

HOUSE BILL REPORT

ESHB 2443

As Passed House:
February 14, 2020

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: House Committee on Housing, Community Development & Veterans (originally sponsored by Representatives Ryu and Davis).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 2/14/20, 54-44.

Brief Summary of Engrossed Substitute Bill

- Requires a person 13 years old or older but under the age of 18 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:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

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 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 Engrossed 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 but under the age of 18 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.

If a court finds that a person has committed a violation of the requirement for a person age 13 or older but under age 18 to wear a PFD, the court must waive the monetary penalty if the person:

- has not previously been found by a court to have committed a violation; and
- the person presents proof to the court that he or she obtained a boater education card issued either before or after the date of the violation.

Appropriation: None.

Fiscal Note: Available.

Effective Date: 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.