



Ohio Legislative Service Commission

Bill Analysis

Joseph G. Aninao

H.B. 594

129th General Assembly
(As Introduced)

Reps. Damschroder and Murray, Antonio, Brenner, Celeste, Cera, Gardner, Gonzales, R. Hagan, McGregor, Okey, Pillich, Roegner, Smith, Wachtmann, J. Adams

BILL SUMMARY

- Permits the Chief of the Division of Watercraft to adopt rules governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers.
 - Prohibits a state watercraft officer, law enforcement officer, or peace officer of a county, township, or municipal corporation from stopping or boarding any watercraft vessel to conduct a safety inspection unless:
 - There is reasonable suspicion that the vessel, the vessel's equipment, or the vessel's operator is in violation of the Watercraft and Waterways Law or other specified laws.
 - The vessel is being inspected in the course of an authorized checkpoint operation conducted in accordance with rules adopted by the Chief under the bill.
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CONTENT AND OPERATION

Stopping of watercraft

Rules governing vessel safety inspection checkpoints

The bill permits the Chief of the Division of Watercraft, who administers the Division of Watercraft, to adopt, amend, and rescind rules governing vessel safety

inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers.¹

Watercraft safety inspections

The bill repeals a provision of existing law that permits the Chief and state watercraft officers, who are the law enforcement officers of the Division, to stop, board, and conduct a safety inspection of any vessel for the purpose of enforcing the laws and rules that they have the authority to enforce.² The bill instead provides that, except as authorized by the bill, no state watercraft officer, law enforcement officer as described in the Watercraft and Waterways Law, or peace officer of a county, township, or municipal corporation with concurrent jurisdiction may stop or board any vessel to conduct a safety inspection of the vessel.³

The bill then provides that a state watercraft officer, law enforcement officer, or peace officer may stop, board, and conduct a safety inspection of a vessel for the purpose of enforcing the laws and rules that the officer has the authority to enforce only if either of following applies:

(1) The officer has a reasonable suspicion that the vessel, the vessel's equipment, or the vessel's operator is in violation of the Watercraft and Waterways Law⁴ or rules adopted under it, or is otherwise engaged in a violation of a law of this state or an applicable ordinance of a municipal corporation within the territorial jurisdiction of the officer; or

(2) The officer is conducting a vessel safety inspection in the course of an authorized checkpoint operation in accordance with rules adopted by the Chief under the bill.

HISTORY

ACTION	DATE
Introduced	09-26-12

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¹ R.C. 1547.52(A)(4).

² R.C. 1547.521(A)(4).

³ R.C. 1547.521(B)(1).

⁴ R.C. Chapter 1547.

