
SENATE BILL No. 562

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-15-14.

Synopsis: Swimming during rip current warnings. Requires a governmental entity that owns or operates an access area to a beach on Lake Michigan to post and maintain signs that: (1) advise that swimming is not allowed when the National Weather Service has issued a high risk rip current warning that is in effect for the beach; and (2) include information explaining rip currents. Requires the natural resources commission to adopt standards for the rip current warning signs. Makes it an infraction (for which a monetary penalty may be imposed) to swim or to allow certain individuals to swim when a rip current warning is in effect. Provides an exception for a person who uses a surfboard, kayak, sailboard, or windsurfing board and wears a life jacket or wetsuit. Raises the level of the infraction committed in the case of: (1) repeated violations; and (2) violations that result in severe bodily injury or death.

Effective: July 1, 2013.

Arnold J

January 14, 2013, read first time and referred to Committee on Agriculture and Natural Resources.

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First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 562



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 14-8-2-21.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2013]: **Sec. 21.1. "Beach", for purposes of IC 14-15-14, has the**
4 **meaning set forth in IC 14-15-14-1.**

5 SECTION 2. IC 14-8-2-84.1 IS ADDED TO THE INDIANA CODE
6 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
7 1, 2013]: **Sec. 84.1. "Endangered adult", for purposes of**
8 **IC 14-15-14, has the meaning set forth in IC 14-15-14-2.**

9 SECTION 3. IC 14-8-2-117.3 IS AMENDED TO READ AS
10 FOLLOWS [EFFECTIVE JULY 1, 2013]: Sec. 117.3. "Governmental
11 entity" **has the following meanings:**

12 (1) **For purposes of IC 14-15-14, the meaning set forth in**
13 **IC 14-15-14-3.**

14 (2) ~~For the~~ purposes of IC 14-22-10-2, IC 14-22-10-2.5, and
15 IC 14-34-19-15, ~~has~~ the meaning set forth in IC 14-22-10-2(a).

16 SECTION 4. IC 14-15-14 IS ADDED TO THE INDIANA CODE
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



1 JULY 1, 2013]:

2 **Chapter 14. Beach Safety**

3 **Sec. 1. As used in this chapter, "beach" means a beach area that**
 4 **is used by the public for recreational purposes.**

5 **Sec. 2. As used in this chapter, "endangered adult" means an**
 6 **individual who is:**

- 7 (1) at least eighteen (18) years of age; and
 8 (2) incapable of providing or directing the provision of
 9 self-care by reason of mental illness, mental retardation,
 10 dementia, or other physical or mental incapacity.

11 **Sec. 3. As used in this chapter, "governmental entity" means the**
 12 **state, a county, a township, a city, or a town.**

13 **Sec. 4. A governmental entity that owns or operates an access**
 14 **area to a beach on Lake Michigan shall post and maintain, in each**
 15 **access area of the beach, a sign that meets the following**
 16 **requirements:**

- 17 (1) The sign must include the following language: "When the
 18 National Weather Service has issued a high risk rip current
 19 warning for this beach, swimming is prohibited under
 20 IC 14-15-14. Violators are subject to penalties."
 21 (2) The sign must include information explaining rip currents.
 22 (3) The sign and the information on the sign must conform to
 23 standards adopted by the commission.

24 **Sec. 5. (a) This section does not apply to an individual who is**
 25 **using a surfboard, kayak, sailboard, or windsurfing board while**
 26 **wearing a:**

- 27 (1) Type I life jacket approved by the United States Coast
 28 Guard; or
 29 (2) full body neoprene wetsuit that covers the torso, the arms
 30 to the wrist, and the legs to the ankles.

31 (b) Except as provided in subsection (c), an individual who
 32 swims in Lake Michigan along a beach when a high risk rip
 33 current warning issued by the National Weather Service is in effect
 34 for the beach commits a Class C infraction.

35 (c) A violation described in subsection (b) is a Class B infraction
 36 if the individual has been adjudged to have committed a prior
 37 unrelated infraction under subsection (b).

38 (d) Except as provided in subsection (e), an individual:

- 39 (1) who is the parent or supervising adult of an individual
 40 who:
 41 (A) is less than eighteen (18) years of age and is not
 42 emancipated;

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1 **(B) is an endangered adult; or**
2 **(C) has a developmental disability (as defined by**
3 **IC 12-7-2-61); and**
4 **(2) who, while the individual described in subdivision (1) is in**
5 **the parent's or supervising adult's care and control,**
6 **knowingly or intentionally allows the individual described in**
7 **subdivision (1) to swim in Lake Michigan along a beach when**
8 **a high risk rip current warning issued by the National**
9 **Weather Service is in effect for the beach commits a Class B**
10 **infraction.**
11 **(e) A violation described in subsection (d) is a Class A infraction**
12 **if:**
13 **(1) the individual has been adjudged to have committed a**
14 **prior unrelated infraction under subsection (d); or**
15 **(2) the commission of the infraction results in serious bodily**
16 **injury (as defined in IC 35-31.5-2-292) or death.**

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