

As Introduced

127th General Assembly
Regular Session
2007-2008

S. B. No. 271

Senator Mumper

—

A BILL

To amend sections 1547.14, 1547.24, 1547.99, and 1
1548.032 and to enact sections 1547.072 and 2
1547.132 of the Revised Code to make changes to 3
the laws governing watercraft. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 1547.14, 1547.24, 1547.99, and 5
1548.032 be amended and sections 1547.072 and 1547.132 of the 6
Revised Code be enacted to read as follows: 7

Sec. 1547.072. No person shall operate or permit the 8
operation of a vessel on the waters in this state without 9
maintaining sufficient control to avoid an incident that results 10
in property damage, physical injury, loss of life, or any 11
combination of them. 12

Sec. 1547.132. (A) As used in this section, "public service" 13
means activities that include, but are not limited to, escorting 14
or patrolling special water events, traffic control, salvage, 15
firefighting, medical assistance, assisting disabled vessels, and 16
search and rescue. 17

(B) No person shall operate a vessel at a speed that creates 18
a wake within one hundred feet of a stationary law enforcement 19

vessel displaying at least one flashing, oscillating, or rotating 20
light conforming with 33 C.F.R. 88.11. 21

(C) No person shall operate a vessel at a speed that creates 22
a wake within one hundred feet of a vessel that is being used to 23
provide public service and that displays at least one flashing, 24
oscillating, or rotating light conforming with 33 C.F.R. 88.12. 25

(D) No person shall permit any vessel to be operated on the 26
waters in this state in violation of this section. 27

Sec. 1547.14. (A) Except on the waters of ~~Lake Erie,~~ the Ohio 28
River, or Lake Erie and immediately connected harbors and 29
~~anchorage facilities~~ bays, any person who rides or attempts to 30
ride upon one or more water skis, surfboard, or similar device, or 31
who engages or attempts to engage in barefoot skiing, and any 32
person who operates a vessel towing a person riding or attempting 33
to ride on one or more water skis, surfboard, or similar device, 34
or engaging or attempting to engage in barefoot skiing, shall 35
confine that activity to the water area within a designated ski 36
zone on all bodies of water on which a ski zone has been 37
established. 38

(B) On all bodies of water ~~designated as "open zone," that~~ 39
~~is, having a combined speed and ski zone where no specific~~ 40
activity zones have been established, the activities described in 41
division (A) of this section shall be confined to ~~the open zone~~ 42
areas where the activities are not specifically restricted by this 43
chapter and rules adopted under it. 44

(C) Divisions (A) and (B) of this section do not apply to an 45
activity described in division (A) of this section if the vessel 46
involved in the activity is traveling at idle speed in a 47
designated no wake zone and the activity is not being conducted in 48
any of the following areas: 49

(1) Within three hundred feet of a gas dock, marina, launch ramp, or harbor entrance; 50
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(2) Within a designated anchorage area, swim zone, boat swim zone, or boat camping area; 52
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(3) Under a bridge or within three hundred feet of a bridge underpass; 54
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(4) Any area designated as a no ski zone. 56

(D) No person shall operate or permit to be operated any vessel on the waters in this state in violation of this section. 57
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Sec. 1547.24. No person shall operate or permit to be operated any vessel under eighteen 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~~, or five personal flotation device in good and serviceable condition of appropriate size securely attached to the person under ten years of age. 59
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Sec. 1547.99. (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree. 66
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(B) Whoever violates division (F) of section 1547.08, section 1547.10, division (I) of section 1547.111, section 1547.13, or section 1547.66 of the Revised Code is guilty of a misdemeanor of the first degree. 68
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(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 72
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 75
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 78

the Revised Code causing injury to persons or damage to property 79
is guilty of a misdemeanor of the third degree. 80

(F) Whoever violates division (M) of section 1547.54, 81
division (G) of section 1547.30, or section 1547.131, 1547.25, 82
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 83
of the Revised Code or a rule adopted under division (A)(2) of 84
section 1547.52 of the Revised Code is guilty of a misdemeanor of 85
the fourth degree. 86

(G) Whoever violates section 1547.11 of the Revised Code is 87
guilty of a misdemeanor of the first degree and shall be punished 88
as provided in division (G)(1), (2), or (3) of this section. 89

(1) Except as otherwise provided in division (G)(2) or (3) of 90
this section, the court shall sentence the offender to a jail term 91
of three consecutive days and may sentence the offender pursuant 92
to section 2929.24 of the Revised Code to a longer jail term. In 93
addition, the court shall impose upon the offender a fine of not 94
less than one hundred fifty nor more than one thousand dollars. 95

The court may suspend the execution of the mandatory jail 96
term of three consecutive days that it is required to impose by 97
division (G)(1) of this section if the court, in lieu of the 98
suspended jail term, places the offender under a community control 99
sanction pursuant to section 2929.25 of the Revised Code and 100
requires the offender to attend, for three consecutive days, a 101
drivers' intervention program that is certified pursuant to 102
section 3793.10 of the Revised Code. The court also may suspend 103
the execution of any part of the mandatory jail term of three 104
consecutive days that it is required to impose by division (G)(1) 105
of this section if the court places the offender under a community 106
control sanction pursuant to section 2929.25 of the Revised Code 107
for part of the three consecutive days; requires the offender to 108
attend, for that part of the three consecutive days, a drivers' 109
intervention program that is certified pursuant to section 3793.10 110

of the Revised Code; and sentences the offender to a jail term 111
equal to the remainder of the three consecutive days that the 112
offender does not spend attending the drivers' intervention 113
program. The court may require the offender, as a condition of 114
community control, to attend and satisfactorily complete any 115
treatment or education programs, in addition to the required 116
attendance at a drivers' intervention program, that the operators 117
of the drivers' intervention program determine that the offender 118
should attend and to report periodically to the court on the 119
offender's progress in the programs. The court also may impose any 120
other conditions of community control on the offender that it 121
considers necessary. 122

(2) If, within six years of the offense, the offender has 123
been convicted of or pleaded guilty to one violation of section 124
1547.11 of the Revised Code, of a municipal ordinance relating to 125
operating a watercraft or manipulating any water skis, aquaplane, 126
or similar device while under the influence of alcohol, a drug of 127
abuse, or a combination of them, of a municipal ordinance relating 128
to operating a watercraft or manipulating any water skis, 129
aquaplane, or similar device with a prohibited concentration of 130
alcohol, a controlled substance, or a metabolite of a controlled 131
substance in the whole blood, blood serum or plasma, breath, or 132
urine, of division (A)(1) of section 2903.06 of the Revised Code, 133
or of division (A)(2), (3), or (4) of section 2903.06 of the 134
Revised Code or section 2903.06 or 2903.07 of the Revised Code as 135
they existed prior to March 23, 2000, in a case in which the jury 136
or judge found that the offender was under the influence of 137
alcohol, a drug of abuse, or a combination of them, the court 138
shall sentence the offender to a jail term of ten consecutive days 139
and may sentence the offender pursuant to section 2929.24 of the 140
Revised Code to a longer jail term. In addition, the court shall 141
impose upon the offender a fine of not less than one hundred fifty 142
nor more than one thousand dollars. 143

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(3) If, within six years of the offense, the offender has been convicted of or pleaded guilty to more than one violation identified in division (G)(2) of this section, the court shall sentence the offender to a jail term of thirty consecutive days and may sentence the offender to a longer jail term of not more than one year. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code.

(4) Upon a showing that serving a jail term would seriously affect the ability of an offender sentenced pursuant to division (G)(1), (2), or (3) of this section to continue the offender's employment, the court may authorize that the offender be granted work release after the offender has served the mandatory jail term of three, ten, or thirty consecutive days that the court is required by division (G)(1), (2), or (3) of this section to impose. No court shall authorize work release during the mandatory jail term of three, ten, or thirty consecutive days that the court is required by division (G)(1), (2), or (3) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place in which the jail term is served and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a

sentence or the placement of an offender in any treatment program 176
in lieu of being imprisoned or serving a jail term, no court shall 177
suspend the mandatory jail term of ten or thirty consecutive days 178
required to be imposed by division (G)(2) or (3) of this section 179
or place an offender who is sentenced pursuant to division (G)(2) 180
or (3) of this section in any treatment program in lieu of being 181
imprisoned or serving a jail term until after the offender has 182
served the mandatory jail term of ten or thirty consecutive days 183
required to be imposed pursuant to division (G)(2) or (3) of this 184
section. Notwithstanding any section of the Revised Code that 185
authorizes the suspension of the imposition or execution of a 186
sentence or the placement of an offender in any treatment program 187
in lieu of being imprisoned or serving a jail term, no court, 188
except as specifically authorized by division (G)(1) of this 189
section, shall suspend the mandatory jail term of three 190
consecutive days required to be imposed by division (G)(1) of this 191
section or place an offender who is sentenced pursuant to division 192
(G)(1) of this section in any treatment program in lieu of 193
imprisonment until after the offender has served the mandatory 194
jail term of three consecutive days required to be imposed 195
pursuant to division (G)(1) of this section. 196

(6) As used in division (G) of this section, "jail term" and 197
"mandatory jail term" have the same meanings as in section 2929.01 198
of the Revised Code. 199

(H) Whoever violates section 1547.304 of the Revised Code is 200
guilty of a misdemeanor of the fourth degree and also shall be 201
assessed any costs incurred by the state or a county, township, 202
municipal corporation, or other political subdivision in disposing 203
of an abandoned junk vessel or outboard motor, less any money 204
accruing to the state, county, township, municipal corporation, or 205
other political subdivision from that disposal. 206

(I) Whoever violates division (B) or (C) of section 1547.49 207

of the Revised Code is guilty of a minor misdemeanor. 208

(J) Whoever violates section 1547.31 of the Revised Code is 209
guilty of a misdemeanor of the fourth degree on a first offense. 210
On each subsequent offense, the person is guilty of a misdemeanor 211
of the third degree. 212

(K) Whoever violates section 1547.05 or 1547.051 of the 213
Revised Code is guilty of a misdemeanor of the fourth degree if 214
the violation is not related to a collision, injury to a person, 215
or damage to property and a misdemeanor of the third degree if the 216
violation is related to a collision, injury to a person, or damage 217
to property. 218

(L) The sentencing court, in addition to the penalty provided 219
under this section for a violation of this chapter or a rule 220
adopted under it that involves a powercraft powered by more than 221
ten horsepower and that, in the opinion of the court, involves a 222
threat to the safety of persons or property, shall order the 223
offender to complete successfully a boating course approved by the 224
national association of state boating law administrators before 225
the offender is allowed to operate a powercraft powered by more 226
than ten horsepower on the waters in this state. Violation of a 227
court order entered under this division is punishable as contempt 228
under Chapter 2705. of the Revised Code. 229

Sec. 1548.032. (A)(1) If a person who is not an electronic 230
watercraft dealer owns a watercraft or outboard motor for which a 231
physical certificate of title has not been issued by a clerk of a 232
court of common pleas and the person sells the watercraft or 233
outboard motor to a watercraft dealer registered under section 234
1547.543 of the Revised Code, the person is not required to obtain 235
a physical certificate of title to the watercraft or outboard 236
motor in order to transfer ownership to the dealer. The person 237
shall present the dealer, in a manner approved by the chief of the 238

division of watercraft, with sufficient proof of the person's 239
identity and complete and sign a form prescribed by the chief 240
attesting to the person's identity and assigning the watercraft or 241
outboard motor to the dealer. Except as otherwise provided in this 242
section, the watercraft dealer shall present the assignment form 243
to any clerk of a court of common pleas together with an 244
application for a certificate of title and payment of the fees 245
prescribed by section 1548.10 of the Revised Code. 246

In a case in which an electronic certificate of title has 247
been issued and either the buyer or seller of the watercraft or 248
outboard motor is an electronic watercraft dealer, the electronic 249
watercraft dealer instead may inform a clerk of a court of common 250
pleas via electronic means of the sale of the watercraft or 251
outboard motor and assignment of ownership of the watercraft or 252
outboard motor. The clerk shall enter the information relating to 253
the assignment into the automated title processing system, and 254
ownership of the watercraft or outboard motor passes to the 255
applicant when the clerk enters this information into the system. 256
The dealer is not required to obtain a physical certificate of 257
title to the watercraft or outboard motor in the dealer's name. 258

(2) A clerk shall charge and collect from a dealer a fee of 259
five dollars for each watercraft or outboard motor assignment sent 260
by the dealer to the clerk under division (A)(1) of this section. 261
The fee shall be distributed in accordance with section 1548.10 of 262
the Revised Code. 263

(B) If a person who is not an electronic watercraft dealer 264
owns a watercraft or outboard motor for which a physical 265
certificate of title has not been issued by a clerk of a court of 266
common pleas and the person sells the watercraft or outboard motor 267
to a person who is not a watercraft dealer registered under 268
section 1547.543 of the Revised Code, the person shall obtain a 269

physical certificate of title to the watercraft or outboard motor 270
in order to transfer ownership of the watercraft or outboard motor 271
to that person. 272

Section 2. That existing sections 1547.14, 1547.24, 1547.99, 273
and 1548.032 of the Revised Code are hereby repealed. 274