

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	7 - 0 - 1
Yeas:	Boone, Esquivel, Freeman, Komp, Matthews, Riley, Cowan
Nays:	0
Exc.:	Weidner
Prepared By:	David Molina, Administrator
Meeting Dates:	1/29, 2/12

WHAT THE MEASURE DOES: Standardizes the law requiring passengers to wear a life jacket on any section of waters rated class III or higher and provides enforcement provision.

ISSUES DISCUSSED:

- Safety, life & death situation
- Search & Rescue liability
- Local economic impact

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: House Bill 2079 modifies ORS 830.215, mandating all passengers to wear a PFD on any section of waters rated class III and above rapids. Already, the current law mandates the use of a life jacket in a class III and above rapids for the boat guides.

Current law ORS 830.215 requires all Oregon boats carry at least one U.S. Coast Guard-approved Type I, II, or III personal flotation device (PFD) in good and serviceable condition for each person on board (ORS 830.215). Children age 12 and under must wear a U.S. Coast Guard-approved life jacket at all times, enforceable by law. Moreover, persons operating a personal water craft (PWC), a recreational watercraft that the rider sits or stands on, rather than inside of, as in a boat, must wear a PFD as defined by OAR 250-010-0154.

Every year since 1990, Oregon has had boating accidents and fatalities. Oregon is host to diverse and potentially dangerous waters that stretch from the crest of the Cascades to the deserts of eastern Oregon, the valley of western Oregon and the coastal region. There have been a total of 1,701 boating accidents in Oregon since 1990, resulting in 234 fatalities. In 2007, only one of the nine boating fatalities wore a life jacket. The youngest was 22 years of age; the oldest 80; the average age was 52 years of age. According to the Oregon State Marine Board, 90 percent of the people who drown in boating accidents would have survived had they worn life jackets.

The economic impact to fund body recoveries comes from public agencies estimated from \$1,000 to \$5,000 per incident; in rare instances total costs can exceed \$50,000. Additionally, when boating fatalities occur, the surrounding business community that depends heavily on the rafting industry is also negatively affected. Aside from the economic impact to Oregon-river communities, there is a human impact, immeasurable to both families and search & rescue personnel.

While the families are affected personally, search & rescue personnel also receive professional counseling to help them deal with the emotional trauma of body recoveries. Moreover, search & rescue personnel are volunteers first and under current laws are not covered for any indemnification or workers comp and therefore venture at their own personal risks. Search & rescue liability is a major concern for these volunteers when accepting the assignment of a body recovery.

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This summary has not been adopted or officially endorsed by action of the committee.