

FINAL BILL REPORT

SHB 1318

C 244 L 93
Synopsis as Enacted

Brief Description: Changing boating safety provisions.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Pruitt, Ballard, Morton, Sheldon, Wolfe, Schoesler, R. Johnson and Jones).

House Committee on Natural Resources & Parks
Senate Committee on Ecology & Parks
Senate Committee on Ways & Means

Background:

STREAMLINING BOATING LAWS

The state's boating laws are administered largely by the Washington State Parks and Recreation Commission.

In 1992, the Legislature consolidated and recodified boating laws from seven separate chapters of the Revised Code of Washington into one chapter. While the consolidation was accomplished, the chapters were not well integrated. For example, separate definitions for each chapter were left intact, making it difficult for state boating safety personnel, law enforcement officers, and boaters to understand the boating laws.

Over the past year, the Washington State Parks and Recreation Commission's Boating Safety Council, the United States Coast Guard, law enforcement officers, boaters, and industry representatives have developed recommendations for streamlining and modernizing the boating laws.

MUFFLER DEVICES

The boating laws require that all motor-driven vessels contain an "adequate" muffler device "so as to preclude excessive ... noise." However, the laws do not specify what constitutes excessive noise.

OVERLOADING, OVERPOWERING AND FLOTATION DEVICES

Current laws contain no standards governing the overloading or overpowering of vessels. The laws generally do not require personal flotation devices for vessels other than

motor-driven boats, vessels pulling water skiers, vessels carrying passengers for hire, and "personal watercraft."

VIOLATION OF BOATING LAWS

A violation of the boating laws is a misdemeanor, punishable by a jail term of not more than 90 days and/or a fine of not more than \$1,000.

In recent years, there has been a trend to decriminalize minor violations of state law and reclassify them as civil infractions. Violators of laws classified as civil infractions pay a fine. However, the commission of an infraction does not result in a jail term, nor does it result in the offender having a criminal record.

REGISTRATION FEES

Generally, vessel owners are required to register their vessels with the Department of Licensing and to pay a registration fee of \$6 per year. The state distributes the registration fees received in excess of \$1.1 million per year to local governments with state-approved boating safety programs. The local governments are required to use the funds distributed to them for their boating safety programs.

Under specified circumstances, counties are authorized to impose an excise tax on vessels stored or moored in the county and to use the tax revenues for local boating programs.

SEWAGE FACILITIES

Boating laws authorize the Parks and Recreation Commission to provide funding support for sewage pumpout or sewage dump devices at marinas and boat launches.

Summary:

STREAMLINING BOATING LAWS

The boating laws are substantially revised and updated. The laws are applicable to "vessels" which is broadly defined to include most types of watercraft. Definitions are consolidated.

MUFFLER DEVICES

Most motor-driven vessels must have a muffler sufficient to muffle sound within specified levels. The maximum sound level for stationary vessels is 90 decibels. However for vessels manufactured after 1994, the maximum stationary sound level is reduced to 88 decibels. The maximum sound

level for moving vessels is 75 decibels, measured from the shoreline. Local governments may adopt more stringent regulations.

OVERLOADING, OVERPOWERING AND FLOTATION DEVICES

New safety rules are provided for overloading and overpowering of vessels. These rules prohibit loading or powering of vessels beyond safety limits, taking into consideration weather and existing operating conditions. Generally, it is an infraction to violate these rules.

Personal flotation devices are required for all vessels. Generally, it is an infraction to violate the rules on personal flotation devices. However, it is a misdemeanor to violate rules relating to personal flotation devices which apply to water skiers, personal watercraft, and vessels carrying paying passengers.

EQUIPMENT VIOLATIONS/RECKLESS OPERATION

All equipment violations are classified as infractions, except where a statute provides otherwise. Both the operator and an owner who permits the operation of a vessel will be liable for infractions involving equipment violations.

New misdemeanor crimes are created for reckless operation of a vessel and for violation of new safety rules governing personal watercraft.

VIOLATION OF BOATING LAWS

As noted above, violation of many boating laws is considered an infraction. In addition, the following violations are decriminalized and classified as civil infractions: (1) violation of most provisions governing required vessel equipment, including, but not limited to lights and mufflers; (2) negligent operation of a vessel; and (3) failure to comply with the "observer" and "flag" provisions applicable to water skiing.

However, if an offender has more than two violations of the same provision during the same year, then the third and any subsequent violations during that year will be punishable as a misdemeanor.

REGISTRATION FEES

For registrations in effect after June 30, 1994, the vessel registration fee is increased to \$10.50 per year. A local government receiving a share of the registration fee

revenues is required to deposit its share in a local account dedicated solely for boating safety and may not use funds in the account to supplant existing local funds for boating safety.

Effective June 30, 1994, the law authorizing counties to impose a vessel excise tax is repealed.

SEWAGE FACILITIES

In providing funding support for sewage pumpouts or dump devices at marinas and boat launches, the Parks and Recreation Commission is directed to seek the most cost-efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters and to consider providing funding support for portable pumpout facilities.

Votes on Final Passage:

House	95	0	
Senate	39	8	(Senate amended)
House	96	1	(House concurred)

Effective: July 25, 1993
June 30, 1994 (Section 41)
June 30, 1994 (Section 38 for vessel
registrations in effect after
June 30, 1994)