

HOUSE BILL REPORT

2SHB 1289

As Amended by the Senate:

Title: An act relating to vessels.

Brief Description: Specifying the duties of an operator of a vessel involved in an accident.

Sponsors: House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Loven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott).

Brief History:

Committee Activity:

Law & Justice: 1/19/96 [DP2S].

Floor Activity:

Passed House: 1/31/96, 96-0.

Senate Amended.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 17 members: Representatives Sheahan, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Dellwo, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Murray; Robertson; Smith; Sterk and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Certain regulations apply to the operation of vessels on Washington waters. "Vessels" include all watercraft, other than seaplanes, used for transportation on the water. The word does not include inner tubes, air mattresses, and small rafts or flotation devices, or toys customarily used by swimmers.

The operator of a vessel involved in a collision, accident, or other casualty, must render all practical and necessary assistance to anyone affected by the collision to save him or her from danger caused by the incident. The operator is relieved of that obligation if the operator's own vessel or passengers would be placed in serious danger. The operator must also provide all pertinent accident information to the law enforcement agency having jurisdiction.

A violation is a civil infraction unless the operator commits three violations within one year, in which case a violation is a misdemeanor. The civil infraction penalty is \$110. A comparable federal law exists that imposes criminal liability on an operator of a vessel to stop and render assistance and provide identification.

There are no additional penalties if an operator involved in an accident leaves the scene of the accident. In contrast, if a person leaves the scene of a car accident, the person is subject to various penalties depending upon whether the accident resulted in property damage or injury or death to another person involved in the accident. If a person leaves the scene of a car accident which has resulted in injury or death to another person, the person is guilty of a class C felony. That crime is ranked at seriousness level IV on the Sentencing Reform Act grid. The standard range for a first-time offender convicted of a level IV offense is 3 to 9 months. First-time offenders are eligible for the first-time offender waiver, which carries a possible jail sentence of 0 to 90 days, other conditions, and supervision.

Summary of Bill: An operator of a vessel is guilty of a class C felony if the operator is involved in a collision that results in injury to a person, the operator knew or should have known that a person was injured, and the operator leaves the scene of the collision without rendering all practical and necessary assistance to the injured person as required under current law. This provision is limited to collisions that occur on fresh water located within the State of Washington and to vessels under specified gross tonnage. Federal law will continue to apply on salt water.

A violation is ranked at seriousness level IV on the Sentencing Reform Act grid.

EFFECT OF SENATE AMENDMENT(S): The underlying bill applies only to hit-and-runs that occur on fresh water. It also exempts cargo vessel ships in commerce of 300 or more gross tons. The Senate amendments changes the exemption to include salt-water hit-and-runs, but exempts all vessels involved in commerce, such as tugs, barges, cargo, commercial passenger, fishing, and processing vessels.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: None.

Testimony Against: None.

Testified: None.