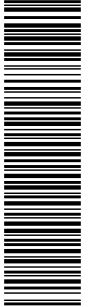


An act to amend Section 1245.270 of the Code of Civil Procedure to amend, Sections 651, 655.7, and 658.3 of the Harbors and Navigation Code, to amend Section 7 of the Penal Code, and to amend Sections 1804, 9854, and 9873 of the Vehicle Code, relating to vessels.

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 1245.270 of the Code of Civil Procedure is amended to read:

1245.270. (a) A resolution of necessity does not meet the requirements of this article if the defendant establishes by a preponderance of the evidence both of the following:

(1) A member of the governing body who voted in favor of the resolution received or agreed to receive a bribe (as that term is bribe, as defined in subdivision 6 of Section 7 of the Penal Code) Code, involving adoption of the resolution.

(2) But for the conduct described in paragraph (1), the resolution would not otherwise have been adopted.

(b) Where there has been a prior criminal prosecution of the member for the conduct described in paragraph (1) of subdivision (a), proof of conviction shall be conclusive evidence that the requirement of paragraph (1) of subdivision (a) is satisfied, and proof of acquittal or other dismissal of the prosecution shall be conclusive evidence that the requirement of paragraph (1) of subdivision (a) is not satisfied. Where there is a pending criminal prosecution of the member for the conduct described in paragraph (1) of subdivision (a), the court may take such action as is just under the circumstances of the case.

(c) Nothing in this section precludes a public entity from rescinding a resolution of necessity and adopting a new resolution as to the same property, subject to the same consequences as a conditional dismissal of the proceeding under Section 1260.120.

SEC. 2. Section 651 of the Harbors and Navigation Code is amended to read:

651. As used in this chapter, the following definitions apply unless the context clearly requires a different meaning:

(a) "Alcohol" means any form or derivative of ethyl alcohol (ethanol).

(b) "Alcohol concentration" means either grams of alcohol per 100 milliliters of blood or grams of alcohol per 210 liters of breath.

(c) "Associated equipment" means any of the following, excluding radio equipment:

(1) Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of the system, part, or component.

(2) Any accessory or equipment for, or appurtenance to, a boat.

(3) Any marine safety article, accessory, or equipment intended for use by a person on board a boat.

(d) "Boat" means any vessel that is any of the following:

(1) Manufactured or used primarily for noncommercial use.

(2) Leased, rented, or chartered to another for the latter's noncommercial use.

(3) Engaged in the carrying of six or fewer passengers, including those for-hire vessels carrying more than three passengers while using inland waters of the state that are not declared navigable by the United States Coast Guard.

(4) Commercial vessels required to be numbered pursuant to Section 9850 of the Vehicle Code.

(e) "Chemical test" means a test that analyzes an individual's breath, blood, or urine for evidence of drug or alcohol use.



(f) “Controlled substance” means controlled substance as defined in Section 11007 of the Health and Safety Code.

(g) “Department” means the Department of Boating and Waterways.

(h) “Director” means the Director of Boating and Waterways.

(i) “Drug” means any substance or combination of substances other than alcohol that could so affect the nervous system, brain, or muscles of a person as to impair to an appreciable degree the person’s ability to operate a vessel in the manner that an ordinarily prudent person, in full possession of their faculties, using reasonable care, would operate a similar vessel under like conditions.

(j) “Engine cut-off switch” means a switch that automatically stops the engine of a power-driven vessel if activated by an engine cut-off switch link.

(k) “Engine cut-off switch link” means a device that, if attached to an operator, activates an engine cut-off switch if the operator is separated from the power-driven vessel. This term includes a lanyard or another mechanical device and a wireless cut-off link that transmits an electromagnetic signal to an engine cut-off switch.

~~(j)~~

(l) “Intoxicant” means any form of alcohol, drug, or combination thereof.

~~(k)~~

(m) “Legal owner” is a person holding the legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state, or to any county, city, district, or political subdivision of the state, under a lease, lease-sale, or rental-purchase agreement that grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~(l)~~

(n) “Manufacturer” means any person engaged in any of the following:

- (1) The manufacture, construction, or assembly of boats or associated equipment.
- (2) The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.
- (3) The importation into this state for sale of boats, associated equipment, or components thereof.

~~(m)~~

(o) “Marine employer” means the owner, managing operator, charterer, agent, master, or person in charge of a ~~vessel~~ vessel, other than a recreational vessel.

~~(n)~~

(p) “Motorboat” means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion, but shall not include a vessel that has a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.

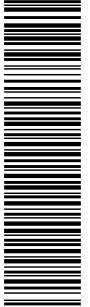
~~(o)~~

(q) “Operator” means the person aboard a vessel who meets any of the following:

- (1) Is steering the vessel while underway.
- (2) Is responsible for the operation of the vessel while underway.
- (3) Is at least 18 years of age and is attentive and supervising the operation of the vessel by a person 12, 13, 14, or 15 years of age pursuant to Section 658.5.

~~(p)~~

(r) (1) “Owner” is a person having that meets one or more of the following criteria:



(A) Has all the incidents of ownership, including the legal title, of a vessel whether or not that person lends, rents, or pledges the vessel; ~~the vessel.~~

(B) The person entitled to the possession of a vessel as the purchaser under a conditional sale ~~contract; or the~~ contract.

(C) The mortgagor of a vessel. ~~“Owner”~~

(2) “Owner” does not include a person holding legal title to a vessel under a conditional sale contract, the mortgagee of a vessel, or the renter or lessor of a vessel to the state or to any county, city, district, or political subdivision of the state under a lease, lease-sale, or rental-purchase agreement that grants possession of the vessel to the lessee for a period of 30 consecutive days or more.

~~(q)~~

(s) “Passenger” means every person carried on board a vessel other than any of the following:

- (1) The owner or the owner’s representative.
- (2) The operator.
- (3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services.
- (4) Any guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for their carriage.

~~(r)~~

(t) “Person” means an individual, partnership, firm, corporation, limited liability company, association, or other entity, but does not include the United States, the state, or a municipality or subdivision thereof.

(u) “Personal flotation device” means a device that is approved by the Commandant of the United States Coast Guard pursuant to Part 160 (commencing with Section 160.001-1) of Title 46 of the Code of Federal Regulations.

~~(s)~~

(v) “Personal watercraft” means a vessel ~~13 feet in length or less, propelled by machinery, that is propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel.~~ within the vessel’s hull.

~~(t)~~

(w) “Recreational vessel” means a vessel that is being used only for pleasure.

~~(u)~~

(x) “Registered owner” is the person registered by the Department of Motor Vehicles as the owner of the vessel.

~~(v)~~

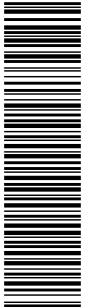
(y) “Special-use area” means all or a portion of a waterway that is set aside for specified uses or activities to the exclusion of other incompatible uses or activities.

~~(w)~~

(z) “State” means a state of the United States, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the District of Columbia.

~~(x)~~

(aa) “State of principal use” means the state on which waters a vessel is used or intended to be used most during a calendar year.



(ab) “Static thrust” means the forward or backward thrust developed by a propulsion machinery while stationary.

(ac) “Throwable personal flotation device” means a personal flotation device that is intended to be thrown to a person in the water. A personal flotation device marked as Type IV or Type V with Type IV performance is considered a throwable personal flotation device. Unless specifically marked otherwise, a wearable personal flotation device is not a throwable personal flotation device.

(y)

(ad) “Undocumented vessel” means any vessel that is not required to have, and does not have, a valid marine document issued by the United States Coast Guard or any federal agency successor thereto.

(z)

(ae) “Use” means operate, navigate, or employ.

(aa)

(af) “Vessel” includes every description of a watercraft or other artificial contrivance used or capable of being used as a means of transportation on water, except either of the following:

(1) A seaplane on the water.

(2) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled.

(ab)

(ag) “Water skis, an aquaplane, or a similar device” includes all forms of water skiing, barefoot skiing, skiing on skim boards, knee boards, or other contrivances, parasailing, ski kiting, or any activity where a person is towed behind or alongside a boat.

(ac)

(ah) “Waters of this state” means any waters within the territorial limits of this state.

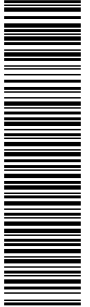
(ai) “Wearable personal flotation device” means a personal flotation device that is intended to be worn or otherwise attached to the body. A personal flotation device marked as Type I, Type II, Type III, or Type V with Type I, II, or III performance is considered a wearable personal flotation device.

SEC. 3. Section 655.7 of the Harbors and Navigation Code is amended to read:

655.7. (a) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine ~~cut-off~~ cut-off switch shall attach the lanyard to ~~his or her person, themselves, their clothing, or their personal flotation device,~~ as appropriate for the specific ~~vessel.~~ vessel, while operating on plane or above displacement speed.

(b) ~~No~~ A person shall not operate a personal watercraft equipped by the manufacturer with a ~~self-circling device~~ an engine cut-off switch if the ~~self-circling device~~ engine cut-off switch or engine throttle has been altered in any way that would impede or prevent the ~~self-circling device~~ engine cut-off switch from operating in its intended manner.

(c) Every personal watercraft shall, at all times, be operated in a reasonable and prudent manner. Maneuvers that unreasonably or unnecessarily endanger life, limb, or property, including, but not limited to, jumping or attempting to jump the wake of another vessel within 100 feet of that other vessel, operating the personal watercraft



toward any person or vessel in the water and turning sharply at close range so as to spray the vessel or person, or operating at a rate of speed and proximity to another vessel so that either operator is required to swerve at the last minute to avoid collision, is unsafe or reckless operation of a vessel.

(d) A person shall not operate a personal watercraft at any time between the hours from sunset to sunrise. This subdivision does not apply to marine patrol, harbor police, or emergency personnel in the performance of their duties.

(e) (1) Except as provided in paragraph (2), a person operating a power-driven covered vessel shall not operate or authorize another person to operate the vessel on plane or above displacement speed if the engine cut-off switch or engine cut-off switch link is missing, disconnected, or not operating properly.

(2) Paragraph (1) does not apply if either of the following criteria is met:

(A) The main helm of the vessel is installed within an enclosed cabin.

(B) The vessel does not have an engine cut-off switch and is not required to have one pursuant to Section 4312 of Title 46 of the United States Code.

(3) For purposes of this subdivision, "covered vessel" means a vessel that meets all of the following criteria:

(A) Is less than 26 feet overall in length.

(B) Is capable of developing 115 pounds or more of static thrust.

(C) Is either equipped with an engine cut-off switch or was built on or after December 4, 2019.

(e)

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

(f)

(g) Any violation of this section is an infraction.

SEC. 4. Section 658.3 of the Harbors and Navigation Code is amended to read:

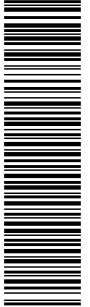
~~658.3. (a) A person shall not operate a motorboat, sailboat, or vessel, unless every person who is on board and who is under 13 years of age is wearing a United States Coast Guard-approved wearable personal flotation device that is used in accordance with approval labels and manufacturer's instructions while that motorboat, sailboat, or vessel is underway. use a recreational vessel unless all of the following requirements are met:~~

(1) There is at least one wearable personal flotation device on board the vessel for each person on the vessel.

(2) Each personal flotation device is used in accordance with the requirements on its approval label.

(3) If a personal flotation device's approval label refers to an owner's manual, then the personal flotation device is used in accordance with the requirements in its owner's manual.

(b) A person shall not use a recreational vessel 16 feet or more in length unless one throwable personal flotation device is onboard in addition to the number of wearable personal flotation devices required by subdivision (a).



(c) A person shall not operate a recreational vessel underway with a child under 13 years of age onboard unless at least one of the following requirements is met:

(1) The child is wearing an appropriate personal flotation device that is approved by the United States Coast Guard.

(2) The child is below deck or in an enclosed cabin.

~~(b) Subdivision (a) does not apply to a person operating a sailboat on which a person who is under 13 years of age is restrained by a harness tethered to the vessel, or to a person operating a vessel on which a person who is under 13 years of age is in an enclosed cabin.~~

~~(e)~~

(d) A person on board a personal watercraft or a person being towed behind a vessel on water skis, an aquaplane, or similar device, except for an underwater maneuvering device intended for use by a submerged swimmer, shall wear a United States Coast Guard-approved wearable personal flotation device that is used in accordance with approval labels and manufacturer's instructions. An underwater maneuvering device is a towed or self-powered apparatus that a person can pilot through diving, turning, and surfacing maneuvers that is designed for underwater use.

(1) This subdivision does not apply to a person aboard a personal watercraft or a person being towed behind a vessel on water skis, if that person is a performer engaged in a professional exhibition, or preparing to participate or participating with authorization pursuant to a United States Coast Guard permit or other permit granted pursuant to subdivision (a) of Section 268 in an official regatta, marine parade, tournament, or exhibition.

(2) In lieu of wearing a United States Coast Guard-approved wearable personal flotation device as described in this subdivision, a person engaged in slalom skiing on a marked course or a person engaged in barefoot, jump, or trick waterskiing may elect to wear a wetsuit designed for the activity and labeled by the manufacturer as a water ski wetsuit. A United States Coast Guard-approved personal flotation device as described in this subdivision shall be carried in the tow vessel for each skier electing to wear a water ski wetsuit pursuant to this paragraph.

~~(d)~~

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

~~(e)~~

(f) Subdivision (a) does not apply to a person operating a "passenger vessel," as defined in Section ~~2101(22)~~ 2101(31) of Title 46 of the United States Code or a "small passenger vessel," as defined in Section ~~2101(35)~~ 2101(47) of Title 46 of the United States Code.

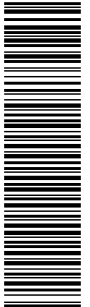
~~(f) The following definitions govern the construction of this section:~~

(g) For purposes of this section, the following definitions apply:

(1) "Enclosed cabin" means a space on board a vessel that is surrounded by bulkheads or canvas, and covered by a roof.

(2) "Operate a ~~motorboat, sailboat, or~~ vessel" means to be in control or in charge of a ~~motorboat, sailboat, or~~ vessel while it is underway.

~~(3)~~



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

~~(g)~~

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

SEC. 5. Section 7 of the Penal Code is amended to read:

7. (a) Words used in this code in the present tense include the future as well as the present; ~~words present.~~ Words used in the masculine gender include the feminine and ~~neuter; neuter.~~ Words used in the singular number includes the plural, and the plural the singular; ~~the word “person” singular.~~

(1) “Person” includes a corporation as well as a natural person; ~~the word “county” person.~~

(2) “County” includes ~~“city and county”;~~ writing city and county.

(3) “Writing” includes printing and ~~typewriting;~~ oath typewriting.

(4) “Oath” includes affirmation or ~~declaration;~~ declaration, and every mode of oral statement, under oath or affirmation, is embraced by the term “testify,” and every written one in the term ~~“depose”;~~ signature “depose.”

(5) “Signature” or ~~subscription~~ “subscription” includes mark, when the person cannot write, ~~his or her~~ their name being written near it, by a person who writes ~~his or her~~ their own name as a witness; ~~provided, witness, if,~~ that when a signature is made by mark it ~~must, shall,~~ in order that the same may be acknowledged or serve as the signature to any sworn statement, be witnessed by two persons who ~~must shall~~ subscribe their own names as witnesses thereto.

(b) The following words have in this code the signification attached to them in this section, unless otherwise apparent from the context:

(1) ~~The word “willfully,”~~ “Willfully,” when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act, or make the omission referred to. It does not require any intent to violate law, ~~or~~ to injure another, or to acquire any advantage.

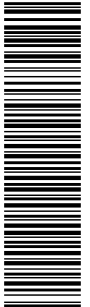
(2) ~~The words “neglect,”~~ “Neglect,” “negligence,” “negligent,” and “negligently” import a want of ~~such~~ the attention to the nature or probable consequences of the act or omission as ~~that~~ a prudent ~~man~~ person ordinarily bestows in acting in ~~his~~ their own concerns.

(3) ~~The word “corruptly”~~ “Corruptly” imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

(4) ~~The words “malice”~~ “Malice” and “maliciously” import a wish to vex, annoy, or injure another person, or an intent to do a wrongful act, established either by proof or presumption of law.

(5) ~~The word “knowingly”~~ “Knowingly” imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of ~~such~~ that act or omission.

(6) ~~The word “bribe”~~ “Bribe” signifies anything of value or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence, unlawfully, the person to whom it is given, in ~~his or her~~ their action, vote, or opinion, in any public or official capacity.





(7) ~~The word “vessel,”~~ “Vessel,” when used with reference to shipping, includes ships of all kinds, steamboats, canalboats, barges, and every structure adapted to be navigated from place to place for the transportation of merchandise or persons, except that, as used in Sections 192.5 and 193.5, the word “vessel” means a vessel as defined in ~~subdivision (c) of Section 651 of the Harbors and Navigation Code.~~

(8) ~~The words “peace officer” signify~~ “Peace officer” signifies any one of the officers mentioned in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(9) ~~The word “magistrate”~~ “Magistrate” signifies any one of the officers mentioned in Section 808.

(10) ~~The word “property”~~ “Property” includes both real and personal property.

(11) ~~The words “real property” are~~ “Real property” is coextensive with lands, tenements, and hereditaments.

(12) ~~The words “personal property” include~~ “Personal property” includes money, goods, chattels, things in action, and evidences of debt.

(13) ~~The word “month”~~ “Month” means a calendar month, unless otherwise expressed; the word “daytime” means the period between sunrise and sunset, and the word “nighttime” means the period between sunset and sunrise.

(14) ~~The word “will”~~ “Will” includes codicil.

(15) ~~The word “writ”~~ “Writ” signifies an order or precept in writing, issued in the name of the people, or of a court or judicial officer, and ~~the word “process”~~ a writ or summons issued in the course of judicial proceedings.

~~(16)~~

(16) When the seal of a court or public officer is required by law to be affixed to any paper, the word “seal” includes an impression of the seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word “seal” against their name.

(17) “State,” when applied to the different parts of the United States, includes the District of Columbia and the territories, and “United States” may include the district and territories.

(18) “Section,” whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.

(19) To “book” signifies the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.

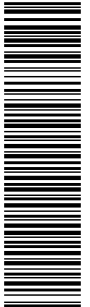
(20) “Spouse” includes “registered domestic partner,” as required by Section 297.5 of the Family Code.

~~(16)~~

(c) Words and phrases ~~must shall~~ be construed according to the context and the approved usage of the ~~language;~~ language, but technical words and phrases, and ~~such~~ any others as may have acquired a peculiar and appropriate meaning in law, ~~must shall~~ be construed according to ~~such~~ that peculiar and appropriate meaning.

~~(17)~~

(d) Words giving a joint authority to three or more public officers or other persons, are construed as giving ~~such~~ that authority to a majority of them, unless it is otherwise expressed in the act giving the authority.



~~(18) When the seal of a court or public officer is required by law to be affixed to any paper, the word "seal" includes an impression of such seal upon the paper alone, or upon any substance attached to the paper capable of receiving a visible impression. The seal of a private person may be made in like manner, or by the scroll of a pen, or by writing the word "seal" against his or her name.~~

~~(19) The word "state," when applied to the different parts of the United States, includes the District of Columbia and the territories, and the words "United States" may include the district and territories.~~

~~(20) The word "section," whenever hereinafter employed, refers to a section of this code, unless some other code or statute is expressly mentioned.~~

~~(21) To "book" signifies the recordation of an arrest in official police records, and the taking by the police of fingerprints and photographs of the person arrested, or any of these acts following an arrest.~~

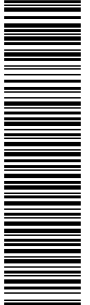
~~(22) The word "spouse" includes "registered domestic partner," as required by Section 297.5 of the Family Code.~~

SEC. 6. Section 1804 of the Vehicle Code is amended to read:

1804. (a) The abstract shall be made upon a form furnished or approved by the department and shall contain all necessary information to identify the defendant, including, but not limited to, the person's driver's license number, name, and date of birth, the date and nature of the offense, the vessel number, if any, of the vessel involved in the offense, the license plate number of the vehicle involved in the offense, the date of hearing, and the judgment, except that in the case of infractions where the court has not directed the department to suspend or restrict the defendant's driver's license, only the conviction and not the judgment need be set forth in the abstract. The abstract shall also indicate whether the vehicle involved in the offense is a commercial motor vehicle, as defined in subdivision (b) of Section 15210, whether the vehicle was of a type requiring the driver to have a certificate issued pursuant to Section 2512, 12517, 12519, 12523, or 12523.5 or any endorsement issued pursuant to paragraph (2) or (5) of subdivision (a) of Section 15278, and whether the vehicle was transporting hazardous material at the time of the offense, or whether the vessel involved in the offense was a recreational vessel, as defined in ~~subdivision (bb)~~ of Section 651 of the Harbors and Navigation Code.

(b) As to any abstract for which the original arrest and final conviction was for a violation of subdivision (b), (c), (d), (e), or (f) of Section 655 of the Harbors and Navigation Code or Section 23152 or 23153 of this code, the abstract shall contain a statement indicating the percentage of alcohol, by weight, in the person's blood whenever that percentage was determined by a chemical test. The information regarding the chemical test shall be compiled if it is available to the clerk of the court. All information required to be compiled pursuant to this subdivision shall be kept confidential in the records of the department pursuant to Section 1808.5. The department may use the information for research and statistical purposes and for determining the eligibility of any person to operate a motor vehicle on the highways of this state. The information shall not be released to any other public or private agency, except for research and statistical summary purposes and, for those purposes, the name and address of the person and any other identifying information shall not be disclosed.

(c) The Legislature finds and declares that blood-alcohol percentages have valuable research potential in providing statistical summary information on impaired



drivers but that a specific blood-alcohol percentage is only an item of evidence for purposes of criminal and licensing sanctions imposed by law. The Legislature recognizes that the accuracy of the determination of a specific blood-alcohol percentage is not the critical determination in a conviction for driving under the influence of an alcoholic beverage if the blood-alcohol percentage exceeds the statutory amount.

SEC. 7. Section 9854 of the Vehicle Code is amended to read:

9854. The owner of any vessel already covered by a number in full force and effect ~~which that~~ has been issued to it pursuant to then operative federal law or a federally approved numbering system of another state shall make application within 30 days after the ~~90-day~~ 60-day reciprocity period provided for in Section 9873. Such application shall be in a manner and pursuant to the procedure required for the issuance of a number under Section 9853.

SEC. 8. Section 9873 of the Vehicle Code is amended to read:

9873. An undocumented vessel shall not be required to be numbered under this chapter if it is:

(a) Already covered by a number in full force and effect ~~which that~~ has been issued to it pursuant to federal law or a federally approved numbering system of another state; provided, that such undocumented vessel shall be subject to the numbering requirements of this chapter if it has changed its state of principal use and has been within this state for a period in excess of ~~90~~ 60 consecutive days.

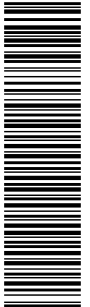
(b) A vessel from a country other than the United States temporarily using the waters of this state.

(c) A public vessel of the United States, another state or subdivision thereof or municipality of such other state.

(d) A ship's lifeboat.

(e) Any vessel belonging to a class of boats ~~which that~~ has been exempted from numbering by the department after the department has found that the numbering of vessels of such class will not materially aid in their identification; and, if any agency of the federal government has a numbering system applicable to the class of vessels to which the vessel in question belongs, after the department has further found that the vessel would also be exempt from numbering if it were subject to the federal law. An undocumented vessel propelled solely by oars or paddles and an undocumented vessel eight feet or less propelled solely by sail are exempt from ~~the provisions of~~ this chapter.

SEC. 9. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.



## LEGISLATIVE COUNSEL'S DIGEST

Bill No.  
as introduced, \_\_\_\_\_.

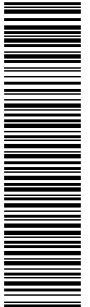
General Subject: Vessels: safety equipment: personal flotation devices: engine cut-off switches.

(1) Existing law regulates the safe operation of various types of vessels navigating the state's ports and harbors. Existing law defines "personal watercraft" to mean a vessel 13 feet in length or less, propelled by machinery, that is designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than in the conventional manner of sitting or standing inside the vessel. Existing law prohibits a person from operating a personal watercraft with a self-circulating device if the self-circulating device or the engine throttle has been altered in a way that would impede or prevent the self-circulating device from operating in its intended manner. Existing law requires a person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch to attach the lanyard to their clothing, as provided. A violation of these provisions is a crime.

This bill would instead define "personal watercraft" to mean a vessel propelled by a water-jet pump or other machinery as its primary source of motive power and designed to be operated by a person sitting, standing, or kneeling on the vessel, rather than within the vessel's hull. The bill would instead prohibit a person from operating a personal watercraft with an engine cut-off switch if the engine cut-off switch or the engine throttle has been altered in a way that would impede or prevent the engine cut-off switch from operating in its intended manner. The bill would instead require a person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cut-off switch to attach the lanyard to their clothing while operating on plane or above displacement speed, as provided. The bill would define "engine cut-off switch" to mean a switch that automatically stops the engine of a power-driven vessel it activated by an engine cut-off switch link. The bill would define "engine cut-off switch link" to mean a device that activates an engine cut-off switch if the operator is separated from the power-driven vessel, as provided. The bill would additionally prohibit a person from operating or authorizing another to operate specified vessels on plane or above displacement speed if the engine cut-off switch or engine cut-off switch link is missing, disconnected, or not operating properly, except as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(2) Existing law prohibits a person from operating a motorboat, sailboat, or vessel unless every person on board who is under 13 years of age is wearing a specified type of wearable personal flotation device while that motorboat, sailboat, or vessel is underway, as defined, except if the person under 13 years of age is in an enclosed cabin or restrained by a harness tethered to the vessel. A violation of this provision is a crime.

This bill would instead prohibit a person from operating a recreational vessel, as defined, underway with a child under 13 years of age onboard unless the child is either wearing an appropriate personal flotation device, below deck, or in an enclosed



cabin. The bill would also prohibit a person from using a recreational vessel unless the vessel has specified types and quantities of personal flotation devices on board. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(3) Existing law requires every undocumented vessel using the waters or on the waters of the state to be currently numbered. Existing law requires an undocumented vessel that is already covered by a number issued to it pursuant to federal law or another state to be numbered in this state if its state of principal use has changed and it has been within this state for a period in excess of 90 consecutive days. A violation of these requirements is a crime.

This bill would shorten that period from 90 consecutive days to 60 consecutive days. By expanding the scope of a crime, the bill would impose a state-mandated local program.

(4) This bill would make various conforming changes.

(5) 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.

