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HOUSE BILL 2444

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State of Washington

66th Legislature

2020 Regular Session

By Representative Ryu

Read first time 01/14/20. Referred to Committee on Housing,  
Community Development & Veterans.

1 AN ACT Relating to boater education cards; and amending RCW  
2 79A.60.630 and 79A.60.640.

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

4 **Sec. 1.** RCW 79A.60.630 and 2019 c 293 s 1 are each amended to  
5 read as follows:

6 (1) The commission shall establish and implement by rule a  
7 program to provide required boating safety education. The boating  
8 safety education program shall include training on preventing the  
9 spread of aquatic invasive species. The boating safety education  
10 program shall include educational materials regarding whale watching  
11 guidelines and other voluntary and regulatory measures related to  
12 whale watching. The program (~~shall be phased in so that~~) must  
13 require all boaters not exempted under RCW 79A.60.640(3) (~~are~~  
14 ~~required~~) to obtain a boater education card (~~by January 1, 2016~~).  
15 To obtain a boater education card, a boater shall provide a  
16 certificate of accomplishment issued by a boating educator for taking  
17 and passing an accredited boating safety education course, or pass an  
18 equivalency exam, or provide proof of completion of a course that  
19 meets the standard adopted by the commission.

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

1           (a) ~~((Establish a program to be phased over eleven years starting~~  
2 ~~July 1, 2005, with full implementation by January 1, 2016. The period~~  
3 ~~July 1, 2005, through December 31, 2007, will be program development,~~  
4 ~~boater notification of the new requirements for mandatory education,~~  
5 ~~and processing cards to be issued to individuals having taken an~~  
6 ~~accredited course prior to January 1, 2008. The schedule for phase-in~~  
7 ~~of the mandatory education requirement by age group is as follows:~~  
8 ~~January 1, 2008 - All boat operators twenty years old and younger;~~  
9 ~~January 1, 2009 - All boat operators twenty-five years old and~~  
10 ~~younger;~~  
11 ~~January 1, 2010 - All boat operators thirty years old and younger;~~  
12 ~~January 1, 2011 - All boat operators thirty-five years old and~~  
13 ~~younger;~~  
14 ~~January 1, 2012 - All boat operators forty years old and younger;~~  
15 ~~January 1, 2013 - All boat operators fifty years old and younger;~~  
16 ~~January 1, 2014 - All boat operators sixty years old and younger;~~  
17 ~~January 1, 2015 - All boat operators seventy years old and younger;~~  
18 ~~January 1, 2016 - All boat operators;~~

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

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

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

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

34           ~~((f))~~ (e) Establish a fee of ten dollars for the boater  
35 education card to fund all commission activities related to the  
36 boating safety education program created by chapter 392, Laws of  
37 2005, including the initial costs of developing the program. Any  
38 surplus funds resulting from the fees received shall be distributed  
39 by the commission as grants to local marine law enforcement programs  
40 approved by the commission as provided in RCW 88.02.650;

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

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

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

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

10       (3) Every boater education card expires and is no longer valid on  
11 the tenth anniversary of the date of issuance of the boater education  
12 card. A person may renew his or her boater education card by:

13       (a) Providing the commission a certificate of accomplishment  
14 issued by a boating educator for taking and passing an accredited  
15 boating safety education course;

16       (b) Passing an equivalency exam developed by the commission; or

17       (c) Providing the commission proof of completion of a course that  
18 meets the standard adopted by the commission.

19       **Sec. 2.** RCW 79A.60.640 and 2005 c 392 s 4 are each amended to  
20 read as follows:

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

24       (a) Is at least twelve years of age, except that an operator of a  
25 personal watercraft shall comply with the age requirements under RCW  
26 79A.60.190; and

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

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

33       (2) Any person who can demonstrate they have successfully  
34 completed, prior to July 24, 2005, a boating safety education course  
35 substantially equivalent to the standards adopted by the commission  
36 shall be eligible for a boater education card upon application to the  
37 commission and payment of the fee, without having to take a course or  
38 equivalency exam as provided in RCW 79A.60.630(1). Successful  
39 completion of a boating safety education course could include an

1 original or copy of an original certificate issued by the commission,  
2 the United States coast guard auxiliary, or the United States power  
3 squadrons, or official certification by these organizations that the  
4 individual successfully completed a course substantially equivalent  
5 to the standards adopted by the commission.

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

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

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

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

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

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

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

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

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

9 ~~((Any person who is not yet required to have a boater  
10 education card under the phased schedule in RCW 79A.60.630(2)(a); and  
11 ~~(j)~~))~~ Any person born before January 1, 1955.

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

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

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

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