

HOUSE BILL REPORT

HB 2899

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to boating safety and education to prevent carbon monoxide poisoning.

Brief Description: Changing the vessel laws to warn and educate about carbon monoxide poisoning.

Sponsors: Representatives Walsh, Grant, Shabro, Morrell, Haler, Roach and McDonald.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/26/06, 1/31/06 [DPS].

Brief Summary of Substitute Bill

- Creates a \$100 fine for motor-driven vessel operators who allow their vessel's engine to run while another person is swimming or surfing behind the vessel.
- Mandates the placement of carbon monoxide warning stickers on all vessels and the implementation of other carbon monoxide education efforts.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Chandler, Dickerson, Eickmeyer, Hunt, Kagi and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

Recreational boating is generally regulated by the State Parks and Recreation Commission (Commission). Areas of regulation include vessel muffler systems, personal flotation devices, water skiing safety, and equipment requirements. The Commission is currently developing a program of mandatory boater education. Boater safety education requirements are being phased in over 11 years, with all boat operators required to have successfully completed the education requirements by the year 2016.

Vessel emissions standards are not regulated by the Commission. However, the Commission is required to provide statewide recreational boating fire prevention education that includes education about the hazards of carbon monoxide.

Summary of Substitute Bill:

Vessel operation prohibitions

The operator of a motor-driven vessel, other than a personal watercraft, may be fined up to \$100 if he or she operates the vessel, or allows the engine to run idle, while another person is engaged in stern deck recreation. "Stern deck recreation" is defined to mean any aquatic recreation that involves being in direct contact with the stern of a motor-driven vessel, other than a personal watercraft, while the vessel is being operated at any speed or when the vessel's engine is at idle. An exception from this prohibition exists when the vessel operator is docking or departing, or when the vessel is being used for law enforcement or emergency rescue. The term "stern deck recreation" does not include being dragged behind a vessel on a length of rope.

Carbon monoxide education

The Department of Licensing (Department) and the Commission are required to take certain steps to educate the public about the dangers of carbon monoxide poisoning at the stern of a vessel. The Commission must include information about carbon monoxide poisoning as an element of the boating education safety classes under development, and the Department must provide a brochure on the topic for inclusion with mailed registration materials. The informational brochures must be mailed for two consecutive years.

Warning stickers

All new and used vessels sold in Washington must display a sticker that warns of the dangers of carbon monoxide poisoning. The sticker is required to be placed in the interior of the vessel. New vessel dealers must provide the sticker at the time of initial sale. For used vessels, the warning sticker must be contained in the initial registration materials received by the new owner.

Substitute Bill Compared to Original Bill:

The original bill provided new defined terms for the various types of activities that can occur behind a vessel; required the placement of two warning stickers; did not exempt personal watercrafts, sailboats, or rowboats from the prohibitions and sticker requirements; and did not provide a delayed effective date for the duties required of the Department.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed, except for sections 4 and 5, relating to warning sticker requirements, which takes effect January 1, 2007.

Testimony For: (In support) This is an important life-saving bill. Horrible tragedies have occurred in the state by people engaging in newly popular water sports while not knowing of the dangers. Teak surfing, or holding onto the back of a boat's swim platform, is growing in popularity, but is very dangerous. The toxic fumes in a boat's exhaust are much more concentrated than a car's exhaust and can overwhelm a person in under a minute. Once unconscious, the person can die before anybody in the boat even realizes what has happened. Simple education about the dangers of carbon monoxide poisoning can save lives. Boaters are not aware of how dangerous it can be to be dragged by a boat. Washington's boater fatality rate is higher than the national average, and carbon monoxide poisoning is an element of that statistic.

(With concerns) The Department should have to accept warning stickers that have been developed by national groups for use in other states. The sticker requirements should not apply to boats that are not motor-driven.

Personal watercrafts should be exempted from the bill. They do not pose the same risk as ski boats or other larger vessels.

The bill should be careful not to use slang vernacular to describe prohibited activities. There may be an understanding today about what the terms mean, but the usage of the terms change over time and may mean something different in the future.

Testimony Against: The boater safety program should not be altered this early after its creation. The sticker requirement does not fit usual boater education approaches. Boater education is about learning safety, not vessel modification.

Persons Testifying: (In support) Representative Walsh, prime sponsor; Representative Shabro; Marble Jones; Chief Dan Packer, East Pierce Fire Protection District; Jim French, Washington State Parks and Recreation Commission; Frank Warnke, Advocates, Inc.; Monita Fontaine, National Marine Manufacturers Association; and Maureen Healey, Personal Watercraft Industry Association.

(With concerns) Cliff Webster, Northwest Marine Trade Association.

(Opposed) David Kutz, Recreational Boating Association of Washington.

Persons Signed In To Testify But Not Testifying: None.