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**SUBSTITUTE HOUSE BILL 1318**

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**State of Washington**

**53rd Legislature**

**1993 Regular Session**

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

Read first time 02/17/93.

1       AN ACT Relating to boating safety; amending RCW 7.84.010, 7.84.020,  
2 88.02.110, 88.12.010, 88.12.020, 88.12.330, 88.12.050, 88.12.080,  
3 88.12.130, 88.12.160, 88.12.170, 88.12.180, 88.12.190, 88.12.200,  
4 88.12.210, 88.12.220, 88.12.230, 88.12.250, 88.12.260, 88.12.280,  
5 88.12.290, 88.12.390, 88.12.400, 88.12.410, 88.12.420, 88.12.440, and  
6 88.12.450; reenacting and amending RCW 88.12.100; adding new sections  
7 to chapter 88.12 RCW; creating a new section; recodifying RCW  
8 88.12.010, 88.12.020, 88.12.100, 88.12.110, 88.12.120, 88.12.330,  
9 88.12.050, 88.12.130, 88.12.140, 88.12.150, 88.12.160, 88.12.170,  
10 88.12.180, 88.12.190, 88.12.200, 88.12.210, 88.12.220, 88.12.230,  
11 88.12.250, 88.12.260, 88.12.280, 88.12.290, 88.12.300, 88.12.320,  
12 88.12.350, 88.12.360, 88.12.380, 88.12.390, 88.12.400, 88.12.410,  
13 88.12.420, 88.12.430, 88.12.440, 88.12.450, 88.12.460, and 88.12.470;  
14 repealing RCW 88.12.030, 88.12.040, 88.12.090, 88.12.240, 88.12.270,  
15 88.12.310, 88.12.340, and 88.12.480; and prescribing penalties.

16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

17       NEW SECTION. **Sec. 1.** It is the intent of the legislature that the  
18 boating safety laws administered by the state parks and recreation  
19 commission provide Washington's citizens with clear and reasonable

1 boating safety regulations and penalties. Therefore, the legislature  
2 intends to recodify, clarify, and partially decriminalize the state-  
3 wide boating safety laws in order to help the boating community  
4 understand and comply with these laws.

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

7 The legislature declares that decriminalizing certain offenses  
8 contained in Titles 75, 76, 77, and 79 RCW and chapters 43.30 ~~((and))~~,  
9 43.51, and 88.12 RCW and any rules adopted pursuant to those titles and  
10 chapters would promote the more efficient administration of those  
11 titles and chapters. The purpose of this chapter is to provide a just,  
12 uniform, and efficient procedure for adjudicating those violations  
13 which, in any of these titles and chapters or rules adopted under these  
14 chapters or titles, are declared not to be criminal offenses. The  
15 legislature respectfully requests the supreme court to prescribe any  
16 rules of procedure necessary to implement this chapter.

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

19 Unless the context clearly requires otherwise, the definition in  
20 this section applies throughout this chapter.

21 "Infraction" means an offense which, by the terms of Title 75, 76,  
22 77, or 79 RCW or chapter 43.30 ~~((or))~~, 43.51, or 88.12 RCW and rules  
23 adopted under these titles and chapters, is declared not to be a  
24 criminal offense and is subject to the provisions of this chapter.

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

27 (1) Except as otherwise provided in this chapter, a violation of  
28 this chapter ~~((, RCW 43.51.400,))~~ and the rules adopted by the  
29 department ~~((and the state parks and recreation commission))~~ pursuant  
30 to these statutes is a misdemeanor punishable only by a fine not to  
31 exceed one hundred dollars per vessel for the first violation.  
32 Subsequent violations in the same year are subject to the following  
33 fines:

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

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

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

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

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

15 Unless the context clearly requires otherwise, the definitions in  
16 this section apply throughout this chapter.

17 (1) "Boat wastes" includes, but is not limited to, sewage, garbage,  
18 marine debris, plastics, contaminated bilge water, cleaning solvents,  
19 paint scrapings, or discarded petroleum products associated with the  
20 use of vessels.

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

23 (3) "Carrying passengers for hire" means carrying passengers in a  
24 vessel on waters of the state for valuable consideration, whether given  
25 directly or indirectly or received by the owner, agent, operator, or  
26 other person having an interest in the vessel. This shall not include  
27 trips where expenses for food, transportation, or incidentals are  
28 shared by participants on an even basis. Anyone receiving compensation  
29 for skills or money for amortization of equipment and carrying  
30 passengers shall be considered to be carrying passengers for hire on  
31 waters of the state.

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

33 (5) "Darkness" (~~(is herein defined to be)~~) means that period  
34 between (~~(one-half hour after)~~) sunset and (~~(one-half hour before)~~)  
35 sunrise.

36 (~~("Waters", as used herein, are defined as any lake, pond or other~~  
37 ~~body of water.)~~)

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

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

9       (8) "Motor driven boats and vessels" (~~are defined herein as~~)  
10 means all boats and vessels which are self propelled.

11       (9) "Muffler" or "muffler system" means a sound suppression device  
12 or system (including an underwater exhaust system) designed and  
13 installed to abate the sound of exhaust gasses emitted from an internal  
14 combustion engine and that prevents excessive or unusual noise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27       (1) It is a misdemeanor, punishable under RCW 9.92.030, for any  
28 person to commit a violation designated as an infraction under this  
29 chapter, if during a period of three hundred sixty-five days the person  
30 has previously committed two infractions for violating the same  
31 provision under this chapter and if the violation is also committed  
32 during such period and is of the same provision as the previous  
33 violations.

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

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

3       (~~Every person operating or driving a motor propelled boat or~~  
4 ~~vessel on any waters in the state, shall drive the same in a careful~~  
5 ~~and prudent manner at a~~) A person shall not operate a vessel in a  
6 negligent manner. For the purposes of this section, to "operate in a  
7 negligent manner" means operating a vessel in disregard of careful and  
8 prudent operation, or in disregard of careful and prudent rates of  
9 speed that are no greater than is reasonable and proper under the  
10 conditions existing at the point of operation, taking into account the  
11 amount and character of traffic, size of the lake or body of water,  
12 freedom from obstruction to view ahead, effects of vessel wake, and so  
13 as not to unduly or unreasonably endanger life, limb, property or other  
14 rights of any person entitled to the use of such waters. Except as  
15 provided in section 6 of this act, a violation of this section is an  
16 infraction under chapter 7.84 RCW.

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

19       (1) It shall be unlawful for any person to operate a vessel in a  
20 (~~negligent~~) reckless manner. (~~For the purpose of this section, to~~  
21 ~~"operate in a negligent manner" shall be construed to mean the~~  
22 ~~operation of a vessel in such manner as to endanger or be likely to~~  
23 ~~endanger any persons or property or to operate at a rate of speed~~  
24 ~~greater than will permit the operator in the exercise of reasonable~~  
25 ~~care to bring the vessel to a safe stop.))~~

26       (2) (~~A person is guilty of operating a vessel while under the~~  
27 ~~influence of intoxicating liquor or any drug if the person operates a~~  
28 ~~vessel within this state while)) It shall be a violation for a person  
29 to operate a vessel while under the influence of intoxicating liquor or  
30 any drug. A person is considered to be under the influence of  
31 intoxicating liquor or any drug if:~~

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

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

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

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

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

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

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

17 ~~(5))~~ A violation of this section is a misdemeanor, punishable ~~((by  
18 up to ninety days in jail and by a fine of not more than one thousand  
19 dollars))~~ as provided under RCW 9.92.030. In addition, the court may  
20 order the defendant to pay restitution for any damages or injuries  
21 resulting from the offense.

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

24 (1) Every ~~((peace))~~ law enforcement officer of this state and its  
25 political subdivisions has the authority to enforce this chapter. Law  
26 enforcement officers may enforce recreational boating rules adopted by  
27 the commission. Such law enforcement officers include, but are not  
28 limited to, county sheriffs, officers of other local law enforcement  
29 entities, wildlife agents of the department of wildlife and fisheries  
30 patrol officers of the department of fisheries, through their  
31 directors, the state patrol, through its chief, ~~((county sheriffs, and~~  
32 other local law enforcement bodies, shall assist in the enforcement))  
33 and state park rangers. In the exercise of this responsibility, all  
34 such officers may stop and board any ~~((watercraft))~~ vessel and direct  
35 it to a suitable pier or anchorage ~~((for boarding))~~ to enforce this  
36 chapter.

37 (2) ~~((A person, while operating a watercraft on any waters of this  
38 state, shall not knowingly flee or attempt to elude a law enforcement~~

1 ~~officer after having received a signal from the law enforcement officer~~  
2 ~~to bring the boat to a stop.~~

3 (3)) This chapter shall be construed to supplement federal laws  
4 and regulations. To the extent this chapter is inconsistent with  
5 federal laws and regulations, the federal laws and regulations shall  
6 control.

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

9 In addition to the equipment standards prescribed under this  
10 chapter, the commission shall adopt rules specifying equipment  
11 standards for vessels. Except where the violation is classified as a  
12 misdemeanor under this chapter, violation of any equipment standard  
13 adopted by the commission is an infraction under chapter 7.84 RCW.

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

16 An operator or owner who endangers a vessel, or the persons on  
17 board the vessel, by showing, masking, extinguishing, altering or  
18 removing any light or signal, or by exhibiting any false light or  
19 signal, is guilty of a misdemeanor, punishable as provided in RCW  
20 9.92.030.

21 NEW SECTION. **Sec. 12.** A new section is added to chapter 88.12 RCW  
22 to read as follows:

23 (1) All motor propelled vessels shall be equipped and maintained  
24 with an effective muffler that is in good working order and in constant  
25 use. For the purpose of this section, an effective muffler or  
26 underwater exhaust system does not produce sound levels in excess of  
27 ninety decibels when subjected to a stationary sound level test that  
28 shall be prescribed by rules adopted by the commission, as of the  
29 effective date of this section, and for engines manufactured on or  
30 after January 1, 1994, a noise level of eighty-eight decibals when  
31 subjected to a stationary sound level test that shall be prescribed by  
32 rules adopted by the commission.

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

35 (3) No person may operate a vessel on waters of the state in such  
36 a manner as to exceed a noise level of seventy-five decibels measured



1 from any point on the shoreline of the body of water on which the  
2 vessel is being operated that shall be specified by rules adopted by  
3 the commission, as of the effective date of this section. Such  
4 measurement shall not preclude a stationary sound level test that shall  
5 be prescribed by rules adopted by the commission.

6 (4) This section does not apply to: (a) A vessel tuning up,  
7 testing for, or participating in official trials for speed records or  
8 a sanctioned race conducted pursuant to a permit issued by an  
9 appropriate governmental agency; or (b) a vessel being operated by a  
10 vessel or marine engine manufacturer for the purpose of testing or  
11 development.

12 (5) Any officer authorized to enforce this section who has reason  
13 to believe that a vessel is not in compliance with the noise levels  
14 established in this section may direct the operator of the vessel to  
15 submit the vessel to an on-site test to measure noise level, with the  
16 officer on board if the officer chooses, and the operator shall comply  
17 with such request. If the vessel exceeds the decibel levels  
18 established in this section, the officer may direct the operator to  
19 take immediate and reasonable measures to correct the violation.

20 (6) Any officer who conducts vessel sound level tests as provided  
21 in this section shall be qualified in vessel noise testing by the  
22 department of ecology. Qualifications shall include but may not be  
23 limited to the ability to select the appropriate measurement site and  
24 the calibration and use of noise testing equipment.

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

28 (8) A person shall not manufacture, sell, or offer for sale any  
29 vessel that is not equipped with a muffler or muffler system that does  
30 not comply with this chapter. This section shall not apply to power  
31 vessels designed, manufactured, and sold for the sole purpose of  
32 competing in racing events and for no other purpose. Any such  
33 exemption or exception shall be documented in any and every sale  
34 agreement and shall be formally acknowledged by signature on the part  
35 of both the buyer and the seller. Copies of the agreement shall be  
36 maintained by both parties. A copy shall be kept on board whenever the  
37 vessel is operated.

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

1 (10) Nothing in this section preempts a local government from  
2 exercising any power that it possesses under the laws or Constitution  
3 of the state of Washington to adopt more stringent regulations.

4 NEW SECTION. Sec. 13. 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. 14. A new section is added to chapter 88.12 RCW  
22 to read as follows:

23 If an infraction occurs 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. 15.** 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. 16.** 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 flotation 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))~~ (6) No person engaged in water skiing(~~(, or the operation of~~  
2 ~~a personal watercraft,))~~ either as operator, observer, or skier, shall  
3 conduct himself or herself in a (~~(negligent manner that endangers, or~~  
4 ~~is likely to endanger, any person or property))~~ reckless manner. A  
5 violation of this subsection is a misdemeanor as provided under RCW  
6 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. 17. 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. 18.** 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 punishable as provided under RCW 9.92.030.

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

30 **Sec. 25.** RCW 88.12.210 and Code 1881 s 3247 are each amended to  
31 read as follows:

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

1       **Sec. 26.** RCW 88.12.220 and 1987 c 202 s 249 are each amended to  
2 read as follows:

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

17       **Sec. 27.** RCW 88.12.230 and 1986 c 217 s 1 are each amended to read  
18 as follows:

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

24       NEW SECTION. **Sec. 28.** A new section is added to chapter 88.12 RCW  
25 to read as follows:

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

29       **Sec. 29.** RCW 88.12.250 and 1986 c 217 s 3 are each amended to read  
30 as follows:

31       (1) No person may operate any (~~watercraft~~) vessel carrying  
32 passengers for hire on whitewater rivers in a manner that interferes  
33 with other (~~watercraft~~) vessels or with the free and proper  
34 navigation of the rivers of this state.

35       (2) Every operator of a (~~watercraft~~) vessel carrying passengers  
36 for hire on whitewater rivers shall at all times operate the

1 ((watercraft)) vessel in a careful and prudent manner and at such a  
2 speed as to not endanger the life, limb, or property of any person.

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

12 (4) Individuals licensed under chapter 77.32 RCW and acting as  
13 fishing guides are exempt from section 28 of this act and RCW 88.12.260  
14 through 88.12.320.

15 **Sec. 30.** RCW 88.12.260 and 1986 c 217 s 4 are each amended to read  
16 as follows:

17 (1) Except as provided in subsection (2) of this section,  
18 ((watercraft)) vessels carrying passengers for hire on whitewater  
19 rivers proceeding downstream have the right of way over ((watercraft))  
20 vessels proceeding upstream.

21 (2) In all cases, ((watercraft)) vessels carrying passengers for  
22 hire on whitewater rivers not under power have the right of way over  
23 motorized craft underway.

24 **Sec. 31.** RCW 88.12.280 and 1986 c 217 s 6 are each amended to read  
25 as follows:

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

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

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

33 ((+3)) (c) Ensure that each ((watercraft)) vessel has accessible  
34 a spare ((type III or type V life jacket in good repair)) personal  
35 flotation device;

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

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

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

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

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

9       (2) No person may operate on the whitewater rivers a vessel  
10 carrying passengers for hire unless the person has successfully  
11 completed a life-saving training course meeting standards adopted by  
12 the commission.

13       **Sec. 32.** RCW 88.12.290 and 1986 c 217 s 7 are each amended to read  
14 as follows:

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

19       (2) Any (~~(watercraft)~~) vessel carrying passengers for hire on any  
20 whitewater river section in this state must be accompanied by at least  
21 one other (~~(watercraft)~~) vessel under the supervision of the same  
22 operator or owner or being operated by a person registered under RCW  
23 88.12.320 or an operator under the direction or control of a person  
24 registered under RCW 88.12.320.

25       **Sec. 33.** RCW 88.12.390 and 1989 c 393 s 4 are each amended to read  
26 as follows:

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

30       (a) The marina is located in an environmentally sensitive or  
31 polluted area; or

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

35       (2) In addition to subsection (1) of this section, the commission  
36 may at its discretion designate a marina as appropriate for  
37 installation of a sewage pumpout or (~~(sewage)~~) dump (~~(station)~~) unit if

1 there is a demonstrated need for a sewage pumpout or (~~sewage~~) dump  
2 (~~station~~) unit at the marina based on professionally conducted  
3 studies undertaken by federal, state, or local government, or the  
4 private sector; and it meets the following criteria:

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

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

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

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

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

18 **Sec. 34.** RCW 88.12.400 and 1989 c 393 s 5 are each amended to read  
19 as follows:

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

29 (2) The commission shall seek to provide the most cost-efficient  
30 and accessible facilities possible for reducing the amount of boat  
31 waste entering the state's waters. The commission shall consider  
32 providing funding support for portable pumpout facilities in this  
33 effort.

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

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

1 (ii) Contracts may provide for state reimbursement to cover  
2 eligible costs as deemed reasonable by commission rule. Eligible costs  
3 include purchase, installation, or major renovation of the sewage  
4 pumpout or ~~((sewage)) dump ((stations))~~ units, including sewer, water,  
5 electrical connections, and those costs attendant to the purchase,  
6 installation, and other necessary appurtenances, such as required pier  
7 space, as determined by the commission.

8 (iii) Ownership of the sewage pumpout or ~~((sewage)) dump~~  
9 ~~((station))~~ unit will be retained by the state through the commission  
10 in privately owned marinas. Ownership of the sewage pumpout or  
11 ~~((sewage)) dump ((station))~~ unit in publicly owned marinas will be held  
12 by the public entity.

13 (iv) Operation, normal and expected maintenance, and ongoing  
14 utility costs will be the responsibility of the ~~((marina or boat launch~~  
15 ~~operator))~~ contract recipient. The sewage pumpout or ~~((sewage)) dump~~  
16 ~~((station—must))~~ unit shall be kept in operating condition and  
17 available for public use at all times during operating hours of the  
18 facility, excluding necessary maintenance periods.

19 (v) The ~~((marina owner))~~ contract recipient agrees to allow the  
20 installation, existence and use of the sewage pumpout or ~~((sewage))~~  
21 ~~dump ((station))~~ unit by granting an ~~((easement))~~ irrevocable license  
22 for a minimum of ten years at no cost ~~((for such purposes))~~ to the  
23 commission.

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

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

30 (ii) The ~~((applicant))~~ contract recipient must agree to monitor and  
31 encourage the use of the sewage pumpout or ~~((sewage)) dump ((station))~~  
32 unit, and to cooperate in any related boater environmental education  
33 program administered or approved by the commission.

34 (iii) The ~~((applicant))~~ contract recipient must agree not to charge  
35 a fee for the use of the sewage pumpout or ~~((sewage)) dump ((station))~~  
36 unit.

37 (iv) The ~~((applicant))~~ contract recipient must agree to arrange and  
38 pay a reasonable fee for a periodic inspection of the sewage pumpout

1 ((~~facility~~)) or dump unit by the local health department or appropriate  
2 authority.

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

6 **Sec. 35.** RCW 88.12.410 and 1989 c 393 s 6 are each amended to read  
7 as follows:

8 The department of ecology, in consultation with the commission,  
9 shall, for initiation of the state-wide program only, develop criteria  
10 for the design, installation, and operation of sewage pumpout and  
11 ((~~sewage~~)) dump ((~~stations~~)) units, taking into consideration the ease  
12 of access to the ((~~station~~)) unit by the boating public. The  
13 department of ecology may adopt rules to administer the provisions of  
14 this section.

15 **Sec. 36.** RCW 88.12.420 and 1989 c 393 s 7 are each amended to read  
16 as follows:

17 The commission shall undertake a state-wide boater environmental  
18 education program concerning the effects of boat wastes. The boater  
19 environmental education program shall provide informational materials  
20 on proper boat waste disposal methods, environmentally safe boat  
21 maintenance practices, locations of sewage pumpout and ((~~sewage~~)) dump  
22 ((~~stations~~)) units, and boat oil recycling facilities.

23 **Sec. 37.** RCW 88.12.440 and 1989 c 393 s 9 are each amended to read  
24 as follows:

25 The commission shall, in consultation with interested parties,  
26 review progress on installation of sewage pumpout and ((~~sewage~~)) dump  
27 ((~~stations~~)) units, the boater environmental education program, and the  
28 boating safety program. The commission shall report its findings to  
29 the legislature by December 1994.

30 **Sec. 38.** RCW 88.12.450 and 1989 c 393 s 11 are each amended to  
31 read as follows:

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

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

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

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

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

22 NEW SECTION. **Sec. 39.** The following acts or parts of acts are  
23 each repealed:

- 24 (1) RCW 88.12.030 and 1933 c 72 s 3;
- 25 (2) RCW 88.12.040 and 1990 c 231 s 2 & 1933 c 72 s 4;
- 26 (3) RCW 88.12.090 and 1933 c 72 s 6;
- 27 (4) RCW 88.12.240 and 1986 c 217 s 2;
- 28 (5) RCW 88.12.270 and 1986 c 217 s 5;
- 29 (6) RCW 88.12.310 and 1986 c 217 s 9;
- 30 (7) RCW 88.12.340 and 1986 c 217 s 12; and
- 31 (8) RCW 88.12.480 and 1992 c 100 s 8.

32 NEW SECTION. **Sec. 40.** (1) The code reviser shall correct all  
33 statutory references to sections recodified by this section.

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

- 36 RCW 88.12.010
- 37 RCW 88.12.--- (section 6 of this act)



1 RCW 88.12.020  
2 RCW 88.12.100  
3 RCW 88.12.110  
4 RCW 88.12.120  
5 RCW 88.12.330  
6 RCW 88.12.--- (section 10 of this act)  
7 RCW 88.12.--- (section 11 of this act)  
8 RCW 88.12.--- (section 12 of this act)  
9 RCW 88.12.--- (section 13 of this act)  
10 RCW 88.12.--- (section 14 of this act)  
11 RCW 88.12.050  
12 RCW 88.12.080  
13 RCW 88.12.--- (section 17 of this act)  
14 RCW 88.12.--- (section 18 of this act)  
15 RCW 88.12.130  
16 RCW 88.12.140  
17 RCW 88.12.150  
18 RCW 88.12.160  
19 RCW 88.12.170  
20 RCW 88.12.180  
21 RCW 88.12.190  
22 RCW 88.12.200  
23 RCW 88.12.210  
24 RCW 88.12.220  
25 RCW 88.12.230  
26 RCW 88.12.--- (section 28 of this act)  
27 RCW 88.12.250  
28 RCW 88.12.260  
29 RCW 88.12.280  
30 RCW 88.12.290  
31 RCW 88.12.300  
32 RCW 88.12.320  
33 RCW 88.12.350  
34 RCW 88.12.360  
35 RCW 88.12.380  
36 RCW 88.12.390  
37 RCW 88.12.400  
38 RCW 88.12.410  
39 RCW 88.12.420

- 1 RCW 88.12.430
- 2 RCW 88.12.440
- 3 RCW 88.12.450
- 4 RCW 88.12.460
- 5 RCW 88.12.470.

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