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## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule** LSA Document #03-24

#### **DIGEST**

Amends 312 IAC 5-2-47 that defines “waters of concurrent jurisdiction” to include the portion of the Wabash River that forms a border with Illinois and to include the Great Miami River. Amends 312 IAC 5-13-2 by requiring children under 13 years of age to wear personal flotation devices (sometimes call “life preservers”) to conform with United States Coast Guard requirements. Deletes rule language pertaining to personal flotation devices that is now addressed by statute. Effective 30 days after filing with the secretary of state.

#### **312 IAC 5-2-47**

#### **312 IAC 5-13-2**

SECTION 1. 312 IAC 5-2-47 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 5-2-47 “Waters of concurrent jurisdiction” defined**

**Authority:** IC 14-10-2-4; IC 14-11-2-1; IC 14-15-7-3

**Affected:** IC 14

Sec. 47. “Waters of concurrent jurisdiction” means the portions of Lake Michigan over which Indiana has concurrent jurisdiction with the United States and the portions of the Ohio River over which Indiana has concurrent jurisdiction with the commonwealth of Kentucky; refers to the following waters within Indiana:

- (1) Lake Michigan.
- (2) Ohio River.
- (3) Wabash River where it forms the boundary between Indiana and Illinois.
- (4) Great Miami River.

*(Natural Resources Commission; 312 IAC 5-2-47; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2368, eff Jan 1, 2002)*

SECTION 2. 312 IAC 5-13-2 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 5-13-2 Children wearing personal flotation devices on waters of concurrent jurisdiction**

**Authority:** IC 14-10-2-4; IC 14-15-7-5

**Affected:** IC 14-15

Sec. 2. (a) A person must not use a recreational watercraft **on waters of concurrent jurisdiction** unless at least one (1) ~~personal flotation device is onboard for each person as follows:~~

- (1) ~~Type I personal flotation device.~~
- (2) ~~Type H personal flotation device.~~
- (3) ~~Type HH personal flotation device.~~

(b) A person must not use a recreational watercraft at least sixteen (16) feet long unless one (1) Type IV personal flotation device is on-board in addition to the total number of personal flotation devices required in subsection (a).

(c) Notwithstanding subsections (a) and (b), a Type V personal flotation device may be carried instead of a required personal flotation device if the Type V personal flotation device is approved by the United States Coast Guard for the activity in which the recreational watercraft is being used: **each child onboard under thirteen (13) years of age is wearing an appropriate personal**

**flotation device approved by the United States Coast Guard, except where:**

- (1) the child is below deck;**
- (2) the child is in an enclosed cabin; or**
- (3) the watercraft is docked or at anchor.**

*(Natural Resources Commission; 312 IAC 5-13-2; filed Mar 23, 2001, 2:50 p.m.: 24 IR 2388, eff Jan 1, 2002)*

***Notice of Public Hearing***

*Under IC 4-22-2-24, notice is hereby given that on April 28, 2003 at 10:30 a.m., at the Natural Resources Commission, Division of Hearings, Indiana Government Center-South, 402 West Washington Street, Room W272, Indianapolis, Indiana the Natural Resources Commission will hold a public hearing on proposed amendments to 312 IAC 5-2-47 to include the portion of the Wabash River that forms a border with Illinois and to include the Great Miami River in the definition of waters of concurrent jurisdiction. Amends 312 IAC 5-13-2 by requiring children under 13 years of age to wear personal flotation devices (sometimes call "life preservers") to conform with United States Coast Guard requirements. Deletes rule language pertaining to personal flotation devices that is now addressed by statute. Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W272 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.*

Michael Kiley  
Chairman  
Natural Resources Commission