- 2 **EHB 1014** S COMM AMD
- 3 By Committee on Natural Resources, Parks & Recreation
- 4 ADOPTED 4/8/99
- 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 <u>exceeds the United States coast guard approval standards of the</u>
- 24 appropriate size, while the vessel is underway. For the purposes of
- 25 this section, a personal flotation device is not considered readily
- 26 <u>accessible for children twelve years old and under unless the device is</u>
- 27 worn by the child while the vessel is underway. The personal flotation
- 28 <u>device must be worn at all times by a child twelve years old and under</u>
- 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;
- 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 <u>United States; or</u>

- 1 (c) While on board a vessel at a time and place where no person 2 would reasonably expect a danger of drowning to occur.
- 3 (5) Except as provided in RCW 88.12.015, a violation of subsection
- 4 (4) of this section is an infraction under chapter 7.84 RCW.
- 5 Enforcement of subsection (4) of this section by law enforcement
- 6 officers may be accomplished as a primary action, and need not be
- 7 accompanied by the suspected violation of some other offense."
- 8 **EHB 1014** S COMM AMD
- 9 By Committee on Natural Resources, Parks & Recreation
- 10 ADOPTED 4/8/99
- 11 On page 1, line 1 of the title, after "devices;" strike the
- 12 remainder of the title and insert "amending RCW 88.12.115; and
- 13 prescribing penalties."

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