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**SUBSTITUTE HOUSE BILL 2443**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House Housing, Community Development & Veterans (originally sponsored by Representatives Ryu and Davis)

READ FIRST TIME 02/04/20.

1 AN ACT Relating to requiring the use of personal flotation  
2 devices on smaller vessels; and amending RCW 79A.60.160.

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

4 **Sec. 1.** RCW 79A.60.160 and 2000 c 11 s 98 are each amended to  
5 read as follows:

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

11 (2) Except as provided in RCW 79A.60.020, a violation of  
12 subsection (1) of this section is an infraction under chapter 7.84  
13 RCW if the vessel is not carrying passengers for hire.

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

17 (4) No person shall operate a vessel under nineteen feet in  
18 length on the waters of this state with a child twelve years old and  
19 under, unless the child is wearing a personal flotation device that  
20 meets or exceeds the United States coast guard approval standards of  
21 the appropriate size, while the vessel is underway. For the purposes

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

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

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

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

15 (5) Except as provided in RCW 79A.60.020, a violation of  
16 subsection (4) of this section is an infraction under chapter 7.84  
17 RCW. Enforcement of subsection (4) of this section by law enforcement  
18 officers may be accomplished as a primary action, and need not be  
19 accompanied by the suspected violation of some other offense.

20 (6) A person thirteen years old or older operating or riding on a  
21 human-powered vessel on the waters of this state must wear a personal  
22 flotation device that meets or exceeds the United States coast guard  
23 approval standards of the appropriate size while the vessel is  
24 underway unless the person is:

25 (a) Below deck or in the cabin of a boat with an enclosed cabin;

26 (b) On a United States coast guard inspected passenger-carrying  
27 vessel operating on the navigable waters of the United States;

28 (c) On board a squirt boat that is designed solely for the  
29 activity of squirt boating;

30 (d) On a stand-up paddleboard while:

31 (i) Wearing a leash that connects the paddleboard to the person;

32 and

33 (ii) In compliance with the requirements for personal flotation  
34 devices on board and attached to the vessel as provided in 33 Code of  
35 Federal Regulations 175.15, as of January 1, 2020;

36 (e) Participating in yoga on a stand-up paddleboard while within  
37 a designated swimming area or within 100 feet from shore;

38 (f) On board a racing boat, racing shell, rowing skull, or racing  
39 kayak that is manually propelled, recognized by a national or

1 international racing association, and designed solely for competitive  
2 racing;  
3 (g) On a surfboard in surf zones in open water; or  
4 (h) An athlete under direct supervision of a coach or trainer.  
5 (7) A law enforcement officer shall issue a warning to operators  
6 or passengers for a first violation of subsection (6) of this  
7 section. Except as provided in RCW 79A.60.020, a subsequent violation  
8 of subsection (6) of this section is an infraction under chapter 7.84  
9 RCW. Enforcement of subsection (6) of this section by law enforcement  
10 officers may be accomplished as a primary action and need not be  
11 accompanied by the suspected violation of some other offense.

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