
HOUSE BILL 2246

State of Washington

58th Legislature

2003 Regular Session

By Representatives Buck and Kessler

Read first time 04/16/2003. Referred to Committee on Fisheries,
Ecology & Parks.

1 AN ACT Relating to amending ESB 5938; and amending RCW 88.40.020.

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

3 **Sec. 1.** RCW 88.40.020 and 2003 c ... (Engrossed Senate Bill No.
4 5938) s 3 are each amended to read as follows:

5 (1) Any barge that transports hazardous substances in bulk as
6 cargo, using any port or place in the state of Washington or the
7 navigable waters of the state shall establish evidence of financial
8 responsibility in the amount of the greater of five million dollars, or
9 three hundred dollars per gross ton of such vessel.

10 (2)(a) Except as provided in (b) or (c) of this subsection, a tank
11 vessel that carries oil as cargo in bulk shall demonstrate financial
12 responsibility to pay at least five hundred million dollars. The
13 amount of financial responsibility required under this subsection is
14 one billion dollars after January 1, 2004.

15 (b) The director by rule may establish a lesser standard of
16 financial responsibility for tank vessels of three hundred gross tons
17 or less. The standard shall set the level of financial responsibility
18 based on the quantity of cargo the tank vessel is capable of carrying.

1 The director shall not set the standard for tank vessels of three
2 hundred gross tons or less below that required under federal law.

3 (c) The owner or operator of a tank vessel who is a member of an
4 international protection and indemnity mutual organization and is
5 covered for oil pollution risks up to the amounts required under this
6 section is not required to demonstrate financial responsibility under
7 this chapter. The director may require the owner or operator of a tank
8 vessel to prove membership in such an organization.

9 (3)(a) A cargo vessel or passenger vessel that carries oil as fuel
10 shall demonstrate financial responsibility to pay at least three
11 hundred million dollars. However, a passenger vessel that transports
12 passengers and vehicles between Washington state and a foreign country
13 shall demonstrate financial responsibility to pay the greater of at
14 least six hundred dollars per gross ton or five hundred thousand
15 dollars.

16 (b) The owner or operator of a cargo vessel or passenger vessel who
17 is a member of an international protection and indemnity mutual
18 organization and is covered for oil pollution risks up to the amounts
19 required under this section is not required to demonstrate financial
20 responsibility under this chapter. The director may require the owner
21 or operator of a cargo vessel or passenger vessel to prove membership
22 in such an organization.

23 (4) A fishing vessel while on the navigable waters of the state
24 must demonstrate financial responsibility in the following amounts:

25 (a) For a fishing vessel carrying predominantly nonpersistent product,
26 one hundred thirty-three dollars and forty cents per incident, for each
27 barrel of total oil storage capacity, persistent and nonpersistent
28 product, on the vessel or one million three hundred thirty-four
29 thousand dollars, whichever is greater; or (b) for a fishing vessel
30 carrying predominantly persistent product, four hundred dollars and
31 twenty cents per incident, for each barrel of total oil storage
32 capacity, persistent product and nonpersistent product, on the vessel
33 or six million six hundred seventy thousand dollars, whichever is
34 greater.

35 (5) The documentation of financial responsibility shall demonstrate
36 the ability of the document holder to meet state and federal financial
37 liability requirements for the actual costs for removal of oil spills,
38 for natural resource damages, and for necessary expenses.

1 (6) This section shall not apply to a covered vessel owned or
2 operated by the federal government or by a state or local government.

--- END ---