

Assembly Bill No. 1059

CHAPTER 940

An act to amend Section 660 of, and to add and repeal Section 660.1 of, the Harbors and Navigation Code, relating to vessels.

[Approved by Governor September 26, 2002. Filed with Secretary of State September 27, 2002.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1059, Keeley. Vessels.

(1) Existing law requires generally that any ordinance, law, regulation, or rule adopted by certain state or local entities relating to vessels pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control.

This bill would require the Department of Boating and Waterways, upon request of the Director of Fish and Game, or his or her designee, to restrict or prohibit, based on the request, recreational vessel activity on waters of the state in general until January 1, 2004, and in Agua Hedionda Lagoon in San Diego County indefinitely, if that vessel activity would hinder or jeopardize efforts to control or eradicate *Caulerpa taxifolia*.

The bill would require that notice of the restriction or prohibition be posted conspicuously and, at a minimum, in areas where boats are launched into the waterway where the restriction or prohibition is in effect. The bill would subject the operator of a vessel who violates any restriction or prohibition imposed pursuant to the bill to a fine of not more than \$250, thereby imposing a state-mandated local program by creating a new crime.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the State. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 660 of the Harbors and Navigation Code is amended to read:

660. (a) Any ordinance, law, regulation, or rule relating to vessels, which is adopted pursuant to provisions of law other than this chapter



by any entity other than the department, including but not limited to any county, city, port authority, district, or any state agency other than the department, shall, notwithstanding any other provision of law, pertain only to time-of-day restrictions, speed zones, special-use areas, and sanitation and pollution control, and the measure shall not conflict with this chapter or the regulations adopted by the department. Except as provided in subdivision (d), any measure relating to boats or vessels adopted by any governmental entity other than the department shall be submitted to the department prior to adoption and at least 30 days prior to the effective date thereof.

(b) Upon request of the Director of Fish and Game, or his or her designee, the department shall restrict or prohibit, based on the request, recreational vessel activity in Agua Hedionda Lagoon in San Diego County if that vessel activity would hinder or jeopardize the efforts of the Department of Fish and Game to control or eradicate *Caulerpa taxifolia*. Notice of the restriction or prohibition shall be posted conspicuously, and, at a minimum, in areas where boats are launched into the waterway where the restriction or prohibition is in effect. The operator of a vessel who violates any restrictions or prohibition pursuant to this subdivision is subject to a fine of not more than two hundred fifty dollars (\$250).

(c) The department may make special rules and regulations governing the use of boats or vessels on any body of water within the territorial limits of two or more counties, cities, or other political subdivisions if no special rules or regulations exist or if the department determines that the local laws regulating the use of boats or vessels on that body of water is not uniform and that uniformity is practicable and necessary.

(d) (1) Any entity, including but not limited to any county, city, port authority, district, or state agency, otherwise authorized by law to adopt measures governing the use and equipment, and matters relating thereto, of boats or vessels, may adopt emergency rules and regulations that are not in conflict with the general laws of the state relating to boats and vessels using any waters within the jurisdiction of the entity if those emergency rules and regulations are required to insure the safety of persons and property because of disaster or other public calamity.

(2) The emergency rules and regulations adopted under paragraph (1) shall become effective immediately upon adoption and may remain in effect for not to exceed 60 days thereafter. The emergency rules and regulations shall be submitted to the department on or before their adoption.

(3) After submission of emergency rules and regulations adopted pursuant to paragraph (1) to the department, the department may



authorize the adopting entity to make the emergency rules and regulations effective for the period of time greater than 60 days that is necessary in view of the disaster or circumstances.

SEC. 2. Section 660.1 is added to the Harbors and Navigation Code, to read:

660.1. (a) Upon request of the Director of Fish and Game, or his or her designee, the department shall restrict or prohibit, based on the request, recreational vessel activity on waters of the state if that vessel activity would hinder or jeopardize the efforts of the Department of Fish and Game to control or eradicate *Caulerpa taxifolia*. Notice of the restriction or prohibition shall be posted conspicuously, and, at a minimum, in areas where boats are launched into the waterway where the restriction or prohibition is in effect. The operator of a vessel who violates any restriction or prohibition pursuant to this subdivision is subject to fine of not more than two hundred fifty dollars (\$250).

(b) This section shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute, is enacted before January 1, 2004, deletes or extends that date.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

