

**As Reported by the Senate Transportation Committee**

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**Am. Sub. H. B. No. 29**

**Representative Damschroder**

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

**Speaker Batchelder**

**Senators Manning, Gardner, LaRose, Patton**

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**A B I L L**

To amend sections 1547.05, 1547.52, and 1547.521 of 1  
the Revised Code to exempt persons holding certain 2  
Coast Guard endorsements from the requirement to 3  
complete a safe boater course or examination, to 4  
establish conditions for watercraft safety 5  
inspections, and to declare an emergency. 6

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

**Section 1.** That sections 1547.05, 1547.52, and 1547.521 of 7  
the Revised Code be amended to read as follows: 8

**Sec. 1547.05.** ~~No~~ (A) Except as provided in division (B) of 9  
this section, no person born on or after January 1, 1982, shall 10

operate on the waters in this state a powercraft powered by more 11  
than ten horsepower, unless the operator successfully has 12  
completed either a safe boater course approved by the national 13  
association of state boating law administrators or a proctored or 14  
nonproctored proficiency examination that tests knowledge of 15  
information included in the curriculum of such a course, and has 16  
received a certificate as evidence of successful completion of the 17  
course or examination. 18

(B) Division (A) of this section does not apply to an 19  
individual who possesses valid merchant mariner credentials issued 20  
by the United States coast guard in accordance with 46 C.F.R. 21  
10.109 with at least one endorsement of master or operator as 22  
defined in 46 C.F.R. 10.107. Such an individual, while operating 23  
any recreational vessel on the waters in this state, shall carry 24  
onboard documentation of the merchant mariner credentials and 25  
required endorsements and shall present the documentation to a 26  
watercraft officer or law enforcement officer upon request. 27

(C) No person shall permit a powercraft to be operated on the 28  
waters in this state in violation of division (A) of this section. 29

**Sec. 1547.52.** (A) The division of watercraft shall be 30  
administered by the chief of the division of watercraft. The chief 31  
may adopt, amend, and rescind: 32

(1) Rules considered necessary by the chief to supplement the 33  
identification, operation, titling, use, registration, and 34  
numbering of watercraft or vessels as provided in this chapter and 35  
Chapter 1548. of the Revised Code; 36

(2) Rules governing the navigation of vessels on waters in 37  
this state, including, but not limited to, rules regarding 38  
steering and sailing, the conduct of vessels in sight of one 39  
another or in restricted visibility, lights and shapes of lights 40  
used on vessels, and sound and light signals. As the chief 41

considers necessary, these navigational rules shall be consistent 42  
with and equivalent to the regulations and interpretive rulings 43  
governing inland waters adopted or issued under the "Inland 44  
Navigational Rules Act of 1980," 94 Stat. 3415, 33 U.S.C.A. 151, 45  
1604, 1605, 1608, 2001 to 2008, and 2071 to 2073. 46

(3) Rules governing the use, visitation, protection, and 47  
administration of wild river areas, scenic river areas, and 48  
recreational river areas; 49

(4) Rules governing vessel safety inspection checkpoints, 50  
including procedures that comply with statutory and constitutional 51  
provisions governing searches and seizures by law enforcement 52  
officers; 53

(5) Rules establishing fees and charges for all of the 54  
following: 55

(a) Boating skill development classes and other educational 56  
classes; 57

(b) Law enforcement services provided at special events when 58  
the services are in addition to normal enforcement duties; 59

(c) Inspections of vessels or motors conducted under this 60  
chapter or Chapter 1548. of the Revised Code; 61

(d) The conducting of stream impact reviews of any planned or 62  
proposed construction, modification, renovation, or development 63  
project that may potentially impact a watercourse within a 64  
designated wild, scenic, or recreational river area. 65

All rules adopted by the chief under division (A) of this 66  
section shall be adopted in accordance with Chapter 119. of the 67  
Revised Code and are subject to the prior approval of the director 68  
of natural resources. 69

(B) The chief, with the approval of the director, may employ 70  
such clerical and technical help as the chief considers necessary. 71

(C) The chief may designate license agents with the approval of the director. 72  
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(D) The division is hereby designated as the agency to administer the Ohio boating safety program and allocated federal funds under, and the chief shall prepare and submit reports in such form as may be required by, the "Federal Boat Safety Act of 1971," 85 Stat. 222, 46 U.S.C.A. 1475(a)(6), as amended. 74  
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(E) The chief may sell any of the following: 79

(1) Items related to or that promote boating safety, including, but not limited to, pins, badges, books, bulletins, maps, publications, calendars, and other educational articles; 80  
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(2) Artifacts pertaining to boating; 83

(3) Confiscated or forfeited items; 84

(4) Surplus equipment. 85

**Sec. 1547.521.** (A) The law enforcement officers of the division of watercraft shall be known as "state watercraft officers." The chief of the division of watercraft and state watercraft officers: 86  
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(1) Shall develop and conduct educational programs in vessel safety, sanitation, and operation and in other related subjects that the chief considers appropriate or necessary; 90  
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(2) Shall enforce this chapter and Chapter 1548. of the Revised Code and rules adopted under them, and may enforce laws prohibiting the dumping of refuse, trash, or litter into the waters in this state and Chapters 2925. and 3719. of the Revised Code on all waters in the state; 93  
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(3) On any lands owned, controlled, maintained, or administered by the department of natural resources and on any waters in this state, shall have the authority specified under 98  
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section 2935.03 of the Revised Code for peace officers of the 101  
department of natural resources to keep the peace, to enforce all 102  
laws and rules governing those lands and waters, and to make 103  
arrests for violation of those laws and rules, provided that the 104  
authority shall be exercised on lands or waters administered by 105  
another division of the department only pursuant to an agreement 106  
with the chief of that division or to a request for assistance by 107  
an enforcement officer of that division in an emergency. The 108  
jurisdiction of state watercraft officers shall be concurrent with 109  
that of the peace officers of the county, township, or municipal 110  
corporation in which the violation occurs. 111

~~(4) For the purpose of enforcing the laws and rules that they 112  
have the authority to enforce, may stop, board, and conduct a 113  
safety inspection of any vessel; 114~~

~~(5) May serve and execute any citation, summons, warrant, or 115  
other process issued with respect to any law that they have the 116  
authority to enforce. 117~~

(B)(1) Except as authorized by division (B)(2) of this 118  
section, no state watercraft officer or other law enforcement 119  
officer as described in section 1547.63 of the Revised Code shall 120  
stop or board any vessel solely for the purpose of conducting a 121  
safety inspection of the vessel unless the owner or operator 122  
voluntarily requests the watercraft officer or other law 123  
enforcement officer to conduct a safety inspection of the vessel. 124

(2) A state watercraft officer or other law enforcement 125  
officer as described in section 1547.63 of the Revised Code may 126  
stop, board, and conduct a safety inspection of any vessel for the 127  
purpose of enforcing the laws and rules that the officer has the 128  
authority to enforce under this chapter, if either of the 129  
following applies: 130

(a) The watercraft officer or law enforcement officer 131

authorized under section 1547.63 of the Revised Code has a 132  
reasonable suspicion that the vessel, the vessel's equipment, or 133  
the vessel's operator is in violation of this chapter or rules 134  
adopted under it or is otherwise engaged in a violation of a law 135  
of this state or a local ordinance, resolution, rule, or 136  
regulation adopted in compliance with the provisions of this 137  
chapter within the territorial jurisdiction of the officer; 138

(b) The watercraft officer or law enforcement officer 139  
authorized under section 1547.63 of the Revised Code is conducting 140  
a vessel safety inspection in the course of an authorized 141  
checkpoint operation in accordance with rules adopted by the chief 142  
of the division of watercraft under section 1547.52 of the Revised 143  
Code. 144

(C) A state watercraft officer may render assistance to a 145  
state or local law enforcement officer at the request of that 146  
officer or may render assistance to a state or local law 147  
enforcement officer in the event of an emergency. 148

State watercraft officers serving outside the division of 149  
watercraft under this section or serving under the terms of a 150  
mutual aid compact authorized under section 1501.02 of the Revised 151  
Code shall be considered as performing services within their 152  
regular employment for the purposes of compensation, pension or 153  
indemnity fund rights, workers' compensation, and other rights or 154  
benefits to which they may be entitled as incidents of their 155  
regular employment. 156

State watercraft officers serving outside the division of 157  
watercraft under this section or under a mutual aid compact retain 158  
personal immunity from civil liability as specified in section 159  
9.86 of the Revised Code and shall not be considered an employee 160  
of a political subdivision for purposes of Chapter 2744. of the 161  
Revised Code. A political subdivision that uses state watercraft 162  
officers under this section or under the terms of a mutual aid 163

compact authorized under section 1501.02 of the Revised Code is 164  
not subject to civil liability under Chapter 2744. of the Revised 165  
Code as the result of any action or omission of any state 166  
watercraft officer acting under this section or under a mutual aid 167  
compact. 168

**Section 2.** That existing sections 1547.05, 1547.52, and 169  
1547.521 of the Revised Code are hereby repealed. 170

**Section 3.** This act is hereby declared to be an emergency 171  
measure necessary for the immediate preservation of the public 172  
peace, health, and safety. The reason for such necessity is that 173  
boaters using the waters of this state urgently need the support 174  
and protection afforded by this act during the current boating 175  
season. Therefore, this act shall go into immediate effect. 176