
SENATE BILL 5393

State of Washington **56th Legislature** **1999 Regular Session**

By Senators Haugen, Johnson, Patterson, Oke, Gardner, Sellar and Costa

Read first time 01/21/1999. Referred to Committee on Transportation.

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:Regulating
4 the use and operation of personal watercraft.

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

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

14 (2) A person operating a personal watercraft equipped by the
15 manufacturer with a lanyard-type engine cutoff switch shall attach the
16 lanyard to his or her person, clothing, or personal flotation device,
17 as appropriate for the specific personal watercraft. It is unlawful
18 for any person to remove or disable a cutoff switch or spring loaded
19 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 (4) Beginning April 1, 2000:

4 (a) No person under the age of sixteen may operate a personal
5 watercraft.

6 (b) No person born after January 1, 1984, may operate a personal
7 watercraft powered by a motor of ten horsepower or greater unless such
8 a person has successfully completed a boating education course approved
9 by the commission. In lieu of completing a boating course, an
10 individual may demonstrate, in a manner approved by the commission,
11 sufficient knowledge of the information from the boating education
12 course. The commission shall issue written confirmation of the
13 successful demonstration of equivalent knowledge.

14 (c) If a nonresident of the state is operating a personal
15 watercraft on the waters of the state, the person is subject to the
16 requirements of this section. The person is in compliance with the
17 requirements of this subsection if the person possesses written
18 confirmation of successful completion of a safe boating course approved
19 by the national association of state boating law administrators and
20 issued by the person's home state, or any other state.

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

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

28 (a) Weaving through congested vessel traffic;

29 (b) Jumping the wake of another vessel unreasonably close to
30 another vessel or when visibility around the vessel is obstructed or
31 restricted;

32 (c) Becoming airborne or completely leaving the water while
33 crossing the wake of another vessel within one hundred feet of the
34 vessel creating the wake;

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

1 (e) Operating contrary to navigation rules including following too
2 closely to another vessel, including another personal watercraft. For
3 the purposes of this subsection, "following too closely" means
4 proceeding in the same direction and operating at a speed in excess of
5 ten miles per hour within one hundred feet to the rear or fifty feet to
6 the side of another vessel which is underway, unless the vessels are
7 operating in a narrow channel, in which case personal watercraft may
8 operate at the speed and flow of the other traffic in the channel;

9 (f) A violation of this subsection is an infraction under chapter
10 7.84 RCW.

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

12 (a) While towing a person on water skis, a kneeboard, an inflatable
13 craft or any other device unless the personal watercraft is rated by
14 the manufacturer to carry at least three persons, and an operator and
15 observer are aboard the personal watercraft;

16 (b) To chase or harass wildlife;

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

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

19 (7) Subsections (1) through (6) of this section do not apply to a
20 performer engaged in a professional exhibition or a person
21 participating in a regatta, race, marine parade, or exhibition
22 authorized or otherwise permitted by the appropriate agency having
23 jurisdiction and authority to authorize such events.

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

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

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

34 (11) The commission shall adopt rules implementing subsection (4)
35 of this section. The commission shall establish a fee for a boating
36 education course and for an equivalency demonstration.

1 NEW SECTION. **Sec. 2.** RCW 88.12.145 and 1993 c 244 s 17 are each
2 repealed.

--- END ---