

Date of Hearing: April 13, 2015

ASSEMBLY COMMITTEE ON TRANSPORTATION

Jim Frazier, Chair

AB 638 (Frazier) – As Amended March 26, 2015

SUBJECT: Vessels: personal flotation devices

SUMMARY: Prohibits a person from operating a motorboat, sailboat, or vessel of any length unless every person on board under the age of 13 is wearing a personal flotation device (PFD) while the vessel is underway. Specifically, **this bill:**

- 1) Prohibits a person from operating any motorboat, sailboat, or vessel unless every person on board under the age of 13 is wearing a United States Coast Guard-approved PFD.
- 2) Changes the definition of “enclosed cabin” to mean a space on board a vessel that is surrounded by bulkheads or canvas.

EXISTING LAW:

- 1) Imposes a variety of safety-related requirements applicable to vessels operating on waters subject to state jurisdiction.
- 2) Prohibits a person from operating a motorboat, sailboat, or vessel that is 26 feet or less in length unless every person on board under the age of 13 is wearing a United States Coast Guard-approved wearable PFD that is used in accordance with approval labels and manufacturer’s instructions.
- 3) Specifies that the above prohibition does not apply to a person operating a sailboat on which a person under 13 is restrained by a harness tethered to the vessel, or to a person operating a vessel on which a person under 13 years of age is in an enclosed cabin.
- 4) Defines "enclosed cabin" as a space on board a vessel that is surrounded by bulkheads and covered by a roof.
- 5) Defines "operate a motorboat, sailboat, or vessel" as being in control or in charge of a motorboat, sailboat, or vessel while it is underway.
- 6) Defines "underway" to mean all times except when the motorboat, sailboat, or vessel is anchored, moored, or aground.
- 7) Requires all vessels to be equipped with a PFD for each person on board, which, if stored, must be readily available.

FISCAL EFFECT: None

COMMENTS: Under existing law, any child under 13 is required to wear a PFD while on a vessel under 26 feet in length that is operating on waters under state jurisdiction, unless the child is in an enclosed cabin or is on a sailboat and restrained by a harness that is tethered to the boat.

This bill requires children under 13 to wear a PFD on vessels of any length. According to the author and sponsor, in the past most vessels longer than 26 feet were cabin-style vessels, but today, many of the popular "go fast" or cigarette boats, which generally have open cabins, exceed 26 feet. These vessels can reach speeds of 80 miles per hour or faster. While statute requires PFDs to be readily available on board all vessels for all passengers, in the event of an accident there is often little time for occupants to put them on, especially in an accident at a high rate of speed.

Writing in support of the bill, the sponsor, the California State Sheriffs' Association, states: "AB 638 recognizes that the law no longer accurately reflects the reality, which is that boats capable of attaining high speeds often exceed 26 feet in length. A child riding on such a vessel when it is underway should wear a life jacket and this bill addresses that deficiency. This is a modest expansion of current law that will protect children in a meaningful and quantifiable way."

REGISTERED SUPPORT / OPPOSITION:**Support**

California State Sheriffs' Association (Sponsor)

Opposition

None on file

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