

2 **SHB 1318** - S COMM AMD  
3 By Committee on Ecology & Parks

4 ADOPTED 4/15/93

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. **Sec. 1.** It is the intent of the legislature that  
8 the boating safety laws administered by the state parks and recreation  
9 commission provide Washington's citizens with clear and reasonable  
10 boating safety regulations and penalties. Therefore, the legislature  
11 intends to recodify, clarify, and partially decriminalize the state-  
12 wide boating safety laws in order to help the boating community  
13 understand and comply with these laws.

14 It is also the intent of the legislature to increase boat  
15 registration fees in order to provide additional funds to local  
16 governments for boating safety enforcement and education programs. The  
17 funds are to be used for enforcement, education, training, and  
18 equipment, including vessel noise measurement equipment. The  
19 legislature encourages programs that provide boating safety education  
20 in the primary and secondary school system for boat users and potential  
21 future boat users. The legislature also encourages boating safety  
22 programs that use volunteer and private sector efforts to enhance  
23 boating safety and education.

24 **Sec. 2.** RCW 7.84.010 and 1987 c 380 s 1 are each amended to read  
25 as follows:

26 The legislature declares that decriminalizing certain offenses  
27 contained in Titles 75, 76, 77, and 79 RCW and chapters 43.30 ((and)),  
28 43.51, and 88.12 RCW and any rules adopted pursuant to those titles and  
29 chapters would promote the more efficient administration of those  
30 titles and chapters. The purpose of this chapter is to provide a just,  
31 uniform, and efficient procedure for adjudicating those violations  
32 which, in any of these titles and chapters or rules adopted under these  
33 chapters or titles, are declared not to be criminal offenses. The  
34 legislature respectfully requests the supreme court to prescribe any  
35 rules of procedure necessary to implement this chapter.

1       **Sec. 3.** RCW 7.84.020 and 1987 c 380 s 2 are each amended to read  
2 as follows:

3       Unless the context clearly requires otherwise, the definition in  
4 this section applies throughout this chapter.

5       "Infraction" means an offense which, by the terms of Title 75, 76,  
6 77, or 79 RCW or chapter 43.30 (~~(or)~~), 43.51, or 88.12 RCW and rules  
7 adopted under these titles and chapters, is declared not to be a  
8 criminal offense and is subject to the provisions of this chapter.

9       **Sec. 4.** RCW 88.02.110 and 1987 c 149 s 13 are each amended to read  
10 as follows:

11       (1) Except as otherwise provided in this chapter, a violation of  
12 this chapter(~~(, RCW 43.51.400,)~~) and the rules adopted by the  
13 department (~~(and the state parks and recreation commission)~~) pursuant  
14 to these statutes is a misdemeanor punishable only by a fine not to  
15 exceed one hundred dollars per vessel for the first violation.  
16 Subsequent violations in the same year are subject to the following  
17 fines:

18       (a) For the second violation, a fine of two hundred dollars per  
19 vessel;

20       (b) For the third and successive violations, a fine of four hundred  
21 dollars per vessel.

22       (2) After subtraction of court costs and administrative collection  
23 fees, moneys collected under this section shall be credited to the  
24 current expense fund of the arresting jurisdiction.

25       (3) All law enforcement officers shall have the authority to  
26 enforce this chapter(~~(, RCW 43.51.400)~~), and the rules adopted by the  
27 department (~~(and the state parks and recreation commission)~~) pursuant  
28 to these statutes within their respective jurisdictions: PROVIDED,  
29 That a city, town, or county may contract with a fire protection  
30 district for such enforcement and fire protection districts are  
31 authorized to engage in such activities.

32       **Sec. 5.** RCW 88.12.010 and 1933 c 72 s 1 are each amended to read  
33 as follows:

34       Unless the context clearly requires otherwise, the definitions in  
35 this section apply throughout this chapter.

36       (1) "Boat wastes" includes, but is not limited to, sewage, garbage,  
37 marine debris, plastics, contaminated bilge water, cleaning solvents,

1 paint scrapings, or discarded petroleum products associated with the  
2 use of vessels.

3 (2) "Boater" means any person on a vessel on waters of the state of  
4 Washington.

5 (3) "Carrying passengers for hire" means carrying passengers in a  
6 vessel on waters of the state for valuable consideration, whether given  
7 directly or indirectly or received by the owner, agent, operator, or  
8 other person having an interest in the vessel. This shall not include  
9 trips where expenses for food, transportation, or incidentals are  
10 shared by participants on an even basis. Anyone receiving compensation  
11 for skills or money for amortization of equipment and carrying  
12 passengers shall be considered to be carrying passengers for hire on  
13 waters of the state.

14 (4) "Commission" means the state parks and recreation commission.

15 (5) "Darkness" ((is herein defined to be)) means that period  
16 between ((one-half hour after)) sunset and ((one-half hour before))  
17 sunrise.

18 (( "Waters", as used herein, are defined as any lake, pond or other  
19 body of water.))

20 (6) "Environmentally sensitive area" means a restricted body of  
21 water where discharge of untreated sewage from boats is especially  
22 detrimental because of limited flushing, shallow water, commercial or  
23 recreational shellfish, swimming areas, diversity of species, the  
24 absence of other pollution sources, or other characteristics.

25 (7) "Marina" means a facility providing boat moorage space, fuel,  
26 or commercial services. Commercial services include but are not  
27 limited to overnight or live-aboard boating accommodations.

28 (8) "Motor driven boats and vessels" ((are defined herein as))  
29 means all boats and vessels which are self propelled.

30 (9) "Muffler" or "muffler system" means a sound suppression device  
31 or system, including an underwater exhaust system, designed and  
32 installed to abate the sound of exhaust gases emitted from an internal  
33 combustion engine and that prevents excessive or unusual noise.

34 (10) "Operate" means to steer, direct, or otherwise have physical  
35 control of a vessel that is underway.

36 (11) "Operator" means an individual who steers, directs, or  
37 otherwise has physical control of a vessel that is underway or  
38 exercises actual authority to control the person at the helm.

1       (12) "Observer" means the individual riding in a vessel who is  
2 responsible for observing a water skier at all times.

3       (13) "Owner" means a person who has a lawful right to possession of  
4 a vessel by purchase, exchange, gift, lease, inheritance, or legal  
5 action whether or not the vessel is subject to a security interest.

6       (14) "Personal flotation device" means a buoyancy device, life  
7 preserver, buoyant vest, ring buoy, or buoy cushion that is designed to  
8 float a person in the water and that is approved by the commission.

9       (15) "Personal watercraft" means a vessel of less than sixteen feet  
10 that uses a motor powering a water jet pump, as its primary source of  
11 motive power and that is designed to be operated by a person sitting,  
12 standing, or kneeling on, or being towed behind the vessel, rather than  
13 in the conventional manner of sitting or standing inside the vessel.

14       (16) "Polluted area" means a body of water used by boaters that is  
15 contaminated by boat wastes at unacceptable levels, based on applicable  
16 water quality and shellfish standards.

17       (17) "Public entities" means all elected or appointed bodies,  
18 including tribal governments, responsible for collecting and spending  
19 public funds.

20       (18) "Reckless" or "recklessly" means acting carelessly and  
21 heedlessly in a willful and wanton disregard of the rights, safety, or  
22 property of another.

23       (19) "Sewage pumpout or dump unit" means:

24       (a) A receiving chamber or tank designed to receive vessel sewage  
25 from a "porta-potty" or a portable container; and

26       (b) A stationary or portable mechanical device on land, a dock,  
27 pier, float, barge, vessel, or other location convenient to boaters,  
28 designed to remove sewage waste from holding tanks on vessels.

29       (20) "Underway" means that a vessel is not at anchor, or made fast  
30 to the shore, or aground.

31       (21) "Vessel" includes every description of watercraft on the  
32 water, other than a seaplane, used or capable of being used as a means  
33 of transportation on the water. However, it does not include inner  
34 tubes, air mattresses, and small rafts or flotation devices or toys  
35 customarily used by swimmers.

36       (22) "Water skiing" means the physical act of being towed behind a  
37 vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or  
38 any other similar device.

1        (23) "Waters of the state" means any waters within the territorial  
2 limits of Washington state.

3        (24) "Whitewater rivers of the state" means those rivers and  
4 streams, or parts thereof, within the boundaries of the state as listed  
5 in RCW 88.12.300.

6        NEW SECTION. Sec. 6. A new section is added to chapter 88.12 RCW  
7 to read as follows:

8        (1) It is a misdemeanor, punishable under RCW 9.92.030, for any  
9 person to commit a violation designated as an infraction under this  
10 chapter, if during a period of three hundred sixty-five days the person  
11 has previously committed two infractions for violating the same  
12 provision under this chapter and if the violation is also committed  
13 during such period and is of the same provision as the previous  
14 violations.

15        (2) A violation designated in this chapter as a civil infraction  
16 shall constitute a misdemeanor until the violation is included in a  
17 civil infraction monetary schedule adopted by rule by the state supreme  
18 court pursuant to chapter 7.84 RCW.

19        **Sec. 7.** RCW 88.12.020 and 1933 c 72 s 2 are each amended to read  
20 as follows:

21        ~~((Every person operating or driving a motor propelled boat or~~  
22 ~~vessel on any waters in the state, shall drive the same in a careful~~  
23 ~~and prudent manner at a)) A person shall not operate a vessel in a~~  
24 negligent manner. For the purposes of this section, to "operate in a  
25 negligent manner" means operating a vessel in disregard of careful and  
26 prudent operation, or in disregard of careful and prudent rates of  
27 speed that are no greater than is reasonable and proper under the  
28 conditions existing at the point of operation, taking into account the  
29 amount and character of traffic, size of the lake or body of water,  
30 freedom from obstruction to view ahead, effects of vessel wake, and so  
31 as not to unduly or unreasonably endanger life, limb, property or other  
32 rights of any person entitled to the use of such waters. Except as  
33 provided in section 6 of this act, a violation of this section is an  
34 infraction under chapter 7.84 RCW.

35        **Sec. 8.** RCW 88.12.100 and 1990 c 231 s 3 and 1990 c 31 s 1 are  
36 each reenacted and amended to read as follows:

1 (1) It shall be unlawful for any person to operate a vessel in a  
2 ((negligent)) reckless manner. ((For the purpose of this section, to  
3 "operate in a negligent manner" shall be construed to mean the  
4 operation of a vessel in such manner as to endanger or be likely to  
5 endanger any persons or property or to operate at a rate of speed  
6 greater than will permit the operator in the exercise of reasonable  
7 care to bring the vessel to a safe stop.))

8 (2) ((A person is guilty of operating a vessel while under the  
9 influence of intoxicating liquor or any drug if the person operates a  
10 vessel within this state while)) It shall be a violation for a person  
11 to operate a vessel while under the influence of intoxicating liquor or  
12 any drug. A person is considered to be under the influence of  
13 intoxicating liquor or any drug if:

14 (a) The person has 0.10 grams or more of alcohol per two hundred  
15 ten liters of breath, as shown by analysis of the person's breath made  
16 under RCW 46.61.506; or

17 (b) The person has 0.10 percent or more by weight of alcohol in the  
18 person's blood, as shown by analysis of the person's blood made under  
19 RCW 46.61.506; or

20 (c) The person is under the influence of or affected by  
21 intoxicating liquor or any drug; or

22 (d) The person is under the combined influence of or affected by  
23 intoxicating liquor and any drug.

24 The fact that any person charged with a violation of this section  
25 is or has been entitled to use such drug under the laws of this state  
26 shall not constitute a defense against any charge of violating this  
27 section. A person cited under this subsection may upon request be  
28 given a breath test for breath alcohol or may request to have a blood  
29 sample taken for blood alcohol analysis. An arresting officer shall  
30 administer field sobriety tests when circumstances permit.

31 (3) ((For the purposes of this section, "vessel" means any  
32 watercraft used or capable of being used as a means of transportation  
33 on the water, other than a seaplane.

34 (4) For the purpose of this section, "vessel operator" means a  
35 person who is in actual physical control of a vessel.

36 (5)) A violation of this section is a misdemeanor, punishable ((by  
37 up to ninety days in jail and by a fine of not more than one thousand  
38 dollars)) as provided under RCW 9.92.030. In addition, the court may

1 order the defendant to pay restitution for any damages or injuries  
2 resulting from the offense.

3 **Sec. 9.** RCW 88.12.330 and 1988 c 36 s 73 are each amended to read  
4 as follows:

5 (1) Every (~~peace~~) law enforcement officer of this state and its  
6 political subdivisions has the authority to enforce this chapter. Law  
7 enforcement officers may enforce recreational boating rules adopted by  
8 the commission. Such law enforcement officers include, but are not  
9 limited to, county sheriffs, officers of other local law enforcement  
10 entities, wildlife agents of the department of wildlife and fisheries  
11 patrol officers of the department of fisheries, through their  
12 directors, the state patrol, through its chief, (~~county sheriffs, and~~  
13 other local law enforcement bodies, shall assist in the enforcement)  
14 and state park rangers. In the exercise of this responsibility, all  
15 such officers may stop and board any (~~watercraft~~) vessel and direct  
16 it to a suitable pier or anchorage (~~for boarding~~) to enforce this  
17 chapter.

18 (2) (~~A person, while operating a watercraft on any waters of this~~  
19 ~~state, shall not knowingly flee or attempt to elude a law enforcement~~  
20 ~~officer after having received a signal from the law enforcement officer~~  
21 ~~to bring the boat to a stop.~~

22 (~~3~~)) This chapter shall be construed to supplement federal laws  
23 and regulations. To the extent this chapter is inconsistent with  
24 federal laws and regulations, the federal laws and regulations shall  
25 control.

26 NEW SECTION. **Sec. 10.** A new section is added to chapter 88.12 RCW  
27 to read as follows:

28 In addition to the equipment standards prescribed under this  
29 chapter, the commission shall adopt rules specifying equipment  
30 standards for vessels. Except where the violation is classified as a  
31 misdemeanor under this chapter, violation of any equipment standard  
32 adopted by the commission is an infraction under chapter 7.84 RCW.

33 NEW SECTION. **Sec. 11.** A new section is added to chapter 88.12 RCW  
34 to read as follows:

35 An operator or owner who endangers a vessel, or the persons on  
36 board the vessel, by showing, masking, extinguishing, altering, or

1 removing any light or signal or by exhibiting any false light or  
2 signal, is guilty of a misdemeanor, punishable as provided in RCW  
3 9.92.030.

4 NEW SECTION. Sec. 12. A new section is added to chapter 88.12 RCW  
5 to read as follows:

6 (1) The commission shall adopt rules providing for its inspection  
7 and approval of the personal flotation devices that may be used to  
8 satisfy the requirements of this chapter and governing the manner in  
9 which such devices shall be used. The commission shall prescribe the  
10 different types of devices that are appropriate for the different uses,  
11 such as water skiing or operation of a personal watercraft. In  
12 adopting its rules the commission shall consider the United States  
13 coast guard rules or regulations. The commission may approve devices  
14 inspected and approved by the coast guard without conducting any  
15 inspection of the devices itself.

16 (2) In situations where personal flotation devices are required  
17 under provisions of this chapter, the devices shall be in good and  
18 serviceable condition and of appropriate size. If they are not, then  
19 they shall not be considered as personal flotation devices under such  
20 provisions.

21 NEW SECTION. Sec. 13. A new section is added to chapter 88.12 RCW  
22 to read as follows:

23 If an infraction is issued under this chapter because a vessel does  
24 not contain the required equipment and if the operator is not the owner  
25 of the vessel, but is operating the vessel with the express or implied  
26 permission of the owner, then either or both operator or owner may be  
27 cited for the infraction.

28 **Sec. 14.** RCW 88.12.050 and 1933 c 72 s 5 are each amended to read  
29 as follows:

30 ~~((Every motor driven boat operating on any such waters and carrying  
31 passengers for hire or leased for hire, shall have a life preserver or  
32 life float for each passenger said boat or vessel has capacity to  
33 carry, placed or attached in such manner as to be convenient for use.))~~

34 (1) No person may operate or permit the operation of a vessel on  
35 the waters of the state without a personal flotation device on board  
36 for each person on the vessel. Each personal flotation device shall be



1 in serviceable condition, of an appropriate size, and readily  
2 accessible.

3 (2) Except as provided in section 6 of this act, a violation of  
4 subsection (1) of this section is an infraction under chapter 7.84 RCW  
5 if the vessel is not carrying passengers for hire.

6 (3) A violation of subsection (1) of this section is a misdemeanor  
7 punishable under RCW 9.92.030, if the vessel is carrying passengers for  
8 hire.

9 **Sec. 15.** RCW 88.12.080 and 1990 c 231 s 1 are each amended to read  
10 as follows:

11 (1) The purpose of this section is to promote safety in water  
12 skiing on the waters of Washington state, provide a means of ensuring  
13 safe water skiing and promote the enjoyment of water skiing.

14 ~~(2) ((When used in this section, the following words and phrases~~  
15 ~~shall have the meanings designated in this section unless a different~~  
16 ~~meaning is expressly provided or unless the context clearly indicates~~  
17 ~~otherwise.~~

18 ~~(a) "Operator" means the individual in physical control of a~~  
19 ~~vessel. The operator of a personal watercraft shall be at least~~  
20 ~~fourteen years of age.~~

21 ~~(b) "Observer" means the individual riding in a vessel who shall be~~  
22 ~~responsible for observing the water skier at all times. The observer~~  
23 ~~and the operator shall not be the same person. The observer shall be~~  
24 ~~an individual who meets the minimum qualifications for an observer~~  
25 ~~established by rules of the state parks and recreation commission.~~

26 ~~(c) "Personal watercraft" means a vessel of less than sixteen feet~~  
27 ~~which uses a motor powering a water jet pump, as its primary source of~~  
28 ~~motive power and which is designed to be operated by a person sitting,~~  
29 ~~standing, or kneeling on, or being towed behind the vessel, rather than~~  
30 ~~in the conventional manner of sitting or standing inside the vessel.~~

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

33 ~~(e) "Waters of Washington state" means any waters within the~~  
34 ~~territorial limits of Washington state.~~

35 ~~(3))~~ No vessel ~~((which has in tow a person or persons on water~~  
36 ~~skis, or similar contrivance shall be operated))~~ operator may tow or  
37 attempt to tow a water skier on any waters of Washington state unless  
38 such craft shall be occupied by at least an operator and an observer.

1 The observer shall continuously observe the person or persons being  
2 towed and shall display a flag immediately after the towed person or  
3 persons fall into the water, and during the time preparatory to skiing  
4 while the person or persons are still in the water. Such flag shall be  
5 a bright red or brilliant orange color, measuring at least twelve  
6 inches square, mounted on a pole not less than twenty-four inches long  
7 and displayed as to be visible from every direction. This subsection  
8 does not apply to a personal watercraft, the design of which makes no  
9 provision for carrying an operator or any other person on board, and  
10 that is actually operated by the person or persons being towed. Every  
11 remote-operated personal watercraft shall have a flag attached which  
12 meets the requirements of this subsection. Except as provided under  
13 section 6 of this act, a violation of this subsection is an infraction  
14 under chapter 7.84 RCW.

15 (3) The observer and the operator shall not be the same person.  
16 The observer shall be an individual who meets the minimum  
17 qualifications for an observer established by rules of the commission.  
18 Except as provided under section 6 of this act, a violation of this  
19 subsection is an infraction under chapter 7.84 RCW.

20 ~~(4) No person shall engage or attempt to engage in water skiing((  
21 or operate or ride on a personal watercraft,)) without wearing ((an  
22 adequate and effective United States coast guard approved type I, II,  
23 III, or V personal floatation device in good and serviceable condition  
24 and of appropriate size, or a wet suit which is approved for personal  
25 floatation by the United States coast guard. A person operating a  
26 personal watercraft equipped by the manufacturer with a lanyard type  
27 engine cutoff switch must attach the lanyard to his or her person,  
28 clothing, or personal floatation device as is appropriate for the  
29 specific vessel. It is unlawful for any person to remove or disable a  
30 cutoff switch which was installed by the manufacturer)) a personal  
31 floatation device. Except as provided under section 6 of this act, a  
32 violation of this subsection is an infraction under chapter 7.84 RCW.~~

33 (5) No person shall engage or attempt to engage in water skiing, or  
34 operate any vessel to tow a water skier, on the waters of Washington  
35 state during the period from one hour after sunset until one hour prior  
36 to sunrise. A violation of this subsection is a misdemeanor,  
37 punishable as provided under RCW 9.92.030.

38 ~~(6) ((No person shall operate a personal watercraft on the waters  
39 of Washington state during the period from sunset until sunrise.~~

1       ~~((7))~~ No person engaged in water skiing(~~(, or the operation of a~~  
2 ~~personal watercraft,~~) either as operator, observer, or skier, shall  
3 conduct himself or herself in a (~~(negligent)~~) reckless manner that  
4 willfully or wantonly endangers, or is likely to endanger, any person  
5 or property. A violation of this subsection is a misdemeanor as  
6 provided under RCW 9.92.030.

7       ~~((8))~~ (7) The requirements of subsections (2), (3), (4), and (5)  
8 of this section shall not apply to persons engaged in tournaments,  
9 competitions, or exhibitions that have been authorized or otherwise  
10 permitted by the appropriate agency having jurisdiction and authority  
11 to authorize such events.

12       ~~((9) It shall be unlawful for a person to lease, hire, or rent a~~  
13 ~~personal watercraft to any person who is under sixteen years of age.))~~

14       NEW SECTION. Sec. 16. A new section is added to chapter 88.12 RCW  
15 to read as follows:

16       (1) A person shall not load or permit to be loaded a vessel with  
17 passengers or cargo beyond its safe carrying ability or carry  
18 passengers or cargo in an unsafe manner taking into consideration  
19 weather and other existing operating conditions.

20       (2) A person shall not operate or permit to be operated a vessel  
21 equipped with a motor or other propulsion machinery of a power beyond  
22 the vessel's ability to operate safely, taking into consideration the  
23 vessel's type, use, and construction, the weather conditions, and other  
24 existing operating conditions.

25       (3) A violation of subsection (1) or (2) of this section is an  
26 infraction punishable as provided under chapter 7.84 RCW except as  
27 provided under section 6 of this act or where the overloading or  
28 overpowering is reasonably advisable to effect a rescue or for some  
29 similar emergency purpose.

30       (4) If it appears reasonably certain to any law enforcement officer  
31 that a person is operating a vessel clearly loaded or powered beyond  
32 its safe operating ability and in the judgment of that officer the  
33 operation creates an especially hazardous condition, the officer may  
34 direct the operator to take immediate and reasonable steps necessary  
35 for the safety of the individuals on board the vessel, including  
36 directing the operator to return to shore or a mooring and to remain  
37 there until the situation creating the hazard is corrected or ended.

1 Failure to follow the direction of an officer under this subsection is  
2 a misdemeanor punishable as provided under RCW 9.92.030.

3 NEW SECTION. **Sec. 17.** A new section is added to chapter 88.12 RCW  
4 to read as follows:

5 (1) A person shall not operate a personal watercraft unless each  
6 person aboard the personal watercraft is wearing a personal flotation  
7 device approved by the commission. Except as provided for in section  
8 6 of this act, a violation of this subsection is a civil infraction  
9 punishable under RCW 7.84.100.

10 (2) A person operating a personal watercraft equipped by the  
11 manufacturer with a lanyard-type engine cutoff switch shall attach the  
12 lanyard to his or her person, clothing, or personal flotation device as  
13 appropriate for the specific vessel. It is unlawful for any person to  
14 remove or disable a cutoff switch that was installed by the  
15 manufacturer.

16 (3) A person shall not operate a personal watercraft during  
17 darkness.

18 (4) A person under the age of fourteen shall not operate a personal  
19 watercraft on the waters of this state.

20 (5) A person shall not operate a personal watercraft in a reckless  
21 manner, including recklessly weaving through congested vessel traffic,  
22 recklessly jumping the wake of another vessel unreasonably or  
23 unnecessarily close to the vessel or when visibility around the vessel  
24 is obstructed, or recklessly swerving at the last possible moment to  
25 avoid collision.

26 (6) A person shall not lease, hire, or rent a personal watercraft  
27 to a person under the age of sixteen.

28 (7) Subsections (1) through (6) of this section shall not apply to  
29 a performer engaged in a professional exhibition or a person  
30 participating in a regatta, race, marine parade, tournament, or  
31 exhibition authorized or otherwise permitted by the appropriate agency  
32 having jurisdiction and authority to authorize such events.

33 (8) Violations of subsections (2) through (6) of this section  
34 constitute a misdemeanor under RCW 9.92.030.

35 **Sec. 18.** RCW 88.12.130 and 1984 c 183 s 1 are each amended to read  
36 as follows:

1 (1) The operator of a vessel involved in a collision, accident, or  
2 other casualty, to the extent the operator can do so without serious  
3 danger to the operator's own vessel or persons aboard, shall render all  
4 practical and necessary assistance to persons affected by the  
5 collision, accident, or casualty to save them from danger caused by the  
6 incident. Under no circumstances may the rendering of assistance or  
7 other compliance with this section be evidence of the liability of such  
8 operator for the collision, accident, or casualty. (~~The operator~~  
9 ~~shall also give his or her name, address, and the identification of the~~  
10 ~~operator's vessel to the state parks and recreation commission and any~~  
11 ~~person injured and to the owner of any property damaged~~) The operator  
12 shall also give all pertinent accident information, as specified by  
13 rule by the commission, to the law enforcement agency having  
14 jurisdiction: PROVIDED, That this requirement shall not apply to  
15 operators of vessels when they are participating in an organized  
16 competitive event (~~covered by a permit issued by the United States~~  
17 ~~coast guard~~) authorized or otherwise permitted by the appropriate  
18 agency having jurisdiction and authority to authorize such events.  
19 These duties are in addition to any duties otherwise imposed by law.  
20 Except as provided for in section 6 of this act, a violation of this  
21 subsection is a civil infraction punishable under RCW 7.84.100.

22 (2) Any person who complies with subsection (1) of this section or  
23 who gratuitously and in good faith renders assistance at the scene of  
24 a vessel collision, accident, or other casualty, without objection of  
25 the person assisted, shall not be held liable for any civil damages as  
26 a result of the rendering of assistance or for any act or omission in  
27 providing or arranging salvage, towage, medical treatment, or other  
28 assistance, where the assisting person acts as any reasonably prudent  
29 person would have acted under the same or similar circumstances.

30 **Sec. 19.** RCW 88.12.160 and Code 1881 s 3242 are each amended to  
31 read as follows:

32 Any person taking up any (~~scow, boat, skiff, canoe, or other water~~  
33 ~~craft,~~) vessel found adrift, and out of the custody of the owner, in  
34 (~~any stream or body of water, within, or bordering upon~~) waters of  
35 this state, shall forthwith notify the owner thereof, if to him or her  
36 known, or if upon reasonable inquiry he or she can ascertain the name  
37 and residence of the owner, and request such owner to pay all  
38 reasonable charges, and take such (~~water-craft~~) vessel away.

1       **Sec. 20.** RCW 88.12.170 and Code 1881 s 3243 are each amended to  
2 read as follows:

3       Such notice shall be given personally, or in writing; if in  
4 writing, it shall be served upon the owner, or may be sent by mail to  
5 the post office where such owner usually receives his or her letters.  
6 Such notice shall inform the party where the (~~scow, boat, skiff,~~  
7 ~~canoe, or other water craft~~) vessel was taken up, and where it may be  
8 found, and what amount the taker-up or finder demands for his or her  
9 charges.

10       **Sec. 21.** RCW 88.12.180 and Code 1881 s 3244 are each amended to  
11 read as follows:

12       In all cases where notice is not given personally, it shall be the  
13 duty of the taker-up to post up at the post office nearest the place  
14 where such (~~scow, boat, skiff, canoe, or other water craft~~) vessel  
15 may be taken up, a written notice of the taking up of such (~~water~~  
16 ~~craft~~) vessel, which shall contain a description of the same, with the  
17 name, if any is painted thereon, also the place where taken up, the  
18 place where the property may be found, and the charge for taking the  
19 same up. If the taker-up is traveling upon (~~such stream or body of~~)  
20 waters of the state, such notice shall be posted up at the first post  
21 office he or she shall pass after the taking up; and in all cases, he  
22 or she shall at the time when, and place where, he or she posts up such  
23 notice, also mail a copy of such notice, directed to the postmaster of  
24 each post office on (~~said stream or body of~~) waters of the state, and  
25 within fifty miles of the place where such (~~water craft~~) vessel is  
26 taken up.

27       **Sec. 22.** RCW 88.12.190 and Code 1881 s 3245 are each amended to  
28 read as follows:

29       Every person taking up any (~~scow, boat, skiff, canoe, or other~~  
30 ~~water craft,~~) vessel so found adrift, and giving the notice herein  
31 required, shall be entitled to receive from the owner claiming the  
32 property, a reasonable compensation for his or her time, services,  
33 expenses, and risk in taking up said property, and take notice of the  
34 same, to be settled by agreement between the parties. In case ((he))  
35 the person has not, within ten days after the taking up, substantially  
36 complied with the provisions of this chapter in giving the notice,  
37 ((he)) the person shall be entitled to no compensation, but he or she

1 shall be liable to all damages the owner may have suffered, and be also  
2 liable to the owner for the value of the use of (~~said water craft~~)  
3 the vessel, from the time of taking it up until the same is delivered  
4 to the owner.

5 **Sec. 23.** RCW 88.12.200 and 1987 c 202 s 248 are each amended to  
6 read as follows:

7 In case the parties cannot agree on the amount to be paid the  
8 taker-up, or the ownership, and the sum claimed is less than one  
9 (~~hundred~~) thousand dollars, the owner may file a complaint, setting  
10 out the facts, and the judge, on hearing, shall decide the same with a  
11 jury, or not, and in the same manner as is provided in ordinary civil  
12 actions before a district judge. If the amount claimed by the taker-up  
13 is more than one (~~hundred~~) thousand dollars, the owner shall file his  
14 or her complaint in the superior court of the county where the property  
15 is, and trial shall be had as in other civil actions; but if the taker-  
16 up claims more than one (~~hundred~~) thousand dollars, and a less amount  
17 is awarded him or her, he or she shall be liable for all the costs in  
18 the superior court; and in all cases where the taker-up shall recover  
19 a less amount than has been tendered him or her by the owner or  
20 claimant, previous to filing his or her complaint, he or she shall pay  
21 the costs before the district judge or in the superior court:  
22 PROVIDED, That in all cases the owner, after filing his or her  
23 complaint before a district judge, shall be entitled to the possession  
24 of (~~such water craft~~) the vessel, upon giving bond, with security to  
25 the satisfaction of the judge, in double the amount claimed by the  
26 taker-up. When the complaint is filed in the superior court, the clerk  
27 thereof shall approve the security of the bond. The bond shall be  
28 conditioned to pay such costs as shall be awarded to the finder or  
29 taker-up of such (~~scow, boat, skiff, canoe, or other water craft~~)  
30 vessel.

31 **Sec. 24.** RCW 88.12.210 and Code 1881 s 3247 are each amended to  
32 read as follows:

33 In case the taker-up shall use the (~~scow, boat, skiff, canoe or~~  
34 ~~other water craft~~) vessel, more than is necessary to put it into a  
35 place of safety, he or she shall be liable to the owner for such use,  
36 and for all damage; and in case it shall suffer injury from his or her

1 neglect to take suitable care of it, he or she shall be liable to the  
2 owner for all damage.

3 **Sec. 25.** RCW 88.12.220 and 1987 c 202 s 249 are each amended to  
4 read as follows:

5 In case such (~~(watercraft)~~) vessel is of less value than one  
6 hundred dollars, and is not claimed within three months, the taker-up  
7 may apply to a district judge of the district where the property is,  
8 who, upon being satisfied that due notice has been given, and that the  
9 owner cannot, with reasonable diligence be found, shall order the  
10 (~~(seow, boat, skiff, canoe, or other watercraft)~~) vessel to be sold,  
11 and after paying the taker-up such sum as he or she shall be entitled  
12 to, and the costs, the balance shall be paid the county treasurer as is  
13 provided in the case of the sale of estrays. In case the (~~(seow, boat,~~  
14 ~~skiff, canoe, or other watercraft,)~~) vessel exceeds one hundred  
15 dollars, and is not claimed within six months, application shall be  
16 made to the superior court of the county, and the same proceeding shall  
17 be thereupon had. All sales made under this section shall be conducted  
18 as sales of personal property on execution.

19 **Sec. 26.** RCW 88.12.230 and 1986 c 217 s 1 are each amended to read  
20 as follows:

21 The purpose of (~~(this chapter)~~) RCW 88.12.250 through 88.12.320 is  
22 to further the public interest, welfare, and safety by providing for  
23 the protection and promotion of safety in the operation of  
24 (~~(watercraft)~~) vessels carrying passengers for hire on the whitewater  
25 rivers of this state.

26 NEW SECTION. **Sec. 27.** A new section is added to chapter 88.12 RCW  
27 to read as follows:

28 Except as provided in RCW 88.12.320(3), the commission of a  
29 prohibited act under RCW 88.12.250 through 88.12.320 constitutes a  
30 misdemeanor, punishable as provided under RCW 9.92.030.

31 **Sec. 28.** RCW 88.12.250 and 1986 c 217 s 3 are each amended to read  
32 as follows:

33 (1) No person may operate any (~~(watercraft)~~) vessel carrying  
34 passengers for hire on whitewater rivers in a manner that interferes



1 with other ((watercraft)) vessels or with the free and proper  
2 navigation of the rivers of this state.

3 (2) Every operator of a ((watercraft)) vessel carrying passengers  
4 for hire on whitewater rivers shall at all times operate the  
5 ((watercraft)) vessel in a careful and prudent manner and at such a  
6 speed as to not endanger the life, limb, or property of any person.

7 (3) No ((watercraft)) vessel carrying passengers for hire on  
8 whitewater rivers may be loaded with passengers or cargo beyond its  
9 safe carrying capacity taking into consideration the type and  
10 construction of the ((watercraft)) vessel and other existing operating  
11 conditions. In the case of inflatable ((crafts)) vessels, safe  
12 carrying capacity in whitewater shall be considered as less than the  
13 United States Coast Guard capacity rating for each ((watercraft))  
14 vessel. This subsection shall not apply in cases of an unexpected  
15 emergency on the river.

16 (4) Individuals licensed under chapter 77.32 RCW and acting as  
17 fishing guides are exempt from section 27 of this act and RCW 88.12.260  
18 through 88.12.320.

19 **Sec. 29.** RCW 88.12.260 and 1986 c 217 s 4 are each amended to read  
20 as follows:

21 (1) Except as provided in subsection (2) of this section,  
22 ((watercraft)) vessels on whitewater rivers proceeding downstream have  
23 the right of way over ((watercraft)) vessels proceeding upstream.

24 (2) In all cases, ((watercraft)) vessels not under power proceeding  
25 downstream on whitewater rivers have the right of way over motorized  
26 craft underway.

27 **Sec. 30.** RCW 88.12.280 and 1986 c 217 s 6 are each amended to read  
28 as follows:

29 (1) While carrying passengers for hire on whitewater rivers  
30 ((sections)) in this state, the operator and owner of the vessel shall:

31 ((+1)) (a) If using inflatable ((watercraft)) vessels, use only  
32 ((watercraft)) vessels with three or more separate air chambers;

33 ((+2)) (b) Ensure that all passengers and operators are wearing a  
34 securely fastened ((United States Coast Guard approved type III or type  
35 V life jacket in good condition)) personal flotation device;

1       (~~(3)~~) (c) Ensure that each (~~(watercraft)~~) vessel has accessible  
2 a spare United States coast guard-approved type III or type V (~~(life~~  
3 ~~jacket)~~) personal flotation device in good repair;

4       (~~(4)~~) (d) Ensure that each (~~(watercraft)~~) vessel has on it a  
5 bagged throwable line with a floating line and bag;

6       (~~(5)~~) (e) Ensure that each (~~(watercraft)~~) vessel has accessible  
7 an adequate first-aid kit;

8       (~~(6)~~) (f) Ensure that each (~~(watercraft)~~) vessel has a spare  
9 propelling device;

10       (~~(7)~~) (g) Ensure that a repair kit and air pump are accessible to  
11 inflatable (~~(watercraft)~~) vessel; and

12       (~~(8)~~) (h) Ensure that equipment to prevent and treat hypothermia  
13 is accessible to all (~~(watercraft)~~) vessels on a trip.

14       (2) No person may operate on the whitewater rivers of this state a  
15 vessel carrying passengers for hire unless the person has successfully  
16 completed a lifesaving training course meeting standards adopted by the  
17 commission.

18       **Sec. 31.** RCW 88.12.290 and 1986 c 217 s 7 are each amended to read  
19 as follows:

20       (1) (~~(Watercraft)~~) Vessel operators and passengers on any trip  
21 carrying passengers for hire on whitewater rivers of the state shall  
22 not allow the use of alcohol during the course of a trip on a  
23 whitewater river section in this state.

24       (2) Any (~~(watercraft)~~) vessel carrying passengers for hire on any  
25 whitewater river section in this state must be accompanied by at least  
26 one other (~~(watercraft)~~) vessel under the supervision of the same  
27 operator or owner or being operated by a person registered under RCW  
28 88.12.320 or an operator under the direction or control of a person  
29 registered under RCW 88.12.320.

30       **Sec. 32.** RCW 88.12.390 and 1989 c 393 s 4 are each amended to read  
31 as follows:

32       (1) A marina which meets one or more of the following criteria  
33 shall be designated by the commission as appropriate for installation  
34 of a sewage pumpout or (~~(sewage)~~) dump (~~(station)~~) unit:

35       (a) The marina is located in an environmentally sensitive or  
36 polluted area; or

1 (b) The marina has one hundred twenty-five slips or more and there  
2 is a lack of sewage pumpout(~~(s)~~) or dump units within a reasonable  
3 distance.

4 (2) In addition to subsection (1) of this section, the commission  
5 may at its discretion designate a marina as appropriate for  
6 installation of a sewage pumpout or (~~sewage~~) dump (~~(station)~~) unit if  
7 there is a demonstrated need for a sewage pumpout or (~~sewage~~) dump  
8 (~~(station)~~) unit at the marina based on professionally conducted  
9 studies undertaken by federal, state, or local government, or the  
10 private sector; and it meets the following criteria:

11 (a) The marina provides commercial services, such as sales of food,  
12 fuel or supplies, or overnight or live-aboard moorage opportunities;

13 (b) The marina is located at a heavily used boating destination or  
14 on a heavily traveled route, as determined by the commission; or

15 (c) There is a lack of adequate sewage pumpout (~~(station)~~) or dump  
16 unit capacity within a reasonable distance.

17 (3) Exceptions to the designation made under this section may be  
18 made by the commission if no sewer, septic, water, or electrical  
19 services are available at the marina.

20 (4) In addition to marinas, the commission may designate boat  
21 launches or boater destinations as appropriate for installation of a  
22 sewage pumpout or (~~sewage~~) dump (~~(station)~~) unit based on the  
23 criteria found in subsections (1) and (2) of this section.

24 **Sec. 33.** RCW 88.12.400 and 1989 c 393 s 5 are each amended to read  
25 as follows:

26 (1) Marinas and boat launches designated as appropriate for  
27 installation of a sewage pumpout or (~~sewage~~) dump (~~(station)~~) unit  
28 under RCW 88.12.390 shall be eligible for funding support for  
29 installation of such facilities from funds specified in RCW 88.12.450.  
30 The commission shall notify owners or operators of all designated  
31 marinas and boat launches of the designation, and of the availability  
32 of funding to support installation of appropriate sewage disposal  
33 facilities. The commission shall encourage the owners and operators to  
34 apply for available funding.

35 (2) The commission shall seek to provide the most cost-efficient  
36 and accessible facilities possible for reducing the amount of boat  
37 waste entering the state's waters. The commission shall consider

1 providing funding support for portable pumpout facilities in this  
2 effort.

3 (3) The commission shall contract with, or enter into an  
4 interagency agreement with another state agency to contract with,  
5 applicants based on the criteria specified below:

6 (a)(i) Contracts may be awarded to publicly owned, tribal, or  
7 privately owned marinas or boat launches.

8 (ii) Contracts may provide for state reimbursement to cover  
9 eligible costs as deemed reasonable by commission rule. Eligible costs  
10 include purchase, installation, or major renovation of the sewage  
11 pumpout or ((sewage)) dump ((stations)) units, including sewer, water,  
12 electrical connections, and those costs attendant to the purchase,  
13 installation, and other necessary appurtenances, such as required pier  
14 space, as determined by the commission.

15 (iii) Ownership of the sewage pumpout or ((sewage)) dump  
16 ((station)) unit will be retained by the state through the commission  
17 in privately owned marinas. Ownership of the sewage pumpout or  
18 ((sewage)) dump ((station)) unit in publicly owned marinas will be held  
19 by the public entity.

20 (iv) Operation, normal and expected maintenance, and ongoing  
21 utility costs will be the responsibility of the ((marina or boat launch  
22 operator)) contract recipient. The sewage pumpout or ((sewage)) dump  
23 ((station—must)) unit shall be kept in operating condition and  
24 available for public use at all times during operating hours of the  
25 facility, excluding necessary maintenance periods.

26 (v) The ((marina owner)) contract recipient agrees to allow the  
27 installation, existence and use of the sewage pumpout or ((sewage))  
28 dump ((station)) unit by granting an ((easement)) irrevocable license  
29 for a minimum of ten years at no cost ((for such purposes)) to the  
30 commission.

31 (b) Contracts awarded pursuant to (a) of this subsection shall be  
32 subject, for a period of at least ten years, to the following  
33 conditions:

34 (i) Any ((facility)) contract recipient entering into a contract  
35 under this section must allow the boating public access to the sewage  
36 pumpout or ((sewage)) dump ((station)) unit during operating hours.

37 (ii) The ((applicant)) contract recipient must agree to monitor and  
38 encourage the use of the sewage pumpout or ((sewage)) dump ((station))

1 unit, and to cooperate in any related boater environmental education  
2 program administered or approved by the commission.

3 (iii) The ((applicant)) contract recipient must agree not to charge  
4 a fee for the use of the sewage pumpout or ((sewage)) dump ((station))  
5 unit.

6 (iv) The ((applicant)) contract recipient must agree to arrange and  
7 pay a reasonable fee for a periodic inspection of the sewage pumpout  
8 ((facility)) or dump unit by the local health department or appropriate  
9 authority.

10 (v) Use of a free sewage pumpout or ((sewage)) dump ((station))  
11 unit by the boating public shall be deemed to be included in the term  
12 "outdoor recreation" for the purposes of chapter 4.24 RCW.

13 **Sec. 34.** RCW 88.12.410 and 1989 c 393 s 6 are each amended to read  
14 as follows:

15 The department of ecology, in consultation with the commission,  
16 shall, for initiation of the state-wide program only, develop criteria  
17 for the design, installation, and operation of sewage pumpout and  
18 ((sewage)) dump ((stations)) units, taking into consideration the ease  
19 of access to the ((station)) unit by the boating public. The  
20 department of ecology may adopt rules to administer the provisions of  
21 this section.

22 **Sec. 35.** RCW 88.12.420 and 1989 c 393 s 7 are each amended to read  
23 as follows:

24 The commission shall undertake a state-wide boater environmental  
25 education program concerning the effects of boat wastes. The boater  
26 environmental education program shall provide informational materials  
27 on proper boat waste disposal methods, environmentally safe boat  
28 maintenance practices, locations of sewage pumpout and ((sewage)) dump  
29 ((stations)) units, and boat oil recycling facilities.

30 **Sec. 36.** RCW 88.12.440 and 1989 c 393 s 9 are each amended to read  
31 as follows:

32 The commission shall, in consultation with interested parties,  
33 review progress on installation of sewage pumpout and ((sewage)) dump  
34 ((stations)) units, the boater environmental education program, and the  
35 boating safety program. The commission shall report its findings to  
36 the legislature by December 1994.

1       **Sec. 37.** RCW 88.12.450 and 1989 c 393 s 11 are each amended to  
2 read as follows:

3       The amounts allocated in accordance with RCW 82.49.030(3) shall be  
4 expended upon appropriation in accordance with the following  
5 limitations:

6       (1) Thirty percent of the funds shall be appropriated to the  
7 interagency committee for outdoor recreation and be expended for use by  
8 state and local government for public recreational waterway boater  
9 access and boater destination sites. Priority shall be given to  
10 critical site acquisition. The interagency committee for outdoor  
11 recreation shall administer such funds as a competitive grants program.  
12 The amounts provided for in this subsection shall be evenly divided  
13 between state and local governments.

14       (2) Thirty percent of the funds shall be expended by the commission  
15 exclusively for sewage pumpout or (~~sewage~~) dump (~~stations~~) units at  
16 publicly and privately owned marinas as provided for in RCW 88.12.390  
17 and 88.12.400.

18       (3) Twenty-five percent of the funds shall be expended for grants  
19 to state agencies and other public entities to enforce boating safety  
20 and registration laws and to carry out boating safety programs. The  
21 commission shall administer such grant program.

22       (4) Fifteen percent shall be expended for instructional materials,  
23 programs or grants to the public school system, public entities, or  
24 other nonprofit community organizations to support boating safety and  
25 boater environmental education or boat waste management planning. The  
26 commission shall administer this program.

27       **Sec. 38.** RCW 88.02.050 and 1989 c 17 s 1 are each amended to read  
28 as follows:

29       Application for a vessel registration shall be made to the  
30 department or its authorized agent in the manner and upon forms  
31 prescribed by the department. The application shall state the name and  
32 address of each owner of the vessel and such other information as may  
33 be required by the department, shall be signed by at least one owner,  
34 and shall be accompanied by a vessel registration fee of (~~six~~) ten  
35 dollars and fifty cents per year and the excise tax imposed under  
36 chapter 82.49 RCW. Any fees required for licensing agents under RCW  
37 46.01.140 shall be in addition to the (~~six-dollar~~) ten dollar and  
38 fifty cent annual registration fee.

1       Upon receipt of the application and the registration fee, the  
2 department shall assign a registration number and issue a decal for  
3 each vessel. The registration number and decal shall be issued and  
4 affixed to the vessel in a manner prescribed by the department  
5 consistent with the standard numbering system for vessels set forth in  
6 volume 33, part 174, of the code of federal regulations. A valid decal  
7 affixed as prescribed shall indicate compliance with the annual  
8 registration requirements of this chapter.

9       The vessel registrations and decals are valid for a period of one  
10 year, except that the director of licensing may extend or diminish  
11 vessel registration periods, and the decals therefor, for the purpose  
12 of staggered renewal periods. For registration periods of more or less  
13 than one year, the department may collect prorated annual registration  
14 fees and excise taxes based upon the number of months in the  
15 registration period. Vessel registrations are renewable every year in  
16 a manner prescribed by the department upon payment of the vessel  
17 registration fee and excise tax. Upon renewing a vessel registration,  
18 the department shall issue a new decal to be affixed as prescribed by  
19 the department.

20       When the department issues either a notice to renew a vessel  
21 registration or a decal for a new or renewed vessel registration, it  
22 shall also provide information on the location of marine oil recycling  
23 tanks and sewage holding tank pumping stations. This information will  
24 be provided to the department by the state parks and recreation  
25 commission in a form ready for distribution. The form will be  
26 developed and prepared by the state parks and recreation commission  
27 with the cooperation of the department of ecology. The department, the  
28 state parks and recreation commission, and the department of ecology  
29 shall enter into a memorandum of agreement to implement this process.

30       A person acquiring a vessel from a dealer or a vessel already  
31 validly registered under this chapter shall, within fifteen days of the  
32 acquisition or purchase of the vessel, apply to the department or its  
33 authorized agent for transfer of the vessel registration, and the  
34 application shall be accompanied by a transfer fee of one dollar.

35       NEW SECTION. **Sec. 39.** A new section is added to chapter 88.12 RCW  
36 to read as follows:

37       (1) All motor-propelled vessels shall be equipped and maintained  
38 with an effective muffler that is in good working order and in constant

1 use. For the purpose of this section, an effective muffler or  
2 underwater exhaust system does not produce sound levels in excess of  
3 ninety decibels when subjected to a stationary sound level test that  
4 shall be prescribed by rules adopted by the commission, as of the  
5 effective date of this section, and for engines manufactured on or  
6 after January 1, 1994, a noise level of eighty-eight decibels when  
7 subjected to a stationary sound level test that shall be prescribed by  
8 rules adopted by the commission.

9 (2) A vessel that does not meet the requirements of subsection (1)  
10 of this section shall not be operated on the waters of this state.

11 (3) No person may operate a vessel on waters of the state in such  
12 a manner as to exceed a noise level of seventy-five decibels measured  
13 from any point on the shoreline of the body of water on which the  
14 vessel is being operated that shall be specified by rules adopted by  
15 the commission, as of the effective date of this section. Such  
16 measurement shall not preclude a stationary sound level test that shall  
17 be prescribed by rules adopted by the commission.

18 (4) This section does not apply to: (a) A vessel tuning up,  
19 testing for, or participating in official trials for speed records or  
20 a sanctioned race conducted pursuant to a permit issued by an  
21 appropriate governmental agency; or (b) a vessel being operated by a  
22 vessel or marine engine manufacturer for the purpose of testing or  
23 development. Nothing in this subsection prevents local governments  
24 from adopting ordinances to control the frequency, duration, and  
25 location of vessel testing, tune-up, and racing.

26 (5) Any officer authorized to enforce this section who has reason  
27 to believe that a vessel is not in compliance with the noise levels  
28 established in this section may direct the operator of the vessel to  
29 submit the vessel to an on-site test to measure noise level, with the  
30 officer on board if the officer chooses, and the operator shall comply  
31 with such request. If the vessel exceeds the decibel levels  
32 established in this section, the officer may direct the operator to  
33 take immediate and reasonable measures to correct the violation.

34 (6) Any officer who conducts vessel sound level tests as provided  
35 in this section shall be qualified in vessel noise testing.  
36 Qualifications shall include but may not be limited to the ability to  
37 select the appropriate measurement site and the calibration and use of  
38 noise testing equipment.



1 (7) A person shall not remove, alter, or otherwise modify in any  
2 way a muffler or muffler system in a manner that will prevent it from  
3 being operated in accordance with this chapter.

4 (8) A person shall not manufacture, sell, or offer for sale any  
5 vessel that is not equipped with a muffler or muffler system that does  
6 not comply with this chapter. This subsection shall not apply to power  
7 vessels designed, manufactured, and sold for the sole purpose of  
8 competing in racing events and for no other purpose. Any such  
9 exemption or exception shall be documented in any and every sale  
10 agreement and shall be formally acknowledged by signature on the part  
11 of both the buyer and the seller. Copies of the agreement shall be  
12 maintained by both parties. A copy shall be kept on board whenever the  
13 vessel is operated.

14 (9) Except as provided in section 6 of this act, a violation of  
15 this section is an infraction under chapter 7.84 RCW.

16 (10) Vessels that are equipped with an engine modified to increase  
17 performance beyond the engine manufacturer's stock configuration shall  
18 have an exhaust system that complies with the standards in this section  
19 after January 1, 1994. Until that date, operators or owners, or both,  
20 of such vessels with engines that are out of compliance shall be issued  
21 a warning and be given educational materials about types of muffling  
22 systems available to muffle noise from such high performance engines.

23 (11) Nothing in this section preempts a local government from  
24 exercising any power that it possesses under the laws or Constitution  
25 of the state of Washington to adopt more stringent regulations.

26 NEW SECTION. Sec. 40. A new section is added to chapter 88.02 RCW  
27 to read as follows:

28 Jurisdictions receiving funds under RCW 88.02.040 shall deposit  
29 such funds into an account dedicated solely for supporting the  
30 jurisdiction's boating safety programs. These funds shall not supplant  
31 existing local funds used for boating safety programs.

32 NEW SECTION. Sec. 41. RCW 82.49.070 and 1988 c 261 s 1, 1985 c 7  
33 s 155, 1984 c 250 s 4, & 1983 2nd ex.s. c 3 s 49 are each repealed.

34 NEW SECTION. Sec. 42. Section 41 of this act shall take effect  
35 June 30, 1994.

1        NEW SECTION.    **Sec. 43.**    Section 38 of this act applies to  
2 registrations expiring June 30, 1995, and thereafter.

3        NEW SECTION.    **Sec. 44.**    The following acts or parts of acts are  
4 each repealed:

- 5        (1) RCW 88.12.030 and 1933 c 72 s 3;
- 6        (2) RCW 88.12.040 and 1990 c 231 s 2 & 1933 c 72 s 4;
- 7        (3) RCW 88.12.090 and 1933 c 72 s 6;
- 8        (4) RCW 88.12.240 and 1986 c 217 s 2;
- 9        (5) RCW 88.12.270 and 1986 c 217 s 5;
- 10       (6) RCW 88.12.310 and 1986 c 217 s 9;
- 11       (7) RCW 88.12.340 and 1986 c 217 s 12; and
- 12       (8) RCW 88.12.480 and 1992 c 100 s 8.

13       NEW SECTION.    **Sec. 45.**    (1) The code reviser shall correct all  
14 statutory references to sections recodified by this section.

15       (2) The following sections shall be codified or recodified in the  
16 following order in chapter 88.12 RCW:

- 17       RCW 88.12.010
- 18       RCW 88.12.--- (section 6 of this act)
- 19       RCW 88.12.020
- 20       RCW 88.12.100
- 21       RCW 88.12.110
- 22       RCW 88.12.120
- 23       RCW 88.12.330
- 24       RCW 88.12.--- (section 10 of this act)
- 25       RCW 88.12.--- (section 11 of this act)
- 26       RCW 88.12.--- (section 39 of this act)
- 27       RCW 88.12.--- (section 12 of this act)
- 28       RCW 88.12.--- (section 13 of this act)
- 29       RCW 88.12.050
- 30       RCW 88.12.080
- 31       RCW 88.12.--- (section 16 of this act)
- 32       RCW 88.12.--- (section 17 of this act)
- 33       RCW 88.12.130
- 34       RCW 88.12.140
- 35       RCW 88.12.150
- 36       RCW 88.12.160
- 37       RCW 88.12.170

1 RCW 88.12.180  
2 RCW 88.12.190  
3 RCW 88.12.200  
4 RCW 88.12.210  
5 RCW 88.12.220  
6 RCW 88.12.--- (section 27 of this act)  
7 RCW 88.12.280  
8 RCW 88.12.290  
9 RCW 88.12.300  
10 RCW 88.12.320  
11 RCW 88.12.350  
12 RCW 88.12.360  
13 RCW 88.12.380  
14 RCW 88.12.390  
15 RCW 88.12.400  
16 RCW 88.12.410  
17 RCW 88.12.420  
18 RCW 88.12.430  
19 RCW 88.12.440  
20 RCW 88.12.450  
21 RCW 88.12.460  
22 RCW 88.12.470."

23 **SHB 1318** - S COMM AMD  
24 By Committee on Ecology & Parks

25 ADOPTED 4/15/93

26 On page 1, line 1 of the title, after "safety;" strike the  
27 remainder of the title and insert "amending RCW 7.84.010, 7.84.020,  
28 88.02.110, 88.12.010, 88.12.020, 88.12.330, 88.12.050, 88.12.080,  
29 88.12.130, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200,  
30 88.12.210, 88.12.220, 88.12.230, 88.12.250, 88.12.260, 88.12.280,  
31 88.12.290, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.440,  
32 88.12.450, and 88.02.050; reenacting and amending RCW 88.12.100; adding  
33 new sections to chapter 88.12 RCW; adding a new section to chapter  
34 88.02 RCW; creating new sections; recodifying RCW 88.12.010, 88.12.020,  
35 88.12.100, 88.12.110, 88.12.120, 88.12.330, 88.12.050, 88.12.080,  
36 88.12.130, 88.12.140, 88.12.150, 88.12.160, 88.12.170, 88.12.180,  
37 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.280, 88.12.290,

1 88.12.300, 88.12.320, 88.12.350, 88.12.360, 88.12.380, 88.12.390,  
2 88.12.400, 88.12.410, 88.12.420, 88.12.430, 88.12.440, 88.12.450,  
3 88.12.460, and 88.12.470; repealing RCW 82.49.070, 88.12.030,  
4 88.12.040, 88.12.090, 88.12.240, 88.12.270, 88.12.310, 88.12.340, and  
5 88.12.480; prescribing penalties; and providing an effective date."

--- END ---