

2 **SSB 5094** - H COMM AMD
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 88.12.115 and 1993 c 244 s 14 are each amended to
8 read as follows:

9 (1) No person may operate or permit the operation of a vessel on
10 the waters of the state without a personal flotation device on board
11 for each person on the vessel. Each personal flotation device shall be
12 in serviceable condition, of an appropriate size, and readily
13 accessible.

14 (2) Except as provided in RCW 88.12.015, a violation of subsection
15 (1) of this section is an infraction under chapter 7.84 RCW if the
16 vessel is not carrying passengers for hire.

17 (3) A violation of subsection (1) of this section is a misdemeanor
18 punishable under RCW 9.92.030, if the vessel is carrying passengers for
19 hire.

20 (4) No person shall operate a vessel under nineteen feet in length
21 on the waters of this state with a child twelve years old and under,
22 unless the child is wearing a personal flotation device that meets or
23 exceeds the United States coast guard approval standards of the
24 appropriate size, while the vessel is underway. For the purposes of
25 this section, a personal flotation device is not considered readily
26 accessible for children twelve years old and under unless the device is
27 worn by the child while the vessel is underway. The personal flotation
28 device must be worn at all times by a child twelve years old and under
29 whenever the vessel is underway and the child is on an open deck or
30 open cockpit of the vessel. The following circumstances are excepted:

31 (a) While a child is below deck or in the cabin of a boat with an
32 enclosed cabin; and

33 (b) While a child is on a United States coast guard inspected
34 passenger-carrying vessel operating on the navigable waters of the
35 United States.

1 (5) Except as provided in RCW 88.12.015, a violation of subsection
2 (4) of this section is an infraction under chapter 7.84 RCW.
3 Enforcement of subsection (4) of this section by law enforcement
4 officers may be accomplished as a primary action, and need not be
5 accompanied by the suspected violation of some other offense."

6 Correct the title.

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