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HOUSE BILL 2365

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State of Washington

53rd Legislature

1994 Regular Session

By Representatives Foreman, King, Rust and Quall

Read first time 01/14/94. Referred to Committee on Fisheries & Wildlife.

1 AN ACT Relating to reducing disturbance to fish, wildlife, and  
2 their habitats; adding a new chapter to Title 77 RCW; prescribing  
3 penalties; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that operation of  
6 motor-driven boats or vessels can disturb fish, wildlife, and their  
7 habitats. Limiting the use of such vessels in designated areas or at  
8 specified times of the year is in the best interest of Washington's  
9 fish and wildlife.

10 NEW SECTION. **Sec. 2.** Unless the context clearly requires  
11 otherwise, the definitions in this section apply throughout this  
12 chapter.

13 (1) "Jet pump propelled vessel" means a vessel of any length that  
14 uses a motor powering a water jet pump as its primary source of motive  
15 power.

16 (2) "Motor-driven vessels" means all boats and vessels that are  
17 self-propelled.

1 (3) "Personal watercraft" means a vessel of fewer than sixteen feet  
2 that uses a motor powering a water jet pump as its primary source of  
3 motive power, and that is designed to be operated by a person sitting,  
4 standing, or kneeling on, or being towed behind the vessel, rather than  
5 in the conventional manner of sitting or standing inside the vessel.

6 (4) "Vessel" means all watercraft on the water, other than a  
7 seaplane, used or capable of being used as a means of transportation on  
8 the water. However, vessel does not include inner tubes, air  
9 mattresses, and small rafts or flotation devices or toys customarily  
10 used by swimmers.

11 (5) "Waters of the state" means any waters within the territorial  
12 limits of Washington state.

13 NEW SECTION. **Sec. 3.** (1) The department of fish and wildlife is  
14 authorized to designate waters of the state for seasonal or permanent  
15 closure to motor-driven vessels, personal watercraft, and jet pump  
16 propelled vessels within one hundred fifty feet of any shoreline, pier,  
17 or breakwater if:

18 (a) The department identifies that there is potential disturbance  
19 to wildlife, fish, or their habitats from operation of such motor-  
20 driven vessel, personal watercraft, or jet pump propelled vessel within  
21 the area of potential closure; or

22 (b) The department identifies a habitat type with unique or  
23 significant value or a species requiring protective measures for its  
24 perpetuation due to its population status, sensitivity to habitat  
25 alteration, or recreational importance within or in proximity to the  
26 area of potential closure.

27 (2) The department shall allow vessels to operate at speeds no  
28 faster than those sufficient to maintain steerage, or seven miles per  
29 hour, whichever is less, through the closed area in order to reach  
30 their destinations in the open area.

31 NEW SECTION. **Sec. 4.** Closure of designated areas to specified  
32 vessel types under section 3 of this act shall preclude local  
33 government ordinances that otherwise allow operation of these vessel  
34 types in such areas. However, local governments may adopt ordinances  
35 that expand the closed area, lengthen the season of closure, or further  
36 limit the types of vessels that may operate.

1        NEW SECTION.    **Sec. 5.**    It is unlawful to operate a vessel in a  
2 closed area designated under section 3 of this act.    A violation of  
3 this section is a misdemeanor.    The minimum penalty for the first  
4 offense is five hundred dollars and for each subsequent offense one  
5 thousand dollars.

6        NEW SECTION.    **Sec. 6.**    Sections 1 through 5 of this act shall  
7 constitute a new chapter in Title 77 RCW.

8        NEW SECTION.    **Sec. 7.**    This act shall take effect July 1, 1994.

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