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**SUBSTITUTE HOUSE BILL 1748**

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**State of Washington**

**55th Legislature**

**1997 Regular Session**

**By** House Committee on Trade & Economic Development (originally sponsored by Representatives Morris, Van Luven, Quall, Kessler, Sheldon, Anderson, Buck, Cooper, Dunn, Hatfield, Thompson and O'Brien)

Read first time 02/28/97.

1 AN ACT Relating to fostering economic development through increased  
2 maritime trade competitiveness; amending RCW 88.02.030, 88.02.040, and  
3 88.02.050; and adding a new section to chapter 88.02 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.02 RCW  
6 to read as follows:

7 (1) The department may issue a cruise permit for a vessel that has  
8 been issued a valid number under federal law or by an approved issuing  
9 authority of the state of principal operation if the vessel:

10 (a) Is owned by a person who is not a resident of this state as  
11 defined in RCW 46.16.028 and who does not reside in this state; and

12 (b) Is not used in conducting a nontransitory business activity  
13 within the state.

14 (2) The cruise permit may be valid for a maximum period of one  
15 hundred twenty days and only one cruise permit per vessel may be issued  
16 in any calendar year.

17 **Sec. 2.** RCW 88.02.030 and 1991 c 339 s 30 are each amended to read  
18 as follows:

1 Vessel registration is required under this chapter except for the  
2 following:

3 (1) Military or public vessels of the United States, except  
4 recreational-type public vessels;

5 (2) Vessels owned by a state or subdivision thereof, used  
6 principally for governmental purposes and clearly identifiable as such;

7 (3) Vessels either (a) registered or numbered under the laws of a  
8 country other than the United States; or (b) having a valid United  
9 States customs service cruising license issued pursuant to 19 C.F.R.  
10 Sec. 4.94;

11 (4) Vessels that have been issued a valid number under federal law  
12 or by an approved issuing authority of the state of principal  
13 operation. However, a vessel that is validly registered in another  
14 state but that is removed to this state for principal use is subject to  
15 registration under this chapter. The issuing authority for this state  
16 shall recognize the validity of the numbers previously issued for a  
17 period of sixty days after arrival in this state and for the period  
18 during which a vessel has a valid cruise permit issued under section 1  
19 of this act;

20 (5) Vessels owned by a resident of another state if the vessel is  
21 located upon the waters of this state exclusively for repairs or  
22 reconstruction, or any testing related to the repair or reconstruction  
23 conducted in this state if an employee of the repair facility is on  
24 board the vessel during any testing: PROVIDED, That any vessel owned  
25 by a resident of another state is located upon the waters of this state  
26 exclusively for repairs, reconstruction or testing for a period longer  
27 than sixty days, that the nonresident shall file an affidavit with the  
28 department of revenue verifying the vessel is located upon the waters  
29 of this state for repair, reconstruction or testing and shall continue  
30 to file such affidavit every sixty days thereafter, while the vessel is  
31 located upon the waters of this state exclusively for repairs,  
32 reconstruction or testing;

33 (6) Vessels equipped with propulsion machinery of less than ten  
34 horsepower that:

35 (a) Are owned by the owner of a vessel for which a valid vessel  
36 number has been issued;

37 (b) Display the number of that numbered vessel followed by the  
38 suffix "1" in the manner prescribed by the department; and

1 (c) Are used as a tender for direct transportation between that  
2 vessel and the shore and for no other purpose;

3 (7) Vessels under sixteen feet in overall length which have no  
4 propulsion machinery of any type or which are not used on waters  
5 subject to the jurisdiction of the United States or on the high seas  
6 beyond the territorial seas for vessels owned in the United States and  
7 are powered by propulsion machinery of ten or less horsepower;

8 (8) Vessels with no propulsion machinery of any type for which the  
9 primary mode of propulsion is human power;

10 (9) Vessels which are temporarily in this state undergoing repair  
11 or alteration;

12 (10) Vessels primarily engaged in commerce which have or are  
13 required to have a valid marine document as a vessel of the United  
14 States. Commercial vessels which the department of revenue determines  
15 have the external appearance of vessels which would otherwise be  
16 required to register under this chapter, must display decals issued  
17 annually by the department of revenue that indicate the vessel's exempt  
18 status; and

19 (11) Vessels primarily engaged in commerce which are owned by a  
20 resident of a country other than the United States.

21 **Sec. 3.** RCW 88.02.040 and 1989 c 393 s 12 are each amended to read  
22 as follows:

23 The department shall provide for the issuance of vessel  
24 registrations and cruise permits and may appoint agents for collecting  
25 fees and issuing registration numbers and decals. Fees for vessel  
26 registrations and cruise permits collected by the director shall be  
27 deposited in the general fund: PROVIDED, That any amount above one  
28 million one hundred thousand dollars per fiscal year shall be allocated  
29 to counties by the state treasurer for boating safety/education and law  
30 enforcement programs. Eligibility for such allocation shall be  
31 contingent upon approval of the local boating safety program by the  
32 state parks and recreation commission. Fund allocation shall be based  
33 on the numbers of registered vessels by county of moorage. Each  
34 benefiting county shall be responsible for equitable distribution of  
35 such allocation to other jurisdictions with approved boating safety  
36 programs within said county. Any fees not allocated to counties due to  
37 the absence of an approved boating safety program, shall be allocated  
38 to the commission for awards to local governments to offset law

1 enforcement and boating safety impacts of boaters recreating in  
2 jurisdictions other than where registered.

3 **Sec. 4.** RCW 88.02.050 and 1993 c 244 s 38 are each amended to read  
4 as follows:

5 Application for a vessel registration or cruise permit shall be  
6 made to the department or its authorized agent in the manner and upon  
7 forms prescribed by the department. The application shall state the  
8 name and address of each owner of the vessel and such other information  
9 as may be required by the department, shall be signed by at least one  
10 owner, and shall be accompanied by a vessel registration fee of ten  
11 dollars and fifty cents per year and the excise tax imposed under  
12 chapter 82.49 RCW or a cruise permit fee of two hundred fifty dollars.  
13 Any fees required for licensing agents under RCW 46.01.140 shall be in  
14 addition to the ten dollar and fifty cent annual registration fee.

15 Upon receipt of the application and the registration or permit fee,  
16 the department shall assign a registration or cruise permit number and  
17 issue a decal for each vessel. The registration or cruise permit  
18 number and decal shall be issued and affixed to the vessel in a manner  
19 prescribed by the department consistent with the standard numbering  
20 system for vessels set forth in volume 33, part 174, of the code of  
21 federal regulations. A valid decal affixed as prescribed shall  
22 indicate compliance with the annual registration requirements of this  
23 chapter.

24 The vessel registrations and decals are valid for a period of one  
25 year, except that the director of licensing may extend or diminish  
26 vessel registration periods, and the decals therefor, for the purpose  
27 of staggered renewal periods. For registration periods of more or less  
28 than one year, the department may collect prorated annual registration  
29 fees and excise taxes based upon the number of months in the  
30 registration period. Vessel registrations are renewable every year in  
31 a manner prescribed by the department upon payment of the vessel  
32 registration fee and excise tax. Upon renewing a vessel registration,  
33 the department shall issue a new decal to be affixed as prescribed by  
34 the department.

35 When the department issues either a notice to renew a vessel  
36 registration or a decal for a new or renewed vessel registration, it  
37 shall also provide information on the location of marine oil recycling  
38 tanks and sewage holding tank pumping stations. This information will

1 be provided to the department by the state parks and recreation  
2 commission in a form ready for distribution. The form will be  
3 developed and prepared by the state parks and recreation commission  
4 with the cooperation of the department of ecology. The department, the  
5 state parks and recreation commission, and the department of ecology  
6 shall enter into a memorandum of agreement to implement this process.

7 A person acquiring a vessel from a dealer or a vessel already  
8 validly registered under this chapter shall, within fifteen days of the  
9 acquisition or purchase of the vessel, apply to the department or its  
10 authorized agent for transfer of the vessel registration, and the  
11 application shall be accompanied by a transfer fee of one dollar.

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