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AB-1682 Vessels: public safety activities. (2021-2022)

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Assembly Bill No. 1682

CHAPTER 203

An act to amend Sections 650.1 and 655.2 of the Harbors and Navigation Code, relating to public safety.

[Approved by Governor August 29, 2022. Filed with Secretary of State August 29, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1682, Boerner Horvath. Vessels: public safety activities.

(1) Existing law generally regulates the operation of vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of the state. Existing law provides specified exemptions to the above-described provision, including for a vessel whose owner is a state or subdivision thereof, that is used principally for governmental purposes, and which is clearly identifiable as such.

This bill would define "subdivision thereof" or "subdivision of the state" to include cities and counties.

(2) Existing law provides that an owner, operator, or person in command of any vessel propelled by machinery who uses it, or permits it to be used, at a speed in excess of 5 miles per hour in any portion of specified beach, swimming, or boat landing areas, not otherwise regulated by local rules and regulations, is guilty of an infraction, as specified. Existing law exempts specified vessels from this provision.

This bill would additionally exempt vessels, including personal water craft, clearly identifiable as lifeguard rescue vessels, as defined, and public safety vessels engaged in public safety activities, as defined, and personal water craft, clearly identifiable as lifeguard rescue vessels or public safety vessels, operating within the surf zone from the above-described provision.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 650.1 of the Harbors and Navigation Code is amended to read:

650.1. (a) This chapter shall apply to vessels and associated equipment used, to be used, or carried in vessels used on waters subject to the jurisdiction of this state.

(b) This chapter, except those sections that expressly indicate otherwise, shall not apply to the following:

- (1) Foreign vessels temporarily using waters subject to state jurisdiction.
- (2) Military or public vessels of the United States, except recreational-type public vessels.

(3) A vessel whose owner is a state or subdivision thereof, that is used principally for governmental purposes, and that is clearly identifiable as such.

(4) Ship's lifeboats.

(c) For purposes of this chapter, "subdivision thereof" or "subdivision of the state" includes cities and counties.

SEC. 2. Section 655.2 of the Harbors and Navigation Code is amended to read:

655.2. (a) Every owner, operator, or person in command of any vessel propelled by machinery is guilty of an infraction who uses it, or permits it to be used, at a speed in excess of five miles per hour in any portion of the following areas not otherwise regulated by local rules and regulations:

(1) Within 100 feet of any person who is engaged in the act of bathing. A person engaged in the sport of water skiing shall not be considered as engaged in the act of bathing for the purposes of this section.

(2) Within 200 feet of any of the following:

(A) A beach frequented by bathers.

(B) A swimming float, diving platform, or lifeline.

(C) A way or landing float to which boats are made fast or that is being used for the embarkation or discharge of passengers.

(b) This section does not apply to the following:

(1) Vessels, including personal water craft, clearly identifiable as lifeguard rescue vessels engaged in public safety activities.

(2) Public safety vessels engaged in direct law enforcement activities or public safety activities that are displaying the distinctive blue lights prescribed by subdivision (a) of Section 652.5.

(3) Personal water craft, clearly identifiable as lifeguard rescue vessels or public safety vessels, operating within the surf zone.

(c) The vessels described in subdivision (b) are also exempt from any locally imposed speed regulation adopted pursuant to Section 660, but shall be operated in accordance with subdivision (c) of Section 655.7.

(d) For purposes of this section, the following terms have the following meanings:

(1) "Clearly identifiable as lifeguard rescue vessel" means an authorized lifeguard water rescue vessel operated by or owned by a public agency.

(2) "Public safety activities" include public agency sanctioned patrolling, traffic control, assisting disabled vessels, salvage operations, firefighting, providing medical assistance, search and rescue, and training.