

HOUSE BILL ANALYSIS

HB 1344

Title: Personal Watercraft Operation

Brief Description: Regulating the use and operation of personal watercraft..

Sponsors: Representatives Cooper, Hankins, Hatfield, Radcliff, Scott and Romero.

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: February 5, 1999.

Bill Analysis Prepared by: Bill Lynch, Counsel (786-7092)

Background: The Washington State Parks and Recreation Commission generally administers the state boating laws. These safety laws include provisions pertaining to the safe operation of personal watercraft. Personal watercraft– is defined as a vessel of less than 16 feet that uses a motor powering a water jet pump as its primary power source, and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than sitting or standing inside the vessel.

There is no requirement for a person who operates a personal watercraft to have successfully completed a boating education course or its equivalent.

People under the age of 14 are prohibited from operating a personal watercraft on the waters of the state. The operation of a personal watercraft during darkness is a misdemeanor.

The operation of a personal watercraft in a reckless manner is a misdemeanor. The reckless operation of a personal watercraft includes recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel, recklessly jumping the wake of another vessel when visibility around the vessel is obstructed, and recklessly swerving at the last possible moment to avoid a collision. The negligent operation of a vessel constitutes an infraction, but there is no comparable penalty for the negligent operation of a personal watercraft.

Each person aboard a personal watercraft is required to wear a personal flotation device approved by the commission. The operation of a personal watercraft when people aboard are not wearing the required personal flotation device is an infraction.

A person operating a personal watercraft equipped with a lanyard-type engine cutoff switch is required to attach the lanyard as appropriate for the specific vessel. It is a misdemeanor for a person to remove or disable a cutoff switch installed by the manufacturer.

Summary of Bill:

Beginning on April 1, 2000, operators of personal watercraft powered by a ten horsepower or more motor must have successfully completed a boating education course approved by the State Parks and Recreation Commission. A person may demonstrate sufficient knowledge of the information from the boating education course in lieu of taking the course. The commission must provide a written confirmation when a person demonstrates knowledge equivalent to what the course requires. Any operator of a personal watercraft powered by a ten horsepower or more motor must possess proof of completion of a boating course or its equivalency. Nonresidents of the state must possess written confirmation of successful completion of a safe boating course approved by the National Association of State Boating Law Administrators issued by another state.

Beginning on April 1, 2000, the age for which a person is prohibited from operating a personal watercraft is raised from 14 to 16. The prohibition against operating a personal watercraft during darkness is modified so that the prohibition applies between sunset and 8:00 a.m.

It is an infraction to operate a personal watercraft in a negligent manner. Examples of the negligent operation of a personal watercraft include, among others, weaving through congested vehicle traffic, jumping the wake of another vessel unreasonably close to another vessel or when visibility around the vessel is obstructed or restricted, and operating at greater than a slow/no-wake speed within 100 feet of the shoreline, a dock, a marked swim area, or swimmers or fishers. The definition of reckless operation of a personal watercraft is expanded and includes, among others, the willful and wanton operation of a personal watercraft at greater than a slow/no-wake speed within 100 feet of the shoreline, a dock, a marked swim area, or swimmers or fishers.

It is an infraction while operating a personal watercraft: to tow a person on water skis or other device unless the personal watercraft is rated by the manufacturer as able to carry at least three persons, and an operator and an observer are aboard; to chase or harass wildlife; to proceed through emergent vegetation at other than a slow/no-wake speed; or to operate in a manner that is not reasonable and prudent.

A person is prohibited from operating a personal watercraft unless each person aboard the personal watercraft or towed by the personal watercraft is wearing a U.S. Coast Guard approved type I, II, III, or V personal flotation device. Violation of this prohibition is an infraction.

The State Parks and Recreation Commission is directed to adopt rules pertaining to the establishment of a boating education course for personal watercraft operators. The commission is required to establish a fee for the education course and for an equivalency demonstration.

Appropriation: None.

Fiscal Note: February 2, 1999

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

Rulemaking Authority: The State Parks and Recreation Commission is directed to adopt rules pertaining to the establishment of a boating education course for personal watercraft operators.