused by error of the manufacturer or a government jurisdiction or failure of a previous owner of a watercraft to comply with this rule, or because the watercraft is a "homemade watercraft" as defined in R12-4-501.
- C. The Department shall assign or deny assignment of a hull identification number within 30 days of receipt of a valid application, as described in R12-4-502.
- D. The Department shall accept a bill of sale presented with a missing or improper hull identification number for registration purposes only if:
- 1. It matches the improper hull identification number or there is no hull identification number on the watercraft; or
  - 2. A hull identification number is issued by the Department under subsection (B).

Notices of Proposed Rulemaking

- E. ~~The~~ Within 30 days of issuance, the applicant, the registered owner, or the Department shall permanently affix the hull identification number as follows:
1. On watercraft with transoms, affix the hull identification number to the right or starboard side of the transom within two inches of the top of the transom or hull/deck joint, whichever is lower.
  2. On watercraft without a transom, affix the hull identification number to the starboard outboard side of the hull, back or aft within one foot of the stern and within two inches of the top of the hull, gunwale, or hull/deck joint, whichever is lowest.
  3. On a catamaran or pontoon boat, affix the hull identification number on the aft crossbeam within one foot of the starboard hull attachment.
  4. If the hull identification number would not be visible because of rails, fittings, or other accessories, affix it as close as possible to the applicable location prescribed in subsection (E)(1).
  5. Affix a duplicate of the visibly affixed hull identification number in an unexposed location on a permanent part of the hull.
  6. Burn, carve, stamp, emboss, mold, bond, or otherwise permanently affix each hull identification number to a non-removable part of the watercraft so that alteration, removal, or replacement will be obvious.
  7. Ensure that the characters of each hull identification number affixed to the watercraft are no less than 1/4 inch in height.

**R12-4-506. Invalidation of Watercraft Registration**

- A. Any watercraft registration obtained by fraud or misrepresentation is invalid from the date of issuance.
- B. A certificate of number and any decals issued are invalid if any of the following occurs:
1. Any check, money order, or other currency certificate presented to the Department for payment of watercraft registration or renewal is found to be non-negotiable;
  2. Any person whose name appears on the certificate of number loses ownership of the watercraft by legal process;
  3. Arizona is no longer the state of principal use;
  4. The watercraft is documented by the U.S. Coast Guard;
  5. An applicant provides incomplete or incorrect information to the Department and fails to provide the correct information within 30 days after a request by the Department; ~~or~~
  6. The Department revokes the certificate of number, numbers, and decals as provided in A.R.S. § 5-391(H); or
  7. The Department erroneously issues a certificate of number or any decals.
- C. A person shall return the certificate of number and decals that are invalid under subsections (A) or (B) to the Department within 15 calendar days of receiving written notification from the Department that the certificate of number and decals are invalid.
- D. The Department shall not validate or renew an invalid watercraft registration until the reason for invalidity has been corrected or no longer exists.

**R12-4-507. Transfer of Ownership of an Abandoned or Unreleased Watercraft**

- A. For the purpose of this Section the following definitions apply:
1. ~~“Abandoned watercraft” means a watercraft that is deserted on a highway, a public street, or on public or private property or waters~~ has remained on private property without the consent of the private property owner or has remained unattended on a highway, public street, or other public property, or waterway for more than seven days. A watercraft left under a written repair or storage order is not an abandoned watercraft.
  2. ~~“Unreleased watercraft” means a watercraft for which there is no release of interest from the registered owner.~~ “Release of interest” means a statement giving up, surrendering, or abandoning unconditionally any claim or right of ownership or use in a watercraft.
  3. ~~“Release of interest” means a statement giving up, surrendering, or abandoning unconditionally any claim or right of ownership or use in a watercraft.~~ “Unreleased watercraft” means a watercraft for which there is no release of interest from the registered owner.
- B. Unless an abandoned or unreleased watercraft is reported stolen the last registered owner is presumed to be responsible for the watercraft.
- C. An applicant seeking transfer of ownership of an abandoned or unreleased watercraft shall submit the following information, if available, on a form obtained from the Department:
1. Hull identification number, unless exempted by R12-4-505;
  2. Registration number;
  3. Decal number;
  4. State of registration;
  5. Year of registration;
  6. Name, address, and daytime telephone number of the person who found the watercraft;
  7. If the watercraft is abandoned, the description or address of the location where the watercraft was found, whether the

watercraft was abandoned on private or public property, and if private, whether or not the applicant is the legal owner of the property;

8. Condition of the watercraft: whether wrecked, stripped, or intact; and

9. State in which the watercraft will be used;

10. Length of time the watercraft was abandoned; and

11. Reason why the applicant believes the watercraft is abandoned.

D. The Department shall attempt to determine the name and address of the registered owner and, if successful, shall send written notice of the attempt to register the watercraft by the applicant to the registered owner by certified mail, return receipt requested.

1. After 30 calendar days from the date the Department mails the notice, if service is successful, or upon receipt of a response from the registered owner, the Department shall advise the applicant in writing according to the following:

a. If the registered owner provides a written release of interest in the watercraft, the Department shall provide the applicant with the release and the applicant may then register the watercraft under R12-4-502.

b. If the registered owner provides written notice to the Department refusing to release an interest in the watercraft, the Department shall advise the applicant of the refusal, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502.

c. If service is successful and the registered owner does not respond to the notice in writing within 30 days from the date of mailing, when service was successful, the Department shall advise the applicant of the failure to respond, and the Department shall not register the watercraft to the applicant unless the applicant provides proof of ownership and complies with R12-4-502;

d. If service is successful and the registered owner does not provide written notice to claim or release interest in the watercraft within 180 days after the date the Department receives the notice, this failure to act shall constitute a waiver of interest in the watercraft by any individual having an interest in the watercraft, and the watercraft shall be deemed abandoned for all purposes.

2. If the Department cannot determine who the registered owner of the watercraft is, or if the written notice is returned unclaimed or refused, the Department shall advise the applicant in writing within 15 days of the notice being returned that the attempt to identify or contact the registered owner was unsuccessful.

E. If the Department is unsuccessful in its attempt to identify or serve the registered owner under subsection (D)(2), the Department shall publish a notice of intent of the Director of the Department to transfer ownership of the abandoned or unreleased watercraft in a newspaper or other publication of general circulation in this state within 45 days of the Department's notification to the applicant as provided in subsection (D)(2). The published notice shall include a statement of the intent of the Director to transfer ownership of the watercraft as provided by R12-4-502 10 days after the notice is published, unless the Department receives notice from the registered owner refusing to release interest in the watercraft. The Department shall make available to the public upon request a description of the abandoned or unreleased watercraft subject to transfer of ownership.

#### **R12-4-509. Watercraft Agents**

A. The Department has the authority to authorize an agent to act for the Department for the purpose of issuing temporary certificates of number valid for 30 days for new watercraft only if:

1. The applicant's previous authority to act as a watercraft agent under A.R.S. § 5-321(E) has not been cancelled by the Department within the preceding 24 months, and

2. The applicant is a business located and operating within this state that sells watercraft for an identified manufacturer.

B. An applicant for watercraft agent authorization shall apply on forms provided by the Department. The Department shall issue authorization or deny the application within 30 calendar days of receiving the application. The applicant shall provide the following information on the application:

1. The principal business or corporation name, address, and telephone number;

2. If not a corporation, the full name, address, and telephone number of all owners or partners;

3. The name, address, and telephone number of the owner or manager that is responsible for compliance with this Section;

4. Whether or not the applicant has previously issued temporary certificates of number under A.R.S. § 5-321(E);

5. The storefront name, street address, type of business, name of the manager, telephone number, and business hours of the location from which new watercraft are to be sold and temporary certificates of number issued;

6. The manufacturers of the watercraft to be distributed; and

7. The signature of the person named under subsection (B)(3).

C. Authorization to act as a watercraft agent is specific to the business location designated on the application and approved by the Department. The only exception is if the agent is participating in a scheduled, advertised boat show for the purpose of selling watercraft.

D. The Department shall assign an agent number to a watercraft agent upon approval of the application, and shall supply the agent with forms and a schedule of fees to be collected for compliance with A.R.S. § 5-321.

Notices of Proposed Rulemaking

- E. A watercraft agent shall not destroy prenumbered temporary certificate of number applications provided by the Department but shall mark an application "void" if necessary and return the application to the Department with the monthly report required in subsection (I).
- F. An agent shall verify that watercraft agent supplies were received within seven days of receipt. The Department shall provide new supplies within 30 calendar days after receipt of an agent's request form.
- G. A watercraft agent shall comply with the following if the agent is issuing a temporary certificate of number to the purchaser of a new watercraft:
  - 1. The watercraft agent shall obtain an application if the watercraft is purchased from the agent, or the applicant's bill of sale that shows the following:
    - a. The watercraft is new as distinguished from used,
    - b. The names and addresses of the buyer and seller,
    - c. The date of purchase,
    - d. The amount of sales tax paid,
    - e. The purchase price,
    - f. The manufacturer's name,
    - g. The length of the watercraft,
    - h. The year of manufacture, and
    - i. The hull identification number.
  - 2. The agent shall obtain a certificate of origin from the manufacturer and provide it to the purchaser of the new watercraft.
  - ~~2-3.~~ The agent shall identify to the applicant the state registration fee and the appropriate watercraft license tax separately from any other costs; and
  - ~~3-4.~~ The agent shall, within 72 hours after issuing a temporary certificate of number, deliver to the Department's Phoenix office or deposit in the U.S. mail the legible original application, a legible original or copy of the bill of sale, and a check or money order for the state's fees.
- H. The Department shall accept applications only on prenumbered temporary certificate of number application forms provided to the agent by the Department, as prescribed in R12-4-502.
- I. By the 10th day of each month, a watercraft agent shall submit a report of activity for the previous month to the Department on a form provided by the Department. The watercraft agent shall submit the report whether or not any temporary certificates of number are issued during the reporting period. The report shall include:
  - 1. The name and address of the watercraft agent, and the agent number assigned by the Department;
  - 2. For each temporary certificate of number issued, the application number, the name of the purchaser, the hull identification number, and the date of issuance; and
  - 3. A list of any voided or missing application numbers, with explanation.
- J. The Department may cancel authorization to be a watercraft agent and demand return of or collect all supplies issued to the agent based on consideration of the following:
  - 1. Failure to comply with this Section;
  - 2. Issuing more than one check with insufficient funds to the Department within a calendar year;
  - 3. Predating, postdating, altering, or providing or knowingly allowing false information to be provided on or with an application for a temporary certificate of number;
  - 4. Knowingly issuing a temporary certificate of number for a used watercraft; or
  - 5. Falsifying the application for authorization as a watercraft agent, or falsifying the monthly report required by subsection (F).
- K. Denial of an application to become a watercraft agent, or cancellation of watercraft agent status by the Department, may be appealed to the Commission as prescribed in A.R.S. Title 41, Chapter 6, Article 10, Uniform Administrative Appeals Procedures.

**R12-4-511. Personal Flotation Devices**

- A. For the purpose of this Section, "wear" means that the personal flotation device is being worn according to the manufacturer's design or recommended use; that all closures of the personal flotation device are fastened, snapped, tied, zipped, or secured according to the manufacturer's design or recommended use; and that the personal flotation device is adjusted for a snug fit.
- ~~A-B.~~ The operator of a canoe, kayak, or other watercraft shall ensure that the canoe, kayak, or other watercraft is equipped with at least one appropriately-sized, U.S. Coast Guard-approved, wearable personal flotation device that is in good and serviceable condition for each person on board the canoe, kayak, or other watercraft. The operator of a canoe, kayak, or other watercraft shall also ensure that the wearable personal flotation devices on board the canoe, kayak, or other watercraft are readily accessible and available for immediate use. The following wearable personal flotation devices are approved by the U.S. Coast Guard:
  - 1. Type I Personal Flotation Device: off-shore life jacket,

2. Type II Personal Flotation Device: near-shore buoyancy vest,
3. Type III Personal Flotation Device: flotation aid, and
4. Type V Special Use Device.

~~B-C.~~ In addition to the personal flotation devices prescribed in subsection ~~(A)~~ (B), the operator of a watercraft that is 16 feet or more in length, except a canoe or kayak, shall ensure that the watercraft is also equipped with a U.S. Coast Guard-approved buoyant cushion, ring buoy, or horseshoe buoy (Type IV Personal Flotation Device).

~~C-D.~~ Persons on board a watercraft or personal watercraft shall wear an appropriately-sized, U.S. Coast Guard-approved personal flotation device as prescribed in A.R.S. § 5-331(C) and A.R.S. § 5-350(A).

~~D.~~ For the purpose of this Section, “wear” means that the personal flotation device is being worn according to the manufacturer’s design or recommended use; that all closures of the personal flotation device are fastened, snapped, tied, zipped, or secured according to the manufacturer’s design or recommended use; and that the personal flotation device is adjusted for a snug fit.

~~E.~~ Subsections ~~(A)~~; ~~(B)~~, and ~~(C)~~, and ~~(D)~~ do not apply to the operation of a racing shell or rowing skull during competitive racing or supervised training, if the racing shell or rowing skull is manually propelled, recognized by a national or international association for use in competitive racing, and designed to carry and does carry only equipment used solely for competitive racing.

#### **R12-4-514. Liveries**

~~Pursuant to~~ Under A.R.S. § 5-371, a watercraft owned by a boat livery ~~which~~ that requires registration and does not have the certificate of number on board shall be identified while in use by means of a receipt provided by the livery to, and to be kept in the possession of, the person operating the rented watercraft. The receipt shall contain the following information:

1. No change
2. No change
3. The beginning date and time of the rental period; and
4. Written acknowledgement on the receipt of compliance with A.R.S. § 5-371 signed by both the livery operator or the livery’s agent and the renter.

#### **R12-4-516. Watercraft Sound Level Restriction**

~~A.~~ It shall be unlawful for any person to operate a watercraft upon the waters of this state under any condition or in any manner that ~~the watercraft emits a sound level in excess of 86 decibels on the “A” weighted scale when measured from a distance of 50 feet or more from the watercraft.~~ exceeds any of the following:

1. A noise level of 86dB(A) measured at a distance of 50 feet or more from the watercraft.
2. For engines manufactured:
  - a. Before January 1, 1993, a noise level of 90 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005; and
  - b. On or after January 1, 1993, a noise level of 88 dB(A) when subjected to the Society of Automotive Engineers Recommended Practice stationary sound level test SAEJ2005; or
3. A noise level of 75 dB(A) measured as specified in the Society of Automotive Engineers Recommended Practice shoreline sound test SAEJ1970.

~~B.~~ A measurement of noise level that is in compliance with this Section does not preclude the conducting of a test or multiple tests of noise levels.

~~C.~~ A peace officer authorized to enforce the provisions of this Section who has reason to believe that a watercraft is being operated in violation of the noise levels established in this Section may direct the operator of the watercraft to submit the watercraft to an onsite test to measure noise level.

~~D.~~ An operator of a watercraft who receives a request from a peace officer to test the noise level of the watercraft under subsection (C) shall allow the watercraft to be tested. If, based on a test to determine the noise level of a watercraft administered under this Section, the noise level of the watercraft exceeds the decibel levels in subsection (A), the operator of the motorboat shall take immediate measures to correct the violation as prescribed by A.R.S. § 5-391(C).

~~B-E.~~ This Section shall not apply to watercraft operated under permits issued in accordance ~~to~~ with A.R.S. § 5-336(C).

#### **R12-4-517. Watercraft Motor and Engine Restrictions**

~~A.~~ A person operating a motorized watercraft on the following waters shall use an electric motor only:

- Ackre Lake
- ~~Arivaca Lake~~
- Bear Canyon Lake
- ~~Black Canyon Lake~~
- Bunch Reservoir
- Carnero Lake
- Chaparral Park Lake
- Cluff Ponds

Notices of Proposed Rulemaking

Coconino Reservoir  
Coors Lake  
~~Dankworth~~ Dankworth Pond  
Dogtown Reservoir  
Fortuna Lake  
Goldwater Lake  
Granite Basin Lake  
Horse Thief Basin Lake  
Hulsey Lake  
J.D. Dam Lake  
Knoll Lake  
Lee Valley Lake  
~~Lynx Lake~~  
McKellips Park Lake  
~~Pena Blanca Lake~~  
Pratt Lake  
Quigley Lake  
Redondo Lake  
Riggs Flat Lake  
Roper Lake  
~~Rucker Canyon Lake~~  
Santa Fe Lake  
Scott's Reservoir  
Sierra Blanca Lake  
Soldier Lake (in Coconino County)  
Stehr Lake  
Stoneman Lake  
Tunnel Reservoir  
Whitehorse Lake  
Willow Valley Lake  
Woodland Reservoir  
Woods Canyon Lake

- B.** A person operating a motorized watercraft on the following waters shall use only a single electric motor or a single gasoline engine not exceeding 10 manufacturer-rated horsepower:

Arivaca Lake  
Ashurst Lake  
Becker Lake  
Big Lake  
Black Canyon Lake  
Blue Ridge Reservoir  
Cataract Lake  
Chevelon Canyon Lake  
Cholla Lake Hot Pond  
Concho Lake  
Crescent Lake  
Fool Hollow Lake  
Kaibab Lake  
Kinnikinick Lake  
Little Mormon Lake  
Lower Lake Mary  
Luna Lake  
Lynx Lake  
Marshall Lake  
Mexican Hay Lake  
Nelson Reservoir  
Parker Canyon Lake  
Peña Blanca Lake  
Rainbow Lake  
River Reservoir

Show Low Lake  
Whipple Lake  
White Mountain Lake (in Apache County)  
Willow Springs Lake

- C. A person shall not operate a watercraft on Frye Mesa Reservoir, Rose Canyon Lake, or Snow Flat Lake.
- D. This rule does not apply to watercraft of governmental agencies or to Department-approved emergency standby watercraft operated by lake concessionaires if operating to address public safety or public welfare.

**R12-4-520. Arizona Uniform State Waterway Marking System**

The Arizona ~~Uniform State Waterway Marking System~~ uniform state waterway marking system is that prescribed in 33 CFR 62, revised July 1, ~~1998~~ 2004, not including any later editions or amendments, which is incorporated by reference in this Section. A copy ~~is on file with the Secretary of State and~~ is available from any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

**R12-4-524. Water Skiing**

An operator of a watercraft shall ensure that the observer of a water skier is physically capable, ~~and~~ mentally competent, and at least 12 years of age to act as an observer.

**R12-4-526. ~~Reserved~~ Unlawful Mooring**

An individual shall not moor, anchor, fasten to the shore, or otherwise secure a watercraft for longer than 14 consecutive days in any public body of water unless:

1. The individual moves the watercraft at least 25 nautical miles from its previous location.
2. Those waters are a special anchorage area as defined by A.R.S. § 5-301(12).
3. It is authorized on private dock or moorage, or
4. As authorized by the government agency or private interest that has jurisdiction over those waters.

**R12-4-528. ~~Reserved~~ Watercraft Checkpoints**

- A.** A law enforcement agency may establish a watercraft checkpoint to ensure public safety on state waterways, to screen for unsafe or impaired watercraft operators, or to gather demographic, statistical and compliance information related to watercraft activities.
- B.** An individual may be required to perform the following during a watercraft stop or at a watercraft checkpoint:
  1. Stop or halt as directed when being hailed by a peace officer or entering the established checkpoint boundary under A.R.S. § 5-391, and
  2. Provide evidence of required safety equipment and registration documentation under A.R.S. Title 5, Chapter 3, Boating and Water Sports.
- C.** This Section does not limit any state peace officer's authority to conduct routine watercraft patrol efforts under A.R.S. Title 5, Chapter 3, Boating and Water Sports.