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Regular Session  
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. B. No.

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**A B I L L**

To amend sections 1547.01 and 4561.12 and to enact 1  
section 4561.121 of the Revised Code to modify the 2  
law concerning the operation of seaplanes on 3  
public waters and to modify the requirements 4  
governing the operation and maintenance of any 5  
aircraft on public lands and waters. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

Section 1. That sections 1547.01 and 4561.12 be amended and 7  
section 4561.121 of the Revised Code be enacted to read as 8  
follows: 9

Sec. 1547.01. (A) As used in sections 1541.03, 1547.26, 10  
1547.39, 1547.40, 1547.53, 1547.54, 1547.541, 1547.542, 1547.543, 11  
1547.56, 1547.57, 1547.66, and 5311.01 of the Revised Code, 12  
"watercraft" means any of the following when used or capable of 13  
being used for transportation on the water: 14

(1) A vessel operated by machinery either permanently or 15  
temporarily affixed; 16

(2) A sailboat other than a sailboard; 17

(3) An inflatable, manually propelled boat that is required 18  
by federal law to have a hull identification number meeting the 19  
requirements of the United States coast guard; 20

(4) A canoe or rowboat.	21
"Watercraft" does not include ferries as referred to in Chapter 4583. of the Revised Code.	22 23
Watercraft subject to section 1547.54 of the Revised Code shall be divided into five classes as follows:	24 25
Class A: Less than sixteen feet in length;	26
Class 1: At least sixteen feet, but less than twenty-six feet in length;	27 28
Class 2: At least twenty-six feet, but less than forty feet in length;	29 30
Class 3: At least forty feet, but less than sixty-five feet in length;	31 32
Class 4: At least sixty-five feet in length.	33
(B) As used in this chapter:	34
(1) "Vessel" includes every description of craft, including nondisplacement craft <del>and seaplanes</del> , designed to be used as a means of transportation on water.	35 36 37
(2) "Rowboat" means any vessel, except a canoe, that is designed to be rowed and that is propelled by human muscular effort by oars or paddles and upon which no mechanical propulsion device, electric motor, internal combustion engine, or sail has been affixed or is used for the operation of the vessel.	38 39 40 41 42
(3) "Sailboat" means any vessel, equipped with mast and sails, dependent upon the wind to propel it in the normal course of operation.	43 44 45
(a) Any sailboat equipped with an inboard engine is deemed a powercraft with auxiliary sail.	46 47
(b) Any sailboat equipped with a detachable motor is deemed a sailboat with auxiliary power.	48 49

(c) Any sailboat being propelled by mechanical power, whether 50  
under sail or not, is deemed a powercraft and subject to all laws 51  
and rules governing powercraft operation. 52

(4) "Powercraft" means any vessel propelled by machinery, 53  
fuel, rockets, or similar device. 54

(5) "Person" includes any legal entity defined as a person in 55  
section 1.59 of the Revised Code and any body politic, except the 56  
United States and this state, and includes any agent, trustee, 57  
executor, receiver, assignee, or other representative thereof. 58

(6) "Owner" includes any person who claims lawful possession 59  
of a vessel by virtue of legal title or equitable interest therein 60  
that entitled the person to that possession. 61

(7) "Operator" includes any person who navigates or has under 62  
the person's control a vessel, or vessel and detachable motor, on 63  
the waters in this state. 64

(8) "Visible" means visible on a dark night with clear 65  
atmosphere. 66

(9) "Waters in this state" means all streams, rivers, lakes, 67  
ponds, marshes, watercourses, waterways, and other bodies of 68  
water, natural or humanmade, that are situated wholly or partially 69  
within this state or within its jurisdiction and are used for 70  
recreational boating. 71

(10) "Navigable waters" means waters that come under the 72  
jurisdiction of the department of the army of the United States 73  
and any waterways within or adjacent to this state, except inland 74  
lakes having neither a navigable inlet nor outlet. 75

(11) "In operation" in reference to a vessel means that the 76  
vessel is being navigated or otherwise used on the waters in this 77  
state. 78

(12) "Sewage" means human body wastes and the wastes from 79

toilets and other receptacles intended to receive or retain body waste.	80 81
(13) "Canoe" means a narrow vessel of shallow draft, pointed at both ends and propelled by human muscular effort, and includes kayaks, racing shells, and rowing sculls.	82 83 84
(14) "Coast guard approved" means bearing an approval number assigned by the United States coast guard.	85 86
(15) "Type one personal flotation device" means a device that is designed to turn an unconscious person floating in water from a face downward position to a vertical or slightly face upward position and that has at least nine kilograms, approximately twenty pounds, of buoyancy.	87 88 89 90 91
(16) "Type two personal flotation device" means a device that is designed to turn an unconscious person in the water from a face downward position to a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.	92 93 94 95 96
(17) "Type three personal flotation device" means a device that is designed to keep a conscious person in a vertical or slightly face upward position and that has at least seven kilograms, approximately fifteen and four-tenths pounds, of buoyancy.	97 98 99 100 101
(18) "Type four personal flotation device" means a device that is designed to be thrown to a person in the water and not worn and that has at least seven and five-tenths kilograms, approximately sixteen and five-tenths pounds, of buoyancy.	102 103 104 105
(19) "Type five personal flotation device" means a device that, unlike other personal flotation devices, has limitations on its approval by the United States coast guard, including, without limitation, all of the following:	106 107 108 109

(a) The approval label on the type five personal flotation device indicates that the device is approved for the activity in which the vessel is being used or as a substitute for a personal flotation device of the type required on the vessel in use.	110 111 112 113
(b) The personal flotation device is used in accordance with any requirements on the approval label.	114 115
(c) The personal flotation device is used in accordance with requirements in its owner's manual if the approval label refers to such a manual.	116 117 118
(20) "Inflatable watercraft" means any vessel constructed of rubber, canvas, or other material that is designed to be inflated with any gaseous substance, constructed with two or more air cells, and operated as a vessel. Inflatable watercraft propelled by a motor shall be classified as powercraft and shall be registered by length. Inflatable watercraft propelled by a sail shall be classified as a sailboat and shall be registered by length.	119 120 121 122 123 124 125 126
(21) "Idle speed" means the slowest possible speed needed to maintain steerage or maneuverability.	127 128
(22) "Diver's flag" means a red flag not less than one foot square having a diagonal white stripe extending from the masthead to the opposite lower corner that when displayed indicates that divers are in the water.	129 130 131 132
(23) "Muffler" means an acoustical suppression device or system that is designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.	133 134 135 136
(24) "Law enforcement vessel" means any vessel used in law enforcement and under the command of a law enforcement officer.	137 138
(25) "Personal watercraft" means a vessel, less than sixteen	139

feet in length, that is propelled by machinery and designed to be 140  
operated by an individual sitting, standing, or kneeling on the 141  
vessel rather than by an individual sitting or standing inside the 142  
vessel. 143

(26) "No wake" has the same meaning as "idle speed." 144

(27) "Watercraft dealer" means any person who is regularly 145  
engaged in the business of manufacturing, selling, displaying, 146  
offering for sale, or dealing in vessels at an established place 147  
of business. "Watercraft dealer" does not include a person who is 148  
a marine salvage dealer or any other person who dismantles, 149  
salvages, or rebuilds vessels using used parts. 150

(28) "Electronic" includes electrical, digital, magnetic, 151  
optical, electromagnetic, or any other form of technology that 152  
entails capabilities similar to these technologies. 153

(29) "Electronic record" means a record generated, 154  
communicated, received, or stored by electronic means for use in 155  
an information system or for transmission from one information 156  
system to another. 157

(30) "Electronic signature" means a signature in electronic 158  
form attached to or logically associated with an electronic 159  
record. 160

(31) "Drug of abuse" has the same meaning as in section 161  
4506.01 of the Revised Code. 162

(32) "Watercourse" means a substantially natural channel with 163  
recognized banks and bottom in which a flow of water occurs, with 164  
an average of at least ten feet mean surface water width and at 165  
least five miles of length. 166

(33) "Impoundment" means the reservoir created by a dam or 167  
other artificial barrier across a watercourse that causes water to 168  
be stored deeper than and generally beyond the banks of the 169

natural channel of the watercourse during periods of normal flow, 170  
but does not include water stored behind rock piles, rock riffle 171  
dams, and low channel dams where the depth of water is less than 172  
ten feet above the channel bottom and is essentially confined 173  
within the banks of the natural channel during periods of normal 174  
stream flow. 175

(34) "Wild river area" means an area declared a wild river 176  
area by the director of natural resources under this chapter and 177  
includes those rivers or sections of rivers that are free of 178  
impoundments and generally inaccessible except by trail, with 179  
watersheds or shorelines essentially primitive and waters 180  
unpolluted, representing vestiges of primitive America. 181

(35) "Scenic river area" means an area declared a scenic 182  
river area by the director under this chapter and includes those 183  
rivers or sections of rivers that are free of impoundments, with 184  
shorelines or watersheds still largely primitive and shorelines 185  
largely undeveloped, but accessible in places by roads. 186

(36) "Recreational river area" means an area declared a 187  
recreational river area by the director under this chapter and 188  
includes those rivers or sections of rivers that are readily 189  
accessible by road or railroad, that may have some development 190  
along their shorelines, and that may have undergone some 191  
impoundment or diversion in the past. 192

~~Sec. 4561.12. (A) Unless operated by the department of~~ 193  
~~transportation or its agents, no aircraft shall~~ Aircraft may be 194  
operated or maintained on any public land or water owned or 195  
controlled by this state, or by any political subdivision of this 196  
state, except at such places and under such rules ~~and regulations~~ 197  
governing and controlling the operation and maintenance of 198  
aircraft as are adopted ~~and promulgated~~ by the department of 199  
transportation in accordance with sections 119.01 to 119.13 of the 200

Revised Code. 201

~~Such action and approval by the (B) The department shall not~~ 202  
~~become effective until it has been approved by the adoption and~~ 203  
~~promulgation of appropriate rules governing, controlling, and~~ 204  
~~approving said places and the method of operation and maintenance~~ 205  
~~may prohibit the landing of aircraft, by the department, division,~~ 206  
~~political subdivision, agent, or agency of this state having~~ 207  
~~ownership or control of the places on said public land or water~~ 208  
~~which are affected by such operation or maintenance of aircraft~~ 209  
~~thereon.~~ 210

~~(B) Whoever for specified public health and safety reasons,~~ 211  
~~and a political subdivision may submit a petition to the~~ 212  
~~department seeking such a prohibition.~~ 213

~~(C) (1) No person shall land an aircraft at a location at~~ 214  
~~which the department has prohibited the landing of aircraft under~~ 215  
~~division (B) of this section.~~ 216

~~(2) Whoever violates division (C) (1) of this section shall be~~ 217  
~~finned not more than five hundred dollars, imprisoned not more than~~ 218  
~~ninety days, or both.~~ 219

Sec. 4561.121. (A) A seaplane is not a vessel and is not 220  
subject to classification as a watercraft or powercraft. Except as 221  
provided in division (B) of this section, a seaplane is not 222  
subject to any laws or rules that apply to watercraft or 223  
powercraft. 224

(B) The pilot of a seaplane, while operating the seaplane on 225  
the surface of any public water owned or controlled by this state 226  
or by any political subdivision of this state, shall comply with 227  
all navigation laws and rules that apply to the operation of 228  
watercraft and powercraft on such waters. 229

(C) Every seaplane, while operating on the surface of any 230



<u>public water owned or controlled by this state or by any political</u>	231
<u>subdivision of this state, shall carry the following safety</u>	232
<u>equipment on board:</u>	233
<u>(1) An anchor of sufficient size and design for the weight of</u>	234
<u>the seaplane;</u>	235
<u>(2) An anchor line of sufficient size for the seaplane, and</u>	236
<u>of sufficient length for the depth of waters in which the seaplane</u>	237
<u>is expected to be operated that will result in a scope of seven to</u>	238
<u>one;</u>	239
<u>(3) A whistle;</u>	240
<u>(4) A pyrotechnic signaling device;</u>	241
<u>(5) A United States coast guard approved personal flotation</u>	242
<u>device within easy reach of each person on board the seaplane, or</u>	243
<u>an inflatable personal flotation device worn by each person on</u>	244
<u>board the seaplane.</u>	245
Section 2. That existing sections 1547.01 and 4561.12 of the	246
Revised Code are hereby repealed.	247