

AMENDED IN SENATE JUNE 16, 2015

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 638**

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**Introduced by Assembly Member Frazier**

February 24, 2015

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An act to amend Section 658.3 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

AB 638, as amended, Frazier. Vessels: personal flotation devices.

Existing law regulates the safe operation of various types of vessels navigating the state's ports and harbors. Existing law prohibits a person from operating a motorboat, sailboat, or vessel that is 26 feet or less in length unless every person on board who is under 13 years of age ~~or less~~ is wearing a specified type of wearable personal flotation device while that motorboat, sailboat, or vessel is underway, as defined, except, among other circumstances, if the person under 13 years of age is in an enclosed cabin. Existing law, for purposes of those provisions, defines "enclosed cabin" to mean a space on board a vessel that is surrounded by bulkheads and covered by a roof.

This bill would make that prohibition applicable to a person operating a motorboat, sailboat, or vessel of any ~~length~~ *length, but would exempt from that prohibition a person operating a passenger vessel or small passenger vessel, as defined*. The bill would revise the definition of "enclosed cabin" to mean a space on board a vessel that is surrounded by bulkheads or ~~canvass~~ *canvas*, and covered by a roof.

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

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

1 SECTION 1. Section 658.3 of the Harbors and Navigation  
2 Code is amended to read:  
3 658.3. (a) A person shall not operate a motorboat, sailboat, or  
4 vessel, unless every person who is on board and who is under 13  
5 years of age is wearing a United States Coast Guard-approved  
6 wearable personal flotation device that is used in accordance with  
7 approval labels and manufacturer’s instructions while that  
8 motorboat, sailboat, or vessel is underway.  
9 (b) Subdivision (a) does not apply to a person operating a  
10 sailboat on which a person who is under 13 years of age is  
11 restrained by a harness tethered to the vessel, or to a person  
12 operating a vessel on which a person who is under 13 years of age  
13 is in an enclosed cabin.  
14 (c) A person on board a personal watercraft or a person being  
15 towed behind a vessel on water skis, an aquaplane, or similar  
16 device, except for an underwater maneuvering device intended for  
17 use by a submerged swimmer, shall wear a United States Coast  
18 Guard-approved wearable personal flotation device that is used in  
19 accordance with approval labels and manufacturer’s instructions.  
20 An underwater maneuvering device is a towed or self-powered  
21 apparatus that a person can pilot through diving, turning, and  
22 surfacing maneuvers that is designed for underwater use.  
23 (1) This subdivision does not apply to a person aboard a personal  
24 watercraft or a person being towed behind a vessel on water skis,  
25 if that person is a performer engaged in a professional exhibition,  
26 or preparing to participate or participating with authorization  
27 pursuant to a United States Coast Guard permit or other permit  
28 granted pursuant to subdivision (a) of Section 268 in an official  
29 regatta, marine parade, tournament, or exhibition.  
30 (2) In lieu of wearing a United States Coast Guard-approved  
31 wearable personal flotation device as described in this subdivision,  
32 a person engaged in slalom skiing on a marked course or a person  
33 engaged in barefoot, jump, or trick waterskiing may elect to wear  
34 a wetsuit designed for the activity and labeled by the manufacturer  
35 as a water ski wetsuit. A United States Coast Guard-approved

1 personal flotation device as described in this subdivision shall be  
2 carried in the tow vessel for each skier electing to wear a water  
3 ski wetsuit pursuant to this paragraph.

4 (d) The requirements set forth in subdivisions (a) and (c) do not  
5 apply to a person 13 years of age or older operating a motorboat,  
6 sailboat, or vessel if the vessel is engaged in an emergency rescue  
7 situation.

8 (e) *Subdivision (a) does not apply to a person operating a*  
9 *“passenger vessel,” as defined in Section 2101(22) of Title 46 of*  
10 *the United States Code or a “small passenger vessel,” as defined*  
11 *in Section 2101(35) of Title 46 of the United States Code.*

12 (e)

13 (f) The following definitions govern the construction of this  
14 section:

15 (1) “Enclosed cabin” means a space on board a vessel that is  
16 surrounded by bulkheads or ~~canvass~~, *canvas*, and covered by a  
17 roof.

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

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

23 (f)

24 (g) A violation of this section is an infraction punishable as  
25 provided in subdivision (a) of Section 668.