

SENATE BILL REPORT

SSB 6538

AS PASSED SENATE, FEBRUARY 10, 1994

Brief Description: Changing recreational boating safety education regarding fire prevention.

SPONSORS: Senate Committee on Ecology & Parks (originally sponsored by Senators Owen and Oke)

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6538 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fraser, Chairman; Deccio, Moore, Morton, Sutherland and Talmadge.

Staff: Gary Wilburn (786-7453)

Hearing Dates: February 2, 1994

BACKGROUND:

In response to recent boating accidents in Washington caused by the ignition of propane fuel for appliances on the vessels, the Legislature in 1993 enacted legislation requiring vessels with liquid petroleum gas (LPG) systems to be equipped with vapor warning systems. The State Parks and Recreation Commission was directed to request the Coast Guard to adopt standards for such systems, and if not likely to do so, the commission was directed to adopt such rules.

The federal Boat Safety Act delegates to the Coast Guard the authority to regulate equipment and safety measures on vessels, and includes a provision preempting state standards that are not identical to the federal standards. An additional provision of the act allows states to petition for an exception to this preemption, so that a state's standards may remain effective.

Pursuant to the 1993 state legislation, the State Parks and Recreation Commission requested the Coast Guard to adopt LPG warning system standards. The Coast Guard responded by letter declining to adopt such standards, based upon recommendations from a boating safety advisory council. The letter cited an opinion from its legal counsel that a state standard would be invalid in the absence of express federal approval, and delineated the information the state should provide in seeking an exception to the federal preemption.

SUMMARY:

The State Parks and Recreation Commission shall incorporate an emphasis on fire prevention into its boating safety program. It shall include distribution of educational materials and opportunities for educating boaters on safety practices in operating heaters, stoves and other appliances. The commission will report biennially to the Legislature on the effects of state and local safety programs, and recommend new safety and accident prevention measures.

The 1993 legislation requiring LPG warning systems on vessels is repealed.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Will help prevent boating accidents due to gas explosions, and is a good alternative in light of federal preemption of state standards for on-board safety equipment.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Jim French, State Parks; Bob Wilder, State Parks and Recreation Commission; Jack Swanberg, NW Marine Trade Assoc.; Dave Williams, Recreational Boating Assn. of WA