

AMENDED IN ASSEMBLY APRIL 26, 2004

AMENDED IN ASSEMBLY APRIL 12, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2222

Introduced by Assembly Member Koretz
(Coauthors: Assembly Members Lieber and Negrete McLeod)
(Coauthor: Senator Soto)

February 18, 2004

An act to add Article 1.5 (commencing with Section 680) to Chapter 5 of Division 3 of the Harbors and Navigation Code, relating to boating safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 2222, as amended, Koretz. Boating safety.

The Department of Boating and Waterways regulates the operation of vessels on inland and coastal waters of California. Existing law makes all money in the Harbors and Water Craft Revolving Fund available, to pay appropriation, for among other things, boating safety;.

This bill would enact the Anthony Farr and Stacy Beckett Boating Safety Act of 2004. The act would make it unlawful to operate a motorized vessel, or have the engine of a motorized vessel run idle, ~~when~~ *while* someone is teak surfing, ~~body surfing, or dragging platform dragging, or body surfing~~ behind the motorized vessel, or ~~when~~ *while* someone is occupying or holding onto the swim platform, swim deck, swim step, *or* swim ladder, ~~or any portion of the stern~~ of the motorized vessel, *as specified*. By making a violation of these provisions an infraction, this bill would create a state-mandated local program.

The act would specify certain requirements for state-sponsored boating safety courses, require any new or used motorized vessel, when sold, to bear warning stickers as to the danger of carbon monoxide poisoning and boats, and require that certain information materials distributed by the Department of Motor Vehicles with respect to renewals for boat registrations contain similar information about the dangers of carbon monoxide poisoning and boats.

The bill would permit the Department of Boating and Waterways to use funds in the Harbors and Watercraft Revolving Fund appropriated to the department to administer this act and to reimburse the Department of Motor Vehicles for its costs to administer this act.

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. The Legislature finds and declares all of the
2 following:

3 (a) Carbon monoxide (CO) is a potentially deadly gas that is
4 odorless, colorless, and tasteless and is found as a byproduct of
5 internal combustion engines. CO enters the bloodstream through
6 the lungs and displaces the oxygen needed by the body with a
7 resulting hypoxia (suffocating) of body tissues. Symptoms of CO
8 poisoning include rapid onset of headache, fatigue, nausea,
9 dizziness, confusion, convulsions, and death.

10 (b) Marine engines are not subject to the same federal and
11 state-mandated emission controls as automobiles and therefore
12 have been able to emit dangerously high CO concentrations into
13 the atmosphere, exposing anyone nearby to potentially lethal
14 amounts of CO.

15 (c) Federal officials have ~~known for some time that CO can~~
16 ~~reach lethal concentrations from generator exhaust that gathers at~~
17 ~~the stern of houseboats, but only in the last three years have they~~
18 found evidence that CO can gather in deadly concentrations



1 behind ski boats, cabin cruisers, and even personal watercraft due
2 to their propulsion engines.

3 (d) ~~The highest concentrations~~ *Dangerous levels* of CO are
4 often around swim decks and areas where occupants frequently sit
5 or swim at the stern of the boat because the exhaust ports for both
6 propulsion engines and generators are located nearby.

7 ~~(e) In the last few years, there have been dozens of deaths~~
8 ~~around the country, of both children and adults, due to CO~~
9 ~~poisoning while they are sitting in the stern of, riding on the swim~~
10 ~~platform of, swimming near, or being dragged behind boats. Many~~
11 ~~have occurred at the popular recreation areas at Lake Powell on the~~
12 ~~border of Utah and Arizona, as well as Lake Havasu on the border~~
13 ~~of Arizona and California.~~

14 ~~(f)~~

15 (e) The new ~~trend~~ *trends* of “teak surfing,” “dragging,”
16 “platform dragging,” or “body surfing” where individuals hold
17 onto the swim platform (usually made of teak wood) and then let
18 go and body surf the boat’s wake while the boat moves forward
19 ~~seems surfing” seem~~ to have increased the number of these
20 poisonings. Victims can be overcome by carbon monoxide in a
21 matter of minutes, even when monitored by other boat occupants.

22 ~~(g)~~

23 (f) The National Institute for Occupational Safety and Health
24 (NIOSH) within the Centers for Disease Control and Prevention
25 (CDC), the United States Department of the Interior, and the
26 United States Coast Guard have studied this issue extensively and
27 have reported that these poisonings have reached “epidemic
28 proportions.”

29 ~~(h)~~

30 (g) These agencies have tracked 101 deaths and 402 poisonings
31 through October 2003, with 34 poisonings in California alone.
32 These numbers likely underreport the actual number of incidents
33 because many deaths may be misdiagnosed simply as a drowning.

34 ~~(i)~~

35 (h) Because CO from a boat’s engine can accumulate anywhere
36 in and around the boat, it can even be dangerous to sit in the stern
37 seat of a motorboat, to stand near an idling boat, or to participate
38 in water sports that take place near the stern of a motorboat, ~~such~~
39 ~~as wake surfing and tubing, activities that require further study to~~



1 ~~determine whether the participants are being exposed to unsafe~~
2 ~~levels of carbon monoxide.~~

3 ~~(j).~~

4 (i) There is a lack of awareness and knowledge among
5 recreational boaters of the dangers of CO poisoning and this lack
6 of knowledge has resulted in many senseless and tragic deaths. The
7 boating industry has failed to adequately educate recreational
8 boaters about the dangers of CO poisoning and to adequately
9 research and develop poisoning, which has resulted in many deaths
10 and injuries. The boating industry has not done enough to educate
11 recreational boaters about the dangers of CO poisoning and has
12 not done sufficient research developing a solution to the CO
13 poisoning problem.

14 ~~(k).~~

15 (j) Three California families have recently suffered a
16 devastating loss due to CO poisoning around boats. In May of
17 2003, 11-year old Anthony Farr of El Dorado Hills died at Folsom
18 Lake after being overcome by carbon monoxide while
19 bodysurfing platform dragging behind a family friend's boat. In
20 September of 2001, 62-year old Bruce Allen (Skip) Bauer died
21 while swimming near his boat at Lake Shasta. In July of 2000,
22 15-year old Stacy Beckett of Ontario died while bodysurfing
23 behind a boat in Mexico. Many others have lost their lives or have
24 been poisoned in the same way around the country just in the last
25 three years.

26 SEC. 2. It is the intent of the Legislature to do all of the
27 following:

28 (a) Educate Californians and raise awareness about the dangers
29 of carbon monoxide poisoning while boating.

30 (b) Make it a crime to operate a motorized vessel, or have the
31 engine of a motorized vessel run idle, when someone is teak
32 surfing, body surfing, or platform dragging behind the motorized
33 vessel, or when someone is occupying or holding onto the swim
34 platform, swim deck, swim step, swim ladder, or any portion of the
35 stern of the motorized vessel, in order to prevent further tragic,
36 senseless deaths.

37 ~~(c) Strenuously urge all manufacturers of motorboats to be~~
38 ~~good corporate citizens by voluntarily taking immediate steps to~~
39 ~~swim deck, swim step, or swim ladder.~~



1 (c) Urge all manufacturers of motorboats to do all of the
2 following:

3 (1) Improve the technology in their marine engines to
4 dramatically reduce the carbon monoxide emissions from their
5 engines as soon as possible to prevent further needless deaths as
6 well as to protect the air quality from high levels of CO emissions.
7 engines as soon as possible.

8 (2) Improve their boat design characteristics in order to better
9 protect boaters from all CO emissions.

10 (3) Until those improvements can be made, to launch an
11 extensive, nationwide public awareness campaign about the
12 dangers of CO poisoning around boats, that should include placing
13 noticeable warnings on the stern of new boats, to ensure the safety
14 of their customers as well as their families and friends.

15 SEC. 3. Article 1.5 (commencing with Section 680) is added
16 to Chapter 5 of Division 3 of the Harbors and Navigation Code, to
17 read:

18
19 Article 1.5. ANTHONY FARR AND STACY BECKETT BOATING
20 SAFETY ACT OF 2004
21

22 680. This act shall be known as the Anthony Farr and Stacy
23 Beckett Boating Safety Act of 2004, and may be cited as Anthony
24 and Stacy’s Law.

25 ~~681. It is unlawful to operate a motorized vessel, or have the
26 engine of a motorized vessel run idle, when someone is teak
27 surfing, body surfing, or dragging behind the motorized vessel, or
28 when someone is occupying or holding onto the swim platform,
29 swim deck, swim step, swim ladder, or any portion of the stern of
30 the motorized vessel.~~

31 (a) ~~“Teak surfing, body surfing, or dragging” shall be defined
32 as “holding on to any portion of the stern of a motorized vessel or
33 floating on the wake behind the motorized vessel for any amount
34 of time while the motorized vessel is underway at any speed.”~~

35 (b)
36 681. (a) *It is unlawful to operate a motorized vessel or have
37 the engine of a motorized vessel run idle while an individual is teak
38 surfing, platform dragging, or body surfing behind the motorized
39 vessel.*



1 (b) *It is unlawful to operate a motorized vessel or have the*
2 *engine of a motorized vessel run idle while an individual is*
3 *occupying or holding onto the swim platform, swim deck, swim*
4 *step, or swim ladder of the vessel.*

5 (c) *Subdivision (b) does not apply when an individual is*
6 *occupying the swim platform, swim deck, swim step, or swim*
7 *ladder for a very brief period of time while assisting with the*
8 *docking or departure of the vessel, while exiting or entering the*
9 *vessel, or while the vessel is engaged in law enforcement activity.*

10 (d) *“Teak surfing” or “platform dragging” means holding*
11 *onto the swim platform, swim deck, swim step, swim ladder, or any*
12 *portion of the exterior of the transom of a motorized vessel for any*
13 *amount of time while the motorized vessel is underway at any*
14 *speed.*

15 (e) *“Body surfing” means swimming or floating on one’s*
16 *stomach or on one’s back on or in the wake directly behind a*
17 *motorized vessel that is underway.*

18 (f) *“Vessel” has the same meaning as set forth in subdivision*
19 *(e) of Section 775.5.*

20 ~~(e)~~

21 (g) *A violation of this section is an infraction punishable by a*
22 *fine of up to one hundred dollars (\$100).*

23 682. *All state-sponsored boating safety courses and all*
24 *boating safety courses that require state approval by the*
25 *Department of Boating and Waterways shall incorporate*
26 *information about the dangers of being overcome by carbon*
27 *monoxide poisoning at the stern of a motorized vessel and how to*
28 *prevent that poisoning.*

29 683. (a) *When a new or used motorized vessel is sold in*
30 *California, the carbon monoxide poisoning warning sticker*
31 *developed by the Department of Boating and Waterways shall be*
32 *placed both in the interior of the motorized vessel where it is*
33 *immediately visible to the person operating the motorized vessel*
34 *and on the stern of the motorized vessel so it is visible to anyone*
35 *occupying the water behind the motorized vessel.*

36 (b) *For a motorized vessel sold by a dealer, the dealer shall*
37 *ensure that both warning stickers have been affixed prior to the*
38 *completion of the transaction.*

39 (c) *For a motorized vessel sold by an individual, both stickers*
40 *shall be included by the Department of Motor Vehicles in the new*



1 registration material provided to the new owner, and the new
2 owner of the motorized vessel shall be notified that he or she is
3 required to affix one sticker in the interior of the motorized vessel
4 where it is immediately visible to the operator of the motorized
5 vessel and a second sticker on the stern of the motorized vessel
6 where it is visible to anyone occupying the water behind the
7 motorized vessel.

8 (d) A warning sticker already developed by the boating
9 manufacturer may satisfy the requirements of this section if it has
10 been approved in advance by the Department of Boating and
11 Waterways.

12 684. The Department of Motor Vehicles shall insert the
13 Department of Boating and Waterways' informational brochure
14 and warning sticker about the dangers of carbon monoxide
15 poisoning and boats into the registration renewal materials mailed
16 by the Department of Motor Vehicles to vessel owners every two
17 years. These materials shall instruct vessel owners to place the
18 sticker in the motorized vessel where it is visible to the person
19 operating the motorized vessel.

20 685. The Department of Boating and Waterways pursuant to
21 subdivision (a) of Section 85.2 may use funds in the Harbors and
22 Watercraft Revolving Fund, created pursuant to Section 85, to
23 administer this chapter and to reimburse the Department of Motor
24 Vehicles for its costs to administer this chapter.

25 SEC. 4. No reimbursement is required by this act pursuant to
26 Section 6 of Article XIII B of the California Constitution because
27 the only costs that may be incurred by a local agency or school
28 district will be incurred because this act creates a new crime or
29 infraction, eliminates a crime or infraction, or changes the penalty
30 for a crime or infraction, within the meaning of Section 17556 of
31 the Government Code, or changes the definition of a crime within
32 the meaning of Section 6 of Article XIII B of the California
33 Constitution.

