

HOUSE BILL REPORT

SB 6250

As Reported By House Committee On:
Natural Resources

Title: An act relating to personal flotation devices.

Brief Description: Requiring personal flotation devices for children on certain recreational vessels.

Sponsors: Senators Owen, Swecker, McAuliffe, Haugen, Sheldon, Winsley, Rinehart, Fairley, Sellar and Cantu.

Brief History:

Committee Activity:

Natural Resources: 2/20/96, 2/21/96 [DPA].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass as amended. Signed by 12 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Beeksma; Elliot; Hatfield; Jacobsen; Keiser; Sheldon; L. Thomas and Thompson.

Minority Report: Without recommendation. Signed by 1 member: Representative Regala, Assistant Ranking Minority Member.

Staff: Linda Byers (786-7129).

Background: Under current law, no person may operate a vessel on the waters of the state without a personal flotation device such as a life jacket on board for each person on the vessel. Each flotation device must be in serviceable condition, of appropriate size, and readily accessible. A violation of this provision is a civil infraction unless the vessel is carrying passengers for hire. If the vessel is carrying passengers for hire, a violation is a misdemeanor.

Generally, state law requires that a life jacket or other flotation device be on board the vessel for each person, rather than requiring a person to wear the flotation device. There are, however, some exceptions to this general rule. For example, water skiers, personal watercraft users, and participants on vessels carrying passengers for hire on whitewater rivers must wear personal flotation devices.

Summary of Amended Bill: No person may operate or permit to be operated a vessel smaller than 19 feet in length powered with mechanized power unless each child six years of age or younger wears an approved personal flotation device. The penalty for a violation of this new provision is the same as for a violation of the provision requiring a flotation device on board for each person.

Enforcement of the requirement for children six years of age and younger to wear personal flotation devices may be accomplished only as a secondary action when the vessel has been detained for a suspected violation of some other provision.

Amended Bill Compared to Original Bill: In the original bill, the requirement for children to wear flotation devices applied to children nine years of age or younger on vessels smaller than 19 feet in length. In the amended bill, the requirement applies to children six, rather than nine, years of age or younger, and to vessels smaller than 19 feet in length and powered by mechanized power. The amended bill also adds a provision that enforcement of the requirement may be accomplished only as a secondary action when a vessel is detained for a suspected violation of some other provision.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Children do not have a choice about wearing personal flotation devices (PFD); this is a decision made by an adult. In most cases where accidents happen, the boaters never intended to get into the water. These are not evil people who deserved to lose their children; these are tragedies of misjudgment. This bill is too late to save some children, but maybe it will save some in the future. This law would solidify training efforts by law enforcement to tell children that life jackets save lives only when you wear them. Many boating collisions involve debilitating injuries; the adult is not able or there is no time to help a child put on a life jacket. We have had statewide success with seatbelts; we should be able to match that success with PFDs. We have taken many steps already towards drowning prevention awareness; now we need to go one step further. There are examples of children and adults losing their lives because children were not wearing PFDs; there are examples where children's lives were saved because they were wearing PFDs. No one loses with this bill; we get more safety-conscious boaters, and we get the reduction in health care costs. You can legislate safety, and this is an easy way. There is no cost; they have to have the life jackets on board anyway.

Testimony Against: Nationally, boating accidents account for only a small percentage of drownings. Most accidents occur from outrageous overloading, reckless operation, intoxication, or not enough PFDs on board. You can't legislate common sense or delegate parental responsibility. Most often kids need to wear PFDs but not always; it will depend on the child. We need education, not legislation.

Testified: Thomas Halverson, Columbia Basin Dive Rescue; Vince Sainati, Bonney Lake Police; Madlyn Murray, Mary Bridge Children's Hospital; Anna Martinez; Tony Gomez, King County Drowning Prevention Coalition; Dave Williams, Recreational Boaters Association of Washington; Karen Jones, Black Lake Fire Department; and Deborah Sampson, Children's Hospital Medical Center and Airlift Northwest (all in favor); and Bill Fritz, self, (opposed).