



Ohio Legislative Service Commission

Final Analysis

Linda S. Crawford

Am. Sub. H.B. 29 130th General Assembly (As Passed by the General Assembly)

- Reps.** Damschroder, Roegner, Gonzales, Cera, Huffman, Sears, Smith, Hood, J. Adams, Retherford, Perales, McGregor, Pillich, Johnson, Burkley, C. Hagan, Lynch, Patterson, Redfern, Scherer, Strahorn, Anielski, Antonio, Baker, Barborak, Beck, Blair, Blessing, Boose, Brenner, Brown, Buchy, Butler, Carney, DeVitis, Dovilla, Duffey, Green, Grossman, Hackett, R. Hagan, Hall, Hottinger, Kunze, Letson, Maag, McClain, Milkovich, O'Brien, Pelanda, Ramos, Rogers, Rosenberger, Schuring, Slaby, Sprague, Stebelton, Stinziano, Terhar, Thompson, Wachtmann, Winburn, Young, Batchelder
- Sens.** Manning, Gardner, LaRose, Patton, Bacon, Balderson, Burke, Coley, Faber, Hite, Hughes, Jordan, Oelslager, Peterson, Seitz, Uecker

Effective date: Emergency, July 10, 2013

ACT SUMMARY

- Permits the Chief of the Division of Watercraft to adopt rules governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers.
- Prohibits a state watercraft officer or law enforcement officer from stopping or boarding any watercraft vessel to conduct a safety inspection unless:
 - The owner or operator voluntarily requests a safety inspection;
 - There is reasonable suspicion that the vessel, its equipment, or the operator is in violation of the Watercraft and Waterways Law or a local law; or
 - The vessel is being inspected in the course of an authorized checkpoint operation conducted in accordance with rules adopted by the Chief under the act.
- Exempts individuals holding certain U.S. Coast Guard credentials and endorsements from the requirement to complete a safe boater course or examination.

CONTENT AND OPERATION

Watercraft safety inspections

The act authorizes the Chief of the Division of Watercraft to adopt, amend, and rescind rules governing vessel safety inspection checkpoints, including procedures that comply with statutory and constitutional provisions governing searches and seizures by law enforcement officers.¹

In addition, the act repeals a provision of law that authorized the Chief and state watercraft officers, who are the law enforcement officers of the Division, to stop, board, and conduct a safety inspection of any vessel for the purpose of enforcing the laws and rules that they have the authority to enforce.² The act instead prohibits a state watercraft officer or other law enforcement officer authorized to enforce the Watercraft and Waterways Law, except as discussed below, from stopping or boarding any vessel solely for the purpose of conducting a safety inspection of the vessel unless the owner or operator voluntarily requests the officer to conduct a safety inspection of the vessel.³

The act authorizes a state watercraft officer or law enforcement officer to stop, board, and conduct a safety inspection of a vessel, for the purpose of enforcing the laws and rules that the officer has the authority to enforce under the Watercraft and Waterways Law, if either of the following applies:

(1) The officer has a reasonable suspicion that the vessel, its equipment, or the operator is in violation of the Watercraft and Waterways Law or rules or is otherwise engaged in a violation of a state law or a local ordinance, resolution, rule, or regulation adopted in compliance with the Watercraft and Waterways Law within the officer's territorial jurisdiction; or

(2) The officer is conducting a vessel safety inspection in the course of an authorized checkpoint operation in accordance with rules adopted by the Chief under the act as discussed above.

Safe boater course or examination exemption

The act exempts an individual who possesses valid U.S. Coast Guard merchant mariner credentials with at least one endorsement of master or operator from the

¹ R.C. 1547.52(A)(4).

² R.C. 1547.521(A)(4).

³ R.C. 1547.521(B)(1).



continuing general requirement that persons born after 1981 complete either an approved safe boater course or an equivalent proficiency examination in order to operate a powercraft having more than ten horsepower on Ohio waters. An exempted individual, while operating any recreational vessel on Ohio waters, must carry onboard documentation of the merchant mariner credentials and required endorsements and must present the documentation to a watercraft officer or law enforcement officer upon request.⁴

HISTORY

ACTION	DATE
Introduced	02-05-13
Reported, H. Agriculture and Natural Resources	05-02-13
Passed House (94-0)	06-04-13
Reported, S. Transportation	06-25-13
Passed Senate (32-0)	06-26-13
House concurred in Senate amendments (98-0)	06-27-13

13-hb29-130.docx/ks

⁴ R.C. 1547.05.

