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**SUBSTITUTE HOUSE BILL 1344**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Cooper, Hankins, Hatfield, Radcliff, Scott and Romero)

Read first time 02/23/1999.

1 AN ACT Relating to personal watercraft; adding a new section to  
2 chapter 88.12 RCW; repealing RCW 88.12.145; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.12 RCW  
5 to read as follows:

6 (1) A person shall not operate a personal watercraft unless each  
7 person aboard the personal watercraft or being towed behind the  
8 personal watercraft is wearing a United States coast guard approved  
9 type I, II, III, or V personal flotation device. An inflatable  
10 personal flotation device does not satisfy the requirements of this  
11 section. Except as provided for in RCW 88.12.015, a violation of this  
12 subsection is a civil infraction punishable under RCW 7.84.100.

13 (2) A person operating a personal watercraft equipped by the  
14 manufacturer with a lanyard-type engine cutoff switch shall attach the  
15 lanyard to his or her person, clothing, or personal flotation device,  
16 as appropriate for the specific personal watercraft. It is unlawful  
17 for any person to remove or disable a cutoff switch or spring loaded  
18 throttle mechanism that was installed by the manufacturer.

1 (3) A person shall not operate a personal watercraft between sunset  
2 and 8:00 a.m.

3 A person at least fourteen years of age may operate a personal  
4 watercraft if that person has successfully completed a boating  
5 education course approved by the commission under this section.

6 (4) Beginning April 1, 2000:

7 (a) No person under the age of fourteen may operate a personal  
8 watercraft.

9 (b) Subject to the minimum age requirement contained in (a) of this  
10 subsection, no person born after January 1, 1984, may operate a  
11 personal watercraft powered by a motor of ten horsepower or greater  
12 unless such a person has successfully completed a boating education  
13 course approved by the commission. The commission shall cooperate with  
14 the United States coast guard auxiliary, the United States power  
15 squadron, and other organizations in approving boating education  
16 courses. In lieu of completing a boating course, an individual may  
17 demonstrate, in a manner approved by the commission, sufficient  
18 knowledge of the information from the boating education course. The  
19 commission shall issue written confirmation of the successful  
20 demonstration of equivalent knowledge.

21 (c) If a nonresident of the state is operating a personal  
22 watercraft on the waters of the state, the person is subject to the  
23 requirements of this section. The person is in compliance with the  
24 requirements of this subsection if the person possesses written  
25 confirmation of successful completion of a safe boating course approved  
26 by the national association of state boating law administrators and  
27 issued by the person's home state, or any other state or country.

28 (d) Any operator of a personal watercraft required by this  
29 subsection to possess proof of completion of a boating course or  
30 equivalency demonstration must have the documentation in his or her  
31 possession at all times while operating a personal watercraft.

32 (5) A person shall not operate a personal watercraft in a negligent  
33 manner. Maneuvers that constitute negligent operation of a vessel  
34 include, but are not limited to:

35 (a) Weaving through congested vessel traffic;

36 (b) Jumping the wake of another vessel unreasonably close to  
37 another vessel or when visibility around the vessel is obstructed or  
38 restricted;

1 (c) Becoming airborne or completely leaving the water while  
2 crossing the wake of another vessel within one hundred feet of the  
3 vessel creating the wake;

4 (d) Operating at greater than a slow/no-wake speed within one  
5 hundred feet of the shoreline, a dock, pier, marked launch area, marked  
6 swim area, swim float, swimmers, surfers, persons engaged in angling,  
7 any manually powered vessel, or any anchored, moored, or drifting  
8 vessel;

9 (e) Operating contrary to navigation rules including following too  
10 closely to another vessel, including another personal watercraft. For  
11 the purposes of this subsection, "following too closely" means  
12 proceeding in the same direction and operating at a speed in excess of  
13 ten miles per hour within one hundred feet to the rear or fifty feet to  
14 the side of another vessel which is underway, unless the vessels are  
15 operating in a narrow channel, in which case personal watercraft may  
16 operate at the speed and flow of the other traffic in the channel;

17 (f) A violation of this subsection (5) is an infraction under  
18 chapter 7.84 RCW.

19 (6) A person shall not operate a personal watercraft:

20 (a) While towing a person on water skis, a kneeboard, an inflatable  
21 craft or any other device unless the personal watercraft is rated by  
22 the manufacturer to carry at least three persons, and an operator and  
23 observer are aboard the personal watercraft, except for a personal  
24 watercraft that is actually operated by the person or persons being  
25 towed and no person is on the personal watercraft;

26 (b) To chase or harass wildlife;

27 (c) Through emergent vegetation at other than a slow/no-wake speed;

28 (d) In any other manner that is not reasonable and prudent.

29 (7) Except for the minimum age requirement established in  
30 subsection (4)(a) of this section, subsections (1) through (6) of this  
31 section do not apply to a performer engaged in a professional  
32 exhibition or a person participating in a regatta, race, marine parade,  
33 or exhibition authorized or otherwise permitted by the appropriate  
34 agency having jurisdiction and authority to authorize such events.

35 (8) A person shall not operate a personal watercraft in a reckless  
36 manner. For the purposes of this section, "reckless operation of a  
37 personal watercraft" means the willful and wanton performance of any of  
38 the actions described in subsection (5) of this section.

1 (9) A person shall not lease, hire, or rent a personal watercraft  
2 to a person under the age of sixteen.

3 (10) A violation of subsection (2), (3), (4), (6), (8), or (9) of  
4 this section is a misdemeanor under RCW 9.92.030. This subsection does  
5 not limit the application of any other section that makes the  
6 unauthorized use or operation of a personal watercraft a misdemeanor.

7 (11) The commission shall adopt rules implementing subsection (4)  
8 of this section. The commission shall establish a fee for a boating  
9 education course and for an equivalency demonstration not to exceed the  
10 commission's costs associated with the boating education course and  
11 equivalency demonstration. All such fees collected by the commission  
12 shall be deposited into the state parks renewal and stewardship account  
13 created under RCW 43.51.275, and appropriated only to the commission  
14 solely for use in the commission's boating safety program.

15 (12) Nothing in this section limits the authority of local  
16 governments to regulate the operation of personal watercraft.

17 NEW SECTION. **Sec. 2.** RCW 88.12.145 (Operation of personal  
18 watercraft--Prohibited activities--Penalties) and 1993 c 244 s 17 are  
19 each repealed.

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