



Ohio Legislative Service Commission

Bill Analysis

Linda S. Crawford

Am. Sub. H.B. 29* 130th General Assembly (As Reported by S. Transportation)

Reps. Damschroder, Roegner, Gonzales, Cera, Huffman, Sears, Smith, Hood, J. Adams, Retherford, Perales, McGregor, Pillich, Johnson, Burkley, C. Hagan, Lynch, Patterson, Redfern, Scherer, Strahorn, Anielski, Antonio, Baker, Barborak, Beck, Blair, Blessing, Boose, Brenner, Brown, Buchy, Butler, Carney, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, R. Hagan, Hall, Hottinger, Kunze, Letson, Maag, McClain, Milkovich, O'Brien, Pelanda, Ramos, Rogers, Rosenberger, Schuring, Slaby, Sprague, Stebelton, Stinziano, Terhar, Thompson, Wachtmann, Winburn, Young, Batchelder

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 or law enforcement officer from stopping or boarding any watercraft vessel to conduct a safety inspection unless:
 - The owner or operator voluntarily requests a safety inspection;
 - 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 a local law; or
 - 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.

* This analysis was prepared before the report of the Senate Transportation Committee appeared in the Senate Journal. Note that the list of co-sponsors and the legislative history may be incomplete.

- Exempts individuals holding certain U.S. Coast Guard credentials and endorsements from the requirement to complete a safe boater course or examination.
- Declares an emergency.

CONTENT AND OPERATION

Watercraft safety inspections

The bill authorizes the Chief of 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

In addition, the bill repeals a provision of existing law that authorizes 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 prohibits a state watercraft officer or other law enforcement officer authorized to enforce the Watercraft and Waterways Law, except as discussed below, from stopping or boarding any vessel solely for the purpose of conducting a safety inspection of the vessel unless the owner or operator voluntarily requests the watercraft officer or other law enforcement officer to conduct a safety inspection of the vessel.³

The bill authorizes a state watercraft officer or law enforcement officer to 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 under the Watercraft and Waterways Law if either of the 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 Law or rules adopted under it or is otherwise engaged in a violation of a state law or a local ordinance, resolution, rule, or regulation adopted in compliance with the Watercraft and Waterways Law within the territorial jurisdiction of the officer; or

¹ R.C. 1547.52(A)(4).

² R.C. 1547.521(A)(4).

³ R.C. 1547.521(B)(1).



(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 as discussed above.

Safe boater course or examination exemption

The bill exempts an individual who possesses valid merchant mariner credentials issued by the U.S. Coast Guard in accordance with applicable federal regulations with at least one endorsement of master or operator as defined in those regulations from completing either a safe boater course approved by the National Association of State Boating Law Administrators or a proctored or nonproctored proficiency examination that tests knowledge of information included in the curriculum of such a course. Such an exempted individual, while operating any recreational vessel on Ohio waters, must carry onboard documentation of the merchant mariner credentials and required endorsements and must present the documentation to a watercraft officer or law enforcement officer upon request.⁴

In order to operate a powercraft having more than ten horsepower on the waters of this state, current law requires any person born on or after January 1, 1982 to successfully complete either an approved safe boater course or a take an examination that tests knowledge of information included in a safe boater course. Upon successful completion of the course or examination, the person receives a certificate, which must be presented to a law enforcement officer enforcing the Watercraft and Waterways Law whenever the powercraft operator is stopped. Violation of the requirement to pass the course or examination, as well as the failure to provide the certificate when required, is a fourth degree misdemeanor if the violation is not related to a collision, injury to a person, or damage to property and a third degree misdemeanor if the violation is related to a collision, injury to a person, or damage to property.⁵

HISTORY

ACTION	DATE
Introduced	02-05-13
Reported, H. Agriculture and Natural Resources	05-02-13
Passed House (94-0)	06-04-13
Reported, S. Transportation	---

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⁴ R.C. 1547.05.

⁵ R.C. 1547.05(A) and (C); R.C. 1547.051 and 1547.99(K), not in the bill.

