

Testimony of Bert Krages In Support of HB 3006

HB 3006 as drafted would change Oregon law in three significant ways:

1. codify the existing Oregon State Marine Board rule requiring children to wear personal flotation devices (PFDs) and raise the applicable ages to fifteen years and younger;
2. require children 15 years and younger to wear PFDs when using inner tubes and pool toys to float on water bodies such as rivers; and
3. limit the ability of the Marine Board to adopt rules pertaining to the carriage and wearing of PFDs by extending to all rules adopted pursuant to ORS 830.215 the requirement that rules pertaining to the classification and approval of PFDs be consistent with, but not exceed, Coast Guard regulations.

I wholeheartedly support the first PFD-wear requirement described above because some have expressed doubts that the Marine Board had sufficient statutory authority when it adopted its PFD-wear rule for children in 1998. The Marine Board rule is not controversial and compliance is very high. I have personally witnessed children between 13 and 15 being thrown into the water during activities such as tubing. Due to lack of experience and maturity, children in this age range do not always handle such situations well and the wearing of PFDs unquestionably saves lives of children in this age group.

I likewise support the second PFD-wear requirement because of the hazards inherent in using unstable, flimsy, and difficult-to-steer devices such as inner tubes and pool toys to float down rivers or use on cold-water lakes. Unfortunately, parents and children tend to overestimate the ability of children to swim, underestimate the hazards present in rivers and lakes, and fail to appreciate the tendency of children to panic during unexpected events.

The third item, which relates to adding a proposed subsection (6) to ORS 830.215, is problematic because it would severely curtail the ability of OSMB to adopt rules relating to the carriage and wearing of PFDs. This archaic restriction dates back to the 1973 legislative session and has always been limited to rules pertaining to the classification and approval of PFDs. Extending this provision to encompass the entirety of ORS 830.215 would prohibit the Marine Board from using ORS 830.215 as the basis to adopt rules pertaining to situations such as persons being towed (*e.g.*, water skiers) or persons operating boats during hazardous conditions (*e.g.*, crossing coastal bars), because Coast Guard regulations do not encompass these kinds of situations.

The restriction serves little practical purpose considering the changes in Coast Guard regulations since 1973 and the restrictions already imposed by federal preemption. The restriction could be removed from the statute altogether with no effect on existing requirements. At a minimum, the restriction should be restored to its current scope by amending HB 3006 to move subsection (6) to subsection (2)(d). This would return the restriction to its current place in the statute.

Thank you for the opportunity to submit testimony.