

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1996

56th Legislature
1999 Regular Session

Passed by the House March 11, 1999
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate April 7, 1999
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1996** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1996

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Representatives Parlette and Cooper; by request of Department of Labor & Industries

Read first time 02/12/1999. Referred to Committee on Natural Resources.

1 AN ACT Relating to charter boat safety; and amending RCW 88.04.005,
2 88.04.015, 88.04.025, 88.04.035, 88.04.045, 88.04.065, 88.04.310, and
3 88.04.330.

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

5 **Sec. 1.** RCW 88.04.005 and 1989 c 295 s 1 are each amended to read
6 as follows:

7 The purposes of this chapter are as follows:

8 (1) Regulate charter boats for the carrying of more than six
9 passengers, which are operated on (~~inland navigable~~) state waters
10 (~~of the state~~) and which are not regulated by the United States coast
11 guard;

12 (2) Protect the safety and health of employees, passengers, and
13 persons utilizing charter boats;

14 (3) Authorize the department of labor and industries to adopt rules
15 regulating the use of charter boats operating on (~~inland navigable~~)
16 state waters (~~of the state~~) and to issue licenses; and

17 (4) Provide penalties for violations of this chapter.

1 **Sec. 2.** RCW 88.04.015 and 1991 c 45 s 1 are each amended to read
2 as follows:

3 Unless the context clearly requires otherwise, the definitions in
4 this section apply throughout this chapter.

5 (1) "Department" means the department of labor and industries.

6 (2) "Carrying passengers or cargo" means the transporting of any
7 person or persons or cargo on a vessel for a fee or other
8 consideration.

9 (3) "Charter boat" means a vessel or barge operating on ((inland
10 navigable)) state waters ((of the state of Washington which)) that is
11 not inspected or licensed by the United States coast guard and over
12 which the United States coast guard does not exercise jurisdiction and
13 which is rented, leased, or chartered to carry more than six persons or
14 cargo.

15 (4) "Equipment" means a system, part, or component of a vessel as
16 originally manufactured, or a system, part, or component manufactured
17 or sold for replacement, repair, or improvement of a system, part, or
18 component of a vessel; an accessory or equipment for, or appurtenance
19 to a vessel; or a marine safety article, accessory, or equipment,
20 including radio equipment, intended for use by a person on board a
21 vessel.

22 (5) "~~((Inland navigable))~~ State waters" means all waters within the
23 territorial limits of the state of Washington, ~~((shoreward of the~~
24 ~~navigational demarcation lines dividing the high seas from harbors,~~
25 ~~rivers, lakes, and other inland waters of the state))~~ and not subject
26 to the jurisdiction of the United States coast guard.

27 (6) "Operate" means to start or operate any engine which propels a
28 vessel, or to physically control the motion, direction, or speed of a
29 vessel.

30 (7) "Owner" means a person who claims lawful possession of a vessel
31 by virtue of legal title or an equitable interest in a vessel which
32 entitles that person to possession of the vessel; but does not include
33 charterers and lessees.

34 (8) "Passenger" means a person carried on board a charter boat
35 except:

36 (a) The owner of the vessel or the owner's agent; or

37 (b) The captain and members of the vessel's crew.

1 (9) "Operator's license" means a vessel operator's license issued
2 by the United States coast guard or department for the specified
3 tonnage and (~~(route)~~) operational waters of the vessel.

4 (10) "Vessel" means every description of motorized watercraft,
5 other than a bare-boat charter boat, seaplane, or sailboat, used or
6 capable of being used to transport more than six passengers or cargo on
7 water for rent, lease, or hire.

8 (11) "Bare-boat charter" means the unconditional lease, rental, or
9 charter of a boat by the owner, or his or her agent, to a person who by
10 written agreement, or contract, assumes all responsibility and
11 liability for the operation, navigation, and provisioning of the boat
12 during the term of the agreement or contract, except when a captain or
13 crew is required or provided by the owner or owner's agents to be hired
14 by the charterer to operate the vessel.

15 **Sec. 3.** RCW 88.04.025 and 1989 c 295 s 3 are each amended to read
16 as follows:

17 A person shall not rent, lease, or hire out a charter boat, nor
18 carry, advertise for the carrying of, nor arrange for the carrying of,
19 more than six passengers on a vessel for a fee or other consideration
20 on (~~(the inland navigable)~~) state waters (~~(of the state)~~) unless each
21 of the following conditions is satisfied:

22 (1)(a) The department has inspected the vessel within the previous
23 twelve months and has issued for the vessel a certificate of inspection
24 that is still valid and current and which allows the carrying of more
25 than six passengers; or

26 (b) The United States coast guard has inspected the vessel and has
27 issued a certificate of inspection that is still valid and current and
28 which allows the carrying of more than six passengers.

29 (2) The operator of the vessel is licensed as an operator by either
30 the United States coast guard or the department. The operator must
31 carry such license at all times while operating the vessel and must
32 display such license upon demand by the department.

33 (3) The vessel has a valid and current registration certificate
34 which is available for inspection by the department.

35 (4) The vessel is covered by current and valid liability insurance.
36 Proof of such coverage must be provided to the department upon demand.

1 **Sec. 4.** RCW 88.04.035 and 1989 c 295 s 4 are each amended to read
2 as follows:

3 The department shall inspect or provide for the inspection of every
4 charter boat once every twelve months with the vessel in the water(~~(~~
5 ~~and once every twenty-four months with the vessel in drydock,~~) to
6 determine if the vessel and its equipment comply with the rules
7 promulgated by the department and with the applicable state and federal
8 laws and regulations. Beginning no later than January 1, 2002, the
9 department shall also inspect or provide for the inspection of every
10 charter boat that carries more than six passengers once every sixty
11 months with the vessel in drydock. In addition, the department may at
12 any time inspect or provide for the inspection of any charter boat if
13 the department has reasonable cause to believe either that a provision
14 of this chapter has been violated or that an inspection is necessary to
15 ensure the safety of persons or property on the vessel.

16 (1) Ninety days before any certificate of inspection expires, the
17 department shall mail written notification to the owner of the vessel
18 that a twelve-month or (~~twenty-four-month~~) sixty-month inspection
19 must be completed before the expiration date. The department shall
20 include with the notification an application for inspection, which must
21 be completed and returned by the owner no later than sixty days before
22 the expiration date of the current certificate of inspection. The
23 owner shall include the registration fee with the completed application
24 form. A person filing an application shall certify by the person's
25 signature that the information furnished on the application is true and
26 correct.

27 (2) If, after the inspection, the department determines that the
28 charter boat and its equipment comply with the rules promulgated by the
29 department and with the applicable state and federal laws and
30 regulations, the department shall issue to the owner of the charter
31 boat a certificate of inspection. Such certificate shall specify the
32 maximum passenger, crew, and total person capacity of the charter boat.
33 The certificate shall be valid for one year from the date of issuance.
34 The certificate shall be prominently displayed on the charter boat
35 while the charter boat is operating upon (~~the inland navigable~~) state
36 waters (~~of the state~~)).

37 (3) The department shall determine the minimum number of crew
38 necessary for the safe operation of the charter boat.

1 (4) If the department determines that the charter boat or its
2 equipment does not comply with the rules promulgated by the department
3 and with the applicable state and federal laws and regulations, the
4 department shall not issue a certificate of inspection and any current
5 certificate of inspection shall be revoked by the department.

6 **Sec. 5.** RCW 88.04.045 and 1989 c 295 s 5 are each amended to read
7 as follows:

8 (1) The owner of a vessel which does not have a current certificate
9 of inspection or which has not previously been inspected by the
10 department and which must be inspected by the department shall file an
11 application for inspection, accompanied by the required fee, no later
12 than sixty days before the scheduled or requested inspection date. A
13 person filing an application shall certify by the person's signature
14 that the information furnished on the application is true and correct.

15 ~~(2) ((If a charter boat has not been inspected during the twenty-~~
16 ~~four-month period prior to July 23, 1989, the owner shall pay to the~~
17 ~~department the inspection fee for inspection in the water and the~~
18 ~~inspection fee for inspection in drydock.~~

19 ~~(3))~~ When the department inspects or provides for the inspection
20 of any charter boat because the department has reasonable cause to
21 believe either that a provision of this chapter has been violated or
22 that an inspection is necessary to ensure the safety of persons or
23 property, the owner shall not be required to pay an inspection fee for
24 that inspection.

25 ~~((+4))~~ (3) When a twelve-month in-water inspection and a
26 ~~((twenty-four-month))~~ sixty-month drydock inspection are required in
27 the same year, the owner shall only be required to pay the fee for the
28 drydock inspection.

29 ~~((+5))~~ (4) All sums received from licenses, inspection fees, or
30 other sources described in this chapter shall be deposited in the
31 industrial insurance trust funds and shall be used for administrative,
32 education, and enforcement costs associated with this chapter.

33 **Sec. 6.** RCW 88.04.065 and 1989 c 295 s 10 are each amended to read
34 as follows:

35 (1) The department may enter into reciprocal agreements with other
36 states concerning the operation and inspection of charter boats from
37 those states that operate on the ~~((inland navigable))~~ waters of the

1 state of Washington. Reciprocity shall be granted only if a state can
2 establish to the satisfaction of the department that their laws and
3 standards concerning charter boats meet or exceed the laws and rules of
4 the state of Washington. A charter boat that operates on (~~the inland~~
5 ~~navigable~~) state waters (~~of this state~~) under a reciprocal agreement
6 pursuant to this section shall obtain an annual operating permit from
7 the department for a fee for each year the charter boat does business
8 on the waters of the state of Washington. The department shall deposit
9 the fees from annual operating permits issued pursuant to this section
10 in the industrial insurance trust funds.

11 (2) The department shall develop an education and enforcement
12 program designed to eliminate the operation of charter boats that have
13 not been inspected and certified as required by this chapter, and shall
14 (~~prepare printed materials to~~) provide the public with information
15 regarding the safety features and requirements necessary for the lawful
16 operation of charter boats.

17 **Sec. 7.** RCW 88.04.310 and 1989 c 295 s 6 are each amended to read
18 as follows:

19 The owner or operator of every vessel inspected by the department
20 shall pay the department a fee for each inspection. The fee shall be
21 established by rule and shall cover the full cost of the inspection
22 program including travel, per diem, and administrative and legal
23 support costs for the program(~~, and repayment to the state general~~
24 ~~fund by June 30, 1991, of the amount appropriated in section 15 of this~~
25 ~~act for the program~~)).

26 **Sec. 8.** RCW 88.04.330 and 1989 c 295 s 8 are each amended to read
27 as follows:

28 (~~(1)~~) The department shall adopt by rule, under chapter 34.05
29 RCW:

30 (~~(a)~~) (1) Procedures, standards, and fees for the licensing of
31 operators of any vessel used as a charter boat, as defined under RCW
32 88.04.015, operating on (~~inland navigable~~) state waters for rent,
33 lease, or hire;

34 (~~(b)~~) (2) Standards and fees for the inspection of vessels;

35 (~~(c)~~) (3) Minimum safety and health standards for passengers and
36 crew on board charter boats(~~. These rules shall approximate, where~~
37 ~~appropriate,~~) consistent with the rules adopted by the United States

1 coast guard in 46 C.F.R., subchapter T, small passenger vessels under
2 one hundred gross tons; and

3 ~~((d))~~ (4) Any other rules needed for the efficient administration
4 of the purposes of this chapter.

5 ~~((2) Rules adopted by the department shall use United States coast
6 guard standards and precedents and be consistent with United States
7 coast guard practices whenever possible.)~~

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