

SENATE BILL REPORT

SB 5393

As Reported By Senate Committee On:
Transportation, February 24, 1999

Title: An act relating to personal watercraft.

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

Sponsors: Senators Haugen, Johnson, Patterson, Oke, Gardner, Sellar and Costa.

Brief History:

Committee Activity: Transportation: 2/16/99, 2/24/99 [DPS, DNPS].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5393 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Gardner, Vice Chair; Goings, Benton, Costa, Eide, Jacobsen, Patterson, Prentice, Sellar, Sheahan and Shin.

Minority Report: Do not pass substitute.

Signed by Senator Horn.

Staff: Paul Johnson (786-7839)

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 Substitute Bill: Beginning on April 1, 2000, no person born after 1984 may operate a personal watercraft powered by a ten horsepower or more motor unless that person has successfully completed a boating education course approved by the State Parks and Recreation Commission. The commission shall approve courses offered by the U.S. Coast Guard Auxiliary and U.S. Power Squadron.

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 or country. Failure to possess proof of successful completion of a course is an infraction.

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 minimum age limit is applicable during professional exhibitions, races, regattas, parades, and other officially authorized events. Violation of this prohibition is an infraction.

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, 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, swimmers or fishers.

It is a misdemeanor while operating a personal watercraft: to tow a person on water skis or other devices 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 or waterfowl; 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. The established fee is not to exceed the cost for the boating safety course and equivalency program. All fees collected by the commission must be deposited in the state parks renewal and stewardship account and appropriated only to the commission solely for the boating safety program.

Substitute Bill Compared to Original Bill: The penalty for operating a personal watercraft under age 16, failing to complete a safety course, or failing to possess written confirmation of a safety course is changed to an infraction rather than a misdemeanor. The prohibition of harassing wildlife is clarified to include waterfowl. Technical amendments are made regarding minimum age requirements, collection of the fees by the commission, recognition of safety certification from other countries, and the penalty for reckless operation of a personal watercraft. The Parks and Recreation Commission must approve safety courses offered by the U.S. Coast Guard Auxiliary and U.S. Power Squadron.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: This bill is necessary to improve safety and reduce accidents. There are 28 other states with similar education programs. These states have seen reductions in accidents and complaints. It will gradually phase in education certification aimed at people who are often new to personal watercrafts and the boating experience. It improves the categories of negligent and reckless use of a personal watercraft.

Testimony Against: Concerns arose over current adult first-time operators because this is not just a safety problem for younger people. The law treats personal watercraft owners differently than other boaters. Others felt there should be more penalties for noise and safety hazards. There should be more law enforcement on smaller lakes.

Testified: Senator Haugen, prime sponsor; John Woodring, Personal Watercraft Industry Association (pro); Pete DeLaunay, Boating Safety Coalition/U.S. Power Squadron (pro); Ray Schow, Recreational Boating Association of Washington (pro with amendments); Robin Sells, Ski-Free Water Sports of Bellevue (pro with amendments); Tara Miller, Jeffery Dobson, citizen (pro with concerns); Donna Maxin, citizen (pro with amendments).