

# HOUSE BILL REPORT

## EHB 1014

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### As Passed Legislature

**Title:** An act relating to personal flotation devices.

**Brief Description:** Requiring children age twelve and under to wear a personal flotation device while on a vessel on the waters of the state.

**Sponsors:** Representatives Carlson, Regala, Ogden, Pennington, Hatfield, Hurst, Stensen, Buck, Romero, Kastama, Scott, McIntire, Keiser, Cooper, Ballasiotes, Schual-Berke, Murray, Cody, Veloria, Rockefeller and Lantz.

**Brief History:**

**Committee Activity:**

Natural Resources: 1/20/99, 1/22/99 [DP].

**Floor Activity:**

Passed House: 3/9/99, 63-33.

Senate Amended.

Passed Senate: 4/8/99, 33-12.

House Concurred.

Passed Legislature.

### Brief Summary of Bill

- Requires that all persons 12 years and under wear a (U.S. Coast Guard) approved personal flotation device that meets or exceeds U.S. Coast Guard standards while on a vessel under 19 feet that is underway.
- Allows enforcement as a primary action.
- Exempts certain circumstances, including while a child is below deck or in the cabin of a boat, while a child is on an inspected passenger carrying vessel, and while a child is on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass. Signed by 9 members: Representatives Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; Clements; Doumit; Eickmeyer; Pennington; Rockefeller and Stensen.

**Staff:** Josh Weiss (786-7129).

**Background:**

No person may operate a vessel on the waters of the state without having 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.

Generally, state law requires boaters to have a life jacket or other flotation device on board the vessel for each person rather than requiring boaters actually to wear a 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 all must wear personal flotation devices.

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**Summary of Bill:**

No person is allowed to operate a vessel of 19 feet or less on the waters of the state with a child 12 years and under, unless the child is wearing a (U.S. Coast Guard) personal flotation device that meets or exceeds U.S. Coast Guard standards while the vessel is underway. Three exceptions are provided: 1) if the child is below deck or in the cabin of a boat; 2) if the vessel is an approved passenger-carrying vessel operating on the navigable waters of the United States; or 3) if the child is on board a vessel of a time and place where no person would reasonably expect a danger of drowning to occur.

Enforcement may be accomplished as a primary action.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** Eighty-five percent of drowning victims would survive if they were wearing personal flotation devices, and they should be mandatory for children. The Coast Guard can't mandate life jackets, and this is an issue that only the state can address. This issue is just like seat belts in that it will save lives. Medical technology and education on drowning can't get any more advanced, and legislation is needed at this

point. The state takes many other actions to protect children, and this is the same as any of those actions. The circumstances on the water are too unpredictable to not require that children wear personal life jackets. Pierce County and the city of Bonney Lake have local regulations similar to the bill; passing the bill would provide continuity and would save lives. There are lots of kids in Thurston County that don't wear life jackets. In the waters of Thurston County, if a child goes over the side of a boat they will likely die. Primary enforcement will not be abused by authorities. After 60 years of boating for recreation and commercial fishing, I have implemented more restrictive rules than these for my grandchildren on my boat, and this is a good bill. In remote areas life jackets are even more important.

(with concerns) This bill has potential, but it needs work. In the last year one 3-year-old child, and one 8-year-old child have drowned in the state. But, these statistics don't follow common sense, as the larger number of drownings are from swimming or in bathtubs. Larger boat owners tend to take safety courses, and those who have taken courses should be allowed to make a judgment call about when a life jacket is necessary. On lines six and seven of page two of the bill, the reference to an "open cockpit" is troubling. There is a health concern in an open cockpit of a boat, as carbon monoxide poisoning can occur here. Most drownings occur when larger boats capsize. The bill needs some work.

**Testimony Against:** Parents need to be creative in protecting their children. There are not any personal flotation devices available for smaller kids, so I strap my kids into their car seat when I am out boating. I could not do this if I had to have a life jacket on them, because it would not fit into the car seat.

**Testified:** (In support) Dolph Diemont, United States Coast Guard; Bill Gossard, National Transportation Safety Board; Madlyn Murrey, Mary Bridge Children's Hospital Multicare; Nancy Petrie, Kirkland Parks and Community Services; Vince Sainati, Bonney Lake Police Department; Greg Elwin, Thurston County Sheriff's Department; and Fred Hahn.

(With concerns) Ray Schow, Recreational Boaters Association of Washington; and Bernard Murray, Recreational Boaters Association of Washington.

(Opposed) Lisa Weber, citizen.