



Am. Sub. S.B. 271

127th General Assembly

(As Passed by the General Assembly)

Sens. Mumper, Fedor, Harris, Kearney, Morano, Spada, Wagoner, Wilson, D. Miller

Reps. Schlichter, J. McGregor, Gibbs, Core, Evans, Domenick, Zehringer, Chandler, Dodd, Dyer, Flowers, Gerberry, Harwood, Heydinger, Hughes, Letson, Luckie, Lundy, Newcomb, Sayre

Effective date: Emergency, June 12, 2008

ACT SUMMARY

- Prohibits a person from operating or permitting to be operated a vessel on Ohio waters without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life, or any combination of them, and establishes that violation is a minor misdemeanor.
- Prohibits a person from operating or permitting the operation of a vessel at a speed that creates a wake within 100 feet of a stationary law enforcement vessel or a vessel that is being used to provide public service displaying at least one flashing, oscillating, or rotating light conforming with specified federal regulations, defines "public service," and establishes that whoever violates the prohibition without causing injury to persons or damage to property is guilty of a fourth degree misdemeanor and whoever violates the prohibition causing injury to persons or damage to property is guilty of a third degree misdemeanor.
- Allows persons who are under ten years of age to wear Coast Guard approved type five personal flotation devices on vessels in order to be in compliance with personal flotation device requirements.
- Revises the requirements governing the water zones that are used for waterskiing, barefoot skiing, or similar activities, and establishes exceptions to the requirements.

- Permits a registered watercraft dealer to buy an outboard motor for which a physical certificate of title has not been issued, provides for the transfer of ownership of the outboard motor to occur via an assignment of ownership form that must be filed with a clerk of a court of common pleas, and authorizes an electronic watercraft dealer who buys or sells an outboard motor for which an electronic certificate of title has been issued to notify a clerk of a court of common pleas electronically of the assignment of ownership.
- Requires a clerk of a court of common pleas to collect from a watercraft dealer a \$5 fee for each outboard motor assignment, and requires the fee to be distributed in accordance with the Watercraft Certificates of Title Law.
- Requires a physical certificate of title to be obtained when a person who is not an electronic watercraft dealer sells an outboard motor for which a physical certificate of title has not been issued to a person who is not a registered watercraft dealer.
- Revises the Pymatuning Lake Compact regarding the use of watercraft on the Lake.

CONTENT AND OPERATION

Prohibition against operation of vessel without maintaining sufficient control

The act prohibits a person from operating or permitting the operation of a vessel on the waters in Ohio without maintaining sufficient control to avoid an incident that results in property damage, physical injury, loss of life, or any combination of them (R.C. 1547.072).¹ Whoever violates the new prohibition is guilty of a minor misdemeanor (R.C. 1547.99).

Prohibition against operation of vessel that creates wake within 100 feet of specified vessels

The act prohibits a person from operating or permitting the operation of a vessel at a speed that creates a wake within 100 feet of a stationary law enforcement vessel displaying at least one flashing, oscillating, or rotating light

¹ Continuing law defines "vessel" to include every description of craft, including nondisplacement craft and seaplanes, designed to be used as a means of transportation on water (R.C. 1547.01, not in the act).

conforming with specified federal regulations.² In addition, the act prohibits a person from operating or permitting the operation of a vessel at a speed that creates a wake within 100 feet of a vessel that is being used to provide public service and that displays at least one flashing, oscillating, or rotating light conforming with specified federal regulations. The act defines "public service" to mean activities that include, but are not limited to, escorting or patrolling special water events, traffic control, salvage, firefighting, medical assistance, assisting disabled vessels, and search and rescue. (R.C. 1547.132.) Whoever violates either prohibition without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. Whoever violates either prohibition causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. (R.C. 1547.99.)

Prohibition against operation of vessel without appropriate passenger flotation devices

Continuing law prohibits a person from operating or permitting to be operated any vessel under 18 feet in length while there is present in the vessel any person under ten years of age, not wearing a Coast Guard approved type one, two, or three personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age. In addition to a Coast Guard approved type one, two, or three personal flotation device, the act adds a Coast Guard approved type five personal flotation device for purposes of the above requirement. (R.C. 1547.24.)

Requirements concerning water zones for waterskiing, barefoot skiing, or similar activity

Law largely retained by the act requires any person who rides or attempts to ride on one or more skis, surfboard, or similar device, or who engages or attempts to engage in barefoot skiing, and any person who operates a vessel towing a person riding or attempting to ride on one or more water skis, surfboard, or similar device, or engaging or attempting to engage in barefoot skiing, to confine that activity to the water area within a designated ski zone on all bodies of water on which a ski zone has been established except on the waters of Lake Erie, the Ohio River, and immediately connected harbors and anchorage facilities. The act retains the requirements, but revises the exception to be the waters of the Ohio River or Lake Erie and immediately connected harbors and bays. (R.C. 1547.14(A).)

² Continuing law defines "law enforcement vessel" to mean any vessel used in law enforcement and under the command of a law enforcement officer (R.C. 1547.01, not in the act).

Former law stated that on all bodies of water designated as "open zone," i.e., having a combined speed and ski zone, the activities described above had to be confined to the open zone. The act instead states that on all bodies of water where no specific activity zones have been established, the activities described above must be confined to areas where the activities are not specifically restricted by the Watercraft and Waterways Law and rules adopted under it. (R.C. 1547.14(B).)

Finally, the act adds that all of the above requirements do not apply to an activity described above if the vessel involved in the activity is traveling at idle speed in a designated no wake zone and the activity is not being conducted in any of the following areas:

- (1) Within 300 feet of a gas dock, marina, launch ramp, or harbor entrance;
- (2) Within a designated anchorage area, swim zone, boat swim zone, or boat camping area;
- (3) Under a bridge or within 300 feet of a bridge underpass; or
- (4) Any area designated as a no ski zone (R.C. 1547.14(C)).

Sale of outboard motor when physical certificate of title not issued

Under continuing law, if a person who is not an electronic watercraft dealer owns a watercraft for which a physical certificate of title has not been issued by a clerk of a court of common pleas and the person sells the watercraft to a watercraft dealer registered under the Watercraft and Waterways Law, the person is not required to obtain a physical certificate of title to the watercraft in order to transfer ownership to the dealer. The person must present the dealer, in a manner approved by the Chief of the Division of Watercraft in the Department of Natural Resources, with sufficient proof of the person's identity and complete and sign a form assigning the watercraft to the dealer. Except as discussed below, the watercraft dealer must present the assignment form to any clerk of a court of common pleas together with an application for a certificate of title and payment of the fees prescribed in the Watercraft and Waterways Law. The act applies the above procedures to the sale of an outboard motor. (R.C. 1548.032.)

Under continuing law, in a case in which an electronic certificate of title has been issued and either the buyer or seller of the watercraft is an electronic watercraft dealer, the electronic watercraft dealer instead may inform a clerk of a court of common pleas via electronic means of the sale of the watercraft and assignment of ownership of the watercraft. The clerk must enter the information relating to the assignment into the automated title processing system, and

ownership of the watercraft passes to the applicant when the clerk enters this information into the system. The dealer is not required to obtain a physical certificate of title to the watercraft in the dealer's name. The act applies the above procedures to the sale of an outboard motor. (R.C. 1548.032.)

Continuing law requires a clerk of a court of common pleas to charge and collect from a dealer a \$5 fee for each watercraft assignment sent by the dealer to the clerk. The fee must be distributed in accordance with the Watercraft Certificates of Title Law. The act applies the charge, collection, and distribution of the fee to the assignment of an outboard motor. (R.C. 1548.032.)

Under continuing law, if a person who is not an electronic watercraft dealer owns a watercraft for which a physical certificate of title has not been issued by a clerk of a court of common pleas and the person sells the watercraft to a person who is not a registered watercraft dealer, the person must obtain a physical certificate of title to the watercraft in order to transfer ownership of the watercraft to that person. The act applies that requirement to the sale of an outboard motor. (R.C. 1548.032.)

Pymatuning Lake Compact

Background

Pymatuning Lake was created pursuant to a law enacted in 1913 by the state of Pennsylvania for the purposes of impounding water resulting from the draining of a swamp, controlling floods and regulating the flow of water in the Shenango and Beaver Rivers, and creating opportunities for fishing and other recreational pursuits. Because the Lake extends in part across the boundary line between Pennsylvania and Ohio, those states entered into an agreement governing matters concerning the Lake, including general use, arrest and prosecution of offenders, islands, water pollution, boats and vessels, fishing, reciprocal hunting rights, and wild game and fish sanctuaries. This agreement, which also is referred to as a compact, is codified in continuing law and revised by the act. (Sec. 1541.31.)

The act

The act revises provisions in the compact concerning watercraft. A provision of the compact retained in part by the act prohibits any watercraft propelled by a single motor, or any combination of motors, that produces a horsepower rating in excess of ten horsepower on Pymatuning Lake, except a pontoon boat sixteen feet in length or longer propelled by a single motor, or any combination of motors, that produces a horsepower rating of twenty horsepower or less and police or administration watercraft. The act increases the maximum

horsepower rating from 10 to 20 horsepower and accordingly eliminates the exception for a pontoon boat 16 feet in length or longer propelled by a single motor, or any combination of motors, that produces a horsepower rating of 20 horsepower or less. The act also replaces a reference to "vessel" with a reference to "watercraft." (Sec. 1541.31.)

Under a provision of the compact revised in part by the act, anyone who violates any of the provisions of the section of the compact governing watercraft or who operates any boat equipped with a motor on Pymatuning Lake without being authorized to do so under that section, upon conviction, must be sentenced in accordance with the applicable laws for the same or similar violations within the prosecuting jurisdiction, provided that the penalty for the violation does not exceed a fine of \$500 or imprisonment for 30 days. The act streamlines the language by applying the sentencing and penalty requirements to anyone who violates any of the provisions of the section of the compact governing watercraft. (Sec. 1541.31.)

HISTORY

ACTION	DATE
Introduced	01-10-08
Reported, S. Environment & Natural Resources	02-07-08
Passed Senate (32-0)	04-01-08
Reported, H. Agriculture and Natural Resources	05-07-08
Passed House (97-1)	05-22-08
Senate concurred in House amendments (32-0)	05-28-08

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