
SUBSTITUTE SENATE BILL 5094

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Natural Resources, Parks & Recreation (originally sponsored by Senators Oke, Jacobsen, B. Sheldon, Bauer, Gardner, T. Sheldon, Fairley, Fraser, Winsley, McAuliffe, Long, Eide, Kohl-Welles, Costa, Haugen and McCaslin)

Read first time 01/28/1999.

1 AN ACT Relating to personal flotation devices; amending RCW
2 88.12.115; and prescribing penalties.

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

4 **Sec. 1.** RCW 88.12.115 and 1993 c 244 s 14 are each amended to read
5 as follows:

6 (1) No person may operate or permit the operation of a vessel on
7 the waters of the state without a personal flotation device on board
8 for each person on the vessel. Each personal flotation device shall be
9 in serviceable condition, of an appropriate size, and readily
10 accessible.

11 (2) Except as provided in RCW 88.12.015, a violation of subsection
12 (1) of this section is an infraction under chapter 7.84 RCW if the
13 vessel is not carrying passengers for hire.

14 (3) A violation of subsection (1) of this section is a misdemeanor
15 punishable under RCW 9.92.030, if the vessel is carrying passengers for
16 hire.

17 (4) No person shall operate a vessel under nineteen feet in length
18 on the waters of this state with a child twelve years old and under,
19 unless the child is wearing a United States coast guard approved

1 personal flotation device, of the appropriate size, while the vessel is
2 underway. For the purposes of this section, a personal flotation
3 device is not considered readily accessible for children twelve years
4 old and under unless the device is worn by the child while the vessel
5 is underway. The personal flotation device must be worn at all times
6 by a child twelve years old and under whenever the vessel is underway
7 and the child is on an open deck or open cockpit of the vessel. The
8 following circumstances are excepted:

9 (a) While a child is below deck or in the cabin of a boat with an
10 enclosed cabin;

11 (b) While a child is on a United States coast guard inspected
12 passenger-carrying vessel operating on the navigable waters of the
13 United States; or

14 (c) While on board a vessel at a time and place where no person
15 would reasonably expect a danger of drowning to occur.

16 (5) Except as provided in RCW 88.12.015, a violation of subsection
17 (4) of this section is an infraction under chapter 7.84 RCW.
18 Enforcement of subsection (4) of this section by law enforcement
19 officers may be accomplished as a primary action, and need not be
20 accompanied by the suspected violation of some other offense.

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