

Testimony of Brian Sloop

- 1) Against - not because of the idea of life jacket safety but because of the shift of law making from Legislative to Administrative with no Legislative oversight.
- 2) Propose changing wording of amendment to include other Coast Guard guidance.

Regarding responsibility shift -

In this instance of matching Federal verbiage on PFDs with state law, I can understand the desire to simplify the process by changing the law to simply default to State regulatory change instead of having to touch the State Legislative process. I do have concerns with the practice of defaulting law making to a regulatory agency as a whole. The point of making laws is to have multiple levels of oversight by unbiased parties that a change is in the best interest. A change that appears to be of good intent today, can be abused in the future for unrelated reasons that "may" not be equally clear.

IF KDWPT is going to be touching KSA 32-1129 for the purpose of matching federal language, I encourage a single word change that will better align Kansas law with Federal/USCG regulations and reasonable, common practices of boaters.

Kansas law 32-1129, is overly inclusive in that it makes NO exception for youth under 13 to not wear a life jacket while onboard a vessel. This is an unreasonable over reach that is not followed in practice and should be corrected. US Coast Guard regulation stipulates

- Federal Law requires that when a vessel is underway, children under 13 years of age must wear their life jacket.
- exceptions for when below deck or within an enclosed cabin.

<https://uscgboating.org/recreational-boaters/life-jacket-wear-wearing-your-life-jacket.php>

Under current Kansas; technically a child under 13 must SLEEP in a life jacket. While unreasonable from a comfort aspect, it can also be unsafe in the event of a rapid capsizing or sinking. Anyone wearing a PFD in an enclosed cabin could be pinned by the flotation of PFD to the "ceiling", possibly preventing escape. When a boat is moored or anchored, there is no risk of the vessel rapidly leaving an overboard person behind. A stationary vessel is no different than a youth wading on shore, walking a dock, walking pool side or swimming yet youth PFD wear is currently treated differently. While there are always "best practices", it also must be recognized "zero" is never possible and there must be reasonable balance between regulation and responsibility.

Where Kansas law is currently not able to be practiced or enforced, a change in line with current USCG guidance is prudent. A single word or phrase change in the exiting proposed language would resolve this conflict.

Substitute "aboard" for "underway" or "underway and not in an enclosed cabin"

Section 1. K.S.A. 32-1129 is hereby amended to read as follows: 32- 1129. (a) The operator of every vessel shall require every person 12 years of age or under to wear a United States coast "Guard approved type I, type II or type III" guard-approved personal flotation device as prescribed in rules and regulations of the secretary of wildlife, parks and tourism while "*aboard*" **underway** or being towed by such vessel. A life belt or ring shall not satisfy the requirement of this section.

Thank you,
Brian Sloop

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