

**MaryPaige**

7/18/2019 1:18 PM

To

The Safety Committee and VSC/VSEs may find this thread interesting as to the responses to the phrase "readily available". I particularly find the first and last responses finite.

Mary Paige

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From: **National Association of State Boating Law Administrators** <

## [NASBLA Roundtable](#)

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Jul 17, 2019

### Discussions

started yesterday, [Thomas Buckhamon](#) (6 replies)

### [The term "readily available"](#)

1. ["Readily" for my inspections means without delay...](#) Jerry Minchew
2. [It seems emergency & survival equipment are...](#) Robert Rovetto
3. [In California safety equipment must be readily...](#) Joseph Sherry
4. [This is an excellent question to raise....](#) Mendy Harman
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6. [Hi Thomas, Every so often, I find myself...](#) Mike Reid

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1. [Re: The term "readily available"](#)

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Over the last few boating seasons I've noticed when I've asked for certain safety equipment such as a whistle or pfd or especially a fire extinguisher, it always takes the operator some time to find this stuff. I was wondering what the thought was on this topic or if anyone has ever had issues with this. I

stopped a guy last weekend and it literally close to 10 minutes to find his fire extinguisher.

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2. [Re: The term "readily available"](#)

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It seems emergency & survival equipment are generally not items of particular interest to the general boating public. One, it seems that emergency response (and the gear that goes along with it) is a public service that is largely taken for granted. Two, the average boater focused on recreation is not interested in these topics, in training, etc. They are primarily interested in just that--recreation. Likewise for many commercial boaters/employees, focused on work. And three, most people very likely do not grow up in an emergency-response social environment where that interest could be nurtured. Therefore, not much attention is paid to the equipment or their placement onboard, and the equipment is often neglected. This is based not only on my observations over the years, but also self-reflection.

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3. [Re: The term “readily available”](#)

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In California safety equipment must be readily available. I would have cited him in five, lol.

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4. [Re: The term “readily available”](#)

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This is an excellent question to raise. According to the information taught in the Virginia boating safety course, a life jacket must be readily accessible if not worn. That means you must be able to reach it and put it on ***without delay*** in an emergency.

Fire extinguishers should be placed where they are accessible and can be reached ***immediately***.

Clearly, a boater who takes 10 minutes to find the fire extinguisher is not prepared for an emergency.

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5. [Re: The term "readily available"](#)

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6. [Re: The term "readily available"](#)

Every so often, I find myself running into the same issue you write about here. I have successfully had our Federal Crown Counsel argue that as per the provision of Section 3 and 5(1)(b) of the Small Vessel Regulations, the accused was "Operating vessel with safety equipment **not readily accessible and available for immediate use**"

The accused was operating a small 8 foot inflatable at night and had his lifejacket inside a large black garbage bag which was tied off at the top. Our argument was that in the case of an emergency, despite being 'close' to the lifejacket inside the bag, the knotted top met the requirements of the above section, and the accused would not be able to 'grab' the lifejacket for use. The judge agreed and the \$230 fine stood.

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