

## HB 3006 STAFF MEASURE SUMMARY

### House Committee On Judiciary

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**Meeting Dates:** 2/1

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#### **WHAT THE MEASURE DOES:**

Increases upper age specification of children who must wear a personal flotation device (“PFD”) on a boat, from 12 years to 15 years old. Permits Oregon Marine Board to make applicable rules and exceptions, consistent with but not exceeding U.S. Coast Guard regulations. Prohibits children under 16 years old from using a floating item outside of demarcated swimming areas unless wearing a properly sized and secured PFD. Provides that a parent, legal guardian, or person with legal responsibility for the safety and welfare of the child must ensure such use. Creates specific violation with presumptive fine of \$25 for violations of PFD requirements for a child using a floating item. Specifies that a citation may be issued only to the responsible adult for children under age 12, but a citation for a child aged 12-15 years old may be issued either to the child or the responsible adult. Limits application of fine for first offense, if the court finds that person has a properly sized PFD. Takes effect on 91<sup>st</sup> day following adjournment sine die.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

No amendment.

##### **BACKGROUND:**

U.S. Coast Guard regulations require that “no person may operate a recreational vessel under way with any child under 13 years old aboard unless each such child is either (1) wearing an appropriate PFD approved by the Coast Guard, or (2) below decks or in an enclosed cabin.” Current Oregon Marine Board regulations mirror those requirements and exemptions, and the penalty for non-compliance is a Class D violation. Regulations currently exempt float tubes from PFD requirements.

According to Oregon Health Authority data for 2021, drowning while in natural water was the leading cause of death by injury for children aged 1-4 years old (5 deaths), and it was the second leading cause of death by injury for children aged 10-14 years old (3 deaths), as was suffocation. In 2020, it was the second leading cause of death by injury for children aged 1-9 years old.

House Bill 3006 would increase the age of persons who must wear a personal flotation device on a boat to 15 years old, would require persons under age 16 to wear a personal flotation device while using a floating item outside of specified swimming areas, and would create a specific violation with a presumptive fine of \$25.