

**CITY OF SANTA BARBARA WATERFRONT
DEPARTMENT MEMORANDUM**

Date: February 18, 2016
To: Harbor Commission
From: Scott Riedman, Waterfront Director
Subject: Harbor Operations Report

NEW LIFE-JACKET LAW

A new law regarding requirements for children wearing Personal Floatation Devices (PFDs—commonly called life jackets) took effect January 1, 2016.

Previously, children under the age of 13 were required to wear PFDs on sail or power vessels 26 feet long or less while underway, unless the child was in an enclosed cabin. Over the years, however, power boats—especially speedboats operated on inland lakes and reservoirs—have grown longer and faster, prompting safety concerns for children aboard those craft. Legislative bill AB 638, authored by Assembly Member Jim Frazier, whose district covers much of Contra Costa and Sacramento counties, and sponsored by the California Sheriffs Association, prompted a change in the law, now found in the amended Section 658.3 of the state's Harbors and Navigation Code. *The new law applies to power or sail vessels of any size, not just 26 feet long or less.* Licensed, passenger-carrying vessels are exempt.

Though staff anticipates infrequent contacts where this law would apply, the Department will begin educating boaters on its requirements. Staff will write an article about it for the spring issue of *Docklines* and Harbor Patrol will inform boaters about the law. Meanwhile, we encourage boaters to spread the word about this new requirement, intended to make boating safer for children.

DISASTER LOANS AVAILABLE TO FISHERMEN IMPACTED BY CRAB CLOSURE

The U.S. Small Business Administration (SBA), declaring an economic disaster resulting from closure of the region's rock-crab fishery for nearly two months late last year, is making low-interest (4%) loans available to affected fishermen.

SBA customer-service representatives will be in Santa Barbara on February 22nd and February 23rd to explain the loan program and help affected fishermen fill out loan applications. Loans are also available to other business affected by the crab closure, such as fuel docks, boat yards, processors, wholesalers, shippers, retailers and others dependent on revenue from the fishery.

The Santa Barbara meetings will be held from 8:00 a.m. to 5:00 p.m. on both the 22nd and 23rd, at the Community Classroom in the Harbor. Any questions should be directed to SBA's Public Information Officer, Mr. Susheel Kumar, at 916-735-1500 (office), or 916-878-1495 (cell), or by email at Susheel.Kumar@sba.gov.

Harbor Operations Report
February 18, 2016
Page 2

Attachment: AB 638

Prepared by: Mick Kronman, Harbor Operations Manager

Assembly Bill No. 638

CHAPTER 75

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

[Approved by Governor July 13, 2015. Filed with
Secretary of State July 13, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 638, 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 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, 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 canvas, and covered by a roof.

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

SECTION 1. 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.

(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.

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

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

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

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

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

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