

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5179

53rd Legislature
1993 Regular Session

Passed by the Senate April 19, 1993
YEAS 40 NAYS 0

President of the Senate

Passed by the House April 9, 1993
YEAS 98 NAYS 0

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5179** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5179

AS AMENDED BY THE HOUSE

Passed Legislature - 1993 Regular Session

State of Washington 53rd Legislature 1993 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by
Senators Owen, Barr, Fraser, Rinehart and Sutherland)

Read first time 02/10/93.

1 AN ACT Relating to vessel safety; adding new sections to chapter
2 88.12 RCW; prescribing penalties; and declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Washington state has the greatest length of marine shoreline
6 miles of the lower forty-eight states;

7 (b) Such marine waters and the extensive freshwater lakes and
8 rivers of the state provide innumerable recreational opportunities, and
9 support a state recreational vessel population that is one of the
10 largest in the country;

11 (c) Many of Washington's popular recreational waters are remote
12 from population centers and thus remote from emergency health care
13 facilities;

14 (d) Washington's climate in the western portion of the state, in
15 which its marine recreational waters lie, is cool and wet for much of
16 the year. Much of the state's recreational vessel activity is
17 conducted in the late fall and winter months in connection with fishing
18 activities. For these reasons the great majority of Washington vessels
19 are equipped with heating devices. These appliances are in use for a

1 much greater portion of the boating season than in other states, and
2 are predominantly fueled by liquid petroleum gas;

3 (e) Current state and federal standards governing heating and
4 cooking appliances on vessels that are fueled by liquid petroleum gas
5 do not adequately protect against undetected gas leaks. Such gas leaks
6 have led to explosions on Washington waters, causing loss of life and
7 property damage;

8 (f) A vessel equipped with leak detection and warning devices will
9 greatly reduce the potential for the ignition of liquid petroleum gas
10 which may have escaped into the hold of the vessel, yet such devices
11 are not currently required either by federal standards or Washington
12 law.

13 (2) It is the intent of the legislature to address the state's
14 unique local circumstances regarding inadequate protection of
15 Washington's boaters from undetected leaks of liquid petroleum gas-
16 fueled appliances by requiring leak detection and warning devices to be
17 placed on those vessels most at risk. It is further the intent of the
18 legislature in this action to exercise the authority to address such
19 local circumstances recognized in federal laws which otherwise preempt
20 the field of establishing safety standards for vessels.

21 NEW SECTION. **Sec. 2.** (1) Effective July 1, 1994, the owner of any
22 vessel that is equipped with a liquid petroleum gas system shall ensure
23 that such vessel is equipped with one or more sensors and warning
24 devices capable of sensing vapors at a level of concentration below the
25 threshold which presents a danger of explosion. The devices shall be
26 capable of providing a continuous warning audible to anyone on board or
27 boarding the vessel.

28 (2) As used in sections 1 through 5 of this act, "vessel" includes
29 any vessel used primarily for recreation or chartered primarily for
30 recreational purposes that is required under RCW 88.02.020 to display
31 a decal or that is exempt from registration pursuant to RCW
32 88.02.030(10). On or before April 1, 1994, the commission shall adopt
33 rules defining vessels of open-air construction which are excluded from
34 this definition.

35 (3) A violation of subsection (1) of this section is a civil
36 infraction punishable under RCW 7.84.100. During the period from July
37 1, 1994, to September 1, 1994, a person violating this section may be
38 issued a written warning of the violation only.

1 NEW SECTION. **Sec. 3.** The sensors and warning devices required by
2 section 2 of this act shall comply with all applicable standards
3 adopted by the United States coast guard or the commission. Within
4 thirty days following the effective date of this act, the commission
5 shall request the coast guard to adopt standards requiring and
6 governing the installation of such devices. If the commission
7 determines that such federal standards are not reasonably likely to be
8 adopted by April 1, 1994, the commission shall adopt such standards on
9 or before such date. The rules shall provide that more than one sensor
10 shall be required on vessels which due to their size or design cannot
11 be adequately serviced by a single sensor.

12 NEW SECTION. **Sec. 4.** (1) On or after July 1, 1994, it shall be
13 unlawful for any person or vessel dealer to offer for sale within this
14 state a vessel that is not equipped with the warning device required by
15 section 2 of this act.

16 (2) On or after July 1, 1994, it shall be unlawful to manufacture
17 a vessel which does not meet the requirements of section 2 of this act,
18 or to modify a vessel in any way that causes a vessel to be out of
19 compliance with section 2 of this act.

20 (3) A violation of this section shall be a misdemeanor punishable
21 as provided by RCW 9A.20.021(2).

22 NEW SECTION. **Sec. 5.** In the event that a court of competent
23 jurisdiction rules that any provision of sections 1 through 4 of this
24 act is invalid as preempted by federal law or regulations, the
25 commission shall submit to the appropriate federal official an
26 application for exemption from such preemption as provided by 46 U.S.C.
27 Sec. 4305.

28 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each
29 added to chapter 88.12 RCW.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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