

AMENDED IN ASSEMBLY APRIL 3, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2005

Introduced by Assembly Member Nakano

February 15, 2002

An act to amend Sections 655.7, 658.3, and 668.1 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 2005, as amended, Nakano. Vessels: operation: violations.

(1) Existing law prohibits any person from operating a personal watercraft at any time between the hours from one-half hour after sunset to one-half hour before sunrise, except as specified. A violation of this provision is an infraction.

This bill, instead, would prohibit any person from operating a personal watercraft at any time between the hours from sunset to sunrise. The bill thereby would impose a state-mandated local program by expanding the definition of an existing infraction.

(2) *Existing law, with certain exceptions, requires any person on board a personal watercraft or any person being towed behind a vessel on water skis, an aquaplane, or similar device to wear a type I, II, III, or V Coast Guard-approved personal flotation device. A person who violates this requirement is guilty of an infraction.*

This bill would exempt from that requirement any person using a diveboard device while being towed behind a vessel.

(3) Existing law requires that a person convicted of violating certain provisions relating to the negligent or reckless operation of a vessel be

ordered by the court to complete and pass a boating safety course approved by the Department of Boating and Waterways.

This bill would require the court to order the completion of the boating safety course if the person ~~is convicted of violating the rules of the road and pilot rules promulgated by the United States Coast Guard and incorporated by reference in the department's regulations~~ or is found by the court to have performed certain negligent acts described in ~~those~~ *administrative regulations governing pilot rules and rules of the road.*

~~(3)~~

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 655.7 of the Harbors and Navigation
2 Code is amended to read:

3 655.7. (a) A person operating a personal watercraft equipped
4 by the manufacturer with a lanyard-type engine cutoff switch shall
5 attach the lanyard to his or her person, clothing, or personal
6 flotation device, as appropriate for the specific vessel.

7 (b) No person shall operate a personal watercraft equipped by
8 the manufacturer with a self-circling device if the self-circling
9 device or engine throttle has been altered in any way that would
10 impede or prevent the self-circling device from operating in its
11 intended manner.

12 (c) Every personal watercraft shall, at all times, be operated in
13 a reasonable and prudent manner. Maneuvers that unreasonably or
14 unnecessarily endanger life, limb, or property, including, but not
15 limited to, jumping or attempting to jump the wake of another
16 vessel within 100 feet of that other vessel, operating the personal
17 watercraft toward any person or vessel in the water and turning
18 sharply at close range so as to spray the vessel or person, or
19 operating at a rate of speed and proximity to another vessel so that



1 either operator is required to swerve at the last minute to avoid
2 collision, is unsafe or reckless operation of a vessel.

3 (d) No person shall operate a personal watercraft at any time
4 between the hours from sunset to sunrise.

5 (e) This section does not apply to a performer who is engaged
6 in a professional exhibition or to a person who is participating in
7 a regatta, race, marine parade, tournament, exhibition, or other
8 event sanctioned by the United States Coast Guard or authorized
9 by a permit issued by the local entity having jurisdiction over the
10 area where the event is held.

11 (f) Any violation of this section is an infraction.

12 SEC. 2. *Section 658.3 of the Harbors and Navigation Code is*
13 *amended to read:*

14 658.3. (a) No person shall operate a motorboat, sailboat, or
15 vessel that is 26 feet or less in length unless every person on board
16 who is 11 years of age or less is wearing a type I, II, III, or V Coast
17 Guard-approved personal flotation device while that motorboat,
18 sailboat, or vessel is underway.

19 (b) Subdivision (a) does not apply to a person operating a
20 sailboat on which a person who is 11 years of age or less is
21 restrained by a harness tethered to the vessel, or to a person
22 operating a vessel on which a person who is 11 years of age or less
23 is in an enclosed cabin.

24 (c) Any person on board a personal watercraft or any person
25 being towed behind a vessel on water skis, an aquaplane, or similar
26 device shall wear a type I, II, III, or V Coast Guard-approved
27 personal flotation device.

28 (1) This subdivision does not apply to *any of the following:*

29 (A) A person aboard a personal watercraft or a person being
30 towed behind a vessel on water skis, if that person is a performer
31 engaged in a professional exhibition, or preparing to participate or
32 participating in an official regatta, marine parade, tournament, or
33 exhibition.

34 (B) *A person using a diveboard device while being towed*
35 *behind a vessel.*

36 (2) In lieu of wearing a Coast Guard-approved personal
37 flotation device of a type described in this subdivision, any person
38 engaged in slalom skiing on a marked course or any person
39 engaged in barefoot, jump, or trick water skiing may elect to wear
40 a wetsuit designed for the activity and labeled by the manufacturer



1 as a water ski wetsuit. A Coast Guard-approved personal flotation
2 device of a type described in this subdivision shall be carried in the
3 tow vessel for each skier electing to wear a water ski wetsuit
4 pursuant to this paragraph.

5 (d) ~~Subdivisions~~ *The requirements set forth in subdivisions (a)*
6 *and (c) do not apply to a person operating a motorboat, sailboat,*
7 *or vessel if the operator is reacting to an emergency rescue*
8 *situation.*

9 (e) The following definitions govern the construction of this
10 section:

11 (1) “Enclosed cabin” means a space on board a vessel that is
12 surrounded by bulkheads and covered by a roof.

13 (2) “Operate a motorboat, sailboat, or vessel” means to be in
14 control or in charge of a motorboat, sailboat, or vessel while it is
15 underway.

16 (3) “Underway” means all times except when the motorboat,
17 sailboat, or vessel is anchored, moored, or aground.

18 (f) A violation of this section is an infraction punishable as
19 provided in subdivision (a) of Section 668.

20 *SEC. 3. Section 668.1 of the Harbors and Navigation Code is*
21 *amended to read:*

22 668.1. (a) Any person convicted of a violation of subdivision
23 (a), (b), (c), (d), (e), or (f) of Section 655 of this code, or of Section
24 655.2, 655.6, 658, or 658.5 of this code, or of Section 191.5 of the
25 ~~Penal Code, or of the rules of the road and pilot rules promulgated~~
26 ~~by the United States Coast Guard and incorporated by reference in~~
27 ~~Section 6600.1 of Title 14 of the California Code of Regulations,~~
28 *Penal Code*, or any person found by a court to have performed any
29 of the acts described in Section 6697 of Title 14 of the California
30 Code of Regulations, pertaining to a mechanically propelled
31 vessel but not to manipulating any water skis, an aquaplane, or
32 similar device, when the conviction resulted from the operation of
33 a vessel, shall be ordered by the court to complete and pass a
34 boating safety course approved by the department pursuant to
35 Section 668.3.

36 (b) Any person who has been ordered by the court to complete
37 and pass a boating safety course pursuant to this section shall
38 submit to the court proof of completion and passage of the course
39 within seven months of the time of his or her conviction. The proof
40 shall be in a form that has been approved by the department and



1 that provides for the ability to submit the form to the court through
2 the United States Postal Service. If the person who has been
3 required to complete and pass a boating safety course is under 18
4 years of age, the court may require that the person obtain parental
5 consent to enroll in the course. If the person does not complete and
6 pass the boating safety course, the court may extend the period for
7 completion or impose another penalty as prescribed by statute.

8 (c) The department shall adopt regulations to carry out this
9 section, including approval of boating safety education courses, as
10 specified in Section 668.3, prescribing the forms for proof of
11 completion and passage, approval of testing to indicate
12 appropriate mastery of the course subject matter, and setting forth
13 any fees to be charged to course participants, which fees shall not
14 exceed the expenses associated with providing the course.

15 ~~SEC. 3.~~

16 *SEC. 4.* No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.

