

**As Reported by the House Agriculture and Natural Resources
Committee**

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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**

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A B I L L

To amend sections 1515.22, 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 clarify the 4
effect of a county referendum on a resolution 5
adopted by a joint board of county commissioners 6
regarding a soil and water conservation district 7
project, and to declare an emergency. 8

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

Section 1. That sections 1515.22, 1547.14, 1547.24, 1547.99, 9
and 1548.032 be amended and sections 1547.072 and 1547.132 of the 10
Revised Code be enacted to read as follows: 11

Sec. 1515.22. The boards of county commissioners of all the 12
counties containing any of the territory included in the project 13
area, if all such counties have approved construction of an 14
improvement under section 1515.21 of the Revised Code, are a joint 15

board of county commissioners for the improvement. 16

A joint board of county commissioners may do all the things 17
that a board of county commissioners may do in connection with the 18
improvement and shall proceed as if it were a board of county 19
commissioners representing a county that included all the 20
territory within the project area. 21

The joint board may agree to apportion any cost of the 22
improvement, or expenses incurred in connection therewith, not 23
paid by assessments or taxes levied for the improvement, or funds 24
other than county funds, among the participating counties. 25

The joint board shall elect one of its members president and 26
designate a clerk of one of the boards of county commissioners of 27
the participating counties as clerk of the joint board. A majority 28
of the county commissioners constituting the joint board 29
constitutes a quorum. All decisions of the joint board shall be 30
made by a majority vote of the county commissioners constituting 31
the joint board. 32

For the purpose of bringing a referendum petition against a 33
soil and water conservation project under section 305.31 of the 34
Revised Code, a resolution adopted by a joint board of county 35
commissioners shall be considered to be a resolution adopted by 36
the board of county commissioners of each county in the project 37
area. The electors of any county in the project area may file a 38
petition for referendum under that section against a resolution 39
adopted by the joint board of county commissioners as if it had 40
been adopted by the board of county commissioners for that county. 41
The referendum shall be conducted only in the county in which the 42
referendum petition was filed. The outcome of the referendum shall 43
have effect in that county. Accordingly, if a majority of the 44
electors in that county vote against the resolution adopted by the 45
joint board of county commissioners, that county is not subject to 46
the resolution. The electors of any county in the project area in 47

which no referendum petition was filed shall not be eligible to 48
vote in the referendum, and the outcome of a referendum shall have 49
effect only in the county in which the referendum was held. Any 50
county in the project area in which a referendum is not held 51
remains subject to the provisions of the resolution adopted by the 52
joint board of county commissioners for the soil and water 53
conservation district. 54

Sec. 1547.072. No person shall operate or permit the 55
operation of a vessel on the waters in this state without 56
maintaining sufficient control to avoid an incident that results 57
in property damage, physical injury, loss of life, or any 58
combination of them. 59

Sec. 1547.132. (A) As used in this section, "public service" 60
means activities that include, but are not limited to, escorting 61
or patrolling special water events, traffic control, salvage, 62
firefighting, medical assistance, assisting disabled vessels, and 63
search and rescue. 64

(B) No person shall operate a vessel at a speed that creates 65
a wake within one hundred feet of a stationary law enforcement 66
vessel displaying at least one flashing, oscillating, or rotating 67
light conforming with 33 C.F.R. 88.11. 68

(C) No person shall operate a vessel at a speed that creates 69
a wake within one hundred feet of a vessel that is being used to 70
provide public service and that displays at least one flashing, 71
oscillating, or rotating light conforming with 33 C.F.R. 88.12. 72

(D) No person shall permit any vessel to be operated on the 73
waters in this state in violation of this section. 74

Sec. 1547.14. (A) Except on the waters of ~~Lake Erie~~, the Ohio 75
River, or Lake Erie and immediately connected harbors and 76

~~anchorage facilities~~ bays, any person who rides or attempts to
ride upon one or more water skis, surfboard, or similar device, or
who engages or attempts to engage in barefoot skiing, and any
person who operates a vessel towing a person riding or attempting
to ride on one or more water skis, surfboard, or similar device,
or engaging or attempting to engage in barefoot skiing, shall
confine that activity to the water area within a designated ski
zone on all bodies of water on which a ski zone has been
established.

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

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

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

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

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

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

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

Sec. 1547.24. No person shall operate or permit to be

operated any vessel under eighteen feet in length while there is 107
present in the vessel any person under ten years of age, not 108
wearing a coast guard approved type one, two, ~~or three~~, or five 109
personal flotation device in good and serviceable condition of 110
appropriate size securely attached to the person under ten years 111
of age. 112

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 113
Revised Code is guilty of a felony of the fourth degree. 114

(B) Whoever violates division (F) of section 1547.08, section 115
1547.10, division (I) of section 1547.111, section 1547.13, or 116
section 1547.66 of the Revised Code is guilty of a misdemeanor of 117
the first degree. 118

(C) Whoever violates a provision of this chapter or a rule 119
adopted thereunder, for which no penalty is otherwise provided, is 120
guilty of a minor misdemeanor. 121

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of 122
the Revised Code without causing injury to persons or damage to 123
property is guilty of a misdemeanor of the fourth degree. 124

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of 125
the Revised Code causing injury to persons or damage to property 126
is guilty of a misdemeanor of the third degree. 127

(F) Whoever violates division (M) of section 1547.54, 128
division (G) of section 1547.30, or section 1547.131, 1547.25, 129
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 130
of the Revised Code or a rule adopted under division (A)(2) of 131
section 1547.52 of the Revised Code is guilty of a misdemeanor of 132
the fourth degree. 133

(G) Whoever violates section 1547.11 of the Revised Code is 134
guilty of a misdemeanor of the first degree and shall be punished 135
as provided in division (G)(1), (2), or (3) of this section. 136

(1) Except as otherwise provided in division (G)(2) or (3) of 137
this section, the court shall sentence the offender to a jail term 138
of three consecutive days and may sentence the offender pursuant 139
to section 2929.24 of the Revised Code to a longer jail term. In 140
addition, the court shall impose upon the offender a fine of not 141
less than one hundred fifty nor more than one thousand dollars. 142

The court may suspend the execution of the mandatory jail 143
term of three consecutive days that it is required to impose by 144
division (G)(1) of this section if the court, in lieu of the 145
suspended jail term, places the offender under a community control 146
sanction pursuant to section 2929.25 of the Revised Code and 147
requires the offender to attend, for three consecutive days, a 148
drivers' intervention program that is certified pursuant to 149
section 3793.10 of the Revised Code. The court also may suspend 150
the execution of any part of the mandatory jail term of three 151
consecutive days that it is required to impose by division (G)(1) 152
of this section if the court places the offender under a community 153
control sanction pursuant to section 2929.25 of the Revised Code 154
for part of the three consecutive days; requires the offender to 155
attend, for that part of the three consecutive days, a drivers' 156
intervention program that is certified pursuant to section 3793.10 157
of the Revised Code; and sentences the offender to a jail term 158
equal to the remainder of the three consecutive days that the 159
offender does not spend attending the drivers' intervention 160
program. The court may require the offender, as a condition of 161
community control, to attend and satisfactorily complete any 162
treatment or education programs, in addition to the required 163
attendance at a drivers' intervention program, that the operators 164
of the drivers' intervention program determine that the offender 165
should attend and to report periodically to the court on the 166
offender's progress in the programs. The court also may impose any 167
other conditions of community control on the offender that it 168
considers necessary. 169

(2) If, within six years of the offense, the offender has 170
been convicted of or pleaded guilty to one violation of section 171
1547.11 of the Revised Code, of a municipal ordinance relating to 172
operating a watercraft or manipulating any water skis, aquaplane, 173
or similar device while under the influence of alcohol, a drug of 174
abuse, or a combination of them, of a municipal ordinance relating 175
to operating a watercraft or manipulating any water skis, 176
aquaplane, or similar device with a prohibited concentration of 177
alcohol, a controlled substance, or a metabolite of a controlled 178
substance in the whole blood, blood serum or plasma, breath, or 179
urine, of division (A)(1) of section 2903.06 of the Revised Code, 180
or of division (A)(2), (3), or (4) of section 2903.06 of the 181
Revised Code or section 2903.06 or 2903.07 of the Revised Code as 182
they existed prior to March 23, 2000, in a case in which the jury 183
or judge found that the offender was under the influence of 184
alcohol, a drug of abuse, or a combination of them, the court 185
shall sentence the offender to a jail term of ten consecutive days 186
and may sentence the offender pursuant to section 2929.24 of the 187
Revised Code to a longer jail term. In addition, the court shall 188
impose upon the offender a fine of not less than one hundred fifty 189
nor more than one thousand dollars. 190

In addition to any other sentence that it imposes upon the 191
offender, the court may require the offender to attend a drivers' 192
intervention program that is certified pursuant to section 3793.10 193
of the Revised Code. 194

(3) If, within six years of the offense, the offender has 195
been convicted of or pleaded guilty to more than one violation 196
identified in division (G)(2) of this section, the court shall 197
sentence the offender to a jail term of thirty consecutive days 198
and may sentence the offender to a longer jail term of not more 199
than one year. In addition, the court shall impose upon the 200
offender a fine of not less than one hundred fifty nor more than 201

one thousand dollars. 202

In addition to any other sentence that it imposes upon the 203
offender, the court may require the offender to attend a drivers' 204
intervention program that is certified pursuant to section 3793.10 205
of the Revised Code. 206

(4) Upon a showing that serving a jail term would seriously 207
affect the ability of an offender sentenced pursuant to division 208
(G)(1), (2), or (3) of this section to continue the offender's 209
employment, the court may authorize that the offender be granted 210
work release after the offender has served the mandatory jail term 211
of three, ten, or thirty consecutive days that the court is 212
required by division (G)(1), (2), or (3) of this section to 213
impose. No court shall authorize work release during the mandatory 214
jail term of three, ten, or thirty consecutive days that the court 215
is required by division (G)(1), (2), or (3) of this section to 216
impose. The duration of the work release shall not exceed the time 217
necessary each day for the offender to commute to and from the 218
place of employment and the place in which the jail term is served 219
and the time actually spent under employment. 220

(5) Notwithstanding any section of the Revised Code that 221
authorizes the suspension of the imposition or execution of a 222
sentence or the placement of an offender in any treatment program 223
in lieu of being imprisoned or serving a jail term, no court shall 224
suspend the mandatory jail term of ten or thirty consecutive days 225
required to be imposed by division (G)(2) or (3) of this section 226
or place an offender who is sentenced pursuant to division (G)(2) 227
or (3) of this section in any treatment program in lieu of being 228
imprisoned or serving a jail term until after the offender has 229
served the mandatory jail term of ten or thirty consecutive days 230
required to be imposed pursuant to division (G)(2) or (3) of this 231
section. Notwithstanding any section of the Revised Code that 232
authorizes the suspension of the imposition or execution of a 233

sentence or the placement of an offender in any treatment program 234
in lieu of being imprisoned or serving a jail term, no court, 235
except as specifically authorized by division (G)(1) of this 236
section, shall suspend the mandatory jail term of three 237
consecutive days required to be imposed by division (G)(1) of this 238
section or place an offender who is sentenced pursuant to division 239
(G)(1) of this section in any treatment program in lieu of 240
imprisonment until after the offender has served the mandatory 241
jail term of three consecutive days required to be imposed 242
pursuant to division (G)(1) of this section. 243

(6) As used in division (G) of this section, "jail term" and 244
"mandatory jail term" have the same meanings as in section 2929.01 245
of the Revised Code. 246

(H) Whoever violates section 1547.304 of the Revised Code is 247
guilty of a misdemeanor of the fourth degree and also shall be 248
assessed any costs incurred by the state or a county, township, 249
municipal corporation, or other political subdivision in disposing 250
of an abandoned junk vessel or outboard motor, less any money 251
accruing to the state, county, township, municipal corporation, or 252
other political subdivision from that disposal. 253

(I) Whoever violates division (B) or (C) of section 1547.49 254
of the Revised Code is guilty of a minor misdemeanor. 255

(J) Whoever violates section 1547.31 of the Revised Code is 256
guilty of a misdemeanor of the fourth degree on a first offense. 257
On each subsequent offense, the person is guilty of a misdemeanor 258
of the third degree. 259

(K) Whoever violates section 1547.05 or 1547.051 of the 260
Revised Code is guilty of a misdemeanor of the fourth degree if 261
the violation is not related to a collision, injury to a person, 262
or damage to property and a misdemeanor of the third degree if the 263
violation is related to a collision, injury to a person, or damage 264

to property. 265

(L) The sentencing court, in addition to the penalty provided 266
under this section for a violation of this chapter or a rule 267
adopted under it that involves a powercraft powered by more than 268
ten horsepower and that, in the opinion of the court, involves a 269
threat to the safety of persons or property, shall order the 270
offender to complete successfully a boating course approved by the 271
national association of state boating law administrators before 272
the offender is allowed to operate a powercraft powered by more 273
than ten horsepower on the waters in this state. Violation of a 274
court order entered under this division is punishable as contempt 275
under Chapter 2705. of the Revised Code. 276

Sec. 1548.032. (A)(1) If a person who is not an electronic 277
watercraft dealer owns a watercraft or outboard motor for which a 278
physical certificate of title has not been issued by a clerk of a 279
court of common pleas and the person sells the watercraft or 280
outboard motor to a watercraft dealer registered under section 281
1547.543 of the Revised Code, the person is not required to obtain 282
a physical certificate of title to the watercraft or outboard 283
motor in order to transfer ownership to the dealer. The person 284
shall present the dealer, in a manner approved by the chief of the 285
division of watercraft, with sufficient proof of the person's 286
identity and complete and sign a form prescribed by the chief 287
attesting to the person's identity and assigning the watercraft or 288
outboard motor to the dealer. Except as otherwise provided in this 289
section, the watercraft dealer shall present the assignment form 290
to any clerk of a court of common pleas together with an 291
application for a certificate of title and payment of the fees 292
prescribed by section 1548.10 of the Revised Code. 293

In a case in which an electronic certificate of title has 294
been issued and either the buyer or seller of the watercraft or 295

outboard motor is an electronic watercraft dealer, the electronic 296
watercraft dealer instead may inform a clerk of a court of common 297
pleas via electronic means of the sale of the watercraft or 298
outboard motor and assignment of ownership of the watercraft or 299
outboard motor. The clerk shall enter the information relating to 300
the assignment into the automated title processing system, and 301
ownership of the watercraft or outboard motor passes to the 302
applicant when the clerk enters this information into the system. 303
The dealer is not required to obtain a physical certificate of 304
title to the watercraft or outboard motor in the dealer's name. 305

(2) A clerk shall charge and collect from a dealer a fee of 306
five dollars for each watercraft or outboard motor assignment sent 307
by the dealer to the clerk under division (A)(1) of this section. 308
The fee shall be distributed in accordance with section 1548.10 of 309
the Revised Code. 310

(B) If a person who is not an electronic watercraft dealer 311
owns a watercraft or outboard motor for which a physical 312
certificate of title has not been issued by a clerk of a court of 313
common pleas and the person sells the watercraft or outboard motor 314
to a person who is not a watercraft dealer registered under 315
section 1547.543 of the Revised Code, the person shall obtain a 316
physical certificate of title to the watercraft or outboard motor 317
in order to transfer ownership of the watercraft or outboard motor 318
to that person. 319

Section 2. That existing sections 1515.22, 1547.14, 1547.24, 320
1547.99, and 1548.032 of the Revised Code are hereby repealed. 321

Section 3. The amendment to section 1515.22 of the Revised 322
Code by this act applies to any soil and water conservation 323
project for which an assessment has been levied in accordance with 324
section 1515.24 of the Revised Code, but on which construction has 325

not begun on the effective date of the amendment. 326

Section 4. This act is hereby declared to be an emergency 327
measure necessary for the immediate preservation of the public 328
peace, health, and safety. The reason for such necessity lies in 329
the fact that the 2008 boating season will be starting soon, and 330
it is imperative that uniform requirements be in place for the 331
entirety of the boating season. Therefore, this act shall go into 332
immediate effect. 333