

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 2, strike Section 487.06, Personal Flotation Devices, in its entirety and insert the following:

"Section 487.06 Personal Flotation Devices

(a) No person shall operate or permit to be operated any vessel, other than a vessel exempted by rules, on the waters in this city:

(1) That is sixteen (16) feet or greater in length without carrying aboard one (1) wearable personal flotation device for each person aboard and one (1) throwable personal flotation device;

(2) That is less than sixteen (16) feet in length, including paddlecraft of any length, without carrying aboard one (1) wearable personal flotation device for each person aboard.

(b) No person shall operate or permit to be operated any commercial vessel on the waters in this city:

(1) That is less than forty (40) feet in length and is not carrying persons for hire without carrying aboard at least one (1) wearable personal flotation device for each person aboard;

(2) That is carrying persons for hire or is forty (40) feet in length or longer and is not carrying persons for hire without carrying aboard at least one (1) type one (1) wearable personal flotation device for each person aboard that complies with all of the following:

A. It is designed to support the person wearing the wearable personal flotation device in the water in an upright or slightly backward position and provides support to the head so that the face of an unconscious or exhausted person is held above the water.

B. It is capable of turning the person wearing the wearable personal flotation device, upon entering the water, to a safe flotation position.

C. It is capable of being worn inside out.

D. It is capable of supporting a minimum of twenty-two pounds in fresh water for forty-eight (48) hours.

E. It is a highly visible color.

(3) That is twenty-six (26) feet in length or longer without carrying aboard at least one (1) throwable personal flotation device in addition to the applicable requirements of divisions (b)(1) and (b)(2) of this section.

(c) Each personal flotation device carried aboard a vessel, including a commercial vessel, pursuant to this section shall be Coast Guard approved and in good and serviceable condition, of appropriate size for the wearer, and readily accessible to each person aboard the vessel at all times, and used in accordance with any requirements on its approval label or in accordance with requirements in its owner's manual if the approval list refers to such a manual.

(d) A personal flotation device shall not be used in a manner that is inconsistent with any limitations or restrictions related to federal approval under 46 C.F.R. 160 or special instructions for use provided by the manufacturer. Appropriate use shall be indicated on the label of an approved personal flotation device with one or more of the following designations:

- (1) Conditional approval:
- (2) Performance type:
- (3) Type one personal flotation device:
- (4) Type two personal flotation device:
- (5) Type three personal flotation device:
- (6) Type four personal flotation device:
- (7) Type five personal flotation device:
- (8) Throwable personal flotation device:
- (9) Wearable personal flotation device.

(e) As used in this section, "commercial vessel" means any vessel used in the carriage of any person or property for a valuable consideration whether flowing directly or indirectly from the owner, partner or agent or any other person interested in the vessel. "Commercial vessel" does not include any vessel that is manufactured or used primarily for noncommercial use or that is leased, rented or chartered to another for noncommercial use.

(RC 1547.25)

(f) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

(RC 1547.99(F))".

2. In Section 3, at amended Section 487.09(b), strike the last two lines of that division in their entirety and insert "Guard, for such use."; and insert new division 487.09(d) to read as follows: "(d) Whoever violates this section is guilty of a minor misdemeanor. (RC 1547.99(C))".

Date: _____ (Signed): _____

Ronda G. Curtis
Chief Assistant Director of Law