

115-30-3. Personal flotation devices; requirements recreational vessels. (a) For the purposes of this article of the department's regulations, "PFD" shall mean any type I, II, III, IV or V personal flotation device that is labeled and approved by the United States coast guard for use on recreational vessels.

(b) Each recreational vessel shall have at least one type I, II, or III readily accessible, wearable PFD in serviceable condition on board for each individual in the vessel and at least one type I, II, or III wearable PFD on board for each individual being towed. No operator of any recreational vessel shall operate the vessel or allow the vessel to be operated unless each individual 12 years of age or younger wears an approved wearable PFD while being towed behind the vessel or aboard the vessel, unless the individual is below decks or in an enclosed cabin.

(c) To meet the "serviceable condition" requirement of K.S.A. 32-1119 and amendments thereto, each required PFD shall meet the requirements defined by of 33 C.F.R. 175.23, as in effect on April 29, 1996, which is hereby adopted by reference, and shall be of the appropriate size and type fit for the individual to whom it the PFD is assigned.

(d) In addition to the provisions of subsection (b), each recreational vessel 16 feet or greater in length, except canoes and kayaks, shall have at least one type IV throwable PFD on board. Each throwable PFD shall be in serviceable condition, labeled as U.S. coast guard-approved, and readily accessible.

(e) Each PFD shall be used in accordance with the requirements of the PFD's label and in accordance with the owner's manual, if the label refers to an owner's manual. A type V personal flotation device may be used to satisfy requirements of subsections (b) or (d) if these conditions are met:

~~(1) the device is United States coast guard approved;~~

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~~(2) the device is labeled for the activity for which the recreational vessel is being used;~~

~~(3) the device is used in accordance with requirements on the label; and~~

~~(4) the device is used in accordance with the requirements in its owner's manual if the label refers to the manual.~~

(f) To meet the "readily accessible" requirement of K.S.A. 32-1119 and amendments thereto, each required PFD shall be in open view, ~~and~~ A required PFD shall not be stowed in locked or closed compartments or be inside plastic or other packaging material. (Authorized by and implementing K.S.A. 2020 Supp. 32-1119 and K.S.A. 32-1129, as amended by L. 2021, ch. 68, sec. 2; effective Oct. 22, 1990; amended March 20, 1995; amended Feb. 28, 1997; amended P-_____.)

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**Kansas Administrative Regulations
Economic Impact Statement
For the Kansas Division of the Budget**

KDWPT
Agency

Christopher J Tymeson
Agency Contact

785-296-1032
Contact Phone Number

K.A.R. 115-30-3
K.A.R. Number(s)

Submit a hard copy of the proposed rule(s) and regulation(s) and any external documents that the proposed rule(s) and regulation(s) would adopt, along with the following to: Division of the Budget
900 SW Jackson, Room 504-N
Topeka, KS 66612

I. Brief description of the proposed rule(s) and regulation(s).

This proposed establishes requirements for personal floatation devices. The proposed changes conform the regulation with federal regulations and state statutory changes in 2021.

II. Statement by the agency if the rule(s) and regulation(s) is mandated by the federal government and a statement if approach chosen to address the policy issue is different from that utilized by agencies of contiguous states or the federal government. (If the approach is different, then include a statement of why the Kansas rule and regulation proposed is different)

This is a federal mandate. The nomenclature for personal floatation devices changed on the federal level and states must follow to authorize the new rating system for personal floatation devices. All currently existing personal floatation devices remain operational as long as they are still serviceable. Missouri, Oklahoma, Colorado and Nebraska all have regulations regarding personal floatation devices.

III. Agency analysis specifically addressing following:

A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

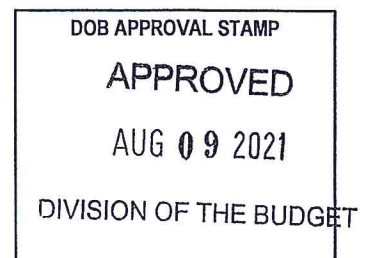
The regulation proposal would not likely substantially restrict business activities and growth.

B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that would be affected by the proposed rule and regulation and on the state economy as a whole;

The regulation changes would not have a significant economic effect.

C. Businesses that would be directly affected by the proposed rule and regulation;

None.



D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

The alternative would be to keep the same language and new personal floatation devices could not be used or sold and be valid in Kansas.

E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

The proposal would likely have no negative economic impact on any sector in Kansas.

F. An estimate, expressed as a total dollar figure, of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs expected to be incurred by business or local governments.

An estimate, expressed as a total dollar figure, of the total implementation and compliance costs that are reasonably expected to be incurred by or passed along to business, local governments, or members of the public.

There are no implementation or compliance costs expected to be incurred by business or local governments.

Do the above total implementation and compliance costs exceed \$3.0 million over any two-year period?

YES NO

Give a detailed statement of the data and methodology used in estimating the above cost estimate.

The proposed version of the regulation would allow the sale and use of newly authorized personal floatation devices under the new rating system. All currently existing personal floatation devices remain legal until they become unserviceable.

Prior to the submission or resubmission of the proposed rule(s) and regulation(s), did the agency hold a public hearing if the total implementation and compliance costs exceed \$3.0 million over any two-year period to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.

YES NO

The agency held a public hearing on this regulation on June 17 in Wichita, where at least 9 members of the public attended and August 5 virtually, where at least 7 members of the public attended. The agency will also hold hearings on September 23 in Beloit and November 18 in Oakley.

G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or



imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Not applicable.

- H. Describe how the agency consulted and solicited information from businesses, associations, local governments, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s).**

News releases to every newspaper in the state, discussion at prior public hearings and meetings which are broadcast online, publication in the Kansas Register and publication on the Department's website.

- I. For environmental rule(s) and regulation(s) describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, as well as the persons would bear the costs and would be affected by the failure to adopt the rule(s) and regulation(s).**

Not applicable.

