



January 14, 2000

HOUSE BILL No. 1075

DIGEST OF HB1075 (Updated January 12, 2000 6:57 PM - DI 22)

Citations Affected: IC 14-8; IC 14-15.

Synopsis: Boating regulation. Requires boats to be equipped and operated with specific types of personal flotation devices. Reduces, from ten miles per hour to idle speed, the speed at which a motorboat may operate within a specified distance of the shoreline of a lake or channel of a lake. Establishes a maximum noise level at which motorboats may be operated. Provides that the department of natural resources (DNR) may adopt rules concerning the establishment of zones where the use of watercraft may be limited or prohibited and the regulation of watercraft engaged in organized activities or tournaments.

Effective: July 1, 2000.

Leuck, Kruse

January 10, 2000, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.
January 13, 2000, amended, reported — Do Pass.

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HB 1075—LS 6536/DI 22+



January 14, 2000

Second Regular Session 111th General Assembly (2000)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1999 General Assembly.

HOUSE BILL No. 1075

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-8-2-129 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 129. "Idle speed", **for**
3 **purposes of IC 14-15-3-17**, means the slowest possible speed, not
4 exceeding five (5) miles per hour, that maintains steerage so that the
5 wake or wash created by the watercraft is minimal.
- 6 SECTION 2. IC 14-15-2-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 6. (a) This section does
8 not apply to the following:
- 9 (1) A sailboard or windsurfing board.
 - 10 (2) A manually propelled boat, such as a racing shell, rowing
11 scull, or racing kayak:
 - 12 (A) that is recognized by national or international racing
13 associations for use in competitive racing;
 - 14 (B) in which all occupants row, scull, or paddle, with the
15 exception of a coxswain if a coxswain is provided; and
 - 16 (C) that is designed to carry and carries equipment only for
17 competitive racing.

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1 (b) All boats must be equipped with at least one ~~(1)~~ life preserver,
 2 ring buoy, life jacket, buoyant vest, or buoyant cushion, of a make or
 3 type approved by the United States Coast Guard, for each individual on
 4 board: **the number and type of personal flotation devices listed in**
 5 **this subsection. A person may not operate a boat unless the boat**
 6 **contains:**

7 (1) for each person on board, one (1) personal flotation device
 8 that meets the requirements for designation by the United
 9 States Coast Guard as a Type I, Type II, or Type III personal
 10 flotation device; and

11 (2) for a boat at least sixteen (16) feet in length and in addition
 12 to the requirements of subdivision (1), one (1) personal
 13 flotation device that meets the requirements for designation
 14 by the United States Coast Guard as a Type IV personal
 15 flotation device.

16 (c) The director may waive the requirements of this section for a
 17 boat during competition in a boat race for which a permit has been
 18 issued by the department if the following conditions are met:

19 (1) The sponsor of the boat race has informed the director of the
 20 precautions the sponsor will take to minimize the safety hazards
 21 that exist due to noncompliance with the requirements of this
 22 section.

23 (2) The sponsor files with the director a document under which
 24 the sponsor assumes all liability that may result from the use of a
 25 boat under the waiver.

26 SECTION 3. IC 14-15-3-17 IS AMENDED TO READ AS
 27 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 17. (a) A person
 28 operating a motorboat may not approach or pass within two hundred
 29 (200) feet of the shore line of a lake or channel of the lake at a place or
 30 point where the lake or channel is at least five hundred (500) feet in
 31 width, except for the purpose of trolling or for the purpose of
 32 approaching or leaving a dock, pier, or wharf or the shore of the lake
 33 or channel.

34 (b) Except as provided in subsection (c), a person operating a
 35 motorboat may not approach or pass within two hundred (200) feet of
 36 the shore line of a lake or channel of the lake at a speed greater than ~~ten~~
 37 ~~(10) miles per hour: idle speed.~~

38 (c) This subsection applies to lakes formed by hydroelectric dams
 39 in a county having a population of:

40 (1) more than twenty-three thousand (23,000) but less than
 41 twenty-three thousand five hundred (23,500); or

42 (2) more than eighteen thousand five hundred (18,500) but less

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1 than eighteen thousand eight hundred twenty (18,820).

2 A person operating a motorboat may not approach or pass within fifty
3 (50) feet of the shore line at a speed greater than ~~ten (10) miles per~~
4 ~~hour: idle speed~~. However, on tributaries of lakes described in this
5 subsection that are formed by hydroelectric dams, a person operating
6 a motor boat may not approach or pass within two hundred (200) feet
7 of the shore line of the tributary at a speed greater than ~~ten (10) miles~~
8 ~~per hour: idle speed~~. For the purposes of this chapter, tributaries on
9 lakes formed by hydroelectric dams do not include the principal body
10 of water flowing into the lakes.

11 SECTION 4. IC 14-15-3-20.5 IS ADDED TO THE INDIANA
12 CODE AS A NEW SECTION TO READ AS FOLLOWS
13 [EFFECTIVE JULY 1, 2000]: **Sec. 20.5. A person who operates a**
14 **boat must operate the boat at a noise level that is less than**
15 **eighty-six (86) decibels measured at any distance from the boat.**

16 SECTION 5. IC 14-15-7-3 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 3. (a) The department
18 may adopt rules under IC 4-22-2 to implement this article concerning
19 the following:

- 20 (1) Applications for and the issuance of permits and certificates
21 required by this article.
22 (2) The conduct of watercraft races.
23 (3) Standards of safety for boats used to carry passengers for hire,
24 the determination of the maximum weight that may safely be
25 carried on boats, and the inspection of boats.
26 (4) The safe operation of watercraft upon public water where
27 unusual conditions or hazards exist, such as any of the following:
28 (A) An obstruction in or along public water.
29 (B) Watercraft traffic congestion.
30 (C) A beach, boat launch, marina, dam, spillway, or other
31 recreational facility on or adjacent to public water.
32 (5) The placement, location, and maintenance of the following
33 structures upon public water:
34 (A) Buoys.
35 (B) Markers.
36 (C) Flags.
37 (D) Devices that are used for the purposes of swimming or
38 extending the use of water skis, water sleds, or aquaplanes.
39 **(6) The establishment of zones where the use of watercraft**
40 **may be limited or prohibited for the following purposes:**
41 **(A) Fish, wildlife, or botanical resource management.**
42 **(B) The protection of users.**



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1 **(7) The regulation of watercraft engaged in group or**
2 **organized activities or tournaments.**

3 (b) In a rule adopted under subsection (a)(4) **or (a)(6)**, the
4 department may establish a zone where:

- 5 (1) the operation of all or some types of watercraft is prohibited;
- 6 (2) particular activities are restricted or prohibited; or
- 7 (3) a limitation is placed on the speed at which a watercraft may
- 8 be operated.

9 SECTION 6. IC 14-15-12-8 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2000]: Sec. 8. A person shall not
11 operate a personal watercraft on public waters unless every individual:

- 12 (1) operating;
- 13 (2) riding on; or
- 14 (3) being towed by;

15 the personal watercraft is wearing a personal flotation device that is
16 approved by the United States Coast Guard under 46 CFR 160 and that
17 meets the requirements of ~~310 IAC 2.1~~, **meets the requirements of**
18 **IC 14-15-2-6(b)**, if applicable.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture, Natural Resources and Rural Development, to which was referred House Bill 1075, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 15, delete "dBA" and insert "**decibels**".

and when so amended that said bill do pass.

(Reference is to HB 1075 as introduced.)

LYTLE, Chair

Committee Vote: yeas 11, nays 3.

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