

SEVENTH  
KOROR STATE LEGISLATURE  
THIRD REGULAR SESSION  
JANUARY - JUNE, 2003

AN ACT

To regulate the operation of "jet skis..and similar motorized watercraft,  
to authorize the Governor to promulgate regulations for the use and  
operation  
of jet skis and other jet boats, to provide for penalties for violations of  
this Act, and for related purposes.

INTRODUCED BY:           Speaker Yositaka Adachi          

DATE INTRODUCED:           February 13, 2003          

LEGISLATIVE ACTION

FIRST READING	:	February 13, 2003
COMMITTEE REFERRED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 37
ADOPTED	:	March 25, 2003
SECOND READING	:	March 25, 2003
REFERRED BY HTL	:	April 24, 2003
COMMITTEE REFERRED TO	:	Resources & Development
STANDING COMMITTEE REPORT	:	No. 39
ADOPTED	:	April 28, 2003
SECONDHAND FINAL READING	:	April 28, 2003
VETOED BY HTL	:	May 28, 2003
OVERRIDE	:	June 6, 2003



AN ACT

To regulate the operation of "jet skis" and similar motorized watercraft, to authorize the Governor to promulgate regulations for the use and operation of jet skis and other jet boats, to provide for penalties for violations of this Act, and for related purposes.

THE PEOPLE OF KOROR REPRESENTED IN THE LEGISLATURE OF THE STATE OF KOROR DO ENACT AS FOLLOWS:

SECTION 1. FINDINGS. The Seventh Koror State Legislature hereby finds that there are currently no restrictions on the use of jet-skis and similarly propelled watercraft in the State of Koror.

The Legislature is aware that these types of watercraft are capable of traveling at high speeds, and because of their smaller size, they are not as visible as other motorized watercraft. Some people also may not be properly trained on this type of watercraft, and often tourists rent jet-skis for touring in areas that they are not familiar with. The Legislature is also aware that these craft are propelled by sucking water and propelling the water in a jet stream out the back of the machine, which may cause damage and stress to marine flora and fauna in shallow water areas.

It is in the best interests of the people of the State of Koror to regulate the areas where jet-skis may be used, and that in doing so, the health, safety, and welfare of the people of the State of Koror will be advanced and preserved.

SECTION 2. DEFINITIONS.

A. As used in this Act:

(1) "jet ski" and "jet boat" means a form of motorized watercraft that is propelled by way of a screw impeller or similar device that sucks water into an opening in the bottom of

the craft and propels the craft by jettisoning the water out of the back end of the craft. This definition does not include motorized boats with an outboard or other engine utilizing a standard "blade" propellor.

(2) "operate" means to drive or otherwise use a motorized jet ski or jet boat on the water or for any other use intended by the manufacturer, and includes any activity or presence in the waters of the State of Koror while the engine of the jet ski or jet boat is running.

(3) "person" means any individual, and also means any corporation, partnership, joint venture, association, group, co-operative, trust, sole proprietorship, the national and all State governments, and any foreign entity including foreign governments and their agencies.

(4) "waters of the State of Koror" means all of the territorial waters of the State of Koror including all navigable rivers, streams, lakes, marine lakes, channels, and any other navigable waters in the State of Koror.

B. All words appearing in the "singular" form shall include the "plural" form, and all words appearing in the plural form shall include the singular form of the word. All masculine words shall include the feminine, and all feminine words shall include the masculine.

**SECTION 3. REGULATIONS ON USE AND OPERATION OF JET SKIS AND JET BOATS, PROHIBITIONS.**

A. No person may operate a jet ski or jet boat in the waters of the State of Koror except in compliance with the provisions of this Act, and the regulations that may be promulgated and approved under the authority of this Act.

B. The Governor shall promulgate draft regulations which shall be approved by the House of Traditional Leaders, relating to the use of jet skis and jet boats in the waters of Koror within ninety (90) days of the effective date of this Act. The regulations shall then be transmitted to the Legislature and shall become effective after thirty (30) days of transmittal if no objection is expressed by a resolution of the Legislature. The following procedures shall apply to the adoption of the regulations:

(1) In the event that the Governor does not transmit any regulations to the Legislature within such ninety (90) days, then the restrictions appearing in

subsection "C."

below shall become effective one-hundred and twenty (120) days after the effective date of this Act.

(2) The Legislature may act upon the regulations transmitted by the Governor within fifteen (15) days after transmittal. The Legislature may, by way of Resolution, reject portions of or the entire regulations as proposed by the Governor, and approved by the House of

Traditional Leaders. In the event that the Legislature does not take action on the proposed regulations within the fifteen (15) day period after transmittal by the Governor, then the regulations shall automatically become effective thirty (30) days after the expiration of the fifteen (15) day period.

(3) Any regulations which become effective shall have the force and effect of law, and no person may operate a jet ski or jet boat in violation of such regulations. Any violation of such regulations shall be deemed a violation of this Act which may be punished in a court of law as prescribed by this Act.

(4) Any regulations approved by the Legislature may only be amended by law. The regulations may also be amended by proposal of the Governor, and subsequent approval or adoption of the regulations as set forth in subsection "(2)" above.

(5) If the regulations promulgated by the Governor are rejected by the Legislature, then upon the expiration of thirty (30) days after such disapproval by the Legislature, "C." herein shall become effective.

C. In the event that no regulations promulgated by the Governor become effective as provided in subsection "B." above, then the following restrictions shall become effective as provided herein and shall remain in effect until this subsection is amended or repealed by law:

(1) It shall be unlawful to operate any jet ski or jet boat on, in, or over any water that is less than ten feet (10') deep.

(2) It shall be unlawful to operate any jet ski or jet boat on or in any water over any fringing reef, barrier reef, or patch reef unless there is at least ten feet (10') of water over such fringing reef, barrier reef, or patch reef.

D. The prohibitions on the use or operation of any jet ski or jet boat, as appearing in regulation or as appearing in subsection "C." herein shall not apply to any person who operates a jet ski or jet boat in violation of this Act due to a bona fide medical emergency.

E. It shall be unlawful for any person operating a jet ski or jet boat to flee from any Koror

State law enforcement officer who is enforcing this Act. It shall be unlawful for any person while operating a jet ski or jet boat to fail to stop or fail to obey the lawful directives of any Koror State law enforcement officer relating to the use or operation of such jet ski or jet boat in accordance with the provisions of this Act.

SECTION 4. PENALTIES. Any person who violates any provision of this Act shall, upon conviction of a first offense, be guilty of a misdemeanor, and shall be sentenced to pay a fine to the Koror State Treasury in the amount of \$100.00, or shall be sentenced for a period of up to ninety (90) days in jail, or both. In the event of a second or multiple convictions for any violation of this Act, the sentence for each violation shall be a fine in the amount of \$100.00, and a jail sentence of no less than one (1) day and no more than ninety (90) days, or both. For second and subsequent offenses, the sentence imposed shall be increased over any previously imposed sentence.

SECTION 5. SEVERABILITY. In the event that a court of competent jurisdiction determines that any part or portion of this Act are invalid or otherwise unenforceable, then the offending part or portions may be stricken, and the remaining portions shall continue in full force and effect.

SECTION 6. EFFECTIVE DATE. This Act shall become effective upon its becoming law by operation of the Koror State constitution.

PASSED: April 28, 2003

CERTIFIED BY:

ATTESTED TO BY:

/s/ \_\_\_\_\_  
Yositaka Adachi, Speaker  
Seventh Koror State Legislature

/s/ \_\_\_\_\_  
Charlyne Uong, Clerk  
Seventh Koror State  
Legislature

APPROVED THIS \_\_\_\_\_ DAY OF THE \_\_\_\_\_, 2003.

John C. Gibbons  
Governor, Koror State

DISAPPROVED THIS 28<sup>th</sup> DATE OF THE May, 2003.

*/s/*  
Ibedul Y. M. Gibbons  
House of Traditional Leaders

THE SEVENTH KOROR STATE LEGISLATURE OVERRODE THIS BILL on June 6,  
2003  
by a roll call vote of 12 to 0.

*/s/* \_\_\_\_\_  
Yositaka Adachi, Speaker  
7<sup>th</sup> Koror State Legislature

*/s/*  
Charlyne Uong, Clerk  
7<sup>th</sup> Koror State Legislature