

# HOUSE BILL REPORT

## ESB 5242

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### As Reported By House Committee On:

Natural Resources

**Title:** An act relating to personal flotation devices.

**Brief Description:** Requiring personal flotation devices for children on certain recreational vessels.

**Sponsors:** Senators Oke, McAuliffe, Snyder, Kohl, B. Sheldon, Winsley, Fairley, Long, Haugen, McDonald, Deccio, McCaslin, Sellar, Brown, Goings, Jacobsen and Patterson.

**Brief History:**

**Committee Activity:**

Natural Resources: 2/20/98, 2/24/98 [DPA].

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Eickmeyer; Hatfield and Pennington.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Chandler.

**Staff:** Linda Byers (786-7129).

**Background:** No person may operate a vessel on the waters of the state without a personal flotation device such as a life jacket on board for each person on the vessel. Each flotation device must be in serviceable condition, of an appropriate size, and readily accessible.

Generally, state law requires boaters to have a life jacket or other flotation device on board the vessel for each person rather than requiring boaters actually to wear a flotation device. There are, however, some exceptions to this general rule. For example, water skiers, personal watercraft users, and participants on vessels carrying passengers for hire on whitewater rivers must wear personal flotation devices.

Thirty-two states have some type of requirement for children to wear life jackets or other personal flotation devices while boating.

**Summary of Amended Bill:** No person may operate or permit to be operated a vessel under 19 feet in length while underway unless each child 12 years of age or younger on the vessel wears a U.S. Coast Guard-approved personal flotation device. Enforcement of this provision may be accomplished only as a secondary action if a vessel has been detained for a suspected violation of another offense.

**Amended Bill Compared to Engrossed Bill:** The amended bill increases the age of the child from nine to 12 and provides that enforcement may be accomplished only as a secondary action.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Every year the hospital sees drowned children or children with permanent brain damage from boating accidents. The only treatment for these conditions is prevention. The costs to the families are immeasurable. Hypothermia sets in more quickly for children than for adults. Not all parents protect their kids. This will help protect our most precious resource: children. The majority of the accidents involve capsizing or going overboard, so there is no time to put on a life jacket. Some parents have little experience and do not know the dangers of the water.

**Testimony Against:** This is nannyism, the government protecting us from ourselves.

**Testified:** John Neff, Children's Hospital; Tony Gomez, Seattle-King County Drowning Prevention Coalition; Elizabeth and Isabel Bennett, Children's Hospital; Bethany Lael, Washington State Parks and Recreation; Dave Williams, Recreational Boating Association; Judy Wall, Chelan County Sheriff Marine Patrol (all in favor); and Bill Fritz (opposed).