

**As Passed by the House**

**127th General Assembly  
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**Am. Sub. S. B. No. 271**

**Senator Mumper**

**Cosponsors: Senators Fedor, Harris, Kearney, Morano, Spada, Wagoner,  
Wilson, Miller, D.**

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

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**A B I L L**

To amend sections 1541.31, 1547.14, 1547.24, 1547.99, 1  
and 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, to revise the 4  
Pymatuning Lake Compact, and to declare an 5  
emergency. 6

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

**Section 1.** That sections 1541.31, 1547.14, 1547.24, 1547.99, 7  
and 1548.032 be amended and sections 1547.072 and 1547.132 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 1541.31.** That the compact or agreement mentioned below 10  
and every article, matter, and thing therein is hereby ratified 11  
and approved and shall be and hereafter remain in force agreeable 12  
to the true tenor and intent thereof. 13

AGREEMENT BETWEEN THE COMMONWEALTH OF PENNSYLVANIA 14

AND THE STATE OF OHIO RE PYMATUNING LAKE 15

This agreement made and concluded between the commonwealth of Pennsylvania, acting by and through its lawfully authorized agency, namely, the water and power resources board, as party of the first part, and the state of Ohio, acting by and through its lawfully authorized agency, namely, its conservation commissioner, as party of the second part,

Witnesseth:

Whereas, By act of assembly of Pennsylvania approved May 2, 1929, P. L. 1503, as amended by acts of May 5, 1931, P. O. 84, April 24, 1933, P. L. 67, and July 9, 1935, P. L. 619, the department of forests and waters of Pennsylvania, acting through the water and power resources board, was authorized, inter alia, to complete the work begun and continued under an act approved July 25, 1913, P. L. 1270, entitled "An act providing for the erection of a dam at the outlet of Pymatuning swamp, and the establishment of a reservoir to conserve the waters thereof; providing for the taking of land and materials necessary thereto; vesting certain powers and duties in the water supply commission; and making an appropriation", and did duly complete said work, whereby there was created a lake or reservoir, now known and hereinafter called Pymatuning Lake, extending in part across the boundary line between said states of Ohio and Pennsylvania into the state of Ohio, and

Whereas, The primary purposes of the project by which said lake was created was to conserve water draining said swamp, all of which has its source in Pennsylvania, as well as control floods and regulate the flow of water in the Shenango and Beaver rivers, and secondary thereto, permit the water and the land surrounding the same to be used for fishing, hunting, recreation and park purposes, under such terms and conditions as the water and power resources board might determine, in such way or ways as in the opinion of the said board will not materially interfere with the

primary purpose in said acts of assembly and hereinbefore 48  
specifically referred to, and 49

Whereas, In view of the fact that a certain part of the lake 50  
extends into the state of Ohio, whereby it is necessary and 51  
desirable that the use of the lake for the secondary purposes, 52  
namely, hunting, fishing, and recreational use, be uniformly 53  
provided for, as well as to guard against inconvenience and 54  
mischiefs which might hereafter arise from the uncertainty of 55  
jurisdiction within and on said lake, to the end that the lake may 56  
be adequately policed and conflicts of jurisdiction for the arrest 57  
and punishment of offenders be avoided. 58

Now, then, therefore, in order that law and justice may in 59  
all such cases be executed and take effect upon said lake from 60  
shore to shore in all parts and places thereof where the lake is a 61  
boundary between said states, the said parties hereto do agree for 62  
and in behalf of their respective states in the manner following: 63

1. General use. It is hereby agreed that the entire 64  
Pymatuning lake or reservoir, subject to the primary use thereof 65  
by the commonwealth of Pennsylvania for regulating the flow of the 66  
water in the Shenango and Beaver rivers as in paragraph 9 67  
hereinafter more specifically mentioned, shall be open for 68  
recreational use equally to the citizens of both contracting 69  
parties, save as restricted as to hunting, fishing, and boating in 70  
this agreement set forth, or hereafter mutually agreed upon by 71  
both parties but no person shall be permitted to hunt or fish 72  
therein or thereon unless the lawful holder of a fishing or 73  
hunting license, authorizing the holder so to do, issued by the 74  
proper authorities of Pennsylvania or of Ohio. 75

2. Arrest and prosecution of offenders. That each state shall 76  
enjoy and exercise a concurrent jurisdiction upon the water (but 77  
not upon the dry land), between the shores of said lake, including 78  
the islands therein, with respect to the arrest and prosecution of 79

offenders, but in such sort that any boat or vessel fastened to or 80  
aground on the shore of either state shall be considered 81  
exclusively within the jurisdiction of said state; but that all 82  
capital and other offenses, trespasses, or damages committed on or 83  
over said lake, the judicial investigation and determination 84  
thereof shall be exclusively vested in the state wherein the 85  
offender or person charged with such offense shall be first 86  
apprehended, arrested, prosecuted, or first brought to trial; it 87  
being the intent of this agreement that an offender may be pursued 88  
and arrested anywhere on or over said lake or shores thereof or 89  
islands therein, regardless of the boundary lines, by any peace 90  
officers or persons of either state authorized to make arrests, 91  
whether the offenses be committed on or over any part of the lake, 92  
on the shores or islands therein, regardless of the state in which 93  
the place where the offense was committed lies. 94

3. Islands. All islands within the lake shall be considered 95  
as part of the state of Pennsylvania. 96

4. Pollution of water. The lake shall be forever protected 97  
against pollution of its waters by industrial trade waste, 98  
individual, or municipal sewage from shore or boat, and the 99  
discharge of any noxious or deleterious substance, liquid or 100  
solid, into the waters of the lake which is or may become 101  
inimical, or injurious, to public health or to animal or aquatic 102  
life is hereby expressly forbidden. 103

No sewage may be discharged into the waters of the lake 104  
except after complete treatment and then only upon permit first 105  
approved by the health department of both states. 106

5. ~~Boats and vessels~~ Watercraft. No person shall operate any 107  
watercraft propelled by a single motor, or any combination of 108  
motors, that produces a horsepower rating in excess of ~~ten~~ twenty 109  
horsepower on Pymatuning Lake, except a ~~pontoon boat sixteen feet~~ 110  
~~in length or longer propelled by a single motor, or any~~ 111

~~combination of motors, that produces a horsepower rating of twenty~~ 112  
~~horsepower or less and police or administration watercraft, the~~ 113  
number of which shall be mutually agreed upon by the parties 114  
hereto. 115

No person shall operate a watercraft without first obtaining 116  
a license from the respective state of which the owner is a 117  
resident under such regulations as each party to this agreement 118  
may now have or hereafter adopt. Provided nevertheless that the 119  
use of any type of watercraft equipped with a motor is expressly 120  
limited and restricted to that portion of the lake extending from 121  
the main dam near Jamestown northwardly to the causeway at or near 122  
Linesville. Watercraft equipped with a motor in excess of ~~ten~~ a 123  
twenty horsepower rating may be operated on said lake so long as 124  
such motor is not used, ~~except for a pontoon boat that is sixteen~~ 125  
~~feet in length or longer.~~ 126

No person shall ride or attempt to ride upon one or more 127  
water skis, surfboards, towed inflatable devices, or similar 128  
devices or use or operate any ~~vessel~~ watercraft to tow a person 129  
thereon. 130

Nothing contained in this subdivision shall be interpreted to 131  
effect a change in the level or flow of water as determined or 132  
fixed by the department of conservation and natural resources. 133

Any one who violates any of the provisions of this ~~subsection~~ 134  
~~or who operates any boat equipped with a motor on the lake without~~ 135  
~~being authorized to do so under the provisions of this~~ 136  
subdivision, shall, upon conviction thereof, be sentenced in 137  
accordance with the applicable laws for the same or similar 138  
violations within the prosecuting jurisdiction, provided that the 139  
penalty for said violation shall not exceed a fine of five hundred 140  
dollars or imprisonment for thirty days. 141

6. Fishing. Any person possessing a duly issued fishing 142

license by either state shall be permitted to fish anywhere on the 143  
entire lake (except such portion thereof as is closed to fishing 144  
by paragraph 8 hereof or such further portion as may hereafter by 145  
regulation be mutually agreed to by the parties hereto), but no 146  
fisher shall be entitled to fish from the shores of the state of 147  
which the fisher is a nonresident unless the fisher complies with 148  
the nonresident fishing license law of said state. 149

In order to permit the fish to fully propagate and develop, 150  
no part of the lake shall be open for fishing until July 1, 1937, 151  
and thereafter shall be closed in each year between December 10 152  
and June 30. 153

Unless otherwise mutually agreed to by both parties hereto, 154  
the creel, size, and season limits for the respective kinds of 155  
fish caught shall be such as may hereafter be agreed upon between 156  
the two states. 157

7. Reciprocal hunting rights. Reciprocal hunting rights are 158  
hereby granted to the licensed hunters of each state on the water 159  
of that portion of the lake, both in Pennsylvania and Ohio, over 160  
the area bounded on the south by an east and west line crossing 161  
the state boundary 0.5 of a mile north of Simons, Ohio, and on the 162  
north by a line drawn between the point at which the Padanaram 163  
road crosses the state boundary and a point formerly known as the 164  
Polleck bridge, but such reciprocal hunting rights hereby granted 165  
shall extend only to such wild migratory birds as are covered by 166  
the federal migratory bird treaty and federal laws adopted 167  
thereunder. 168

Hunting in such portions of the lake as are not included in 169  
the area above described and designated shall be and remain under 170  
the jurisdiction of the commonwealth of Pennsylvania. 171

No permanent blinds shall be erected anywhere on the lake and 172  
shores thereof, but this provision shall not be interpreted as 173

forbidding the use of a boat as a blind temporarily moored to or 174  
grounded on the shore of the lake or islands thereof. 175

8. Wild game and fish sanctuaries. A. The game commission of 176  
the state of Pennsylvania, having established a wild migratory 177  
bird and game sanctuary or refuge in that part of the lake located 178  
southeast of the Pennsylvania railroad crossing, it is expressly 179  
agreed that nothing herein contained shall be interpreted as 180  
entitling the residents of either state, whether licensed to fish 181  
or hunt, or otherwise, to fish in, hunt, trespass, or enter upon 182  
said sanctuary for any purpose whatsoever. Anyone so doing shall 183  
become amenable to prosecution therefor under the game laws of the 184  
state of Pennsylvania applicable to game refuges. 185

B. The conservation division of the department of agriculture 186  
of the state of Ohio, having established a fish sanctuary and game 187  
refuge in the following portion of the lake: 188

Being the southerly parts of lots Nos. 79 and 80, Richmond 189  
township; all of lot No. 41, and all of lot No. 42, except the 190  
westerly 1000 feet thereof, in Andover township, Ashtabula county, 191  
Ohio: 192

Beginning at a point in the west line of lot No. 79, that is 193  
1523 feet south of the north line of lot No. 79; also being the 194  
center line of Padanaram road; thence southerly along the county 195  
highway along the westerly side of lot No. 79, 1869.5 feet to the 196  
north line of Andover township; thence westerly along the 197  
northerly line of Andover township, 939.7 feet to the northwest 198  
corner of lot No. 41; thence southerly along the highway that 199  
marks the westerly line of lot No. 41, 2809.8 feet to the north 200  
line of lot No. 42; thence easterly along the north line of lot 201  
No. 42, 1000 feet to a point; thence in a southerly direction 202  
parallel to and 1000 feet easterly from the westerly line of lot 203  
No. 42, 2734 feet, more or less, to the southerly line of lot No. 204  
42; thence easterly along the said southerly line of lot No. 42, 205

5180.4 feet to the Ohio and Pennsylvania state line; thence 206  
northerly along the said Ohio and Pennsylvania state line, 7297.6 207  
feet, more or less, to a point that is 1523 feet southerly from 208  
the north line of lot No. 80; thence in a westerly direction, 1523 209  
feet southerly from and parallel to the north lines of lots Nos. 210  
79 and 80, 5260 feet, more or less, to the place of beginning. 211

It is expressly agreed that nothing herein contained shall be 212  
interpreted as entitling the residents of either state, whether 213  
licensed to fish or otherwise, to fish in, hunt, trespass, or 214  
enter upon said sanctuary for any purpose whatsoever. Anyone so 215  
doing shall become amenable to prosecution therefor under the laws 216  
of the state of Ohio applicable thereto. 217

9. Reservation of Pennsylvania's right to the body of the 218  
water. It is expressly agreed that nothing herein contained shall 219  
operate to deny, limit, or restrict the right of the water and 220  
power resources board of Pennsylvania, or any authority 221  
established hereafter by said state to exercise such power, to at 222  
any time now or hereafter, raise or draw off so much of the waters 223  
of the lake as in its sole judgment may be necessary to maintain 224  
or regulate the flow of the Shenango and Beaver rivers in 225  
furtherance of the primary purpose for which said lake was 226  
established, and said water and power resources board shall, 227  
without let or hindrance, have the full right irrespective of 228  
other considerations, to release so much of the water as they may 229  
deem proper to maintain the flow of the Shenango and Beaver 230  
rivers, irrespective of its effect on the level of the lake or use 231  
thereof for other purposes. 232

Sec. 1547.072. No person shall operate or permit the 233  
operation of a vessel on the waters in this state without 234  
maintaining sufficient control to avoid an incident that results 235  
in property damage, physical injury, loss of life, or any 236



combination of them. 237

Sec. 1547.132. (A) As used in this section, "public service" 238  
means activities that include, but are not limited to, escorting 239  
or patrolling special water events, traffic control, salvage, 240  
firefighting, medical assistance, assisting disabled vessels, and 241  
search and rescue. 242

(B) No person shall operate a vessel at a speed that creates 243  
a wake within one hundred feet of a stationary law enforcement 244  
vessel displaying at least one flashing, oscillating, or rotating 245  
light conforming with 33 C.F.R. 88.11. 246

(C) No person shall operate a vessel at a speed that creates 247  
a wake within one hundred feet of a vessel that is being used to 248  
provide public service and that displays at least one flashing, 249  
oscillating, or rotating light conforming with 33 C.F.R. 88.12. 250

(D) No person shall permit any vessel to be operated on the 251  
waters in this state in violation of this section. 252

Sec. 1547.14. (A) Except on the waters of ~~Lake Erie,~~ the Ohio 253  
River, or Lake Erie and immediately connected harbors and 254  
anchorage facilities bays, any person who rides or attempts to 255  
ride upon one or more water skis, surfboard, or similar device, or 256  
who engages or attempts to engage in barefoot skiing, and any 257  
person who operates a vessel towing a person riding or attempting 258  
to ride on one or more water skis, surfboard, or similar device, 259  
or engaging or attempting to engage in barefoot skiing, shall 260  
confine that activity to the water area within a designated ski 261  
zone on all bodies of water on which a ski zone has been 262  
established. 263

(B) On all bodies of water ~~designated as "open zone," that~~ 264  
is, having a combined speed and ski zone where no specific 265  
activity zones have been established, the activities described in 266

division (A) of this section shall be confined to ~~the open zone~~ 267  
areas where the activities are not specifically restricted by this 268  
chapter and rules adopted under it. 269

(C) Divisions (A) and (B) of this section do not apply to an 270  
activity described in division (A) of this section if the vessel 271  
involved in the activity is traveling at idle speed in a 272  
designated no wake zone and the activity is not being conducted in 273  
any of the following areas: 274

(1) Within three hundred feet of a gas dock, marina, launch 275  
ramp, or harbor entrance; 276

(2) Within a designated anchorage area, swim zone, boat swim 277  
zone, or boat camping area; 278

(3) Under a bridge or within three hundred feet of a bridge 279  
underpass; 280

(4) Any area designated as a no ski zone. 281

(D) No person shall operate or permit to be operated any 282  
vessel on the waters in this state in violation of this section. 283

**Sec. 1547.24.** No person shall operate or permit to be 284  
operated any vessel under eighteen feet in length while there is 285  
present in the vessel any person under ten years of age, not 286  
wearing a coast guard approved type one, two, ~~or~~ three, or five 287  
personal flotation device in good and serviceable condition of 288  
appropriate size securely attached to the person under ten years 289  
of age. 290

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 291  
Revised Code is guilty of a felony of the fourth degree. 292

(B) Whoever violates division (F) of section 1547.08, section 293  
1547.10, division (I) of section 1547.111, section 1547.13, or 294  
section 1547.66 of the Revised Code is guilty of a misdemeanor of 295

the first degree. 296

(C) Whoever violates a provision of this chapter or a rule 297  
adopted thereunder, for which no penalty is otherwise provided, is 298  
guilty of a minor misdemeanor. 299

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 300  
the Revised Code without causing injury to persons or damage to 301  
property is guilty of a misdemeanor of the fourth degree. 302

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 303  
the Revised Code causing injury to persons or damage to property 304  
is guilty of a misdemeanor of the third degree. 305

(F) Whoever violates division (M) of section 1547.54, 306  
division (G) of section 1547.30, or section 1547.131, 1547.25, 307  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 308  
of the Revised Code or a rule adopted under division (A)(2) of 309  
section 1547.52 of the Revised Code is guilty of a misdemeanor of 310  
the fourth degree. 311

(G) Whoever violates section 1547.11 of the Revised Code is 312  
guilty of a misdemeanor of the first degree and shall be punished 313  
as provided in division (G)(1), (2), or (3) of this section. 314

(1) Except as otherwise provided in division (G)(2) or (3) of 315  
this section, the court shall sentence the offender to a jail term 316  
of three consecutive days and may sentence the offender pursuant 317  
to section 2929.24 of the Revised Code to a longer jail term. In 318  
addition, the court shall impose upon the offender a fine of not 319  
less than one hundred fifty nor more than one thousand dollars. 320

The court may suspend the execution of the mandatory jail 321  
term of three consecutive days that it is required to impose by 322  
division (G)(1) of this section if the court, in lieu of the 323  
suspended jail term, places the offender under a community control 324  
sanction pursuant to section 2929.25 of the Revised Code and 325  
requires the offender to attend, for three consecutive days, a 326

drivers' intervention program that is certified pursuant to 327  
section 3793.10 of the Revised Code. The court also may suspend 328  
the execution of any part of the mandatory jail term of three 329  
consecutive days that it is required to impose by division (G)(1) 330  
of this section if the court places the offender under a community 331  
control sanction pursuant to section 2929.25 of the Revised Code 332  
for part of the three consecutive days; requires the offender to 333  
attend, for that part of the three consecutive days, a drivers' 334  
intervention program that is certified pursuant to section 3793.10 335  
of the Revised Code; and sentences the offender to a jail term 336  
equal to the remainder of the three consecutive days that the 337  
offender does not spend attending the drivers' intervention 338  
program. The court may require the offender, as a condition of 339  
community control, to attend and satisfactorily complete any 340  
treatment or education programs, in addition to the required 341  
attendance at a drivers' intervention program, that the operators 342  
of the drivers' intervention program determine that the offender 343  
should attend and to report periodically to the court on the 344  
offender's progress in the programs. The court also may impose any 345  
other conditions of community control on the offender that it 346  
considers necessary. 347

(2) If, within six years of the offense, the offender has 348  
been convicted of or pleaded guilty to one violation of section 349  
1547.11 of the Revised Code, of a municipal ordinance relating to 350  
operating a watercraft or manipulating any water skis, aquaplane, 351  
or similar device while under the influence of alcohol, a drug of 352  
abuse, or a combination of them, of a municipal ordinance relating 353  
to operating a watercraft or manipulating any water skis, 354  
aquaplane, or similar device with a prohibited concentration of 355  
alcohol, a controlled substance, or a metabolite of a controlled 356  
substance in the whole blood, blood serum or plasma, breath, or 357  
urine, of division (A)(1) of section 2903.06 of the Revised Code, 358  
or of division (A)(2), (3), or (4) of section 2903.06 of the 359

Revised Code or section 2903.06 or 2903.07 of the Revised Code as 360  
they existed prior to March 23, 2000, in a case in which the jury 361  
or judge found that the offender was under the influence of 362  
alcohol, a drug of abuse, or a combination of them, the court 363  
shall sentence the offender to a jail term of ten consecutive days 364  
and may sentence the offender pursuant to section 2929.24 of the 365  
Revised Code to a longer jail term. In addition, the court shall 366  
impose upon the offender a fine of not less than one hundred fifty 367  
nor more than one thousand dollars. 368

In addition to any other sentence that it imposes upon the 369  
offender, the court may require the offender to attend a drivers' 370  
intervention program that is certified pursuant to section 3793.10 371  
of the Revised Code. 372

(3) If, within six years of the offense, the offender has 373  
been convicted of or pleaded guilty to more than one violation 374  
identified in division (G)(2) of this section, the court shall 375  
sentence the offender to a jail term of thirty consecutive days 376  
and may sentence the offender to a longer jail term of not more 377  
than one year. In addition, the court shall impose upon the 378  
offender a fine of not less than one hundred fifty nor more than 379  
one thousand dollars. 380

In addition to any other sentence that it imposes upon the 381  
offender, the court may require the offender to attend a drivers' 382  
intervention program that is certified pursuant to section 3793.10 383  
of the Revised Code. 384

(4) Upon a showing that serving a jail term would seriously 385  
affect the ability of an offender sentenced pursuant to division 386  
(G)(1), (2), or (3) of this section to continue the offender's 387  
employment, the court may authorize that the offender be granted 388  
work release after the offender has served the mandatory jail term 389  
of three, ten, or thirty consecutive days that the court is 390  
required by division (G)(1), (2), or (3) of this section to 391

impose. No court shall authorize work release during the mandatory 392  
jail term of three, ten, or thirty consecutive days that the court 393  
is required by division (G)(1), (2), or (3) of this section to 394  
impose. The duration of the work release shall not exceed the time 395  
necessary each day for the offender to commute to and from the 396  
place of employment and the place in which the jail term is served 397  
and the time actually spent under employment. 398

(5) Notwithstanding any section of the Revised Code that 399  
authorizes the suspension of the imposition or execution of a 400  
sentence or the placement of an offender in any treatment program 401  
in lieu of being imprisoned or serving a jail term, no court shall 402  
suspend the mandatory jail term of ten or thirty consecutive days 403  
required to be imposed by division (G)(2) or (3) of this section 404  
or place an offender who is sentenced pursuant to division (G)(2) 405  
or (3) of this section in any treatment program in lieu of being 406  
imprisoned or serving a jail term until after the offender has 407  
served the mandatory jail term of ten or thirty consecutive days 408  
required to be imposed pursuant to division (G)(2) or (3) of this 409  
section. Notwithstanding any section of the Revised Code that 410  
authorizes the suspension of the imposition or execution of a 411  
sentence or the placement of an offender in any treatment program 412  
in lieu of being imprisoned or serving a jail term, no court, 413  
except as specifically authorized by division (G)(1) of this 414  
section, shall suspend the mandatory jail term of three 415  
consecutive days required to be imposed by division (G)(1) of this 416  
section or place an offender who is sentenced pursuant to division 417  
(G)(1) of this section in any treatment program in lieu of 418  
imprisonment until after the offender has served the mandatory 419  
jail term of three consecutive days required to be imposed 420  
pursuant to division (G)(1) of this section. 421

(6) As used in division (G) of this section, "jail term" and 422  
"mandatory jail term" have the same meanings as in section 2929.01 423

of the Revised Code. 424

(H) Whoever violates section 1547.304 of the Revised Code is 425  
guilty of a misdemeanor of the fourth degree and also shall be 426  
assessed any costs incurred by the state or a county, township, 427  
municipal corporation, or other political subdivision in disposing 428  
of an abandoned junk vessel or outboard motor, less any money 429  
accruing to the state, county, township, municipal corporation, or 430  
other political subdivision from that disposal. 431

(I) Whoever violates division (B) or (C) of section 1547.49 432  
of the Revised Code is guilty of a minor misdemeanor. 433

(J) Whoever violates section 1547.31 of the Revised Code is 434  
guilty of a misdemeanor of the fourth degree on a first offense. 435  
On each subsequent offense, the person is guilty of a misdemeanor 436  
of the third degree. 437

(K) Whoever violates section 1547.05 or 1547.051 of the 438  
Revised Code is guilty of a misdemeanor of the fourth degree if 439  
the violation is not related to a collision, injury to a person, 440  
or damage to property and a misdemeanor of the third degree if the 441  
violation is related to a collision, injury to a person, or damage 442  
to property. 443

(L) The sentencing court, in addition to the penalty provided 444  
under this section for a violation of this chapter or a rule 445  
adopted under it that involves a powercraft powered by more than 446  
ten horsepower and that, in the opinion of the court, involves a 447  
threat to the safety of persons or property, shall order the 448  
offender to complete successfully a boating course approved by the 449  
national association of state boating law administrators before 450  
the offender is allowed to operate a powercraft powered by more 451  
than ten horsepower on the waters in this state. Violation of a 452  
court order entered under this division is punishable as contempt 453  
under Chapter 2705. of the Revised Code. 454

**Sec. 1548.032.** (A)(1) If a person who is not an electronic 455  
watercraft dealer owns a watercraft or outboard motor for which a 456  
physical certificate of title has not been issued by a clerk of a 457  
court of common pleas and the person sells the watercraft or 458  
outboard motor to a watercraft dealer registered under section 459  
1547.543 of the Revised Code, the person is not required to obtain 460  
a physical certificate of title to the watercraft or outboard 461  
motor in order to transfer ownership to the dealer. The person 462  
shall present the dealer, in a manner approved by the chief of the 463  
division of watercraft, with sufficient proof of the person's 464  
identity and complete and sign a form prescribed by the chief 465  
attesting to the person's identity and assigning the watercraft or 466  
outboard motor to the dealer. Except as otherwise provided in this 467  
section, the watercraft dealer shall present the assignment form 468  
to any clerk of a court of common pleas together with an 469  
application for a certificate of title and payment of the fees 470  
prescribed by section 1548.10 of the Revised Code. 471

In a case in which an electronic certificate of title has 472  
been issued and either the buyer or seller of the watercraft or 473  
outboard motor is an electronic watercraft dealer, the electronic 474  
watercraft dealer instead may inform a clerk of a court of common 475  
pleas via electronic means of the sale of the watercraft or 476  
outboard motor and assignment of ownership of the watercraft or 477  
outboard motor. The clerk shall enter the information relating to 478  
the assignment into the automated title processing system, and 479  
ownership of the watercraft or outboard motor passes to the 480  
applicant when the clerk enters this information into the system. 481  
The dealer is not required to obtain a physical certificate of 482  
title to the watercraft or outboard motor in the dealer's name. 483

(2) A clerk shall charge and collect from a dealer a fee of 484  
five dollars for each watercraft or outboard motor assignment sent 485  
by the dealer to the clerk under division (A)(1) of this section. 486



The fee shall be distributed in accordance with section 1548.10 of 487  
the Revised Code. 488

(B) If a person who is not an electronic watercraft dealer 489  
owns a watercraft or outboard motor for which a physical 490  
certificate of title has not been issued by a clerk of a court of 491  
common pleas and the person sells the watercraft or outboard motor 492  
to a person who is not a watercraft dealer registered under 493  
section 1547.543 of the Revised Code, the person shall obtain a 494  
physical certificate of title to the watercraft or outboard motor 495  
in order to transfer ownership of the watercraft or outboard motor 496  
to that person. 497

**Section 2.** That existing sections 1541.31, 1547.14, 1547.24, 498  
1547.99, and 1548.032 of the Revised Code are hereby repealed. 499

**Section 3.** This act is hereby declared to be an emergency 500  
measure necessary for the immediate preservation of the public 501  
peace, health, and safety. The reason for such necessity lies in 502  
the fact that the 2008 boating season will be starting soon, and 503  
it is imperative that uniform requirements be in place for the 504  
entirety of the boating season. Therefore, this act shall go into 505  
immediate effect. 506