

HOUSE BILL REPORT

ESB 5311

As Passed Legislature

Title: An act relating to bare-boat charter boats.

Brief Description: Exempting bare-boat charter boats from the provisions of the charter boat safety act.

Sponsor(s): Senators McMullen, Nelson, Moore and Vognild.

Brief History:

Reported by House Committee on:
Transportation, March 28, 1991, DP;
Passed House, April 9, 1991, 92-0;
Passed Legislature, 92-0.

**HOUSE COMMITTEE ON
TRANSPORTATION**

Majority Report: *Do pass.* Signed by 23 members:
Representatives R. Meyers, Vice Chair; Betrozoff, Ranking
Minority Member; Chandler, Assistant Ranking Minority
Member; Basich; Cantwell; Day; G. Fisher; Forner; Haugen;
Horn; P. Johnson; R. Johnson; Jones; Kremen; Mitchell;
Nelson; Orr; Prentice; Prince; Schmidt; Wilson; Wood; and
Zellinsky.

Staff: Vicki FabrÀ (786-7313).

Background: Under the 1989 Charter Boat Safety Act, vessels which are rented, leased, or hired to transport more than six passengers or cargo on the state's inland waters must be licensed and inspected by the Department of Labor and Industries.

Vessels used only for the owner's personal pleasure; those which are donated to and used by a nonprofit organization to transport passengers for charitable or noncommercial purposes; bare-boat charters that are rented, leased, or hired by an operator to transport passengers for noncommercial or personal pleasure purposes; or vessels used for educational purposes are exempt from regulation.

The department, in implementing the act, has required the inspection of bare-boat charters if: (1) cargo is hauled; (2) more than six passengers are transported for a fee or other consideration; or (3) the vessel is used for

commercial purposes. Some bare-boat charter operators contend these distinctions are inappropriate, and go beyond the intent of the statutory exemption for bare-boat charters.

Summary of Bill: A bare-boat charter is defined as the unconditional lease, rental or charter of a boat by the owner or the owner's agent to a person who, by written agreement, except when a captain or crew is required or provided by the owner or the owner's agent, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement.

Bare-boat charters are specifically exempt from regulation under the Charter Boat Safety Act.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The 1989 Charter Boat Safety Act exempts bare-boat charters, without exception, from regulation by the Department of Labor and Industries. The implementing rules proposed by the department which apply to bare-boat charters go beyond legislative intent.

Testimony Against: None.

Witnesses: Jack Swanberg, Northwest Marine Trade Association; and Gene Jordeth, Northwest Marine Trade Association.