

Date of Hearing: April 22, 2024

ASSEMBLY COMMITTEE ON TRANSPORTATION

Lori D. Wilson, Chair

AB 2102 (Jim Patterson) – As Amended April 15, 2024

SUBJECT: For-hire vessels: organized camps: camp vessels

SUMMARY: Exempts camp vessels operated by organized camps from for-hire vessel requirements including that the vessel be operated by a person with a valid operator's license and instead permits the organized camp to obtain a permit from the state Division of Boating and Waterways (DBW). Specifically, **this bill:**

- 1) Defines "camp vessel" as a vessel that is used at an organized camp, unless it meets one or more of the following criteria:
 - a) It is an oceangoing vessel and under the jurisdiction of the United States Coast Guard;
 - b) It exceeds 26 feet in length;
 - c) It requires a mate for operation; and,
 - d) It has cooking facilities, toilets, sleeping quarters, or other amenities requiring inspection and certification from the United State Coast Guard, the DBW, or the Department of Parks and Recreation (Parks).
- 2) Specifies an "organized camp" does not include a site where providing boating or another aquatic activity is the primary purpose.
- 3) Requires an organized camp to annually obtain a permit to operate camp vessels, and establishes the following criteria for a permit:
 - a) The organized camp's location, anticipated dates of operation, and contact information;
 - b) Proof of liability insurance; and,
 - c) Attestation by the organized camp's administrator.
- 4) Requires the DBW to assess a permit fee, of no more than \$15, to be deposited into the Camp Vessel Permit Fee Fund, within the Harbors and Watercraft Revolving Fund.
- 5) In addition to the permit, requires an organized camp that operates a camp vessel to:
 - a) Have liability insurance;
 - b) Ensure the vessel receives regular maintenance and safety checks;
 - c) Provide training to all who operate a camp vessel; and,
 - d) Administer a skills verification test to all who operate a camp vessel.

- 6) Requires a person operating a camp vessel to:
 - a) Be 18 years of age or older;
 - b) Possess a vessel operator card issued by the DBW;
 - c) Ensure that the number of passengers does not exceed the camp vessel's design capacity;
 - d) Ensure that all passengers under 18 years of age on the vessel wear an appropriate personal floatation device approved by the United States Coast Guard; and,
 - e) Ensure that all passengers receive a safety briefing before boarding the vessel.

EXISTING LAW:

- 1) Defines "organized camp" as a site established to provide outdoor group experiences for five or more days, either overnight or daytime. An organized camp does not include:
 - a) A motel, tourist camp, trailer park, resort, hunting camp, auto court, labor camp, or penal or correctional camp;
 - b) A childcare institution or home-finding agency; and,
 - c) A charitable or recreational organization that complies with the rules and regulations for recreational trailer parks. (Harbors and Navigation Code (HNC) Section 763)
- 2) Generally defines a "for-hire vessel" as a machine propelled vessel carrying more than three paying passengers, and requires a for-hire vessel operator to hold a license issued by the DBW. (HNC Sections 760-761)
- 3) Places age restrictions on motorized vessel operation. Operators must be at least 16 years of age; or if 12, 13, 14, or 15 years old, they must be accompanied by an 18 year old. (HNC Section 658.5)
- 4) Requires an operator of a vessel to possess a vessel operator card issued by DBW. (HNC Section 678.11)
- 5) Requires DBW to require every for-hire vessel company to have adequate liability coverage for the payment of damages for personal bodily injuries, including death. (HNC Section 759)

FISCAL EFFECT: Unknown

COMMENTS: Organized camps are required to comply with existing boating safety laws, and have recently been the subject of several legislative proposals following the 2020 pool drowning of a child attending a summer camp. The purpose of an organized camp, as defined in existing law, is to provide an outdoor group experience with social, spiritual, educational, or recreational objectives. Safety for campers is of paramount importance both for the state, and for the camps' success.

Existing practice requires organized camps who operate a vessel to comply with the for-hire vessel requirements. Since 1966, California law requires for-hire vessel operators to obtain and maintain a valid for-hire vessel operator's license. For-hire vessel carriers perform passenger transportation services (for any type of compensation) other than point-to-point service. Typical examples include fishing charters, sightseeing services, and dinner cruises. In 2017, regulatory

obligations for for-hire vessels were transferred from the California Public Utilities Commission (CPUC) to the DBW.

In order to obtain a for-hire vessel operator's license the requirements include: the vessel operator must be 18 years old and in good physical condition, have at least one year's experience operating the specific type of boat, and pass both a written and practical on-the-water exam. There is no for-hire operator license fee, although applicants may incur a cost to obtain the medical examination. The for-hire operator license lasts for five years. For-hire vessel carriers must also procure and maintain adequate protection against liability for as long as the company continues to offer its services. The insurance verification certificate program application and renewal carries an annual fee of \$25.

Requirements for obtaining a California Boater Card are less rigorous. The vessel operator must show that they have successfully taken an approved boating safety course approved by the National Association of State Boating Law Administrators course and passed the corresponding exam. Courses must be approved by the National Association of State Boating Law Administrators and DBW and run a minimum of three hours to complete. The fee for a lifetime card is \$10.

This bill is in response to organized camps seeking a less burdensome requirement for the operation of vessels as their camps. Organized camps are typically operated by seasonal staff that are unlikely to have one year's worth of experience on operating a vessel provided by the organized camp. This bill creates a for-hire vessel operator license specifically for organized camps. The permit process this bill creates, requires the organized camp to provide proof of insurance, ensure the vessel receives regular maintenance and safety checks, provide training to all who operate the camp vessel, and administer a skills verification test to all who operate the camp vessel, all overseen by the DBW. This bill requires the operator of a camp vessel to possess a vessel operator card, ensure that the number of passengers does not exceed the camp vessel's design capacity, ensure appropriate personal floatation device use, and ensure that all passengers receive a safety briefing before boarding the vessel. Additionally, this bill specifies this permit is only applicable to organized camps whose primary purpose is not boating and waterways.

According to the author, "AB 2102 addresses the regulatory challenges faced by vessels operated at organized camps, focusing on the for-hire vessel framework. The bill proposes to exempt these vessels from the for-hire designation, eliminating the mandatory operator's license requirement. Instead, it simply require operators at summer camps to possess a California Boating License. The bill aims to strike a balance between regulatory adherence and practical considerations for organized camps."

In support, the California Collaboration for Youth writes, "AB 2102 is a simple bill that would "right-size" the regulations for camps who operate boats within the waterways overseen by the Department of Boating and Waterways. Recently, the department has determined, without statutory authority, that camps operate "for-hire" boats. While we would have no issue with camps having to comply with this ruling if they operated for-hire boats, camps do not operate for-hire boats and should thus be exempted from the for-hire boating license regulations."

In opposition, the California State Sheriffs' Association writes, "We believe the licensure requirements required of those operating for-hire vessels are vital for the safety of those aboard such vessels as well as others who may be in close physical proximity to such vessels. While there are

training and examination requirements inherent or explicitly included in the licensure requirement, we do not believe these are overly burdensome in the context of ensuring the safety of vessels and those on our waterways.”

Committee comments. Moving forward, the author may wish to add language to clarify that a supervisor, or designee, is able to administer or approve a skills examination for the operator of a camp vessel. The author may also wish to consider defining the skills examination for operating a camp vessel.

In addition, it will be important for the author to continue working with the California State Sheriff's Association in an effort to address their concerns.

Previous legislation: SB 217 (Portantino) of 2019 would have required an organized camp to obtain a license from a local agency before operating a camp. This bill was held in the Assembly Health Committee.

SB 955 (Portantino) of 2020 would have done the same thing. This bill was held in the Senate Health Committee.

SB 19 (Hill) Chapter 421, Statutes of 2017 transfers CPUC regulatory authority over private carriers of passengers, household good carriers, and for-hire vessels to other state agencies, and makes other changes related to the regulation of companies engaged in the conveyance of goods and passengers, including mandating minimum levels of liability insurance.

SB 941 (Monning) Chapter 433, Statutes of 2014 requires DBW to develop a vessel operator education program and issue a vessel operator card, as specified; and prohibits the operation of any vessel with an engine by anyone who had not received one of the new vessel operator cards with certain exceptions.

REGISTERED SUPPORT / OPPOSITION:

Support

California Collaboration for Youth
Camp Kinneret
Camp Trinity on the Bar 717 Ranch
Catalina Island Camps, INC.
Ecos Institute
Emerald Cove Camp
Gold Arrow Camp
Jameson Ranch Camp, LLC
Mountain Camp
Peninsula Activities, INC.
Roughing It Day Camp
Shaffer's High Sierra Camp
Skylake Yosemite Camp
Tennis Camp INC DbA Carmel Valley Tennis Camp
Tom Sawyer Camps
Tumbleweed Day Camp
Western Association of Independent Camps

Yosemite Sierra Summer Camp
Three Individuals

Opposition

California State Sheriffs' Association

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