Bill as Introduced

SB 317 – AS INTRODUCED

2012 SESSION

12-2980
03/01

SENATE BILL ***317***

AN ACT relative to towable devices permitted to be towed by a motorboat.

SPONSORS: Sen. Luther, Dist 12; Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Rep. J. Belanger, Hills 5; Rep. Flanagan, Hills 5; Rep. Seidel, Hills 20

COMMITTEE: Transportation

ANALYSIS

This bill allows up to 6 persons to be towed on a towable tube by a motorboat.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

12-2980
03/01

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to towable devices permitted to be towed by a motorboat.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Motorboat Towing. Amend RSA 270-D:3, III to read as follows:

III. No ***more than 6 persons may be towed on a towable tube and no*** more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When 2 ***or more*** persons are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

2 Effective Date. This act shall take effect January 1, 2013.

SB 317 – AS AMENDED BY THE SENATE

03/07/12 1020s

2012 SESSION

12-2980
03/01

SENATE BILL *317*

AN ACT relative to towable devices permitted to be towed by a motorboat.

SPONSORS: Sen. Luther, Dist 12; Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Rep. J. Belanger, Hills 5; Rep. Flanagan, Hills 5; Rep. Seidel, Hills 20

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill allows up to 6 persons to be towed on one or more inflatable tubes by a motorboat.

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2 New Paragraph; Definitions; Inflatable Tube. Amend RSA 270-D:1 by inserting after paragraph VI the following new paragraph:

VI-a. "Inflatable tube" means an inflatable device manufactured and designed for the specific purpose of towing persons behind a motorboat. Such device shall be manufactured with a point of attachment for a tow line in addition to any safety handles, ropes, or lines, for each person being towed.

3 Definitions; Water Skiing. Amend RSA 270-D:1, XIII to read as follows:

XIII. "Water skiing" means a person being towed behind a moving motorboat on skis or on aquatic equipment designed for towing an aquaplane or any other device, including bare feet of a person, but excluding a person being towed ***on an inflatable tube or*** in another boat or motorboat.

4 Report by Department of Safety. The department of safety shall prepare a report providing statistics on accidents and injuries relating to towing of persons by motorboats and whether any discernable change in such statistics occurs after the effective date of this act. The report shall cover a multiyear period extending at least through summer 2013. The department shall submit the report to the senate and house transportation committees on or before October 30, 2013.

5 Effective Date. This act shall take effect upon its passage.

03/07/12 1020s

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COMMITTEE: Transportation

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5 Effective Date. This act shall take effect upon its passage.

Amendments

Sen. Luther, Dist. 12
February 22, 2012
2012-1008s
03/04

Amendment to SB 317

Amend the bill by replacing all after the enacting clause with the following:

1 Motorboat Towing. Amend RSA 270-D:3, III to read as follows:

III. No ***more than 6 persons may be towed on one or more inflatable tubes and no*** more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When [2] ***4 or more*** persons are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

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5 Effective Date. This act shall take effect upon its passage.

2012-1008s

AMENDED ANALYSIS

This bill allows up to 6 persons to be towed on one or more inflatable tubes by a motorboat.

Senate Transportation
February 23, 2012
2012-1020s
03/05

Amendment to SB 317

Amend the bill by replacing all after the enacting clause with the following:

1 Motorboat Towing. Amend RSA 270-D:3, III to read as follows:

III. No ***more than 6 persons may be towed on one or more inflatable tubes and no*** more than 2 persons may be towed on water skis, aquaplanes, or other devices from the same motorboat at the same time. When [2] ***3 or more*** persons are being towed, 2 observers, in addition to the operator, shall be in the towing vessel. Such observers shall be 13 years of age or older. Notwithstanding this paragraph, more than 2 skiers may be towed if a special permit is issued by the director.

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5 Effective Date. This act shall take effect upon its passage.

2012-1020s

AMENDED ANALYSIS

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Committee Minutes

Printed: 01/05/2012 at 8:59 am

SENATE CALENDAR NOTICE
TRANSPORTATION

Senator Jim Rausch Chairman
Senator David Boutin V Chairman
Senator James Forsythe
Senator Molly Kelly
Senator Nancy Stiles

For Use by Senate Clerk's Office ONLY
☐ Bill Status
☐ Docket
☐ Calendar
Proof: ☐ Calendar ☐ Bill Status

Date: January 5, 2012

HEARINGS

Thursday **1/26/2012**

(Name of Committee)	(Place)	(Time)
TRANSPORTATION	LOB 103	9:00 AM

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	SB291	relative to the use of currently allowed impact fees by municipalities.
9:30 AM	SB296	relative to including next-of-kin contact information on a driver's license.
10:00 AM	SB313-FN	relative to state photographic identification indicating veteran's status.
10:30 AM	SB315	requiring motorists to give wide berth to highway maintenance vehicles.
10:45 AM	SB317	relative to towable devices permitted to be towed by a motorboat.
11:15 AM	SB332	repealing a prohibition relative to auxiliary state troopers and repealing the law governing motor vehicles carrying property for hire.

Sponsors:

SB291

Sen. David Boutin	Sen. Tom De Blois	Sen. Lou D'Allesandro	Sen. Bob Odell
Sen. Jim Rausch	Rep. Frank Kotowski	Rep. David Hess	Rep. Todd Smith
Rep. John Graham			

SB296

Sen. Nancy Stiles	Sen. Sharon Carson	Sen. David Boutin	Sen. John Barnes, Jr.
Rep. Terie Norelli	Rep. Laura Pantelakos	Rep. James Waddell	Rep. Chris Nevins
Rep. Laura Jones			

SB313-FN

Sen. Sharon Carson	Sen. John Barnes, Jr.	Sen. Gary Lambert	Sen. Jeb Bradley
Rep. Alfred Baldasaro	Rep. Daniel Tamburello	Rep. Jeanine Notter	Rep. Robert Theberge

SB315

Sen. Jim Rausch	Rep. Sherman Packard	Rep. John Graham	Sen. David Boutin
Sen. Nancy Stiles	Sen. Molly Kelly	Rep. David Campbell	

SB317

Sen. Jim Luther	Sen. Sharon Carson	Sen. John Gallus	Sen. Gary Lambert
Rep. James Belanger	Rep. Jack Flanagan	Rep. Carl Seidel	

SB332

Sen. Jim Rausch

Jennifer Horgan 271-3091

Sen. Jim Rausch
Chairman

Transportation Committee

Hearing Report

TO: Members of the Senate

FROM: Jennifer Horgan, Legislative Aide

RE: Hearing report on SB 317 – relative to towable devices permitted to be towed by a motorboat.

HEARING DATE: 01/26/2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Rausch, Senator Boutin, Senator Kelly, Senator Stiles, Senator Forsythe.

MEMBERS OF THE COMMITTEE ABSENT: No one

Sponsor(s): Sen. Luther, Dist 12; Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Rep. J. Belanger, Hills 5; Rep. Flanagan, Hills 5; Rep. Seidel, Hills 20

What the bill does: This bill allows up to 6 persons to be towed on a towable tube by a motorboat.

Who supports the bill: Senator Carson; Senator Gallus; Senator Luther; Kathy Crayfox, NH Marine Trade Association

Who opposes the bill: Lieutenant Tim Dunleavy, Safety Marine Patrol

Summary of testimony received:

- **Senator Rausch** opened the hearing at 10:45.
- **Senator Luther** introduced SB317 by stating that he was asked by a constituent to bring this legislation forward. The Senator noted the constituent could not be present today, but will be in two weeks and requested that the hearing be recessed to allow the constituent to testify. The constituent works with a lot of summer groups and found a limitation in NH RSA 270-D:3 which states that no more than two people may be towed by the same motor boat at the same time. Senator Luther noted that there are now many larger devices that hold more than six people at a time. This proposed legislation would allow up to six people to be towed on a tube
- **Senator Stiles** asked if this was in reference to the Islands of Fun.
- **Senator Luther** answered that this is more in reference to cylinder shaped devices, as the Islands of Fun are a little unwieldy. The devices referenced here are ones where you sit and are towed by a rope

- **Senator Rausch** asked if Senator Luther would like to request a recess after taking the testimony.
- **Senator Luther** responded yes.
- **Senator Rausch** stated that after hearing testimony the hearing will be recessed until February 9th.
- **Lieutenant Dunleavy** (Marine Patrol) is opposed and said currently the law in NH has been in effect for 25years at least. He recognized that many devices that are now being sold well exceed the capacity of two people, some up to a dozen at a time. Lt. Dunleavy expressed concern referencing the current statute that requires an observer for each person. He noted that over 40% of boating accidents are injuries from people being towed. 20% of boating accidents in the last six years have been off of towable devices, which highlight the need for observers. Lt. Dunleavy described that this legislation as proposed allows six people with only two observers required. He also has concerns that if more than one person is on the tube they hit one another and that can cause serious injuries. The final concern that Lt. Dunleavy outlined was that when people fall off of these tubes they don't fall off at the same location and the boats are continuing to travel, therefore if or when they are injured under the current statute there is one observer to each towed person that is able to assist and hold an emergency flag. The last thing Lt. Dunleavy pointed out was that camps that have ski shows and can request a permit for water shows. This allows for more than two people to be towed, but also requires a chase boat and the Department feels that the current statute addresses the issues of shows and is appropriate for the safety of people being towed. There are also concerns about the ability to accommodate the people on the boat and the people being towed within the capacity of the boat.
- **Senator Rausch** asked if Lt. Dunleavy saw any safe way of accommodating devices that hold more than two because they are already being sold.
- **Lt. Dunleavy** suggested that at least for an observer for each person because of the potential for injuries. He recognizes that it is fun activity, but it is risky especially when people fall off and are injured or susceptible to other boating traffic
- **Senator Boutin** asked if you had six people being towed the Department would want six observers.
- **Lt. Dunleavy** answered yes
- **Senator Boutin** questioned the possibility of accommodating on the boat six observers, a driver and the six people being towed.
- **Lt. Dunleavy** answered that there is a capacity problem, but the boats they have been stopping with these large devices are large boats.
- **Senator Boutin** asked if you are in a boat are you required to wear a life jacket.
- **Lt. Dunleavy** responded that it depends on your age. You have to wear a life vest if you are under 12 years of age or if you are being towed.
- **Senator Boutin** said that he is concerned that if we take the strict liberty view we would say you are responsible for your own actions, but if the state takes that position how far would that argument hold in court if the state was being sued.

- **Lt. Dunleavy** answered that he doesn't know and that it would depend on what argument they take. He noted that even with the current statistics one in every five accidents are tubing accidents so that argument could be made now.
- **Senator Boutin** stated that the state has this data now and passing this legislation would be allowing more people to be at risk.
- **Lt. Dunleavy** said the statute allows for a permit that can restrict where these shows operate and requires a chase boat with extra spotters. He went on to say that for someone who is just going out to use it they are looking for some built in safety precautions.
- **Senator Rausch** asked if there have been conversations between the Department and the entities that sell these devices.
- **Lt. Dunleavy** answered that when the devices first started to show up they had conversations with lakes region businesses saying that they can sell them, but the people using them will be stopped and informed that they can only have two people on them at a time and need two observers. He also noted that they are sold online as well.
- **Senator Forsythe** asked about the capacity issue and whether people are towing from the beach or if they are launching from a boat and have to meet capacity to begin with.
- **Lt. Dunleavy** said that under current statues they can launch from the shore.
- **Senator Forsythe** questioned whether you could require capacity for everyone you are towing as well as those already on the boat.
- **Lt. Dunleavy** responded that they have thought about that in the past, but some water crafts only have capacity for two or three people.
- **Senator Forsythe** asked if there are any studies from other states looking at safety versus number of people being towed.
- **Lt. Dunleavy** said he does not know, but is willing to look into it.
- **Senator Forsythe** questioned whether there could be some kind of middle ground such as with four or more you have three observers because not everyone would likely need immediate assistance.
- **Lt. Dunleavy** said recognized not all are going to be experiencing injuries or need immediate assistance.
- **Senator Rausch** recessed the hearing.

Funding: N/A

Future Action: Senator Rausch recessed the hearing until 2/9.

Jennifer Horgan
[file: SB317 report]
Date: 01/30/2012

Printed: 02/02/2012 at 3:37 pm

SENATE CALENDAR NOTICE
TRANSPORTATION

Senator Jim Rausch Chairman
Senator David Boutin V Chairman
Senator James Forsythe
Senator Molly Kelly
Senator Nancy Stiles

For Use by Senate Clerk's Office ONLY
☐ Bill Status
☐ Docket
☐ Calendar
Proof: ☐ Calendar ☐ Bill Status

Date: February 2, 2012

HEARINGS

Thursday **2/9/2012**

(Name of Committee)	(Place)	(Time)
TRANSPORTATION	LOB 103	9:00 AM

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB317 relative to towable devices permitted to be towed by a motorboat.

Sponsors:

SB317

Sen. Jim Luther
Rep. James Belanger
Sen. Sharon Carson
Rep. Jack Flanagan
Sen. John Gallus
Rep. Carl Seidel
Sen. Gary Lambert

Jennifer Horgan 271-3091

Sen. Jim Rausch
Chairman

Transportation Committee

Hearing Report

TO: Members of the Senate

FROM: Jennifer Horgan, Legislative Aide

RE: Hearing report on SB 317 – **relative to towable devices permitted to be towed by a motorboat.**

HEARING DATE: 02/09/2012 This bill was recessed on 1/26/2012

MEMBERS OF THE COMMITTEE PRESENT: Senator Rausch, Senator Boutin, Senator Stiles

MEMBERS OF THE COMMITTEE ABSENT: Senator Forsythe, Senator Kelly

Sponsor(s): Sen. Luther, Dist 12; Sen. Carson, Dist 14; Sen. Gallus, Dist 1; Sen. Lambert, Dist 13; Rep. J. Belanger, Hills 5; Rep. Flanagan, Hills 5; Rep. Seidel, Hills 20

What the bill does: This bill allows up to 6 persons to be towed on a towable tube by a motorboat.

Who supports the bill: Senator Luther; Senator Carson; Senator Gallus; Representative Flanagan; Bob Strodel, NH Camps; Julie Craford, NH Marine Trades Association; Matthew Ide

Who opposes the bill: Lt. Tim Dunleavy, DOT

Please also refer to sign in sheets from 1/26/2012

Summary of testimony received:

- **Senator Rausch** opened the hearing at 9:00am.
- **Senator Luther** thanked the committee for recessing the bill and presented his constituent Matthew Ide to testify.
- **Matthew Ide** stated that he has lived in NH for 15 years and has enjoyed boating and tubing on NH lakes. He explained that it is a fun and relatively safe activity because you are only a foot or so off the water. He purchased a tube three years ago for 3-6 people and found out that he could not use it in NH, but he could in Massachusetts. Mr. Ide noted that these tubes are sold at various retailers across the state and that in Massachusetts, Maine, Connecticut, Vermont, Rhode Island, New York and California there are no restrictions on the amount of people able to use these tubes at one time. He

went on to say that there is no evidence that shows that fewer people increases safety. He also expressed not understanding why there needs to be more than one spotter to notify the driver when someone falls off. He said he had checked the laws in MA, VT, ME, CT, RI, NY and CA and none of them require two spotters. He explained that current NH law does not allow two parents to take their two children tubing at the same time as one parent is driving and therefore there is only one available spotter. He concluded by asking that they reduce the spotter requirement, increase the allowable riders to 6 and allow multiple tubes to be towed at the same time.

- **Senator Stiles** asked if all six tubers fall off in different places how do the boats retrieve them quickly.
- **Mr. Ide** responded that they tend to fall off not far from one another and the additional riders on the tube can signal the boat when people fall off.
- **Senator Rausch** stated that these laws were most likely originally intended for water skiers.
- **Representative Flanagan** is a cosponsor of the bill and a former boat owner. He stated that he has towed a number of these types of tubes and is in total support of the bill. He went on to say that when the riders fall off there seems to be cause for only one person to notify the driver. He explained that the process of tubing does not dramatically change depending on the number of riders and he would hate to see recreation on state waters continue to be restricted.
- **Bob Strodel** (NH Camps) is a second generation camp director and is in support of the bill. He explained that the NH Camp Directors' Association has 180 registered camps and brings in half of a billion dollars in revenue. They believe the current legislation unnecessarily limits the activity and creates a safety issue. He distributed a handout that showed an image of a boat and pointed out the lack of space available to the spotters. The second spotter either has to share a seat, sit on the floor while trying to avoid the tow rope, or sit up front obstructing the view of the driver. He stated that he can use these devices at his camp in Maine, but not in New Hampshire. He also requested that only one spotter be required regardless of the number of people being towed.
- **Julie Crawford** (NH Marine Trades Association) distributed a handout with pictures of single person tubes versus multiple person tubes and pointed to the fact that the larger tubes are more stable. She also stated that most people are sitting up, therefore reducing neck injuries. Ms. Crawford explained that the limitations on tubing harms NH tourism and companies that want to be able to sell these tubes.
- **Lieutenant Dunleavy** (Department of Safety) noted that he spoke at the last hearing regarding this issue and the Department has not changed its opinion. He explained the state has a strong safety record and this law has been in the books for almost 30 years. Lt. Dunleavy said that this is the first time they have entertained a change because of the introduction of the new crafts that allow more than two people to be towed. He stated that 30% of accidents are from towable devices, 20% of those on tubes. He went on to say that injuries and their severity increase with more people on the tube. Lt. Dunleavy expressed how they have a great record with the camps, but the camps use helmets and the general public does not. He also said that they don't have any record of bow riders causing accidents and in regards to the seats to the boats, companies sell jump seats for competition ski boats. His last point was that Senator Stiles is correct in saying that when people fall off they are spread out and need spotters to keep an eye on them. Also when people get back on the boat there is a capacity issue, especially when someone is injured.

- **Senator Stiles** questioned the severity of the accidents.
- **Lt. Dunleavy** responded by mentioning various injuries they have seen over the past six years off of tubes including: back strains, muscle contusions, fractured hips, head lacerations, fractured teeth, whiplash, fractured skulls, brain bleeds and loss of consciousness. He also stated that there have been fatalities back beyond the past six years. He said that when people are being towed at high speeds, they bounce and hit the water, which is unforgiving and it is very possible that someone could drown. Lt. Dunleavy stated that the two observers are very important in determining who to go to first and helping tend to injured parties.
- **Senator Rausch** expressed concern about limiting NH's recreational facilities. He stated that he cannot remember many occasions where he did not follow the recommendation of the Department of Safety, but he would hate to think NH is losing vacationers because we are not competing. He asked if the Department has considered any possible compromises.
- **Lt. Dunleavy** responded that this is the first time this issue has come up and therefore they have not really pursued the idea of a possible compromise yet.
- **Senator Rausch** requested that the Department get together with Senator Luther (prime sponsor) and see if there would be any type of compromise they could reach. He continued by saying the market is changing and maybe we are a little behind on the proper rules and regulations.
- **Senator Luther and Lt. Dunleavy** both agreed to explore possible compromises.
- **Senator Boutin** suggested that because skiing and tubing are so different maybe it would be best to consider dividing up the statutes. He also suggested a trial period of two years with a sunset clause and a report filed at the end to determine future action for this legislation. He went onto say we are very dependent on tourism and he would rather see people coming to NH then going to neighboring states. Senator Boutin also suggested including the issue of the number of observers in their discussions.
- **Lt. Dunleavy** stated that he is willing to look into that.
- **Senator Luther** said that he is looking forward to meeting with the Department of Safety. He also expressed a desire to discuss the number of observers and noted that every activity in life, especially sports, comes with the risk of injuries. He went on to say that he wants people to be safe, but also not overly restricted.
- **Senator Rausch** expressed confidence in the Department of Safety and Senator Luther to be able to work on this issue and looked forward to seeing what they come up with. Senator Rausch then closed the hearing at 9:40.

Funding: N/A

Future Action: The Committee took the bill under advisement

Jennifer Horgan
[file: SB317 report]
Date: 02/10/2012

Speakers

SENATE TRANSPORTATION COMMITTEE

Date: 1/26/2012 Time: 10:45am Public Hearing on SB317

SB317 - relative to towable devices permitted to be towed by a motorboat.

Please check box(es) that apply:

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
☐	☒	☐	SENATOR SHARON CARSON	SD#14
☐	☒	☐	SENATOR GALLUS	SD#1
☐	☒	☐	Senator Luther	SD#12
☐	☒	☐	Kathy Craig, Esq.	NH Marine Trades Assoc.
☒	☐	☒	Tim Dunleavy	Safety - Marine Patrol
☐	☐	☐		
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Senate Transportation Committee: Sign-In Sheet

Date: 02/09/2012 Time: 9:00am Public Hearing on SB 317

SB 317 relative to towable devices permitted to be towed by a motorboat.

Name	Representing	Support	Oppose	Speaking?	Yes	No
Sen. Luther	SD # 12	☑	☐		☐	☐
BOB STRODEL	NEW HAMPSHIRE CAMPS	☒	☐		☒	☐
Julie Crawford	NH Marine Trades	☑	☐		☒	☐
SENATOR SHARON CARSON	SD # 14	☒	☐		☐	☒
Rep Jack Flanagan	Hills Dist 5	☒	☐		☒	☒
~~David Reed~~	~~SNH~~	☐	☐		☐	☐
SEN. GALLUS	DIST. 1	☒	☐		☐	☒
Matthew Dee	Self	☒	☐		☒	☐
Tim Dunleavy	Safety	☐	☒		☒	☐
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Testimony

State of New Hampshire
DEPARTMENT OF SAFETY
John J. Barthelmes, Commissioner of Safety
Division of State Police
James H. Hayes Safety Building, 33 Hazen Drive, Concord, NH 03305

Colonel Robert L. Quinn
Director

LEGISLATIVE POSITION
NH DEPARTMENT OF SAFETY

LSR 2980.0 Relative to Towable Devices Permitted to be Towed by a Motorboat
SB 317
POSITION: Opposed

Dear Honorable Members of the Committee:

This bill allows up to 6 persons to be towed on a towable tube by a motorboat. Currently, the maximum number of persons that can be towed behind a boat on any water sport device is 2. This has been the case in New Hampshire for well over 25 years. For the last 10 years, several inflatable devices have become available that carry up to 12 people and on occasion we see them on New Hampshire waters.

Currently, RSA 270-D:3, I requires that in addition to the operator of the boat, observers are required to be 13 years of age, be physically able to observe and assist the person being towed. Furthermore, 270-D:3, III, requires that an observer for each person being towed be aboard the towing vessel. It is clear that the original intent of the legislature was to not only have an observer to alert the operator of a problem, but also to ensure the safety of each person by requiring the presence of an observer who could assist/rescue an injured person(s) in the water. The maximum number of skiers allowable under this same paragraph is 2.

Based on New Hampshire's boating accident statistics, 1 out of every 5 boating accidents involve an injured tuber. These injuries have included back strains, lacerations, fractured hips, broken/lost teeth, and fractured skulls, leading to coma and death. Often these injuries are caused by the 2 tubers striking each other.

It is important to point out that when an accident or fall occurs when multiple people are being towed, the fallen skiers/tubers/wakeboarders often find themselves a significant distance from the tow boat as well as the other skier. This results in the operator having to quickly retrieve 2 people from the water. In the case of an injured person, the second skier may need to swim/drift/float for a significant amount of time while exposed to other boating traffic. In the event of 2 injured persons, the need for the second observer is obvious.

The presence of 6 persons being towed creates the possibility of several dangerous scenarios. A tube that hits a wake and ejects all riders would create a chaotic scene of a boat trying to retrieve 6 people that are only visible as heads "bobbing" on the surface of the lake. It requires the tow boat to have the carrying capacity of 9 persons (making it a rather large boat), and in the case of 3 or more injuries...who doesn't get the assistance of an observer?

Lastly, RSA 270-D:3,III and RSA 270-D:4 allow for a water event permit that allows for the towing of more than 2 persons. However, the permit routinely requires the presence of a "chase boat" with a specific number of observers, and that the activity take place in a pre-determined safe area.

The NH Department of Safety opposes this bill for the reasons stated and offers the following recommendations in the event of passage of the bill:

Recommendations:

1. RSA 270-D:1, will need to include a definition of "towable tube".

2. Amend RSA 270-D:1, XIII to exclude a "towable tube" from its definition.

Berea

MAKING A DIFFERENCE,
ONE LIFE AT A TIME.

68 Berea Road
Hebron, NH 03241

PHONE (603) 744 6344
FAX (603) 744 6346
WEB www.berea.org

Tubing has become one of the most popular summer events here at Berea. Kids are lining up early to buy tickets and are waiting in longer and longer lines to get on the boats. Because the law states that we are only allowed 2 riders to be pulled behind the boats, we have kids waiting around for longer periods of time. Also, if we were allowed more than 2 riders, we would be able to fit more kids into the schedule during our free time, thus enhancing the camper experience. Instead of turning kids away, we could allow more campers to take part in water tubing.

The law stating that we need to have 2 spotters, also limits what we are able to accomplish. If we were allowed only one spotter, than it would be easier to run campers through tubing, because we wouldn't have to search for another spotter every time kids wanted to go tubing.

Overall, we feel that the tubing experience would be enhanced if the laws were changed to allow more than two campers at a time, as well as only one spotter, as opposed to two.

We feel that changing this law would not in any way add to risks or danger the campers in any way.

Thank you.

Ron Ward

Executive Director, Camp Berea

February 9, 2012

Transportation Committee
NH Legislative Office Building
Concord, NH

Dear Committee Members:

I am speaking today and submitting this on behalf of supporting SB317 - Relative to towable devices permitted to be towed by a motorboat, to increase the number of people allowed to be towed and reduce the spotter requirement from two to one.

BACKGROUND

I have been a resident of New Hampshire for 15 years, having moved here from Massachusetts. One of the activities we enjoyed as a family in Massachusetts was tubing on lakes behind motorboats. While living in New Hampshire, I purchased some towable tubes, including a three rider tube and a six person tube, to use with my family and friends. To my surprise, I was unable to use these in New Hampshire as designed, as it is against the law to tow more than two people behind a motorboat. I couldn't believe New Hampshire had such a law, especially when Massachusetts doesn't. As a result, I have resorted to using these tubes only on Massachusetts lakes with my family and friends.

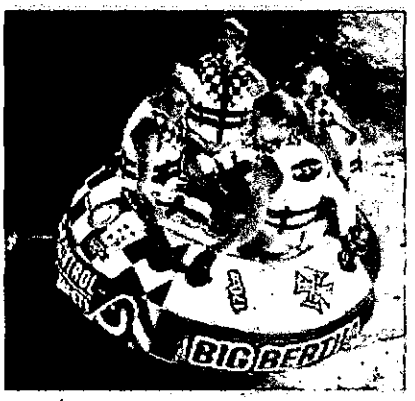
TOWABLE TUBES

Towable tubes come in various shapes and sizes, with rider capacity between one to ten riders, depending on the tube. They are sold commercially right here in New Hampshire at places like BJ's and Sams Club, boating centers, and various national retailers. Visit www.skitubes.com if you are interested to see them. They usually have two or three air chambers for safety, and are made from heavy gage PVC or high strength denier polyester. The ropes towing them are rated to withstand thousands of pounds of tensile strength and have built in factors of safety. There are handles for riders to hold on to during the ride. Because the riders are low to the water, falling off is relatively painless. In all my years of tubing I have never seen an injury on any lake of someone getting hurt from tubing.

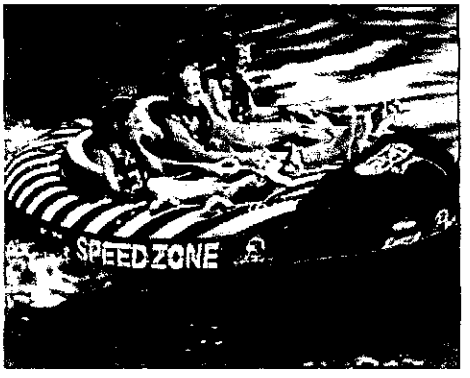
Matthew & Beth Ide, 63 Louise Drive, Hollis, NH 03049

Below are pictures of various tubes that are designed to carry multiple riders:

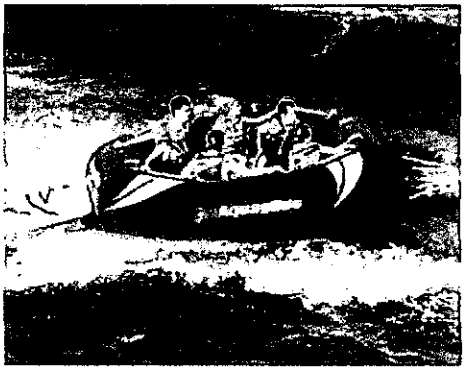












Matthew & Beth Ide, 63 Louise Drive, Hollis, NH 03049

SPOTTER REQUIREMENT

In addition to towing limits, I was also surprised that if I was going to have two people towed by a motorboat, New Hampshire requires me to have two spotters in the boat in addition to the driver. Again, this was a complete surprise as this is not a law in Massachusetts. This means that if I am going to go boating with my wife and two kids in New Hampshire, then I can only let one kid tube at a time, since NH requires two spotters. This limits my fun and enjoyment. Even if we had extra people on the boat to do the spotting, it means less people can tube at a time since someone needs to stay back and be the extra spotter.

While I can understand perhaps whoever wrote the original law thought it would be safer to have two spotters, the reality is there is no evidence anywhere that it improves safety. The regulation is not based on fact, and is quite arbitrary. In fact I would argue it would decrease safety, as often times the only place for the second spotter to sit is in the bow, which could obscure the boat driver (unlikely, but possible). But regardless, having one spotter on people tubing is plenty since it is very hard to miss people falling! The spotter would have to be blind or asleep not to see it. And don't forget – the other people that are being towed also act as spotters – because if someone falls, the other tubers will usually start flailing their arms to let the boat know someone fell off. And if there are multiple skiers and a skier falls, the protocol is for the other skiers to drop their line so the boat can pick up both skiers near each other. Plus when a skier falls the tug on the boat is so obvious the spotter doesn't usually even have to alert the boat driver, they can feel it.

Having a second spotter makes it more cumbersome for NH residents, it limits the number of people that can be towed, and does not increase safety.

LAWS IN OTHER STATES

An examination of the laws in the nearby states – Massachusetts, Maine, Vermont, Rhode Island, Connecticut, New York, and even California – shows that they do NOT have laws limiting the number of persons that can be towed behind a boat. Secondly, these states further do not make a distinction between skiers or people on tubes. Lastly, no state ever requires two spotters. No matter how many are being towed, all states only require one spotter.

Except for New Hampshire, no state has any limits on the number of people that can be towed behind a motorboat, and no state requires anything more than one spotter.

The rules and laws for each state can be found below:

Massachusetts: http://www.boat-ed.com/ma/handbook/
Vermont: http://www.boat-ed.com/vt/handbook/
Maine: http://www.boat-ed.com/maine/handbook/
Connecticut: http://www.ct.gov/dep/lib/dep/boating/boating_guide/boaterguide.pdf
Rhode Island: http://boat-ed.com/ri/handbook/
New York: http://nysparks.com/recreation/boating/documents/NYSBoatersGuide.pdf
California: http://www.boat-ed.com/ca/course/p4-12_reqspectopwc.htm#TowingSkierSection

CONCLUSION

I would urge you to vote to support SB317 so that it will:

a) Increase the number of riders to at least 6 (although still no state has limits)
b) Reduce the spotter requirement to one

This will be mostly consistent with laws in all other states, and allow residents and visitors to New Hampshire to enjoy these water sports without being hindered by these arbitrary rules.

Sincerely,



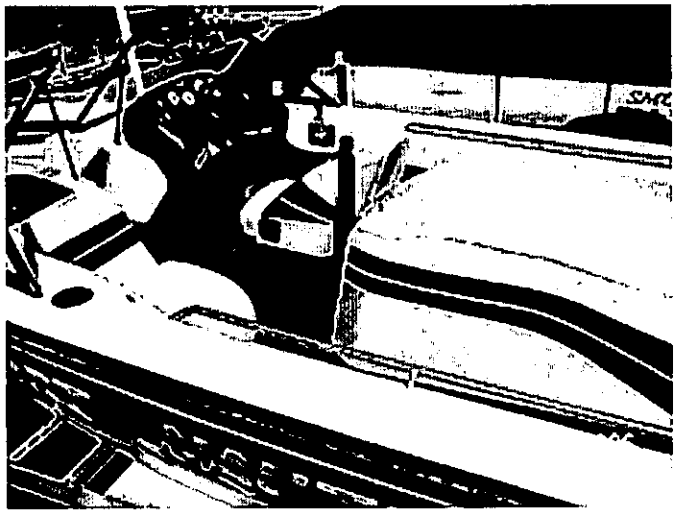
Matthew Ide & Beth Ide

NEW HAMPSHIRE
CAMP DIRECTORS
ASSOCIATION

Dear Senators,

Representing the New Hampshire Camp Director Association, I wanted to give you some feedback concerning SB 317, a bill sponsored by Senator Luther.

The New Hampshire Camp Directors Association is a non-profit member organization comprised of licensed New Hampshire camps. We work with the legislature and State agencies to make sure that New Hampshire is the BEST place for kids to attend camp in a safe and responsible manner. **New Hampshire Camps SUPPORT the idea of requiring only one spotter in the boat.** We think this is a VERY good thing because some boats simply don't have seating for more than one spotter. I've attached a picture to illustrate this situation:



The boat in the picture is a Correct Craft Ski Nautique; a well-known brand of towboat that camps have used for years. The ski rope is attached to the black pylon that is sticking up just forward of the engine box. The only rear-facing seat for the "spotter" is to the left of the driver's seat. As you can see, this is a one-person seat; we can't fit another spotter in the boat without placing them on the floor or in the way of the ski rope swing arc. Some boats like this have seating in the bow area; this is dangerous because it obstructs the view of the driver; therefore we don't want the "second" spotter to ride up-front.

As a second generation Camp Director I can testify that having more than one spotter does not add to the safety of the activity; it opens up more potential for accidents with the spotters getting hurt through getting thrown around the boat due to lack of seating, or the potential of getting struck by the tow rope. Camps are required to have NH Commercial Boat Drivers operating all motorized craft; so they have additional training and experience, which has resulted in a non-existent accident rate for camp operators.

Please feel free to contact me if you have any questions about this suggestion or the stance of the New Hampshire Camp Directors Association.

Represented by:

Bob Strodel
Executive Director
Camp Brookwoods
603-875-3600



Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: 02/23/2012

THE COMMITTEE ON Transportation

to which was referred Senate Bill 317

AN ACT relative to towable devices permitted to be towed by a motorboat.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 1020s

Senator Nancy Stiles
For the Committee

Jennifer Horgan 271-3091

New Hampshire General Court - Bill Status System

Docket of SB317

Docket Abbreviations

Bill Title: relative to towable devices permitted to be towed by a motorboat.

Official Docket of **SB317**:

Date	Body	Description
1/1/2012	S	**Introduced** 1/4/2012 and Referred to Transportation; **SJ 1**, Pg.10
1/5/2012	S	Hearing: 1/26/12, Room 103, LOB, 10:45 a.m.; **SC2**
2/2/2012	S	Hearing: === RECESSED === 1/26/12, Room 103, LOB, 10:45 a.m.
2/2/2012	S	Hearing: === RECONVENE === 2/9/12, Room 103, LOB, 9:00 a.m.; **SC6**
2/23/2012	S	Committee Report: Ought to Pass with Amendment **#2012-1020s**, 3/7/12; **SC9**
3/7/2012	S	Committee Amendment 1020s; AA, VV; **SJ 6**, Pg.174
3/7/2012	S	**Ought to Pass with Amendment** 1020s, MA, VV; OT3rdg; **SJ 6**, Pg.175
3/8/2012	H	Introduced and Referred to Transportation; **HJ 23**, PG.1448
3/28/2012	H	Public Hearing: 4/10/2012 10:00 AM LOB 203 ==Executive Session To Follow==
4/11/2012	H	Committee Report: Ought to Pass for April 25 (Vote 12-0; CC); **HC 33**, PG.1922
4/25/2012	H	**Ought to Pass**: MA VV; **HJ 38**, PG.2151
4/25/2012	H	Lay On Table SB's 315, 317, 323, 369, 379, and 389 (Rep Lambert); **HJ 38**, PG.2204
4/25/2012	H	Divide Motion To Lay Senate Bills On Table (Rep Weber): MF **RC** 82-204; **HJ 38**, PG.2204-2206
4/25/2012	H	Lay On Table Senate Bills (Rep Lambert): MA DIV 195-93; **HJ 38**, PG.2204-2206
5/16/2012	H	Remove From The Table (Rep Hikel): MA VV
5/23/2012	S	Enrolled
5/30/2012	H	Enrolled [Recessed from 5/17/2012 Session]

NH House NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB317 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

X DOCKET (Submit only the latest docket found in Bill Status)

X COMMITTEE REPORT

X CALENDAR NOTICE(2)

X HEARING REPORT (2)

X HANDOUTS FROM THE PUBLIC HEARING

X PREPARED TESTIMONY AND OTHER SUBMISSIONS

X SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

X - AMENDMENT # 1008 ___ - AMENDMENT # _____

X - AMENDMENT # 1080 ___ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

X AS INTRODUCED ___ AS AMENDED BY THE HOUSE

X FINAL VERSION X AS AMENDED BY THE SENATE

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 6/7/12 Jennifer Flanagan

BY COMMITTEE AIDE

Revised 2011