

## 2012 Kansas Statutes

**32-1102. Definitions.** As used in article 11 of chapter 32 of the Kansas Statutes Annotated, and amendments thereto, unless the context clearly requires a different meaning:

- (a) "Vessel" means any watercraft designed to be propelled by machinery, oars, paddles or wind action upon a sail for navigation on the water.
- (b) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion.
- (c) "Owner" means a person, other than a lienholder, having the property in or title to a vessel. The term includes a person entitled to the use or possession of a vessel subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
- (d) "Waters of this state" means any waters within the territorial limits of this state.
- (e) "Person" means an individual, partnership, firm, corporation, association or other entity.
- (f) "Operate" means to navigate or otherwise use a motorboat or a vessel.
- (g) "Department" means the Kansas department of wildlife, parks and tourism.
- (h) "Secretary" means the secretary of wildlife, parks and tourism.
- (i) "Length" means the length of the vessel measured from end to end over the deck excluding sheer.
- (j) "Operator" means the person who operates or has charge of the navigation or use of a motorboat or a vessel.
- (k) "Undocumented vessel" means a vessel which is not required to have, and does not have, a valid marine document issued by the United States coast guard or federal agency successor thereto.
- (l) "Reportable boating accident" means an accident, collision or other casualty involving a vessel subject to this act which results in loss of life, injury sufficient to require first aid or medical attention, or actual physical damage to property, including a vessel, in excess of an amount established by rules and regulations adopted by the secretary in accordance with K.S.A. 32-805, and amendments thereto.
- (m) "Marine sewage" means any substance that contains any of the waste products, excrement or other discharges from the bodies of human beings or animals, or foodstuffs or materials associated with foodstuffs intended for human consumption.
- (n) "Marine toilet" means any latrine, head, lavatory or toilet which is intended to receive marine sewage and which is located on or in any vessel.
- (o) "Passenger" means any individual who obtains passage or is carried in or on a vessel.
- (p) "Sail board" means a surfboard using for propulsion a free sail system comprising one or more swivel-mounted rigs (mast, sail and booms) supported in an upright position by the crew and the wind.
- (q) "Dealer" means any person who:
  - (1) For a commission or with an intent to make a profit or gain of money or other thing of value, sells, barter, exchanges, leases or rents with the option to purchase, offers, attempts to sell, or negotiates the sale of any vessel, whether or not the vessel is owned by such person;
  - (2) maintains an established place of business with sufficient space to display vessels at least equal in number to the number of dealer certificates of number the dealer has been assigned; and
  - (3) maintains signage easily visible from the street identifying the established place of business.
- (r) "Demonstrate" means to operate a vessel on the waters of this state for the purpose of selling, trading, negotiating or attempting to negotiate the sale or exchange of interests in new or used vessels or for the purpose of testing the design or operation of a vessel.
- (s) "Sailboat" means any vessel, other than a sail board, that is designed to be propelled by wind action upon a sail for navigation on the water.
- (t) "Boat livery" means any person offering a vessel or vessels of varying types for rent.
- (u) "Cargo" means the items placed within or on a vessel and shall include any persons or objects towed on water skis, surfboards, tubes or similar devices behind the vessel.
- (v) "State of principal use" means the state on the waters of which a vessel is used or to be used most during the calendar year.
- (w) "Use" means to operate, navigate or employ.
- (x) "Abandoned vessel" means any vessel on public waters or public or private land which remains unclaimed for a period of 15 consecutive days.

**History:** L. 1959, ch. 321, § 2; L. 1961, ch. 471, § 1; L. 1970, ch. 408, § 1; L. 1973, ch. 415, § 1; L. 1983, ch. 342, § 1; L. 1986, ch. 393, § 1; L. 1989, ch. 118, § 141; L. 1993, ch. 185, § 13; L. 2000, ch. 70, § 1; L. 2004, ch. 79, § 1; L. 2006, ch. 85, § 1; L. 2012, ch. 47, § 74; July 1.