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**SENATE BILL 5442**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Fortunato and Pedersen; by request of Parks and Recreation Commission

AN ACT Relating to expanding the permitted uses of surplus funds from boater education card fees to certain boating safety programs and activities; and amending RCW 79A.60.630, 79A.60.650, and 79A.60.640.

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

**Sec.**  RCW 79A.60.630 and 2011 c 171 s 118 are each amended to read as follows:

(1) The commission shall establish and implement by rule a program to provide required boating safety education. The boating safety education program shall include training on preventing the spread of aquatic invasive species. ((~~The program shall be phased in so that~~)) All boaters not exempted under RCW 79A.60.640(3) are required to obtain a boater education card ((~~by January 1, 2016~~)). To obtain a boater education card, a boater shall provide a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission.

(2) As part of the boating safety education program, the commission shall:

(a) ((~~Establish a program to be phased over eleven years starting July 1, 2005, with full implementation by January 1, 2016. The period July 1, 2005, through December 31, 2007, will be program development, boater notification of the new requirements for mandatory education, and processing cards to be issued to individuals having taken an accredited course prior to January 1, 2008. The schedule for phase-in of the mandatory education requirement by age group is as follows:~~

~~January 1, 2008 - All boat operators twenty years old and younger;~~

~~January 1, 2009 - All boat operators twenty-five years old and younger;~~

~~January 1, 2010 - All boat operators thirty years old and younger;~~

~~January 1, 2011 - All boat operators thirty-five years old and younger;~~

~~January 1, 2012 - All boat operators forty years old and younger;~~

~~January 1, 2013 - All boat operators fifty years old and younger;~~

~~January 1, 2014 - All boat operators sixty years old and younger;~~

~~January 1, 2015 - All boat operators seventy years old and younger;~~

~~January 1, 2016 - All boat operators;~~

~~(b)~~)) Establish a minimum standard of boating safety education accomplishment. The standard must be consistent with the applicable standard established by the national association of state boating law administrators;

((~~(c)~~)) (b) Adopt minimum standards for boating safety education course of instruction and examination that ensures compliance with the national association of state boating law administrators minimum standards;

((~~(d)~~)) (c) Approve and provide accreditation to boating safety education courses operated by volunteers, or commercial or nonprofit organizations, including, but not limited to, courses given by the United States coast guard auxiliary and the United States power squadrons;

((~~(e)~~)) (d) Develop an equivalency examination that may be taken as an alternative to the boating safety education course;

((~~(f)~~)) (e) Establish a fee of ten dollars for the boater education card to fund all commission activities related to the boating safety education program created by chapter 392, Laws of 2005, including the initial costs of developing the program. Any surplus funds resulting from the fees received ((~~shall~~)) may be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.650 or used by the commission to fund the programs and activities associated with the administration of RCW 79A.05.310;

((~~(g)~~)) (f) Establish a fee for the replacement of the boater education card that covers the cost of replacement;

((~~(h)~~)) (g) Consider and evaluate public agency and commercial opportunities to assist in program administration with the intent to keep administrative costs to a minimum;

((~~(i)~~)) (h) Approve and provide accreditation to boating safety education courses offered online; and

((~~(j)~~)) (i) Provide a report to the legislature by January 1, 2008, on its progress of implementation of the mandatory education program.

**Sec.**  RCW 79A.60.650 and 2005 c 392 s 5 are each amended to read as follows:

The boating safety education certification account is created in the custody of the state treasurer. All receipts from fees collected for the issuance of a boater education card shall be deposited in the account and shall be used only for the administration of RCW 79A.05.310, 79A.60.630, and 79A.60.640. Only the state parks and recreation commission may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec.**  RCW 79A.60.640 and 2005 c 392 s 4 are each amended to read as follows:

(1) No person shall operate or permit the operation of motor driven boats and vessels with a mechanical power of fifteen horsepower or greater unless the person:

(a) Is at least twelve years of age, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190; and

(b)(i) Has in his or her possession a boater education card, unless exempted under subsection (3) of this section; or

(ii) Is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a boater education card((~~, or who is not yet required to possess the card as provided in the program phase in RCW 79A.60.630(2)(a)~~)).

(2) Any person who can demonstrate they have successfully completed, prior to July 24, 2005, a boating safety education course substantially equivalent to the standards adopted by the commission shall be eligible for a boater education card upon application to the commission and payment of the fee, without having to take a course or equivalency exam as provided in RCW 79A.60.630(1). Successful completion of a boating safety education course could include an original or copy of an original certificate issued by the commission, the United States coast guard auxiliary, or the United States power squadrons, or official certification by these organizations that the individual successfully completed a course substantially equivalent to the standards adopted by the commission.

(3) The following persons are not required to carry a boater education card:

(a) The operator of a vessel engaged in a lawful commercial fishery operation as licensed by the department of fish and wildlife under Title 77 RCW. However, the person when operating a vessel for recreational purposes must carry either a valid commercial fishing license issued by the department of fish and wildlife or a boater education card;

(b) Any person who possesses a valid marine operator license issued by the United States coast guard when operating a vessel authorized by such coast guard license. However, the person when operating a vessel for recreational purposes must carry either a valid marine operator license issued by the United States coast guard or a boater education card;

(c) Any person who is legally engaged in the operation of a vessel that is exempt from vessel registration requirements under chapter 88.02 RCW and applicable rules and is used for purposes of law enforcement or official government work. However, the person when operating a vessel for recreational purposes must carry a boater education card;

(d) Any person at least twelve years old renting, chartering, or leasing a motor driven boat or vessel with an engine power of fifteen horsepower or greater who completes a commission-approved motor vessel safety operating and equipment checklist each time before operating the motor driven boat or vessel, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190;

(e) Any person who is not a resident of Washington state and who does not operate a motor driven boat or vessel with an engine power of fifteen horsepower or greater in waters of the state for more than sixty consecutive days;

(f) Any person who is not a resident of Washington state and who holds a current out-of-state or out-of-country certificate or card that is equivalent to the rules adopted by the commission;

(g) Any person who has purchased the boat or vessel within the last sixty days, and has a bill of sale in his or her possession to document the date of purchase;

(h) Any person, including those less than twelve years of age, who is involved in practicing for, or engaging in, a permitted racing event where a valid document has been issued by the appropriate local, state, or federal government agency for the event, and is available for inspection on-site during the racing event; and

(i) ((~~Any person who is not yet required to have a boater education card under the phased schedule in RCW 79A.60.630(2)(a); and~~

~~(j)~~)) Any person born before January 1, 1955.

(4) Except as provided in subsection (3)(a) through ((~~(i)~~)) (h) of this section, a boater must carry a boater education card while operating a vessel and is required to present the boater education card, or alternative license as provided in subsection (3)(a) and (b) of this section, to a law enforcement officer upon request.

(5) Failure to possess a boater education card required by this section is an infraction under chapter 7.84 RCW. The penalty shall be waived if the boater provides proof to the court within sixty days that he or she has received a boater education card.

(6) No person shall permit the rental, charter, or lease of a motor driven boat or vessel with an engine power of fifteen horsepower or greater to a person without first reviewing with that person, and all other persons who may be permitted by the person to operate the vessel, all the information contained in the motor vessel safety operating and equipment checklist.

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