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Bill Analysis
Legislative Service Commission

Sub. S.B. 150

124th General Assembly

(As Reported by H. Transportation and Public Safety)

Sens. Armbruster, Spada, Robert Gardner, Harris, Mumper, White

Reps. Damschroder, Manning, Key, Lendrum, Oakar, Perry, Reidelbach, Schaffer, Sferra

BILL SUMMARY

- Allows the owner of an individually registered canoe, rowboat, or inflatable watercraft to choose not to have it numbered by the state, and establishes a higher triennial registration fee and other requirements for such a watercraft.
- Requires a hull identification number to be permanently displayed and affixed to watercraft, and prohibits a person from operating or permitting to be operated a watercraft on Ohio waters without the number on the watercraft.
- Requires registration fees for watercraft that are included in a livery registration to be paid annually rather than triennially.
- Includes racing shells and rowing sculls in the definition of "canoe" for purposes of the Watercraft and Waterways Law, and requires inflatable watercraft that are propelled by a sail to be classified as a sailboat and registered by length.
- Generally replaces the term "watercraft" with "vessel" for purposes of the personal floatation requirements, and exempts from those requirements persons who are operating vessels specified in rules adopted by the Chief of the Division of Watercraft.
- Removes from one of the conditions for sale of certain abandoned watercraft and outboard motors the requirement that the Chief or his designee appraise and provide written certification of the value of a watercraft or motor.

CONTENT AND OPERATION

Background

Current law generally requires watercraft that are used on Ohio waters to be registered triennially by the Division of Watercraft in the Department of Natural Resources. "Watercraft" means any of the following when used or capable of being used for transportation on water: (1) a vessel operated by machinery either permanently or temporarily affixed, (2) a sailboat other than a sailboard, (3) an inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard, and (4) a canoe or rowboat. Ferries are excluded from the definition. For purposes of the registration fee, watercraft are classified by length. Current law also generally requires each watercraft to be numbered by the state. However, certain types of watercraft are exempt from registration, numbering, or both by the state.

Optional numbering for canoes, rowboats, and inflatable watercraft

The bill allows an owner of a canoe, rowboat, or inflatable watercraft that is registered individually rather than as part of a livery to choose whether or not to have the watercraft numbered by the state. An owner who chooses to have such a watercraft numbered must comply with current law's requirements to pay a registration fee of \$12 and obtain two square tags that are not larger than three inches square, are color coded, and indicate the expiration date of the registration certificate. The tags must be affixed to each side of the watercraft. Such a watercraft also must have the permanent identification number attached to each side of its bow. (Secs. 1547.53(H), 1547.54(A)(2), and 1547.57(A) and (B).)

An owner who chooses not to have the owner's watercraft numbered must pay a higher registration fee of \$17 and obtain a rectangular tag of not larger than three inches by six inches, with distinguishing color coding and a number for identification purposes. The owner must affix the tag to a location on the watercraft as prescribed by rules adopted by the Chief of the Division of Watercraft. (Secs. 1547.53(H), 1547.54(A)(2), and 1547.57(C).)

Under current law, a registration certificate must be on the watercraft for which it is issued and available at all times for inspection whenever the watercraft is in operation. The requirement does not apply to livery operators, who may keep the registration certificate at the livery where it must be available for inspection at all times. The bill creates a second exemption for canoes, rowboats, and inflatable watercraft that have not been numbered under the bill. A person who is operating such a watercraft on Ohio waters and who is stopped by a law enforcement officer in the enforcement of Ohio's watercraft statutes and rules must present a

registration certificate to the officer not later than 72 hours after being stopped. The registration certificate must have been obtained prior to the time that the watercraft was stopped. Failure to present the registration certificate within that time constitutes prima-facie evidence of the requirement to register the watercraft. (Sec. 1547.54(D).)

Hull identification numbers

Federal law requires a watercraft constructed on or after November 1, 1972, to have a hull identification number permanently displayed and affixed to it in accordance with federal requirements. The bill adds this requirement to state law and also requires a watercraft constructed before that date to have a hull identification number assigned to it by the Chief at the time of registration, at the time of application for title, after transfer of ownership, or at the time of a change to Ohio as the principal location of operation. The number must be permanently displayed and affixed as prescribed by rules adopted under the Watercraft and Waterways Law. Similarly, a person who builds a watercraft or imports a watercraft from another country for personal use and not for the purpose of sale must request a hull identification from the Chief and permanently display and affix the number as prescribed by rules adopted under that Law. (Sec. 1547.65(A), (B), and (C).)

The bill prohibits a person from operating or permitting to be operated any watercraft on the waters in Ohio in violation of the above provisions (sec. 1547.65(D)). Violation is a misdemeanor of the fourth degree (sec. 1547.99(F)).

Livery registration fees

Current law allows the owner of any number of canoes, kayaks, rowboats, inflatable watercraft, or sailboats for rental to the public to apply to the Chief for an annual certificate of livery registration. The registration fee for each watercraft included in the livery registration is the same as the fee for such watercraft that are registered individually and must be paid triennially. The bill instead requires the fee for each watercraft that is registered as part of a livery to be an annual fee in an amount that is one-third of the applicable triennial registration fee. It also removes references to kayaks because those watercraft are included in the existing definition of "canoe" (see below). (Secs. 1547.54(A) and 1547.542.)

Definitions of "watercraft," "canoe," "rowboat," "vessel," and "inflatable watercraft"

The bill revises the definitions of "watercraft," "canoe," "rowboat," "vessel," and "inflatable watercraft" for the purposes of the Watercraft and Waterways Law. Under existing law, "watercraft" means several types of crafts



when used or capable of being used for transportation on the water. One is an inflatable, manually propelled boat having a hull identification number meeting the requirements of the United States Coast Guard. The bill replaces *having* such a hull identification number with *required by federal law to have* such a hull identification number. (Sec. 1547.01(A)(3).) Currently, "canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks. The bill adds racing shells and rowing sculls to the definition. (Sec. 1547.01(B)(13).) It also clarifies the definition of "rowboat" by specifying that a rowboat does not include a canoe (sec. 1547.01(B)(2)). Under current law, a "vessel" includes every description of watercraft, including nondisplacement craft and seaplanes, used or capable of being used as a means of transportation on water. The bill modifies this definition so that a vessel includes every description of *craft*, including nondisplacement craft and seaplanes, *designed to be* used as a means of transportation on water. (Sec. 1547.01(B)(1).) Finally, the bill includes in the definition of "inflatable watercraft" a requirement that inflatable watercraft propelled by a sail be classified as a sailboat and registered by length (sec. 1547.01(B)(20)).

Exemption from numbering and registration for certain publicly owned watercraft

Included in the existing exemptions from the requirement that watercraft be numbered by the state are watercraft whose owner is the United States, a state, or a political subdivision of a state. Through a cross-reference to another statute, those watercraft also are exempt from registration by the state.

The bill clarifies the exemption from numbering, and thus from registration, by specifying that such a publicly owned watercraft must be clearly identifiable as such and must be either a powercraft that principally is used for governmental purposes other than recreational purposes or a watercraft other than a powercraft (sec. 1547.53(D)). Current law defines "powercraft" to mean any vessel propelled by machinery, fuel, rockets, or similar device (sec. 1547.01(B)(4)).

Personal floatation requirements

Current law prohibits anyone from operating or permitting to be operated any watercraft, other than a commercial vessel, on the waters in Ohio without specified numbers and types of personal floatation devices based on the length of the watercraft. A separate prohibition and requirements are established for commercial vessels. The bill revises the first prohibition by replacing "watercraft" with "vessel" and excluding any vessel that is exempted in rules adopted under the Watercraft and Waterways Law. (Sec. 1547.25(A) and (C).)

Similarly, existing law provides that each personal floatation device carried aboard a watercraft or commercial vessel must be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the watercraft at all times. The bill revises the requirement by replacing "watercraft" with "vessel." (Sec. 1547.25(D).)

Sale of abandoned watercraft or outboard motor

Current law provides that the owner of any property on which a watercraft or outboard motor valued at less than \$10,000 has been left for six months without permission may sell the watercraft or motor at public auction when specified conditions are met. One of the conditions requires the owner of the property to request the Chief of the Division of Watercraft or his designee, an appointee of the Chief who must be a watercraft dealer licensed in accordance with a former provision of the Watercraft and Waterways Law that required dealers to be licensed, or an independent marine surveyor and appraiser to appraise the watercraft or motor and secure from the Chief or his designee written confirmation that the fair market value is less than \$10,000. The Chief or his designee must make the appraisal when requested and must give to the owner of the property written confirmation that the value has been correctly determined.

The bill removes references to the Chief or his designee. Thus, the owner of the property must request a watercraft dealer certified in accordance with the Watercraft and Waterways Law or an independent marine surveyor and appraiser to appraise the watercraft or motor and secure written confirmation that the fair market value is less than \$10,000. (Sec. 4585.31(D).)

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	07-31-01	p. 837
Reported, S. Energy, Natural Resources, & Environment	01-17-02	p. 1325
Passed Senate (33-0)	01-22-02	p. 1332
Reported, H. Transportation & Public Safety	02-27-02	p. 1470

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