

HOUSE BILL ANALYSIS

HB 1996

Title: An act relating to charter boat safety.

Brief Description: Regulating charter boat safety.

Sponsors: Representatives Parlette and Cooper; by request of Department of Labor & Industries.

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: February 24, 1999

Bill Analysis Prepared by: Dianne Ramerman, Counsel (786-7172)

Background:

Under the 1989 Charter Boat Safety Act, the Department of Labor and Industries has the authority to license charter boat operators transporting more than six passengers on inland navigable waters.

A charter boat is defined as a motorized vessel or barge operating on inland navigable waters of the state which is not inspected or licensed by the United States Coast Guard (USCG). Inland navigable waters are all waters within the territorial limits of the state shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, lakes, and other inland waters of the state.

The operation of a charter boat on inland navigable waters is prohibited unless the department has inspected the vessel, issued a current certificate of inspection, and the operator of the charter has been issued a license. A certificate of inspection is valid one year from the date of issuance.

Vessels operating as charter boats must have a registration certificate which is available for inspection by the department. Advertising or arranging for the transport of passengers on a charter for money is prohibited unless the vessel has a valid, current certificate of inspection.

Every charter boat must be inspected once every 12 months while the vessel is dockside and at least once every 24 months while the vessel is in dry-dock. The owner of a charter boat must file an application for inspection accompanied by a fee to be established by the department. The department may inspect a vessel at any time if it has reasonable cause to believe licensing, inspection, and safety regulations have

been violated. If a vessel or its equipment does not comply with department rules or applicable federal law, a certificate will not be issued and any current certificate may be revoked.

For small passenger vessels operating in fresh water, it is the USCG's requirement and practice that a dry-dock inspection be performed once every 60 months.

All moneys received from licenses, permits, inspection fees or penalties imposed for violations are paid to the State Treasurer and placed in the industrial insurance trust fund.

The department must prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats.

The department must adopt by rule minimum safety and health standards for passengers and crew on board charter boats. These rules must approximate, where appropriate, the rules adopted by the USCG in 46 C.F.R., Subchapter T, small passenger vessels under 100 gross tons. Rules adopted by the department shall use USCG standards and precedents and be consistent with USCG practices whenever possible.

The following are exemptions: (1) a charter boat used exclusively by the owner for noncommercial purposes; (2) a corporate-owned vessel which is donated for charitable or noncommercial purposes; (3) a vessel that is rented by an operator to transport passengers for noncommercial purposes; and (4) a vessel used exclusively for educational purposes.

Only 10 vessels are covered under the act. Of the 10 vessels, three are not regular passenger vessels and are licensed by Seattle City Light for only occasional use. The remaining vessels, including two licensed to haul cargo rather than passengers, operate in Lake Chelan. In 1999, the vessels will need to be hauled out of the water to be inspected by the department for compliance with the statute. However, at least three of the Lake Chelan vessels are beyond the capacity of any currently available haul-out system on the lake.

Summary of Bill:

Beginning no later than January 1, 2002, the 24-month dry-dock inspection requirement for charters is replaced with a 60 month dry-dock inspection requirement. Until January 1, 2002, no dry-dock inspections would be required. The department must inspect or provide for the inspection of every charter boat that carries more than six passengers, but not charter boats that are used only for cargo transportation.

The department must provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats, however, it is not necessary that the information come in the form of prepared printed material.

The rules that the department adopts regarding minimum safety and health standards for passengers and crew on board charter boats must be consistent with the rules adopted by the USCG. Confusing language about the need to align the department's rules with the USCG's standards is eliminated.

The reference to inland navigable- waters is eliminated and replaced by state- waters. Inland navigable- does not actually describe the waters in question. State waters means all waters within the territorial limits of Washington, and not subject to the jurisdiction of the USCG.

The reference to route- is eliminated and replaced by operational waters.- This is a technical change.

Appropriation: None.

Fiscal Note: Requested February 22, 1999.

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

Rulemaking Authority: Department of Labor and Industries.