

HOUSE BILL REPORT

HB 2443

As Reported by House Committee On:
Housing, Community Development & Veterans

Title: An act relating to requiring the use of personal flotation devices on smaller vessels.

Brief Description: Requiring the use of personal flotation devices on smaller vessels.

Sponsors: Representatives Ryu and Davis.

Brief History:

Committee Activity:

Housing, Community Development & Veterans: 1/21/20, 1/31/20 [DPS].

Brief Summary of Substitute Bill

- Requires a person 13 years old or older operating or riding on a vessel under 19 feet in length to wear a personal flotation device that meets or exceeds the United States Coast Guard approval standards of the appropriate size while the vessel is underway, with exceptions.

HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Ryu, Chair; Morgan, Vice Chair; Frame, Johnson, J. and Ramel.

Minority Report: Do not pass. Signed by 4 members: Representatives Jenkin, Ranking Minority Member; Gildon, Assistant Ranking Minority Member; Barkis and Leavitt.

Staff: Cassie Jones (786-7303).

Background:

No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device (PFD) on board for each person on the vessel. Each PFD must be in serviceable condition, of an appropriate size, and readily accessible. A violation of these rules regarding personal floatation devices is an infraction punishable by a fine if the vessel

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is not carrying passengers for hire. If the vessel is carrying passengers for hire, a violation of these rules is a misdemeanor punishable by a fine and up to 90 days in jail.

No person shall operate a vessel under 19 feet in length on the waters of this state with a child 12 years old and under, unless the child is wearing a PFD that meets or exceeds the United States Coast Guard approval standards of the appropriate size, while the vessel is underway. A PFD is not considered readily accessible for children 12 years old and under unless the device is worn by the child while the vessel is underway. The PFD must be worn at all times by a child 12 years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel, except in the following circumstances:

- while a child is below deck or in the cabin of a boat with an enclosed cabin;
- while a child is on a United States Coast Guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or
- while on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

A violation of these rules regarding PFDs is an infraction punishable by a fine.

A "personal floatation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the Parks and Recreation Commission.

A "vessel" includes every description of watercraft on the water, other than a seaplane, used or capable of being used as a means of transportation on the water. It does not include inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers.

Summary of Substitute Bill:

An exemption from the requirement for a child 12 years old and under to wear a PFD while on a vessel under 19 feet in length that exempted a child on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur is removed.

A person 13 years old or older operating or riding on a human-powered vessel on the waters of this state must wear a PFD that meets or exceeds the United States Coast Guard approval standards of the appropriate size while the vessel is underway unless the person is:

- below deck or in the cabin of a boat with an enclosed cabin;
- on a United States Coast Guard inspected passenger-carrying vessel operating on the navigable waters of the United States;
- on board a squirt boat that is designed solely for squirt boating;
- on a stand-up paddle board and wearing a leash that connects to the paddle board and in compliance with federal rules relating to PFDs;
- participating in yoga on a stand-up paddle board in a designated swimming area or within 100 feet from shore;
- on a racing boat, shell, skull, or kayak that is designed solely for competitive racing;
- on a surfboard in surf zones in open water; or
- an athlete under direct supervision of a coach or trainer.

A law enforcement officer must issue a warning to operators or passengers for a first violation of this rule related to PFDs. A subsequent violation of this rule is an infraction punishable by a fine.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill:

- removes an exemption from the requirement for a child 12 years old and under to wear a personal flotation device while on a vessel under 19 feet in length that exempted a child on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur; and
- modifies the requirement for a person 13 years old or older to wear a personal flotation device while on board a vessel under 19 feet in length as follows:
 - removes the criteria that the vessel be under 19 feet in length and instead requires the vessel to be "human-powered;"
 - removes an exemption that exempted a person on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur; and
 - adds exemptions for the following persons:
 - persons on board a squirt boat that is designed solely for squirt boating;
 - persons on a stand-up paddle board that are wearing a leash that connects to the paddle board and are in compliance with federal rules relating to personal flotation devices;
 - persons participating in yoga on a stand-up paddle board in a designated swimming area or within 100 feet from shore;
 - persons on a racing boat, shell, skull, or kayak that is designed solely for competitive racing;
 - persons on a surfboard in surf zones in open water; or
 - athletes under direct supervision of a coach or trainer.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There have been recent fatalities that have been devastating to families. Lives can be saved by requiring everyone to wear life jackets. Requiring life jackets on smaller vessels or paddle boards is especially important. Though this may impinge on personal freedom, saving lives is worth it.

There were four drownings last summer related to the use of stand-up paddleboards; none of the victims were wearing PFDs. Wearing a PFD is the most important thing a boater can do to prevent accidental drownings. The majority of drownings occur on smaller vessels. It is difficult to create a one-size-fits-all policy with respect to mandating the use of PFDs. Statistics show that the mandatory wearing of life jackets reduces drownings. The wearing of life jackets on small boats is the most important safety intervention for saving lives.

(Opposed) None.

(Other) The boater education card has reduced fatalities. The problem is that this is a very large change from the current law. This bill has not been vetted thoroughly by stakeholders. Only a small number of voters have heard of this bill. It is difficult to balance the need for safety with legislating behavior and risk. There are some technical problems with the bill. There is no database on warnings for infractions. Safety should be addressed, but there should be more time and discussion on this policy.

Drowning is the leading cause of death in boating accidents. Failure to wear life jackets is a key factor. Alcohol is also a factor. Education and outreach on wearing PFDs is critical and should be an important part of legislative work. One technical issue is the activity of squirt boating. This bill might make that activity illegal.

Persons Testifying: (In support) Representative Ryu, prime sponsor; Owen Rowe, Governmental Affairs Director, Washington State Parks and Recreation Commission; Jim Virgin, Washington State Paddlesports Vancouver Advisory Committee; and Greg Whittaker, Washington State Boater Safety Council.

(Other) Doug Levy, Recreational Boating Association of Washington; Peter Schrappen, Northwest Marine Trade Association; and Thomas O'Keefe, Stewardship Director, American Whitewater.

Persons Signed In To Testify But Not Testifying: None.