

**State of California
Office of Administrative Law**

In re:
Division of Boating and Waterways

Regulatory Action:

Title 14, California Code of Regulations

Amend sections: 6565.2, 6565.5, and 6565.6

Repeal sections: 6565.4 and 6565.7

**NOTICE OF APPROVAL OF REGULATORY
ACTION**

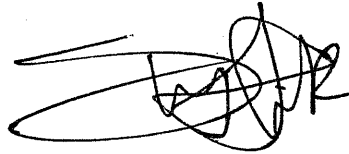
Government Code Section 11349.3

OAL Matter Number: 2025-0505-02

OAL Matter Type: Regular (S)

In this regular rulemaking, the Division of Boating and Waterways is amending and repealing regulations regarding personal flotation device requirements.

OAL approves this regulatory action pursuant to section 11349.3 of the Government Code. This regulatory action becomes effective on 6/17/2025 pursuant to section 11343.4(b)(3) of the Government Code.



Date: June 17, 2025

Steven J. Escobar
Senior Attorney

Original: Lynn Sadler, Deputy Director
Copy: Charley Hesse

For: Kenneth J. Pogue
Director

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

REGULAR

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-2025-0115-0	2025-0505-025	

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMINISTRATIVE LAW

Electronic Submission

REC'D DATE

01/15/2025

PUBLICATION DATE

01/31/2025

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Division of Boating and Waterways

ENDORSED - FILEDin the office of the Secretary of State
of the State of California

JUN 17 2025

1:32 PM

AGENCY FILE NUMBER (If any)

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE Update Personal Flotation Device Terminology		TITLE(S) 14 Div 4 Ch. 1	FIRST SECTION AFFECTED 6565.2	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input checked="" type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON Charley Hesse	TELEPHONE NUMBER (916) 204-0639	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2025, 05-2	PUBLICATION DATE 1/31/25

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Update Personal Flotation Device Terminology	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)

SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
	AMEND
	REPEAL
TITLE(S) 14	6565.2, 6565.5, and 6565.6 6565.4 and 6565.7

3. TYPE OF FILING

<input checked="" type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h))	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))	<input type="checkbox"/> Other (Specify)		

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§11343.4, 11346.1(d); Cal. Code Regs., title 1, §100)

<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> §100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)
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6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6680)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

7. CONTACT PERSON Charley Hesse	TELEPHONE NUMBER (916) 204-0639	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional)
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8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 5/5/2025
TYPED NAME AND TITLE OF SIGNATORY Ramona Fernandez Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

JUN 17 2025

Office of Administrative Law

Per agency request: SE, 6/16/2025

Final Regulation Text

Title 14. Natural Resources

Division 4. Division of Boating and Waterways

Chapter 1. Division of Boating and Waterways

Article 4. Equipment Requirements

§ 6565.2. Definitions.

As used in sections 6565.2 through 6565.8:

(a) "Boat" means any vessel manufactured or used primarily for noncommercial use; leased, rented, or chartered to another for the latter's noncommercial use; or engaged in the carrying of six or fewer passengers.

~~(b) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.~~

~~(c) "Vessel" includes every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.~~

~~(d) "Use" means operate, navigate, or employ.~~

(eb) "Passenger" means every person carried on board a vessel other than:

(1) The owner or his representative;

(2) The operator;

(3) Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services; or

(4) Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his carriage.

(c) "Personal Flotation Device" or "PFD" means a device that is approved by the Commandant of the United States Coast Guard pursuant to Part 160

(commencing with Section 160.001-1) of Title 46 of the Code of Federal Regulations.

(fd) "Racing shell, rowing scull, racing canoes and racing kayak," means a manually-propelled boat that is recognized by national or international racing associations for use in competitive racing and one in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and is not designed to carry and does not carry any equipment not solely for competitive racing.

(e) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use. It does not include a vessel engaged in the carrying of six or fewer passengers.

(f) "Throwable PFD" means a PFD that is intended to be thrown to a person in the water. A PFD marked as a Type IV or Type V with Type IV performance is considered a throwable PFD. Unless specifically marked otherwise, a wearable PFD is not a throwable PFD.

(g) "Use" means operate, navigate, or employ.

(h) "Vessel" includes every description of watercraft other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

(i) "Wearable PFD" means a PFD that is intended to be worn or otherwise attached to the body. A PFD marked as Type I, Type II, Type III, or Type V with Type (I, II or III) performance is considered a wearable PFD.

Note: Authority cited: Sections 652 and 669, Harbors and Navigation Code.
Reference: Section 652, Harbors and Navigation Code.

§ 6565.4. Definitions.

~~As used in sections 6565.2 through 6565.8:~~

~~(a) "Personal flotation device" means a device that is approved by the Commandant under 46 CFR Part 160.~~

~~(b) "PFD" means "personal flotation device."~~

Note: Authority cited: Sections 652 and 669, Harbors and Navigation Code.
Reference: Section 652, Harbors and Navigation Code.

§ 6565.5. Personal Flotation Devices Required.

Except as provided in Section 6565.6:

~~(a) Effective January 1, 1998, No person may use a recreational boat unless at least one PFD of the following types is on board for each person:~~

~~(1) Type I PFD, At least one wearable United States Coast Guard approved PFD of an appropriate size and type for the person for whom it is intended is on board and readily accessible for each person;~~

~~(2) Type II PFD, or Each PFD is used in accordance with any requirements on the approval label; and~~

~~(3) Type III PFD Each PFD is used in accordance with any requirements in its owner's manual, if the approval label makes reference to such a manual.~~

~~(b) A personal flotation device required by subsection (a)(1) of this section is readily accessible if:~~

~~(1) It is being worn; or~~

~~(2)(A) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger;~~

~~(B) It is out of its original packaging; and~~

~~(C) It is not under lock and key.~~

~~(b) Prior to January 1, 1998, a Type IV may be carried in lieu of any Type I, II, or III PFD, for each person on board a recreational boat less than 16 feet in length or any canoe or kayak of any length.~~

~~(c) No person may use a recreational vessel boat 16 feet or more in length, except a canoe or kayak, unless one United States Coast Guard approved throwable PFD, such as a ring life buoy or buoyant cushion, is onboard, so placed as to be immediately available, in addition to the total number of wearable PFDs required in subsection (a) of this section. A throwable PFD required by this subsection is immediately available if:~~

~~(1) It is stowed in close proximity to the operator of the vessel and in a position to be quickly thrown to a person overboard by either the operator or a passenger; and~~

~~(2) It is out of its original packaging; and~~

~~(3) It is not under lock and key.~~

~~(1) One Type IV PFD is on board, and~~

~~(2) At least one PFD of the following types is on board for each person:~~

~~(i) Type I PFD;~~

~~(ii) Type II PFD; or~~

~~(iii) Type III PFD.~~

Note: Authority cited: Sections 652, 658.3 and 669, Harbors and Navigation Code. Reference: Section 652, Harbors and Navigation Code; and Title 33, Code of Federal Regulations, Section 175.17.

§ 6565.6. Exceptions.

~~A Type V Special Use (Type V)~~ PFD may be carried in lieu of any PFD required under Section 6565.5 provided:

~~(a) The approval label on the Type V Special Use PFD indicates that the device is approved:~~

~~(1) For the activity in which the boat is being used; or~~

~~(2) As a substitute for a PFD of the Type required on the boat in use;~~

~~(b) The PFD is used in accordance with any requirements on the approval label; and~~

~~(c) The PFD is used in accordance with requirements in its owner's manual, if the approval label makes reference to such a manual.~~

Note: Authority cited: Sections 652 and 669, Harbors and Navigation Code. Reference: Section 652, Harbors and Navigation Code.

~~§ 6565.7. Stowage.~~

~~(a) No person may use a recreational boat unless each Type I, II or III PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is readily accessible.~~

~~(b) No person may use a recreational boat unless each Type IV PFD required by Section 6565.5 or equivalent type allowed by 6565.6 is immediately available.~~

Note: Authority cited: Sections 652 and 669, Harbors and Navigation Code. Reference: Section 652, Harbors and Navigation Code.