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ENGROSSED SUBSTITUTE SENATE BILL 5663

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State of Washington

63rd Legislature

2013 Regular Session

**By** Senate Natural Resources & Parks (originally sponsored by Senators Pearson, Ranker, Tom, Rolfes, Hewitt, Sheldon, Hatfield, Bailey, Parlette, Kline, and Roach; by request of Department of Natural Resources)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to derelict and abandoned vessels in state waters;  
2 amending RCW 88.02.640, 79.100.100, 79A.65.020, 79.100.130, 43.19.1919,  
3 28B.10.029, 88.02.380, 88.02.340, 88.02.550, 79.100.120, 79.100.040,  
4 79.100.060, 88.26.020, and 43.21B.305; reenacting and amending RCW  
5 43.21B.110 and 43.21B.110; adding a new section to chapter 43.19 RCW;  
6 adding new sections to chapter 43.30 RCW; adding new sections to  
7 chapter 77.12 RCW; adding new sections to chapter 79A.05 RCW; adding  
8 new sections to chapter 47.01 RCW; adding new sections to chapter 35.21  
9 RCW; adding new sections to chapter 35A.21 RCW; adding new sections to  
10 chapter 36.32 RCW; adding new sections to chapter 53.08 RCW; adding new  
11 sections to chapter 43.21A RCW; adding new sections to chapter 28B.10  
12 RCW; adding new sections to chapter 79.100 RCW; creating new sections;  
13 prescribing penalties; providing effective dates; and providing  
14 expiration dates.

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

16 **Sec. 1.** RCW 88.02.640 and 2012 c 74 s 16 are each amended to read  
17 as follows:

18 (1) In addition to any other fees and taxes required by law, the

1 department, county auditor or other agent, or subagent appointed by the  
 2 director shall charge the following vessel fees and surcharge:

3 FEE	AMOUNT	AUTHORITY	DISTRIBUTION
4 (a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
5 (b) Derelict vessel and 6 invasive species 7 removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
8 (c) Derelict vessel removal 9 surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
10 (d) Duplicate certificate of 11 title	\$1.25	RCW 88.02.530(1)(c)	General fund
12 (e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
13 (f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
14 (g) License plate 15 technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
16 (h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220
17 (i) Nonresident vessel 18 permit	\$25.00	RCW 88.02.620(3)	Subsection (5) of this section
19 (j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection (7) of this section
20			
21 (k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
22 (l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
23 (m) Title application	\$5.00	RCW 88.02.515	General fund
24 (n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
25 (o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection (6) of this 26 section

27 (2) The five dollar dealer temporary permit fee required in  
 28 subsection (1) of this section must be credited to the payment of  
 29 registration fees at the time application for registration is made.

30 (3)((+a)) The derelict vessel and invasive species removal fee  
 31 required in subsection (1) of this section is five dollars and must be  
 32 distributed as follows:

33 ((+i)) (a) One dollar and fifty cents must be deposited in the  
 34 aquatic invasive species prevention account created in RCW 77.12.879;

1       ~~((i))~~ (b) One dollar must be deposited into the aquatic algae  
2 control account created in RCW 43.21A.667;

3       ~~((ii))~~ (c) Fifty cents must be deposited into the aquatic  
4 invasive species enforcement account created in RCW 43.43.400; and

5       ~~((iii))~~ (d) Two dollars must be deposited in the derelict vessel  
6 removal account created in RCW 79.100.100.

7       ~~((b) If the department of natural resources indicates that the  
8 balance of the derelict vessel removal account, not including any  
9 transfer or appropriation of funds into the account or funds deposited  
10 into the account collected under subsection (5) of this section reaches  
11 one million dollars as of March 1st of any year, the collection of the  
12 two dollars of the derelict vessel and invasive species removal fee  
13 that is deposited into the derelict vessel removal account as  
14 authorized in (a)(iv) of this subsection must be suspended for the  
15 following fiscal year.))~~

16       (4) ~~((Until January 1, 2014))~~ In addition to other fees required in  
17 this section, an annual derelict vessel removal surcharge of one dollar  
18 must be charged with each vessel registration. The surcharge(~~(+~~

19 ~~(a))~~ is to address the significant backlog of derelict vessels  
20 accumulated in Washington ~~((state))~~ waters that pose a threat to the  
21 health and safety of the people and to the environment(~~(+~~

22 ~~(b) Is to be used only for the removal of vessels that are less~~  
23 ~~than seventy five feet in length;))~~ and

24       ~~((c))~~ must be deposited into the derelict vessel removal account  
25 created in RCW 79.100.100.

26       (5) The twenty-five dollar nonresident vessel permit fee must be  
27 paid by the vessel owner to the department for the cost of providing  
28 the identification document by the department. Any moneys remaining  
29 from the fee after the payment of costs must be allocated to counties  
30 by the state treasurer for approved boating safety programs under RCW  
31 88.02.650.

32       (6) The thirty dollar vessel visitor permit fee must be distributed  
33 as follows:

34       (a) Five dollars must be deposited in the derelict vessel removal  
35 account created in RCW 79.100.100;

36       (b) The department may keep an amount to cover costs for providing  
37 the vessel visitor permit;

1 (c) Any moneys remaining must be allocated to counties by the state  
2 treasurer for approved boating safety programs under RCW 88.02.650; and

3 (d) Any fees required for licensing agents under RCW 46.17.005 are  
4 in addition to any other fee or tax due for the titling and  
5 registration of vessels.

6 (7)(a) The fifty dollar quick title service fee must be distributed  
7 as follows:

8 (i) If the fee is paid to the director, the fee must be deposited  
9 to the general fund.

10 (ii) If the fee is paid to the participating county auditor or  
11 other agent or subagent appointed by the director, twenty-five dollars  
12 must be deposited to the general fund. The remainder must be retained  
13 by the county treasurer in the same manner as other fees collected by  
14 the county auditor.

15 (b) For the purposes of this subsection, "quick title" has the same  
16 meaning as in RCW 88.02.540.

17 **Sec. 2.** RCW 79.100.100 and 2010 c 161 s 1161 are each amended to  
18 read as follows:

19 (1)(a) The derelict vessel removal account is created in the state  
20 treasury. All receipts from RCW 79.100.050 and 79.100.060 and those  
21 moneys specified in RCW 88.02.640 must be deposited into the account.  
22 The account is authorized to receive fund transfers and appropriations  
23 from the general fund, deposits from the derelict vessel removal  
24 surcharge under RCW 88.02.640(4), as well as gifts, grants, and  
25 endowments from public or private sources as may be made from time to  
26 time, in trust or otherwise, for the use and benefit of the purposes of  
27 this chapter and expend the same or any income according to the terms  
28 of the gifts, grants, or endowments provided those terms do not  
29 conflict with any provisions of this section or any guidelines  
30 developed to prioritize reimbursement of removal projects associated  
31 with this chapter.

32 (b) Moneys in the account may only be spent after appropriation.  
33 Expenditures from the account (~~must~~) may only be used by the  
34 department for developing and administering the vessel turn-in program  
35 created in section 40 of this act and to reimburse authorized public  
36 entities for up to ninety percent of the total reasonable and auditable  
37 administrative, removal, disposal, and environmental damage costs of

1 abandoned or derelict vessels when the previous owner is either unknown  
2 after a reasonable search effort or insolvent. Reimbursement may not  
3 be made unless the department determines that the public entity has  
4 made reasonable efforts to identify and locate the party responsible  
5 for the vessel, or any other person or entity that has incurred  
6 secondary liability under section 36 of this act, regardless of the  
7 title of owner of the vessel.

8 (c) Funds in the account resulting from transfers from the general  
9 fund or from the deposit of funds from the watercraft excise tax as  
10 provided for under RCW 82.49.030 must be used to reimburse one hundred  
11 percent of (~~these~~) costs and should be prioritized for the removal of  
12 large vessels.

13 (d) Costs associated with the removal and disposal of an abandoned  
14 or derelict vessel under the authority granted in RCW 53.08.320 also  
15 qualify for reimbursement from the derelict vessel removal account.

16 (e) In each biennium, up to twenty percent of the expenditures from  
17 the derelict vessel removal account may be used for administrative  
18 expenses of the department of licensing and department of natural  
19 resources in implementing this chapter.

20 (2) (~~If the balance of the account reaches one million dollars as~~  
21 ~~of March 1st of any year, exclusive of any transfer or appropriation of~~  
22 ~~funds into the account or funds deposited into the account collected~~  
23 ~~under RCW 88.02.640(5), the department must notify the department of~~  
24 ~~licensing and the collection of any fees associated with this account~~  
25 ~~must be suspended for the following fiscal year.~~

26 (~~3~~) Priority for use of this account is for the removal of  
27 derelict and abandoned vessels that are in danger of sinking, breaking  
28 up, or blocking navigation channels, or that present environmental  
29 risks such as leaking fuel or other hazardous substances. The  
30 department must develop criteria, in the form of informal guidelines,  
31 to prioritize removal projects associated with this chapter, but may  
32 not consider whether the applicant is a state or local entity when  
33 prioritizing. The guidelines must also include guidance to the  
34 authorized public entities as to what removal activities and associated  
35 costs are reasonable and eligible for reimbursement.

36 (~~4~~) (3) The department must keep all authorized public entities  
37 (~~apprized~~) apprised of the balance of the derelict vessel removal  
38 account and the funds available for reimbursement. The guidelines

1 developed by the department must also be made available to the other  
2 authorized public entities. This subsection (~~((+4))~~) (3) must be  
3 satisfied by utilizing the least costly method, including maintaining  
4 the information on the department's internet web site, or any other  
5 cost-effective method.

6 (~~((+5))~~) (4) An authorized public entity may contribute its ten  
7 percent of costs that are not eligible for reimbursement by using in-  
8 kind services, including the use of existing staff, equipment, and  
9 volunteers.

10 (~~((+6))~~) (5) This chapter does not guarantee reimbursement for an  
11 authorized public entity. Authorized public entities seeking certainty  
12 in reimbursement prior to taking action under this chapter may first  
13 notify the department of their proposed action and the estimated total  
14 costs. Upon notification by an authorized public entity, the  
15 department must make the authorized public entity aware of the status  
16 of the fund and the likelihood of reimbursement being available. The  
17 department may offer technical assistance and assure reimbursement for  
18 up to two years following the removal action if an assurance is  
19 appropriate given the balance of the fund and the details of the  
20 proposed action.

21 **Sec. 3.** RCW 79A.65.020 and 2002 c 286 s 21 are each amended to  
22 read as follows:

23 (1) The commission may take reasonable measures, including but not  
24 limited to the use of anchors, chains, ropes, and locks, or removal  
25 from the water, to secure unauthorized vessels located at or on a  
26 commission facility so that the unauthorized vessels are in the  
27 possession and control of the commission. At least ten days before  
28 securing any unauthorized registered vessel, the commission shall send  
29 notification by registered mail to the last registered owner or  
30 registered owners of the vessel at their last known address or  
31 addresses.

32 (2) The commission may take reasonable measures, including but not  
33 limited to the use of anchors, chains, ropes, locks, or removal from  
34 the water, to secure any vessel if the vessel, in the opinion of the  
35 commission, is a nuisance, is in danger of sinking or creating other  
36 damage to a commission facility, or is otherwise a threat to the

1 health, safety, or welfare of the public or environment at a commission  
2 facility. The costs of any such procedure shall be paid by the  
3 vessel's owner.

4 (3) At the time of securing any vessel under subsection (1) or (2)  
5 of this section, the commission shall attach to the vessel a readily  
6 visible notice or, when practicable, shall post such notice in a  
7 conspicuous location at the commission facility in the event the vessel  
8 is removed from the premises. The notice shall be of a reasonable size  
9 and shall contain the following information:

10 (a) The date and time the notice was attached or posted;

11 (b) A statement that the vessel has been secured by the commission  
12 and that if the commission's charges, if any, are not paid and the  
13 vessel is not removed by . . . . . (the thirty-fifth consecutive day  
14 following the date of attachment or posting of the notice), the vessel  
15 will be considered abandoned and will be sold at public auction to  
16 satisfy the charges;

17 (c) The address and telephone number where additional information  
18 may be obtained concerning the securing of the vessel and conditions  
19 for its release; and

20 (d) A description of the owner's or secured party's rights under  
21 this chapter.

22 (4) With respect to registered vessels: Within five days of the  
23 date that notice is attached or posted under subsection (3) of this  
24 section, the commission shall send such notice, by registered mail, to  
25 each registered owner.

26 (5) If a vessel is secured under subsection (1) or (2) of this  
27 section, the owner, or any person with a legal right to possess the  
28 vessel, may claim the vessel by:

29 (a) Making arrangements satisfactory to the commission for the  
30 immediate removal of the vessel from the commission's control or for  
31 authorized storage or moorage; and

32 (b) Making payment to the commission of all reasonable charges  
33 incurred by the commission in securing the vessel under subsections (1)  
34 and (2) of this section and of all moorage fees owed to the commission.

35 (6) A vessel is considered abandoned if, within the thirty-five day  
36 period following the date of attachment or posting of notice in  
37 subsection (3) of this section, the vessel has not been claimed under  
38 subsection (5) of this section.

1 (7) If the owner or owners of a vessel are unable to reimburse the  
2 commission for all reasonable charges under subsections (1) and (2) of  
3 this section within a reasonable time, the commission may seek  
4 reimbursement of ~~((seventy-five))~~ ninety percent of all reasonable and  
5 auditable costs from the derelict vessel removal account established in  
6 RCW 79.100.100.

7 **Sec. 4.** RCW 79.100.130 and 2011 c 247 s 2 are each amended to read  
8 as follows:

9 (1) A ~~((marina))~~ private moorage facility owner, as those terms are  
10 defined in RCW 88.26.010, may contract with a local government for the  
11 purpose of participating in the derelict vessel removal program.

12 (2) If a contract is completed under this section, the local  
13 government shall serve as the authorized public entity for the removal  
14 of ~~((the))~~ a derelict or abandoned vessel from the ~~((marina owner's))~~  
15 property of the private moorage facility owner. The contract must  
16 provide for the ~~((marina owner))~~ private moorage facility owner to be  
17 financially responsible for the removal and disposal costs that are not  
18 reimbursed by the department as provided under RCW 79.100.100, and any  
19 additional reasonable administrative costs incurred by the local  
20 government during the removal of the derelict or abandoned vessel.

21 (3) Prior to the commencement of any removal which will seek  
22 reimbursement from the derelict vessel removal program, the contract  
23 and the proposed vessel removal shall be submitted to the department  
24 for review and approval. The local government shall use the procedure  
25 specified under RCW 79.100.100(6).

26 (4) If the private moorage facility owner has already seized the  
27 vessel under chapter 88.26 RCW and title has reverted to the moorage  
28 facility, the moorage facility is not considered the owner under this  
29 chapter for purposes of cost recovery for actions taken under this  
30 section.

31 **Sec. 5.** RCW 43.19.1919 and 2011 1st sp.s. c 43 s 215 are each  
32 amended to read as follows:

33 (1) The department shall sell or exchange personal property  
34 belonging to the state for which the agency, office, department, or  
35 educational institution having custody thereof has no further use, at  
36 public or private sale, and cause the moneys realized from the sale of



1 any such property to be paid into the fund from which such property was  
2 purchased or, if such fund no longer exists, into the state general  
3 fund. This requirement is subject to the following exceptions and  
4 limitations:

5 ~~((1))~~ (a) This section does not apply to property under RCW  
6 27.53.045, 28A.335.180, or 43.19.1920;

7 ~~((2))~~ (b) Sales of capital assets may be made by the department  
8 and a credit established for future purchases of capital items as  
9 provided for in RCW 43.19.190 through 43.19.1939;

10 ~~((3))~~ (c) Personal property, excess to a state agency, including  
11 educational institutions, shall not be sold or disposed of prior to  
12 reasonable efforts by the department to determine if other state  
13 agencies have a requirement for such personal property. Such  
14 determination shall follow sufficient notice to all state agencies to  
15 allow adequate time for them to make their needs known. Surplus items  
16 may be disposed of without prior notification to state agencies if it  
17 is determined by the director to be in the best interest of the state.  
18 The department shall maintain a record of disposed surplus property,  
19 including date and method of disposal, identity of any recipient, and  
20 approximate value of the property;

21 ~~((4))~~ (d) This section does not apply to personal property  
22 acquired by a state organization under federal grants and contracts if  
23 in conflict with special title provisions contained in such grants or  
24 contracts;

25 ~~((5))~~ (e) A state agency having a surplus personal property asset  
26 with a fair market value of less than five hundred dollars may transfer  
27 the asset to another state agency without charging fair market value.  
28 A state agency conducting this action must maintain adequate records to  
29 comply with agency inventory procedures and state audit requirements.

30 (2)(a) Prior to transferring ownership of a department-owned  
31 vessel, the department shall conduct a thorough review of the physical  
32 condition of the vessel, the vessel's operating capability, and any  
33 containers and other materials that are not fixed to the vessel.

34 (b) If the department determines that the vessel is in a state of  
35 advanced deterioration or poses a reasonably imminent threat to human  
36 health or safety, including a threat of environmental contamination,  
37 the department may: (i) Not transfer the vessel until the conditions

1 identified under this subsection have been corrected; or (ii)  
2 permanently dispose of the vessel by landfill, deconstruction, or other  
3 related method.

4 NEW SECTION. Sec. 6. A new section is added to chapter 43.19 RCW  
5 to read as follows:

6 (1) Following the inspection required under section 5 of this act  
7 and prior to transferring ownership of a department-owned vessel, the  
8 department shall obtain the following from the transferee:

9 (a) The purposes for which the transferee intends to use the  
10 vessel; and

11 (b) Information demonstrating the prospective owner's intent to  
12 obtain legal moorage following the transfer, in the manner determined  
13 by the department.

14 (2)(a) The department shall remove any containers or other  
15 materials that are not fixed to the vessel and contain hazardous  
16 substances, as defined under RCW 70.105D.020.

17 (b) However, the department may transfer a vessel with:

18 (i) Those containers or materials described under (a) of this  
19 subsection where the transferee demonstrates to the department's  
20 satisfaction that the container's or material's presence is consistent  
21 with the anticipated use of the vessel; and

22 (ii) A reasonable amount of fuel as determined by the department,  
23 based on factors including the vessel's size, condition, and  
24 anticipated use of the vessel, including initial destination following  
25 transfer.

26 (c) The department may consult with the department of ecology in  
27 carrying out the requirements of this subsection (2).

28 (3) Prior to sale, and unless the vessel has a title or valid  
29 marine document, the department is required to apply for a certificate  
30 of title for the vessel under RCW 88.02.510 and register the vessel  
31 under RCW 88.02.550.

32 NEW SECTION. Sec. 7. A new section is added to chapter 43.30 RCW  
33 to read as follows:

34 (1) Prior to transferring ownership of a department-owned vessel,  
35 the department shall conduct a thorough review of the physical

1 condition of the vessel, the vessel's operating capability, and any  
2 containers and other materials that are not fixed to the vessel.

3 (2) If the department determines that the vessel is in a state of  
4 advanced deterioration or poses a reasonably imminent threat to human  
5 health or safety, including a threat of environmental contamination,  
6 the department may: (a) Not transfer the vessel until the conditions  
7 identified under this subsection have been corrected; or (b)  
8 permanently dispose of the vessel by landfill, deconstruction, or other  
9 related method.

10 (3) Vessels taken into custody under chapter 79.100 RCW are not  
11 subject to this section or section 8 of this act.

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 43.30 RCW  
13 to read as follows:

14 (1) Following the inspection required under section 7 of this act  
15 and prior to transferring ownership of a department-owned vessel, the  
16 department shall obtain the following from the transferee:

17 (a) The purposes for which the transferee intends to use the  
18 vessel; and

19 (b) Information demonstrating the prospective owner's intent to  
20 obtain legal moorage following the transfer, in the manner determined  
21 by the department.

22 (2)(a) The department shall remove any containers or other  
23 materials that are not fixed to the vessel and contain hazardous  
24 substances, as defined under RCW 70.105D.020.

25 (b) However, the department may transfer a vessel with:

26 (i) Those containers or materials described under (a) of this  
27 subsection where the transferee demonstrates to the department's  
28 satisfaction that the container's or material's presence is consistent  
29 with the anticipated use of the vessel; and

30 (ii) A reasonable amount of fuel as determined by the department,  
31 based on factors including the vessel's size, condition, and  
32 anticipated use of the vessel, including initial destination following  
33 transfer.

34 (c) The department may consult with the department of ecology in  
35 carrying out the requirements of this subsection.

36 (3) Prior to sale, and unless the vessel has a title or valid

1 marine document, the department is required to apply for a certificate  
2 of title for the vessel under RCW 88.02.510 and register the vessel  
3 under RCW 88.02.550.

4 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.12 RCW  
5 to read as follows:

6 (1) Prior to transferring ownership of a department-owned vessel,  
7 the department shall conduct a thorough review of the physical  
8 condition of the vessel, the vessel's operating capability, and any  
9 containers and other materials that are not fixed to the vessel.

10 (2) If the department determines that the vessel is in a state of  
11 advanced deterioration or poses a reasonably imminent threat to human  
12 health or safety, including a threat of environmental contamination,  
13 the department may: (a) Not transfer the vessel until the conditions  
14 identified under this subsection have been corrected; or (b)  
15 permanently dispose of the vessel by landfill, deconstruction, or other  
16 related method.

17 (3) Vessels taken into custody under chapter 79.100 RCW are not  
18 subject to this section or section 10 of this act.

19 NEW SECTION. **Sec. 10.** A new section is added to chapter 77.12 RCW  
20 to read as follows:

21 (1) Following the inspection required under section 9 of this act  
22 and prior to transferring ownership of a department-owned vessel, the  
23 department shall obtain the following from the transferee:

24 (a) The purposes for which the transferee intends to use the  
25 vessel; and

26 (b) Information demonstrating the prospective owner's intent to  
27 obtain legal moorage following the transfer, in the manner determined  
28 by the department.

29 (2)(a) The department shall remove any containers or other  
30 materials that are not fixed to the vessel and contain hazardous  
31 substances, as defined under RCW 70.105D.020.

32 (b) However, the department may transfer a vessel with:

33 (i) Those containers or materials described under (a) of this  
34 subsection where the transferee demonstrates to the department's  
35 satisfaction that the container's or material's presence is consistent  
36 with the anticipated use of the vessel; and

1 (ii) A reasonable amount of fuel as determined by the department,  
2 based on factors including the vessel's size, condition, and  
3 anticipated use of the vessel, including initial destination following  
4 transfer.

5 (c) The department may consult with the department of ecology in  
6 carrying out the requirements of this subsection.

7 (3) Prior to sale, and unless the vessel has a title or valid  
8 marine document, the department is required to apply for a certificate  
9 of title for the vessel under RCW 88.02.510 and register the vessel  
10 under RCW 88.02.550.

11 NEW SECTION. **Sec. 11.** A new section is added to chapter 79A.05  
12 RCW to read as follows:

13 (1) Prior to transferring ownership of a commission-owned vessel,  
14 the commission shall conduct a thorough review of the physical  
15 condition of the vessel, the vessel's operating capability, and any  
16 containers and other materials that are not fixed to the vessel.

17 (2) If the commission determines the vessel is in a state of  
18 advanced deterioration or poses a reasonably imminent threat to human  
19 health or safety, including a threat of environmental contamination,  
20 that the commission may: (a) Not transfer the vessel until the  
21 conditions identified under this subsection have been corrected; or (b)  
22 permanently dispose of the vessel by landfill, deconstruction, or other  
23 related method.

24 (3) Vessels taken into custody under chapter 79.100 RCW are not  
25 subject to this section or section 12 of this act.

26 NEW SECTION. **Sec. 12.** A new section is added to chapter 79A.05  
27 RCW to read as follows:

28 (1) Following the inspection required under section 11 of this act  
29 and prior to transferring ownership of a commission-owned vessel, the  
30 commission shall obtain the following from the transferee:

31 (a) The purposes for which the transferee intends to use the  
32 vessel; and

33 (b) Information demonstrating the prospective owner's intent to  
34 obtain legal moorage following the transfer, in the manner determined  
35 by the commission.

1 (2)(a) The commission shall remove any containers or other  
2 materials that are not fixed to the vessel and contain hazardous  
3 substances, as defined under RCW 70.105D.020.

4 (b) However, the commission may transfer a vessel with:

5 (i) Those containers or materials described under (a) of this  
6 subsection where the transferee demonstrates to the commission's  
7 satisfaction that the container's or material's presence is consistent  
8 with the anticipated use of the vessel; and

9 (ii) A reasonable amount of fuel as determined by the commission,  
10 based on factors including the vessel's size, condition, and  
11 anticipated use of the vessel, including initial destination following  
12 transfer.

13 (c) The commission may consult with the department of ecology in  
14 carrying out the requirements of this subsection.

15 (3) Prior to sale, and unless the vessel has a title or valid  
16 marine document, the commission is required to apply for a certificate  
17 of title for the vessel under RCW 88.02.510 and register the vessel  
18 under RCW 88.02.550.

19 NEW SECTION. **Sec. 13.** A new section is added to chapter 47.01 RCW  
20 to read as follows:

21 (1) Prior to transferring ownership of a department-owned vessel,  
22 the department shall conduct a thorough review of the physical  
23 condition of the vessel, the vessel's operating capability, and any  
24 containers and other materials that are not fixed to the vessel.

25 (2) If the department determines that the vessel is in a state of  
26 advanced deterioration or poses a reasonably imminent threat to human  
27 health or safety, including a threat of environmental contamination,  
28 the department may: (a) Not transfer the vessel until the conditions  
29 identified under this subsection have been corrected; or (b)  
30 permanently dispose of the vessel by landfill, deconstruction, or other  
31 related method.

32 NEW SECTION. **Sec. 14.** A new section is added to chapter 47.01 RCW  
33 to read as follows:

34 (1) Following the inspection required under section 13 of this act  
35 and prior to transferring ownership of a department-owned vessel, the  
36 department shall obtain the following from the transferee:

1 (a) The purposes for which the transferee intends to use the  
2 vessel; and

3 (b) Information demonstrating the prospective owner's intent to  
4 obtain legal moorage following the transfer, in the manner determined  
5 by the department.

6 (2)(a) The department shall remove any containers or other  
7 materials that are not fixed to the vessel and contain hazardous  
8 substances, as defined under RCW 70.105D.020.

9 (b) However, the department may transfer a vessel with:

10 (i) Those containers or materials described under (a) of this  
11 subsection where the transferee demonstrates to the department's  
12 satisfaction that the container's or material's presence is consistent  
13 with the anticipated use of the vessel; and

14 (ii) A reasonable amount of fuel as determined by the department,  
15 based on factors including the vessel's size, condition, and  
16 anticipated use of the vessel, including initial destination following  
17 transfer.

18 (c) The department may consult with the department of ecology in  
19 carrying out the requirements of this subsection.

20 (3) Prior to sale, and unless the vessel has a title or valid  
21 marine document, the department is required to apply for a certificate  
22 of title for the vessel under RCW 88.02.510 and register the vessel  
23 under RCW 88.02.550.

24 NEW SECTION. **Sec. 15.** A new section is added to chapter 35.21 RCW  
25 to read as follows:

26 (1) Prior to transferring ownership of a city or town-owned vessel,  
27 the city or town shall conduct a thorough review of the physical  
28 condition of the vessel, the vessel's operating capability, and any  
29 containers and other materials that are not fixed to the vessel.

30 (2) If the city or town determines the vessel is in a state of  
31 advanced deterioration or poses a reasonably imminent threat to human  
32 health or safety, including a threat of environmental contamination,  
33 the city or town may: (a) Not transfer the vessel until the conditions  
34 identified under this subsection have been corrected; or (b)  
35 permanently dispose of the vessel by landfill, deconstruction, or other  
36 related method.

1 (3) Vessels taken into custody under chapter 79.100 RCW are not  
2 subject to this section or section 16 of this act.

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 35.21 RCW  
4 to read as follows:

5 (1) Following the inspection required under section 15 of this act  
6 and prior to transferring ownership of a city or town-owned vessel, a  
7 city or town shall obtain the following from the transferee:

8 (a) The purposes for which the transferee intends to use the  
9 vessel; and

10 (b) Information demonstrating the prospective owner's intent to  
11 obtain legal moorage following the transfer, in the manner determined  
12 by the city or town.

13 (2)(a) The city or town shall remove any containers or other  
14 materials that are not fixed to the vessel and contain hazardous  
15 substances, as defined under RCW 70.105D.020.

16 (b) However, the city or town may transfer a vessel with:

17 (i) Those containers or materials described under (a) of this  
18 subsection where the transferee demonstrates to the city or town's  
19 satisfaction that the container's or material's presence is consistent  
20 with the anticipated use of the vessel; and

21 (ii) A reasonable amount of fuel as determined by the city or town,  
22 based on factors including the vessel's size, condition, and  
23 anticipated use of the vessel, including initial destination following  
24 transfer.

25 (c) The city or town may consult with the department of ecology in  
26 carrying out the requirements of this subsection.

27 (3) Prior to sale, and unless the vessel has a title or valid  
28 marine document, the city or town is required to apply for a  
29 certificate of title for the vessel under RCW 88.02.510 and register  
30 the vessel under RCW 88.02.550.

31 NEW SECTION. **Sec. 17.** A new section is added to chapter 35A.21  
32 RCW to read as follows:

33 (1) Prior to transferring ownership of a code city-owned vessel,  
34 the code city shall conduct a thorough review of the physical condition  
35 of the vessel, the vessel's operating capability, and any containers  
36 and other materials that are not fixed to the vessel.



1 (2) If the code city determines that the vessel is in a state of  
2 advanced deterioration or poses a reasonably imminent threat to human  
3 health or safety, including a threat of environmental contamination,  
4 the code city may: (a) Not transfer the vessel until the conditions  
5 identified under this subsection have been corrected; or (b)  
6 permanently dispose of the vessel by landfill, deconstruction, or other  
7 related method.

8 (3) Vessels taken into custody under chapter 79.100 RCW are not  
9 subject to this section or section 18 of this act.

10 NEW SECTION. **Sec. 18.** A new section is added to chapter 35A.21  
11 RCW to read as follows:

12 (1) Following the inspection required under section 17 of this act  
13 and prior to transferring ownership of a code city-owned vessel, a code  
14 city shall obtain the following from the transferee:

15 (a) The purposes for which the transferee intends to use the  
16 vessel; and

17 (b) Information demonstrating the prospective owner's intent to  
18 obtain legal moorage following the transfer, in the manner determined  
19 by the code city.

20 (2)(a) The code city shall remove any containers or other materials  
21 that are not fixed to the vessel and contain hazardous substances, as  
22 defined under RCW 70.105D.020.

23 (b) However, the code city may transfer a vessel with:

24 (i) Those containers or materials described under (a) of this  
25 subsection where the transferee demonstrates to the code city's  
26 satisfaction that the container's or material's presence is consistent  
27 with the anticipated use of the vessel; and

28 (ii) A reasonable amount of fuel as determined by the code city,  
29 based on factors including the vessel's size, condition, and  
30 anticipated use of the vessel, including initial destination following  
31 transfer.

32 (c) The code city may consult with the department of ecology in  
33 carrying out the requirements of this subsection.

34 (3) Prior to sale, and unless the vessel has a title or valid  
35 marine document, the code city is required to apply for a certificate  
36 of title for the vessel under RCW 88.02.510 and register the vessel  
37 under RCW 88.02.550.

1        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 36.32 RCW  
2 to read as follows:

3        (1) Prior to transferring ownership of a county-owned vessel, the  
4 county shall conduct a thorough review of the physical condition of the  
5 vessel, the vessel's operating capability, and any containers and other  
6 materials that are not fixed to the vessel.

7        (2) If the county determines that the vessel is in a state of  
8 advanced deterioration or poses a reasonably imminent threat to human  
9 health or safety, including a threat of environmental contamination,  
10 the county may: (a) Not transfer the vessel until the conditions  
11 identified under this subsection have been corrected; or (b)  
12 permanently dispose of the vessel by landfill, deconstruction, or other  
13 related method.

14        (3) Vessels taken into custody under chapter 79.100 RCW are not  
15 subject to this section or section 20 of this act.

16        NEW SECTION.    **Sec. 20.**    A new section is added to chapter 36.32 RCW  
17 to read as follows:

18        (1) Following the inspection required under section 19 of this act  
19 and prior to transferring ownership of a county-owned vessel, a county  
20 shall obtain the following from the transferee:

21        (a) The purposes for which the transferee intends to use the  
22 vessel; and

23        (b) Information demonstrating the prospective owner's intent to  
24 obtain legal moorage following the transfer, in the manner determined  
25 by the county.

26        (2)(a) The county shall remove any containers or other materials  
27 that are not fixed to the vessel and contain hazardous substances, as  
28 defined under RCW 70.105D.020.

29        (b) However, the county may transfer a vessel with:

30        (i) Those containers or materials described under (a) of this  
31 subsection where the transferee demonstrates to the county's  
32 satisfaction that the container's or material's presence is consistent  
33 with the anticipated use of the vessel; and

34        (ii) A reasonable amount of fuel as determined by the county, based  
35 on factors including the vessel's size, condition, and anticipated use  
36 of the vessel including initial destination following transfer.

1 (c) The county may consult with the department of ecology in  
2 carrying out the requirements of this subsection.

3 (3) Prior to sale, and unless the vessel has a title or valid  
4 marine document, the county is required to apply for a certificate of  
5 title for the vessel under RCW 88.02.510 and register the vessel under  
6 RCW 88.02.550.

7 NEW SECTION. **Sec. 21.** A new section is added to chapter 53.08 RCW  
8 to read as follows:

9 (1) Prior to transferring ownership of a vessel owned by a port  
10 district and used primarily to conduct port business, the port district  
11 shall conduct a thorough review of the physical condition of the  
12 vessel, the vessel's operating capability, and any containers and other  
13 materials that are not fixed to the vessel.

14 (2) If the port district determines that the vessel is in a state  
15 of advanced deterioration or poses a reasonably imminent threat to  
16 human health or safety, including a threat of environmental  
17 contamination, the port district may: (a) Not transfer the vessel  
18 until the conditions identified under this subsection have been  
19 corrected; or (b) permanently dispose of the vessel by landfill,  
20 deconstruction, or other related method.

21 (3) Vessels taken into custody under chapter 79.100 RCW are not  
22 subject to this section or section 22 of this act.

23 NEW SECTION. **Sec. 22.** A new section is added to chapter 53.08 RCW  
24 to read as follows:

25 (1) Following the inspection required under section 21 of this act  
26 and prior to transferring ownership of a port district-owned vessel, a  
27 port district shall obtain the following from the transferee:

28 (a) The purposes for which the transferee intends to use the  
29 vessel; and

30 (b) Information demonstrating the prospective owner's intent to  
31 obtain legal moorage following the transfer, in the manner determined  
32 by the port district.

33 (2)(a) The port district shall remove any containers or other  
34 materials that are not fixed to the vessel and contain hazardous  
35 substances, as defined under RCW 70.105D.020.

36 (b) However, the port district may transfer a vessel with:

1 (i) Those containers or materials described under (a) of this  
2 subsection where the transferee demonstrates to the port district's  
3 satisfaction that the container's or material's presence is consistent  
4 with the anticipated use of the vessel; and

5 (ii) A reasonable amount of fuel as determined by the port  
6 district, based on factors including the vessel's size, condition, and  
7 anticipated use of the vessel including initial destination following  
8 transfer.

9 (c) The port district may consult with the department of ecology in  
10 carrying out the requirements of this subsection.

11 (3) Prior to sale, and unless the vessel has a title or valid  
12 marine document, the port district is required to apply for a  
13 certificate of title for the vessel under RCW 88.02.510 and register  
14 the vessel under RCW 88.02.550.

15 NEW SECTION. **Sec. 23.** A new section is added to chapter 43.21A  
16 RCW to read as follows:

17 (1) Prior to transferring ownership of a department-owned vessel,  
18 the department shall conduct a thorough review of the physical  
19 condition of the vessel, the vessel's operating capability, and any  
20 containers and other materials that are not fixed to the vessel.

21 (2) If the department determines that the vessel is in a state of  
22 advanced deterioration or poses a reasonably imminent threat to human  
23 health or safety, including a threat of environmental contamination,  
24 the department may: (a) Not transfer the vessel until the conditions  
25 identified under this subsection have been corrected; or (b)  
26 permanently dispose of the vessel by landfill, deconstruction, or other  
27 related method.

28 NEW SECTION. **Sec. 24.** A new section is added to chapter 43.21A  
29 RCW to read as follows:

30 (1) Following the inspection required under section 23 of this act  
31 and prior to transferring ownership of a department-owned vessel, the  
32 department shall obtain the following from the transferee:

33 (a) The purposes for which the transferee intends to use the  
34 vessel; and

35 (b) Information demonstrating the prospective owner's intent to

1 obtain legal moorage following the transfer, in the manner determined  
2 by the department.

3 (2)(a) The department shall remove any containers or other  
4 materials that are not fixed to the vessel and contain hazardous  
5 substances, as defined under RCW 70.105D.020.

6 (b) However, the department may transfer a vessel with:

7 (i) Those containers or materials described under (a) of this  
8 subsection where the transferee demonstrates to the department's  
9 satisfaction that the container's or material's presence is consistent  
10 with the anticipated use of the vessel; and

11 (ii) A reasonable amount of fuel as determined by the department,  
12 based on factors including the vessel's size, condition, and  
13 anticipated use of the vessel including initial destination following  
14 transfer.

15 (3) Prior to sale, and unless the vessel has a valid marine  
16 document, the department is required to apply for a title or  
17 certificate of title for the vessel under RCW 88.02.510 and register  
18 the vessel under RCW 88.02.550.

19 NEW SECTION. **Sec. 25.** A new section is added to chapter 28B.10  
20 RCW to read as follows:

21 (1) Prior to transferring ownership of an institution-owned vessel,  
22 an institution of higher education shall conduct a thorough review of  
23 the physical condition of the vessel, the vessel's operating  
24 capability, and any containers and other materials that are not fixed  
25 to the vessel.

26 (2) If the institution of higher education determines that the  
27 vessel is in a state of advanced deterioration or poses a reasonably  
28 imminent threat to human health or safety, including a threat of  
29 environmental contamination, the institution of higher education may:  
30 (a) Not transfer the vessel until the conditions identified under this  
31 subsection have been corrected; or (b) permanently dispose of the  
32 vessel by landfill, deconstruction, or other related method.

33 NEW SECTION. **Sec. 26.** A new section is added to chapter 28B.10  
34 RCW to read as follows:

35 (1) Following the inspection required under section 25 of this act

1 and prior to transferring ownership of an institution-owned vessel, the  
2 institution of higher education shall obtain the following from the  
3 transferee:

4 (a) The purposes for which the transferee intends to use the  
5 vessel; and

6 (b) Information demonstrating the prospective owner's intent to  
7 obtain legal moorage following the transfer, in the manner determined  
8 by the institution of higher education.

9 (2)(a) The institution of higher education shall remove any  
10 containers or other materials that are not fixed to the vessel and  
11 contain hazardous substances, as defined under RCW 70.105D.020.

12 (b) However, the institution of higher education may transfer a  
13 vessel with:

14 (i) Those containers or materials described under (a) of this  
15 subsection where the transferee demonstrates to the institution of  
16 higher education's satisfaction that the container's or material's  
17 presence is consistent with the anticipated use of the vessel; and

18 (ii) A reasonable amount of fuel as determined by the institution  
19 of higher education, based on factors including the vessel's size,  
20 condition, and anticipated use of the vessel including initial  
21 destination following transfer.

22 (c) The institution of higher education may consult with the  
23 department of ecology in carrying out the requirements of this  
24 subsection.

25 (3) Prior to sale, and unless the vessel has a title or valid  
26 marine document, the institution of higher education is required to  
27 apply for a certificate of title for the vessel under RCW 88.02.510 and  
28 register the vessel under RCW 88.02.550.

29 **Sec. 27.** RCW 28B.10.029 and 2012 c 230 s 4 are each amended to  
30 read as follows:

31 (1)(a) An institution of higher education may, consistent with  
32 sections 25 and 26 of this act, exercise independently those powers  
33 otherwise granted to the director of enterprise services in chapter  
34 43.19 RCW in connection with the purchase and disposition of all  
35 material, supplies, services, and equipment needed for the support,  
36 maintenance, and use of the respective institution of higher education.

1 (b) Property disposition policies followed by institutions of  
2 higher education shall be consistent with policies followed by the  
3 department of enterprise services.

4 (c)(i) Except as provided in (c)(ii) and (iii) of this subsection,  
5 purchasing policies and procedures followed by institutions of higher  
6 education shall be in compliance with chapters 39.19, 39.29, and 43.03  
7 RCW, and RCW (~~(43.19.1901, 43.19.1906, 43.19.1911)~~) 43.19.1917,  
8 (~~(43.19.1937)~~) 43.19.685, (~~(43.19.700 through 43.19.704)~~) 39.26.260  
9 through 39.26.271, and 43.19.560 through 43.19.637.

10 (ii) Institutions of higher education may use all appropriate means  
11 for making and paying for travel arrangements including, but not  
12 limited to, electronic booking and reservations, advance payment and  
13 deposits for tours, lodging, and other necessary expenses, and other  
14 travel transactions based on standard industry practices and federal  
15 accountable plan requirements. Such arrangements shall support  
16 student, faculty, staff, and other participants' travel, by groups and  
17 individuals, both domestic and international, in the most cost-  
18 effective and efficient manner possible, regardless of the source of  
19 funds.

20 (iii) Formal sealed, electronic, or web-based competitive bidding  
21 is not necessary for purchases or personal services contracts by  
22 institutions of higher education for less than one hundred thousand  
23 dollars. However, for purchases and personal services contracts of ten  
24 thousand dollars or more and less than one hundred thousand dollars,  
25 quotations must be secured from at least three vendors to assure  
26 establishment of a competitive price and may be obtained by telephone,  
27 electronic, or written quotations, or any combination thereof. As part  
28 of securing the three vendor quotations, institutions of higher  
29 education must invite at least one quotation each from a certified  
30 minority and a certified woman-owned vendor that otherwise qualifies to  
31 perform the work. A record of competition for all such purchases and  
32 personal services contracts of ten thousand dollars or more and less  
33 than one hundred thousand dollars must be documented for audit  
34 purposes.

35 (d) Purchases under chapter 39.29, 43.19, or 43.105 RCW by  
36 institutions of higher education may be made by using contracts for  
37 materials, supplies, services, or equipment negotiated or entered into  
38 by, for, or through group purchasing organizations.

1 (e) The community and technical colleges shall comply with RCW  
2 43.19.450.

3 (f) Except for the University of Washington, institutions of higher  
4 education shall comply with RCW 43.19.769, 43.19.763, and 43.19.781.

5 (g) If an institution of higher education can satisfactorily  
6 demonstrate to the director of the office of financial management that  
7 the cost of compliance is greater than the value of benefits from any  
8 of the following statutes, then it shall be exempt from them: RCW  
9 43.19.685 and 43.19.637.

10 (h) Any institution of higher education that chooses to exercise  
11 independent purchasing authority for a commodity or group of  
12 commodities shall notify the director of enterprise services.  
13 Thereafter the director of enterprise services shall not be required to  
14 provide those services for that institution for the duration of the  
15 enterprise services contract term for that commodity or group of  
16 commodities.

17 (2) The council of presidents and the state board for community and  
18 technical colleges shall convene its correctional industries business  
19 development advisory committee, and work collaboratively with  
20 correctional industries, to:

21 (a) Reaffirm purchasing criteria and ensure that quality, service,  
22 and timely delivery result in the best value for expenditure of state  
23 dollars;

24 (b) Update the approved list of correctional industries products  
25 from which higher education shall purchase; and

26 (c) Develop recommendations on ways to continue to build  
27 correctional industries' business with institutions of higher  
28 education.

29 (3) Higher education and correctional industries shall develop a  
30 plan to build higher education business with correctional industries to  
31 increase higher education purchases of correctional industries  
32 products, based upon the criteria established in subsection (2) of this  
33 section. The plan shall include the correctional industries'  
34 production and sales goals for higher education and an approved list of  
35 products from which higher education institutions shall purchase, based  
36 on the criteria established in subsection (2) of this section. Higher  
37 education and correctional industries shall report to the legislature



1 regarding the plan and its implementation no later than January 30,  
2 2005.

3 (4)(a) Institutions of higher education shall set as a target to  
4 contract, beginning not later than June 30, 2006, to purchase one  
5 percent of the total goods and services required by the institutions  
6 each year produced or provided in whole or in part from class II inmate  
7 work programs operated by the department of corrections. Institutions  
8 of higher education shall set as a target to contract, beginning not  
9 later than June 30, 2008, to purchase two percent of the total goods  
10 and services required by the institutions each year produced or  
11 provided in whole or in part from class II inmate work programs  
12 operated by the department of corrections.

13 (b) Institutions of higher education shall endeavor to assure the  
14 department of corrections has notifications of bid opportunities with  
15 the goal of meeting or exceeding the purchasing target in (a) of this  
16 subsection.

17 NEW SECTION. Sec. 28. (1) The department of natural resource must  
18 reevaluate the criteria developed under RCW 79.100.100 regarding the  
19 prioritization of vessel removals funded by the derelict vessel removal  
20 account. This reprioritization process must occur by January 30, 2014,  
21 and consider how vessels located in the vicinity of aquaculture  
22 operations and other sensitive areas should be prioritized.

23 (2) This section expires July 31, 2015.

24 **Sec. 29.** RCW 88.02.380 and 2010 c 161 s 1006 are each amended to  
25 read as follows:

26 (1) Except as otherwise provided in this chapter, and, in part, in  
27 order to prevent the future potential dereliction or abandonment of a  
28 vessel, a violation of this chapter and the rules adopted by the  
29 department is a (~~misdemeanor punishable only by a fine not to exceed~~  
30 ~~one hundred dollars per vessel for the first violation. Subsequent~~  
31 ~~violations in the same year are subject to the following fines:~~

32 ~~(a) For the second violation, a fine of two hundred dollars per~~  
33 ~~vessel;~~

34 ~~(b) For the third and successive violations, a fine of four hundred~~  
35 ~~dollars per vessel)) class 2 civil infraction.~~

1           (2) A (~~violation designated in this chapter as a~~) civil  
2     infraction issued under this chapter must be (~~punished accordingly~~  
3     ~~pursuant to~~) processed under chapter 7.80 RCW.

4           (3) After the subtraction of court costs and administrative  
5     collection fees, moneys collected under this section must be credited  
6     to the (~~current expense fund of the arresting jurisdiction~~) ticketing  
7     jurisdiction and used only for the support of the enforcement agency,  
8     department, division, or program that issued the violation.

9           (4) All law enforcement officers may enforce this chapter and the  
10    rules adopted by the department within their respective jurisdictions.  
11    A city, town, or county may contract with a fire protection district  
12    for enforcement of this chapter, and fire protection districts may  
13    engage in enforcement activities.

14           **Sec. 30.** RCW 88.02.340 and 2010 c 161 s 1004 are each amended to  
15    read as follows:

16           (1) Any person charged with the enforcement of this chapter may  
17    inspect the registration certificate of a vessel to ascertain the legal  
18    and registered ownership of the vessel. A vessel owner or operator who  
19    fails to provide the registration certificate for inspection upon the  
20    request of any person charged with enforcement of this chapter (~~is a~~  
21    ~~class 2 civil infraction~~) may be found to be in violation of this  
22    chapter.

23           (2) The department may require the inspection of vessels that are  
24    brought into this state from another state and for which a certificate  
25    of title has not been issued and for any other vessel if the department  
26    determines that inspection of the vessel will help to verify the  
27    accuracy of the information set forth on the application.

28           **Sec. 31.** RCW 88.02.550 and 2010 c 161 s 1017 are each amended to  
29    read as follows:

30           (1) Except as provided in this chapter, a person may not own or  
31    operate any vessel, including a rented vessel, on the waters of this  
32    state unless the vessel has been registered and displays a registration  
33    number and a valid decal in accordance with this chapter. A vessel  
34    that has or is required to have a valid marine document as a vessel of  
35    the United States is only required to display a valid decal. (~~A~~  
36    ~~violation of this section is a class 2 civil infraction.~~)

1 (2) A vessel numbered in this state under the federal boat safety  
2 act of 1971 (85 Stat. 213, 46 U.S.C. 4301 et seq.) is not required to  
3 be registered under this chapter until the certificate of number issued  
4 for the vessel under the federal boat safety act expires. When  
5 registering under this chapter, this type of vessel is subject to the  
6 amount of excise tax due under chapter 82.49 RCW that would have been  
7 due under chapter 82.49 RCW if the vessel had been registered at the  
8 time otherwise required under this chapter.

9 **Sec. 32.** RCW 79.100.120 and 2010 c 210 s 34 are each amended to  
10 read as follows:

11 (1) A person seeking to contest an authorized public entity's  
12 decision to take temporary possession or custody of a vessel under this  
13 chapter, or to contest the amount of reimbursement owed to an  
14 authorized public entity under this chapter, may request a hearing in  
15 accordance with this section.

16 (2)(a) If the contested decision or action was undertaken by a  
17 state agency, a written request for a hearing related to the decision  
18 or action must be filed with the pollution control hearings board and  
19 served on the state agency in accordance with RCW 43.21B.230 (2) and  
20 (3) within thirty days of the date the authorized public entity  
21 acquires custody of the vessel under RCW 79.100.040, or if the vessel  
22 is redeemed before the authorized public entity acquires custody, the  
23 date of redemption, or the right to a hearing is deemed waived and the  
24 vessel's owner is liable for any costs owed the authorized public  
25 entity. In the event of litigation, the prevailing party is entitled  
26 to reasonable attorneys' fees and costs.

27 (b) Upon receipt of a timely hearing request, the pollution control  
28 hearings board shall proceed to hear and determine the validity of the  
29 decision to take the vessel into temporary possession or custody and  
30 the reasonableness of any towing, storage, or other charges permitted  
31 under this chapter. Within five business days after the request for a  
32 hearing is filed, the pollution control hearings board shall notify the  
33 vessel owner requesting the hearing and the authorized public entity of  
34 the date, time, and location for the hearing. Unless the vessel is  
35 redeemed before the request for hearing is filed, the pollution control  
36 hearings board shall set the hearing on a date that is within ten  
37 business days of the filing of the request for hearing. If the vessel

1 is redeemed before the request for a hearing is filed, the pollution  
2 control hearings board shall set the hearing on a date that is within  
3 sixty days of the filing of the request for hearing.

4 (c) Consistent with RCW 43.21B.305, a proceeding brought under this  
5 subsection may be heard by one member of the pollution control hearings  
6 board, whose decision is the final decision of the board.

7 (3)(a) If the contested decision or action was undertaken by a  
8 metropolitan park district, port district, city, town, or county, which  
9 has adopted rules or procedures for contesting decisions or actions  
10 pertaining to derelict or abandoned vessels, those rules or procedures  
11 must be followed in order to contest a decision to take temporary  
12 possession or custody of a vessel, or to contest the amount of  
13 reimbursement owed.

14 (b) If the metropolitan park district, port district, city, town,  
15 or county has not adopted rules or procedures for contesting decisions  
16 or actions pertaining to derelict or abandoned vessels, then a person  
17 requesting a hearing under this section must follow the procedure  
18 established in ~~((RCW 53.08.320(5) for contesting the decisions or~~  
19 ~~actions of moorage facility operators))~~ subsection (2) of this section.

20 **Sec. 33.** RCW 43.21B.110 and 2010 c 210 s 7 and 2010 c 84 s 2 are  
21 each reenacted and amended to read as follows:

22 (1) The hearings board shall only have jurisdiction to hear and  
23 decide appeals from the following decisions of the department, the  
24 director, local conservation districts, the air pollution control  
25 boards or authorities as established pursuant to chapter 70.94 RCW,  
26 local health departments, the department of natural resources, the  
27 department of fish and wildlife, ~~((and))~~ the parks and recreation  
28 commission, and authorized public entities described in chapter 79.100  
29 RCW:

30 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,  
31 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,  
32 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

33 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
34 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
35 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

36 (c) A final decision by the department or director made under  
37 chapter 183, Laws of 2009.

1 (d) Except as provided in RCW 90.03.210(2), the issuance,  
2 modification, or termination of any permit, certificate, or license by  
3 the department or any air authority in the exercise of its  
4 jurisdiction, including the issuance or termination of a waste disposal  
5 permit, the denial of an application for a waste disposal permit, the  
6 modification of the conditions or the terms of a waste disposal permit,  
7 or a decision to approve or deny an application for a solid waste  
8 permit exemption under RCW 70.95.300.

9 (e) Decisions of local health departments regarding the grant or  
10 denial of solid waste permits pursuant to chapter 70.95 RCW.

11 (f) Decisions of local health departments regarding the issuance  
12 and enforcement of permits to use or dispose of biosolids under RCW  
13 70.95J.080.

14 (g) Decisions of the department regarding waste-derived fertilizer  
15 or micronutrient fertilizer under RCW 15.54.820, and decisions of the  
16 department regarding waste-derived soil amendments under RCW 70.95.205.

17 (h) Decisions of local conservation districts related to the denial  
18 of approval or denial of certification of a dairy nutrient management  
19 plan; conditions contained in a plan; application of any dairy nutrient  
20 management practices, standards, methods, and technologies to a  
21 particular dairy farm; and failure to adhere to the plan review and  
22 approval timelines in RCW 90.64.026.

23 (i) Any other decision by the department or an air authority which  
24 pursuant to law must be decided as an adjudicative proceeding under  
25 chapter 34.05 RCW.

26 (j) Decisions of the department of natural resources, the  
27 department of fish and wildlife, and the department that are reviewable  
28 under chapter 76.09 RCW, and the department of natural resources'  
29 appeals of county, city, or town objections under RCW 76.09.050(7).

30 (k) Forest health hazard orders issued by the commissioner of  
31 public lands under RCW 76.06.180.

32 (l) Decisions of the department of fish and wildlife to issue,  
33 deny, condition, or modify a hydraulic project approval permit under  
34 chapter 77.55 RCW.

35 (m) Decisions of the department of natural resources that are  
36 reviewable under RCW 78.44.270.

37 (n) Decisions of (~~a state agency that is~~) an authorized public

1 entity under RCW 79.100.010 to take temporary possession or custody of  
2 a vessel or to contest the amount of reimbursement owed that are  
3 reviewable by the hearings board under RCW 79.100.120.

4 (2) The following hearings shall not be conducted by the hearings  
5 board:

6 (a) Hearings required by law to be conducted by the shorelines  
7 hearings board pursuant to chapter 90.58 RCW.

8 (b) Hearings conducted by the department pursuant to RCW 70.94.332,  
9 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

10 (c) Appeals of decisions by the department under RCW 90.03.110 and  
11 90.44.220.

12 (d) Hearings conducted by the department to adopt, modify, or  
13 repeal rules.

14 (~~(e) Appeals of decisions by the department as provided in chapter~~  
15 ~~43.21B RCW.~~)

16 (3) Review of rules and regulations adopted by the hearings board  
17 shall be subject to review in accordance with the provisions of the  
18 administrative procedure act, chapter 34.05 RCW.

19 **Sec. 34.** RCW 43.21B.110 and 2010 c 210 s 8 and 2010 c 84 s 3 are  
20 each reenacted and amended to read as follows:

21 (1) The hearings board shall only have jurisdiction to hear and  
22 decide appeals from the following decisions of the department, the  
23 director, local conservation districts, the air pollution control  
24 boards or authorities as established pursuant to chapter 70.94 RCW,  
25 local health departments, the department of natural resources, the  
26 department of fish and wildlife, (~~and~~) the parks and recreation  
27 commission, and authorized public entities described in chapter 79.100  
28 RCW:

29 (a) Civil penalties imposed pursuant to RCW 18.104.155, 70.94.431,  
30 70.105.080, 70.107.050, 76.09.170, 77.55.291, 78.44.250, 88.46.090,  
31 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

32 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
33 43.27A.190, 70.94.211, 70.94.332, 70.105.095, 86.16.020, 88.46.070,  
34 90.14.130, 90.46.250, 90.48.120, and 90.56.330.

35 (c) Except as provided in RCW 90.03.210(2), the issuance,  
36 modification, or termination of any permit, certificate, or license by  
37 the department or any air authority in the exercise of its

1 jurisdiction, including the issuance or termination of a waste disposal  
2 permit, the denial of an application for a waste disposal permit, the  
3 modification of the conditions or the terms of a waste disposal permit,  
4 or a decision to approve or deny an application for a solid waste  
5 permit exemption under RCW 70.95.300.

6 (d) Decisions of local health departments regarding the grant or  
7 denial of solid waste permits pursuant to chapter 70.95 RCW.

8 (e) Decisions of local health departments regarding the issuance  
9 and enforcement of permits to use or dispose of biosolids under RCW  
10 70.95J.080.

11 (f) Decisions of the department regarding waste-derived fertilizer  
12 or micronutrient fertilizer under RCW 15.54.820, and decisions of the  
13 department regarding waste-derived soil amendments under RCW 70.95.205.

14 (g) Decisions of local conservation districts related to the denial  
15 of approval or denial of certification of a dairy nutrient management  
16 plan; conditions contained in a plan; application of any dairy nutrient  
17 management practices, standards, methods, and technologies to a  
18 particular dairy farm; and failure to adhere to the plan review and  
19 approval timelines in RCW 90.64.026.

20 (h) Any other decision by the department or an air authority which  
21 pursuant to law must be decided as an adjudicative proceeding under  
22 chapter 34.05 RCW.

23 (i) Decisions of the department of natural resources, the  
24 department of fish and wildlife, and the department that are reviewable  
25 under chapter 76.09 RCW, and the department of natural resources'  
26 appeals of county, city, or town objections under RCW 76.09.050(7).

27 (j) Forest health hazard orders issued by the commissioner of  
28 public lands under RCW 76.06.180.

29 (k) Decisions of the department of fish and wildlife to issue,  
30 deny, condition, or modify a hydraulic project approval permit under  
31 chapter 77.55 RCW.

32 (l) Decisions of the department of natural resources that are  
33 reviewable under RCW 78.44.270.

34 (m) Decisions of (~~a state agency that is~~) an authorized public  
35 entity under RCW 79.100.010 to take temporary possession or custody of  
36 a vessel or to contest the amount of reimbursement owed that are  
37 reviewable by the hearings board under RCW 79.100.120.

1 (2) The following hearings shall not be conducted by the hearings  
2 board:

3 (a) Hearings required by law to be conducted by the shorelines  
4 hearings board pursuant to chapter 90.58 RCW.

5 (b) Hearings conducted by the department pursuant to RCW 70.94.332,  
6 70.94.390, 70.94.395, 70.94.400, 70.94.405, 70.94.410, and 90.44.180.

7 (c) Appeals of decisions by the department under RCW 90.03.110 and  
8 90.44.220.

9 (d) Hearings conducted by the department to adopt, modify, or  
10 repeal rules.

11 ~~((e) Appeals of decisions by the department as provided in chapter  
12 43.211 RCW.))~~

13 (3) Review of rules and regulations adopted by the hearings board  
14 shall be subject to review in accordance with the provisions of the  
15 administrative procedure act, chapter 34.05 RCW.

16 **Sec. 35.** RCW 79.100.040 and 2007 c 342 s 2 are each amended to  
17 read as follows:

18 (1) Prior to exercising the authority granted in RCW 79.100.030,  
19 the authorized public entity must first obtain custody of the vessel.  
20 To do so, the authorized public entity must:

21 (a) Mail notice of its intent to obtain custody, at least twenty  
22 days prior to taking custody, to the last known address of the previous  
23 owner to register the vessel in any state or with the federal  
24 government and to any lien holders or secured interests on record. A  
25 notice need not be sent to the purported owner or any other person  
26 whose interest in the vessel is not recorded with a state or federal  
27 agency;

28 (b) Post notice of its intent clearly on the vessel for thirty days  
29 and publish its intent at least once, more than ten days but less than  
30 twenty days prior to taking custody, in a newspaper of general  
31 circulation for the county in which the vessel is located; and

32 (c) Post notice of its intent on the department's internet web site  
33 on a page specifically designated for such notices. If the authorized  
34 public entity is not the department, the department must facilitate the  
35 internet posting.

36 (2) All notices sent, posted, or published in accordance with this  
37 section must, at a minimum, explain the intent of the authorized public



1 entity to take custody of the vessel, the rights of the authorized  
2 public entity after taking custody of the vessel as provided in RCW  
3 79.100.030, the procedures the owner must follow in order to avoid  
4 custody being taken by the authorized public entity, the procedures the  
5 owner must follow in order to reclaim possession after custody is taken  
6 by the authorized public entity, and the financial liabilities that the  
7 owner may incur as provided for in RCW 79.100.060.

8 (3)(a) ~~((If a))~~ Any authorized public entity may tow, beach, or  
9 otherwise take temporary possession of a vessel if the owner of the  
10 vessel cannot be located or is unwilling or unable to assume immediate  
11 responsibility for the vessel and if the vessel ((is)):

12 (i) Is in immediate danger of sinking, breaking up, or blocking  
13 navigational channels; or

14 (ii) Poses a reasonably imminent threat to human health or safety,  
15 including a threat of environmental contamination(~~(; and (iii) the~~  
16 ~~owner of the vessel cannot be located or is unwilling or unable to~~  
17 ~~assume immediate responsibility for the vessel, any authorized public~~  
18 ~~entity may tow, beach, or otherwise take temporary possession of the~~  
19 ~~vessel)).~~

20 (b) Before taking temporary possession of the vessel, the  
21 authorized public entity must make reasonable attempts to consult with  
22 the department or the United States coast guard to ensure that other  
23 remedies are not available. The basis for taking temporary possession  
24 of the vessel must be set out in writing by the authorized public  
25 entity within seven days of taking action and be submitted to the  
26 owner, if known, as soon thereafter as is reasonable. If the  
27 authorized public entity has not already provided the required notice,  
28 immediately after taking possession of the vessel, the authorized  
29 public entity must initiate the notice provisions in subsection (1) of  
30 this section. The authorized public entity must complete the notice  
31 requirements of subsection (1) of this section before using or  
32 disposing of the vessel as authorized in RCW 79.100.050.

33 NEW SECTION. Sec. 36. A new section is added to chapter 79.100  
34 RCW to read as follows:

35 (1) A vessel owner must obtain a vessel inspection under this  
36 section prior to transferring a vessel that is:

- 1 (a) More than sixty-five feet in length and more than forty years  
2 old; and
- 3 (b) Either:
- 4 (i) Is registered or required to be registered under chapter 88.02  
5 RCW; or
- 6 (ii) Is listed or required to be listed under chapter 84.40 RCW.
- 7 (2) Where required under subsection (1) of this section, a vessel  
8 owner must provide a copy of the vessel inspection documentation to the  
9 transferee and, if the department did not conduct the inspection, to  
10 the department prior to the transfer.
- 11 (3) Failure to comply with the requirements of subsections (1) and  
12 (2) of this section will result in the transferor having secondary  
13 liability under RCW 79.100.060 if the vessel is later abandoned by the  
14 transferee or becomes derelict prior to a subsequent ownership  
15 transfer.

16 NEW SECTION. **Sec. 37.** (1) By December 31, 2013, the department  
17 shall adopt by rule procedures and standards for the vessel inspections  
18 required under section 36 of this act. The procedures and standards  
19 must identify the public or private entities authorized to conduct  
20 inspections, the required elements of an inspection, and the manner in  
21 which inspection results must be documented. The vessel inspection  
22 required under this section must be designed to:

23 (a) Provide the transferee with current information about the  
24 condition of the vessel, including the condition of its hull and key  
25 operating systems, prior to the transfer;

26 (b) Provide the department with information under (a) of this  
27 subsection for each applicable vessel and, more broadly, to improve the  
28 department's understanding of the condition of the larger, older boats  
29 in the state's waters;

30 (c) Discourage the future abandonment or dereliction of the vessel;  
31 and

32 (d) Maximize the efficiency and effectiveness of the inspection  
33 process, including with respect to the time and resources of the  
34 transferor, transferee, and the state.

35 (2) The department shall work with appropriate government agencies  
36 and stakeholders in designing the inspection process and standards  
37 under this section.

1 (3) This section expires July 31, 2014.

2 **Sec. 38.** RCW 79.100.060 and 2006 c 153 s 4 are each amended to  
3 read as follows:

4 (1) The owner of an abandoned or derelict vessel, or any person or  
5 entity that has incurred secondary liability under section 36 of this  
6 act, is responsible for reimbursing an authorized public entity for all  
7 reasonable and auditable costs associated with the removal or disposal  
8 of the owner's vessel under this chapter. These costs include, but are  
9 not limited to, costs incurred exercising the authority granted in RCW  
10 79.100.030, all administrative costs incurred by the authorized public  
11 entity during the procedure set forth in RCW 79.100.040, removal and  
12 disposal costs, and costs associated with environmental damages  
13 directly or indirectly caused by the vessel. An authorized public  
14 entity that has taken temporary possession of a vessel may require that  
15 all reasonable and auditable costs associated with the removal of the  
16 vessel be paid before the vessel is released to the owner.

17 (2) Reimbursement for costs may be sought from an owner, or any  
18 person or entity that has incurred secondary liability under section 36  
19 of this act, who is identified subsequent to the vessel's removal and  
20 disposal.

21 (3) If the full amount of all costs due to the authorized public  
22 entity under this chapter is not paid to the authorized public entity  
23 within thirty days after first notifying the responsible parties of the  
24 amounts owed, the authorized public entity or the department may bring  
25 an action in any court of competent jurisdiction to recover the costs,  
26 plus reasonable attorneys' fees and costs incurred by the authorized  
27 public entity.

28 **Sec. 39.** RCW 88.26.020 and 1993 c 474 s 2 are each amended to read  
29 as follows:

30 (1) Any private moorage facility operator may take reasonable  
31 measures, including the use of chains, ropes, and locks, or removal  
32 from the water, to secure vessels within the private moorage facility  
33 so that the vessels are in the possession and control of the operator  
34 and cannot be removed from the facility. These procedures may be used  
35 if an owner mooring or storing a vessel at the facility fails, after  
36 being notified that charges are owing and of the owner's right to

1 commence legal proceedings to contest that such charges are owing, to  
2 pay charges owed or to commence legal proceedings. Notification shall  
3 be by two separate letters, one sent by first-class mail and one sent  
4 by registered mail to the owner and any lienholder of record at the  
5 last known address. In the case of a transient vessel, or where no  
6 address was furnished by the owner, the operator need not give notice  
7 prior to securing the vessel. At the time of securing the vessel, an  
8 operator shall attach to the vessel a readily visible notice. The  
9 notice shall be of a reasonable size and shall contain the following  
10 information:

- 11 (a) The date and time the notice was attached;
- 12 (b) A statement that if the account is not paid in full within  
13 ninety days from the time the notice is attached the vessel may be sold  
14 at public auction to satisfy the charges; and
- 15 (c) The address and telephone number where additional information  
16 may be obtained concerning release of the vessel.

17 After a vessel is secured, the operator shall make a reasonable  
18 effort to notify the owner and any lienholder of record by registered  
19 mail in order to give the owner the information contained in the  
20 notice.

21 (2) A private moorage facility operator, at his or her discretion,  
22 may move moored vessels ashore for storage within properties under the  
23 operator's control or for storage with a private person under their  
24 control as bailees of the private moorage facility, if the vessel is,  
25 in the opinion of the operator, a nuisance, in danger of sinking or  
26 creating other damage, or is owing charges. The costs of any such  
27 procedure shall be paid by the vessel's owner.

28 (3) If a vessel is secured under subsection (1) of this section or  
29 moved ashore under subsection (2) of this section, the owner who is  
30 obligated to the private operator for charges may regain possession of  
31 the vessel by:

- 32 (a) Making arrangements satisfactory with the operator for the  
33 immediate removal of the vessel from the facility or for authorized  
34 moorage; and
- 35 (b) Making payment to the operator of all charges, or by posting  
36 with the operator a sufficient cash bond or other acceptable security,  
37 to be held in trust by the operator pending written agreement of the  
38 parties with respect to payment by the vessel owner of the amount

1 owing, or pending resolution of the matter of the charges in a civil  
2 action in a court of competent jurisdiction. After entry of judgment,  
3 including any appeals, in a court of competent jurisdiction, or after  
4 the parties reach agreement with respect to payment, the trust shall  
5 terminate and the operator shall receive so much of the bond or other  
6 security as agreed, or as is necessary, to satisfy any judgment, costs,  
7 and interest as may be awarded to the operator. The balance shall be  
8 refunded immediately to the owner at the last known address.

9 (4) If a vessel has been secured by the operator under subsection  
10 (1) of this section and is not released to the owner under the bonding  
11 provisions of this section within ninety days after notifying or  
12 attempting to notify the owner under subsection (1) of this section,  
13 the vessel is conclusively presumed to have been abandoned by the  
14 owner.

15 (5) If a vessel moored or stored at a private moorage facility is  
16 abandoned, the operator may authorize the public sale of the vessel by  
17 authorized personnel, consistent with this section, to the highest and  
18 best bidder for cash as follows:

19 (a) Before the vessel is sold, the vessel owner and any lienholder  
20 of record shall be given at least twenty days' notice of the sale in  
21 the manner set forth in subsection (1) of this section if the name and  
22 address of the owner is known. The notice shall contain the time and  
23 place of the sale, a reasonable description of the vessel to be sold,  
24 and the amount of charges owed with respect to the vessel. The notice  
25 of sale shall be published at least once, more than ten but not more  
26 than twenty days before the sale, in a newspaper of general circulation  
27 in the county in which the facility is located. This notice shall  
28 include the name of the vessel, if any, the last known owner and  
29 address, and a reasonable description of the vessel to be sold. The  
30 operator may bid all or part of its charges at the sale and may become  
31 a purchaser at the sale.

32 (b) Before the vessel is sold, any person seeking to redeem an  
33 impounded vessel under this section may commence a lawsuit in the  
34 superior court for the county in which the vessel was impounded to  
35 contest the validity of the impoundment or the amount of charges owing.  
36 This lawsuit must be commenced within sixty days of the date the  
37 notification was provided under subsection (1) of this section, or the

1 right to a hearing is deemed waived and the owner is liable for any  
2 charges owing the operator. In the event of litigation, the prevailing  
3 party is entitled to reasonable attorneys' fees and costs.

4 (c) The proceeds of a sale under this section shall be applied  
5 first to the payment of any liens superior to the claim for charges,  
6 then to payment of the charges, then to satisfy any other liens on the  
7 vessel in the order of their priority. The balance, if any, shall be  
8 paid to the owner. If the owner cannot in the exercise of due  
9 diligence be located by the operator within one year of the date of the  
10 sale, the excess funds from the sale shall revert to the department of  
11 revenue under chapter 63.29 RCW. If the sale is for a sum less than  
12 the applicable charges, the operator is entitled to assert a claim for  
13 deficiency, however, the deficiency judgment shall not exceed the  
14 moorage fees owed for the previous six-month period.

15 (d) In the event no one purchases the vessel at a sale, or a vessel  
16 is not removed from the premises or other arrangements are not made  
17 within ten days of sale, title to the vessel will revert to the  
18 operator.

19 (e) Either a minimum bid may be established or a letter of credit  
20 may be required from the buyer, or both, to discourage the future  
21 abandonment of the vessel.

22 (6) The rights granted to a private moorage facility operator under  
23 this section are in addition to any other legal rights an operator may  
24 have to hold and sell a vessel and in no manner does this section alter  
25 those rights, or affect the priority of other liens on a vessel.

26 NEW SECTION. Sec. 40. A new section is added to chapter 79.100  
27 RCW to read as follows:

28 (1) The department may develop and administer a voluntary vessel  
29 turn-in program.

30 (2) The purpose of the voluntary vessel turn-in program is to allow  
31 the department to dismantle and dispose of vessels that pose a high  
32 risk of becoming a derelict vessel or abandoned vessel, but that do not  
33 yet meet the definition of those terms. The department shall design  
34 the program with the goal of dismantling and disposing of as many  
35 vessels as available resources allow, particularly those vessels posing  
36 the greatest risk of becoming abandoned or derelict in the future.

1 (3) The department shall disseminate information about the vessel  
2 turn-in program, including information about the application process,  
3 on its internet site and through appropriate agency publications and  
4 information sources as determined by the department. The department  
5 shall disseminate this information for a reasonable time as determined  
6 by the department prior to accepting applications.

7 (4) The department shall accept and review vessel turn-in program  
8 applications from eligible vessel owners, including private marinas  
9 that have gained legal title to a vessel in an advanced state of  
10 disrepair, during the time period or periods identified by the  
11 department. In order to be eligible for the vessel turn-in program, an  
12 applicant must demonstrate to the department's satisfaction that the  
13 applicant:

14 (a) Is a Washington resident or business;

15 (b) Owns a vessel that is in an advanced state of disrepair, has  
16 minimal or no value, and has a high likelihood of becoming an abandoned  
17 or derelict vessel; and

18 (c) Has insufficient resources to properly dispose of the vessel  
19 outside of the vessel turn-in program.

20 (5) Decisions regarding program eligibility and whether to accept  
21 a vessel for dismantling and disposal under the turn-in program are  
22 within the sole discretion of the department.

23 (6) The department may take other actions not inconsistent with  
24 this section in order to develop and administer the vessel turn-in  
25 program.

26 (7) The department may not spend more than two hundred thousand  
27 dollars in any one biennium on the program established in this section.

28 NEW SECTION. **Sec. 41.** (1) In compliance with RCW 43.01.036, the  
29 department of natural resources must provide a brief summary of the  
30 vessel turn-in program authorized under section 40 of this act to the  
31 legislature by September 1, 2014, including information about  
32 applications for the program, the vessels disposed of, and any  
33 recommendations for modification of the program.

34 (2) This section expires July 31, 2015.

35 **Sec. 42.** RCW 43.21B.305 and 2005 c 34 s 2 are each amended to read  
36 as follows:

1       (1) In an appeal that involves a penalty of fifteen thousand  
2 dollars or less or that involves a derelict or abandoned vessel under  
3 RCW 79.100.120, the appeal may be heard by one member of the board,  
4 whose decision shall be the final decision of the board. The board  
5 shall define by rule alternative procedures to expedite appeals  
6 involving penalties of fifteen thousand dollars or less or involving a  
7 derelict or abandoned vessel. These alternatives may include:  
8 Mediation, upon agreement of all parties; submission of testimony by  
9 affidavit; or other forms that may lead to less formal and faster  
10 resolution of appeals.

11       (2) For appeals that involve a derelict or abandoned vessel under  
12 RCW 79.100.120 only, an administrative law judge employed by the board  
13 may be substituted for a board member under this section.

14       NEW SECTION. Sec. 43. A new section is added to chapter 79.100  
15 RCW to read as follows:

16       (1) An officer or employee of an authorized public entity, or the  
17 department of ecology at the request of an authorized public entity,  
18 may, consistent with subsection (2) of this section, board any vessel  
19 at any reasonable time for the purpose of administering this chapter  
20 including identifying ownership of a vessel, assessing the structural  
21 integrity of a vessel, and assessing whether a vessel meets the  
22 criteria described under RCW 79.100.040(3).

23       (2)(a) Prior to boarding any vessel under the authority of this  
24 section, an officer or employee of an authorized public entity, or the  
25 department of ecology at the request of an authorized public entity,  
26 must apply for and obtain an administrative search warrant in either  
27 Thurston county superior court or the superior court in the county  
28 where the vessel is located, unless a warrant is not otherwise required  
29 by law. The court may issue an administrative search warrant for  
30 purposes consistent with subsection (1) of this section.

31       (b) Prior to requesting an administrative search warrant under this  
32 subsection, the officer or employee must make a reasonable effort to  
33 contact the owner or the owner's designee and obtain consent to board  
34 the vessel.

35       (3) Nothing in this section affects actions taken by an authorized  
36 public entity under RCW 79.100.040 or by an authorized public entity or  
37 other agency under a separate statutory authority.



1        NEW SECTION.    **Sec. 44.**    (1) The department of natural resources  
2 must, in consultation with the department of ecology and appropriate  
3 stakeholders, evaluate potential changes to laws and rules related to  
4 abandoned and derelict vessels that increase vessel owner  
5 responsibility and address challenges associated with the economics of  
6 removing vessels from the water. This evaluation must include the  
7 development and analysis of:

8        (a) Administrative and legislative vessel owner responsibility  
9 options that seek to ensure the prevention and cleanup of derelict and  
10 abandoned vessels, including through the development of requirements  
11 applicable to the transfer of vessels at high risk of becoming  
12 abandoned or derelict by public and private moorage facility operators;  
13 and

14        (b) The identification of challenges and roadblocks to  
15 deconstructing derelict vessels and transforming them into a viable  
16 scrap metal product.

17        (2) The department of natural resources may choose which  
18 appropriate stakeholders are consulted in the implementation of this  
19 section. However, persons with relevant expertise on financial  
20 responsibility mechanisms, such as insurance and surety bonds and  
21 letters of credit, must be included. The department of natural  
22 resources must also seek to ensure opportunities for interested members  
23 of the senate and house of representatives to provide input into the  
24 work group process and conclusions.

25        (3) The department of natural resources must provide a summary of  
26 the options developed by the work group, or a draft of proposed  
27 legislation, to the legislature consistent with RCW 43.01.036 by  
28 December 15, 2013.

29        (4) This section expires June 30, 2014.

30        NEW SECTION.    **Sec. 45.**    Section 33 of this act expires June 30,  
31 2019.

32        NEW SECTION.    **Sec. 46.**    Section 34 of this act takes effect June  
33 30, 2019.

1        NEW SECTION.   **Sec. 47.**   Section 36 of this act takes effect July 1,  
2   2014.

--- END ---