
HOUSE BILL 1781

State of Washington

68th Legislature

2023 Regular Session

By Representatives Donaghy, Ryu, and Ormsby

Read first time 02/07/23. Referred to Committee on Innovation, Community & Economic Development, & Veterans.

1 AN ACT Relating to modifying boater safety and education
2 requirements; amending RCW 79A.60.010, 79A.60.630, and 79A.60.640;
3 adding a new section to chapter 79A.60 RCW; and creating a new
4 section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that the Washington
7 state parks and recreation commission oversees a robust boating
8 safety education program that has been successful in educating the
9 motor boating public to increase safety on the water. The legislature
10 further finds that recent data on Washington boating fatalities show
11 that there are more reportable fatalities on human-powered watercraft
12 than on other types of vessels. Therefore, the legislature intends to
13 reduce the risk of accidents and fatalities among recreational
14 operators of human-powered watercraft by establishing a new safety
15 education program for human-powered watercraft.

16 **Sec. 2.** RCW 79A.60.010 and 2005 c 392 s 2 are each amended to
17 read as follows:

18 (~~Unless the context clearly requires otherwise, the~~) The
19 definitions in this section apply throughout this chapter unless the
20 context clearly requires otherwise.

- 1 (1) "Accredited course" means a mandatory course of instruction
2 on boating safety education that has been approved by the commission.
- 3 (2) "Boat wastes" includes, but is not limited to, sewage,
4 garbage, marine debris, plastics, contaminated bilge water, cleaning
5 solvents, paint scrapings, or discarded petroleum products associated
6 with the use of vessels.
- 7 (3) "Boater" means any person on a vessel on waters of the state
8 of Washington.
- 9 (4) "Boater education card" means a card issued to a person who
10 has successfully completed a boating safety education test and has
11 paid the registration fee for a serial number record to be maintained
12 in the commission's database.
- 13 (5) "Boating educator" means a person providing an accredited
14 course.
- 15 (6) "Carrying passengers for hire" means carrying passengers in a
16 vessel on waters of the state for valuable consideration, whether
17 given directly or indirectly or received by the owner, agent,
18 operator, or other person having an interest in the vessel. This
19 shall not include trips where expenses for food, transportation, or
20 incidentals are shared by participants on an even basis. Anyone
21 receiving compensation for skills or money for amortization of
22 equipment and carrying passengers shall be considered to be carrying
23 passengers for hire on waters of the state.
- 24 (7) "Certificate of accomplishment" means a form of certificate
25 approved by the commission and issued by a boating educator to a
26 person who has successfully completed an accredited course.
- 27 (8) "Commission" means the state parks and recreation commission.
- 28 (9) "Darkness" means that period between sunset and sunrise.
- 29 (10) "Environmentally sensitive area" means a restricted body of
30 water where discharge of untreated sewage from boats is especially
31 detrimental because of limited flushing, shallow water, commercial or
32 recreational shellfish, swimming areas, diversity of species, the
33 absence of other pollution sources, or other characteristics.
- 34 (11) "Guide" means any individual, including but not limited to
35 subcontractors and independent contractors, engaged for compensation
36 or other consideration by a whitewater river outfitter for the
37 purpose of operating vessels. A person licensed under RCW 77.65.480
38 or 77.65.440 and acting as a fishing guide is not considered a guide
39 for the purposes of this chapter.

1 (12) "Marina" means a facility providing boat moorage space,
2 fuel, or commercial services. Commercial services include but are not
3 limited to overnight or live-aboard boating accommodations.

4 (13) "Motor-driven boats and vessels" means all boats and vessels
5 which are self-propelled.

6 (14) "Motor vessel safety operating and equipment checklist"
7 means a printed list of the safety requirements for a vessel with a
8 motor installed or attached to the vessel being rented, chartered, or
9 leased and meeting minimum requirements adopted by the commission in
10 accordance with RCW 79A.60.630.

11 (15) "Muffler" or "muffler system" means a sound suppression
12 device or system, including an underwater exhaust system, designed
13 and installed to abate the sound of exhaust gases emitted from an
14 internal combustion engine and that prevents excessive or unusual
15 noise.

16 (16) "Operate" means to steer, direct, or otherwise have physical
17 control of a vessel that is underway.

18 (17) "Operator" means an individual who steers, directs, or
19 otherwise has physical control of a vessel that is underway or
20 exercises actual authority to control the person at the helm.

21 (18) "Observer" means the individual riding in a vessel who is
22 responsible for observing a water skier at all times.

23 (19) "Owner" means a person who has a lawful right to possession
24 of a vessel by purchase, exchange, gift, lease, inheritance, or legal
25 action whether or not the vessel is subject to a security interest.

26 (20) "Person" means any individual, sole proprietorship,
27 partnership, corporation, nonprofit corporation or organization,
28 limited liability company, firm, association, or other legal entity
29 located within or outside this state.

30 (21) "Personal flotation device" means a buoyancy device, life
31 preserver, buoyant vest, ring buoy, or buoy cushion that is designed
32 to float a person in the water and that is approved by the
33 commission.

34 (22) "Personal watercraft" means a vessel of less than
35 (~~sixteen~~) 16 feet that uses a motor powering a water jet pump, as
36 its primary source of motive power and that is designed to be
37 operated by a person sitting, standing, or kneeling on, or being
38 towed behind the vessel, rather than in the conventional manner of
39 sitting or standing inside the vessel.

1 (23) "Polluted area" means a body of water used by boaters that
2 is contaminated by boat wastes at unacceptable levels, based on
3 applicable water quality and shellfish standards.

4 (24) "Public entities" means all elected or appointed bodies,
5 including tribal governments, responsible for collecting and spending
6 public funds.

7 (25) "Reckless" or "recklessly" means acting carelessly and
8 heedlessly in a willful and wanton disregard of the rights, safety,
9 or property of another.

10 (26) "Rental motor vessel" means a motor vessel that is legally
11 owned by a person that is registered as a rental and leasing agency
12 for recreational motor vessels, and for which there is a written and
13 signed rental, charter, or lease agreement between the owner, or
14 owner's agent, of the vessel and the operator of the vessel.

15 (27) "Sewage pumpout or dump unit" means:

16 (a) A receiving chamber or tank designed to receive vessel sewage
17 from a "porta-potty" or a portable container; and

18 (b) A stationary or portable mechanical device on land, a dock,
19 pier, float, barge, vessel, or other location convenient to boaters,
20 designed to remove sewage waste from holding tanks on vessels.

21 (28) "Underway" means that a vessel is not at anchor, or made
22 fast to the shore, or aground.

23 (29) "Vessel" includes every description of watercraft on the
24 water, other than a seaplane, used or capable of being used as a
25 means of transportation on the water. However, it does not include
26 inner tubes, air mattresses, sailboards, and small rafts or flotation
27 devices or toys customarily used by swimmers.

28 (30) "Water skiing" means the physical act of being towed behind
29 a vessel on, but not limited to, any skis, aquaplane, kneeboard,
30 tube, or any other similar device.

31 (31) "Waters of the state" means any waters within the
32 territorial limits of Washington state.

33 (32) "Whitewater river outfitter" means any person who is
34 advertising to carry or carries passengers for hire on any whitewater
35 river of the state, but does not include any person whose only
36 service on a given trip is providing instruction in canoeing or
37 kayaking skills.

38 (33) "Whitewater rivers of the state" means those rivers and
39 streams, or parts thereof, within the boundaries of the state as

1 listed in RCW 79A.60.470 or as designated by the commission under RCW
2 79A.60.495.

3 (34) (a) "Human-powered vessel" means a vessel powered only by its
4 occupant or occupants including, but not limited to, a vessel powered
5 only by the occupant's hands or feet, oars, or paddles.

6 (b) "Human-powered vessel" includes, but is not limited to,
7 canoes, kayaks, and stand-up paddleboards.

8 (c) "Human-powered vessel" does not include surfboards.

9 (35) "Paddle education card" means a card issued to a person who
10 has successfully completed a human-powered vessel boating safety
11 education test and has paid the registration fee for a serial number
12 record to be maintained in the commission's database.

13 NEW SECTION. Sec. 3. A new section is added to chapter 79A.60
14 RCW to read as follows:

15 (1) By January 1, 2024, the commission shall adopt by rule and
16 implement a program to provide required boating safety education for
17 a boater operating a human-powered vessel. To obtain a paddle
18 education card, a person shall provide a certificate of
19 accomplishment issued by a boating educator for taking and passing a
20 human-powered vessel safety education course, pass an equivalency
21 exam, or provide proof of completion of a course that meets the
22 standard adopted by the commission.

23 (2) As part of the human-powered vessel safety education program,
24 the commission shall:

25 (a) Establish a program for human-powered vessels that also
26 includes an abbreviated program or checklist for individuals that are
27 renting human-powered vessels for short-term use;

28 (b) Adopt minimum standards for a human-powered vessel safety
29 education course of instruction and examination;

30 (c) Approve and provide accreditation to human-powered vessel
31 safety education courses for human-powered vessels operated by
32 volunteers or commercial or nonprofit organizations;

33 (d) Develop an equivalency examination that may be taken as an
34 alternative to the human-powered vessel safety education course;

35 (e) Establish a fee of \$10 for the paddle education card to fund
36 all commission activities related to the human-powered vessel safety
37 education program. The commission shall develop an electronic option
38 for a paddle education card that can be stored digitally in addition
39 to a physical card. Any surplus funds resulting from the fees

1 received must be distributed by the commission as grants to local
2 marine law enforcement programs approved by the commission as
3 provided in RCW 88.02.650;

4 (f) Establish a fee for the replacement of the paddle education
5 card that covers the cost of replacement;

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

9 (h) Approve and provide accreditation to human-powered vessel
10 safety education courses offered online; and

11 (i) Coordinate with the department of licensing to offer a
12 voluntary registration program for human-powered vessels.

13 (3) A paddle education card expires and is no longer valid 20
14 years after the date of issuance. A person may renew a paddle
15 education card by:

16 (a) Providing the commission a certificate of accomplishment
17 issued by a human-powered vessel safety educator for taking and
18 passing an accredited human-powered vessel safety education course;

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

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

22 (4) A boater possessing a valid boater education card required
23 under RCW 79A.60.630 is not required to obtain a paddle education
24 card to operate a human-powered vessel.

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

27 (1) The commission shall establish and implement by rule a
28 program to provide required boating safety education. The boating
29 safety education program shall include training on preventing the
30 spread of aquatic invasive species. The boating safety education
31 program shall include educational materials regarding whale watching
32 guidelines and other voluntary and regulatory measures related to
33 whale watching. The program (~~shall be phased in so that~~) must
34 require all boaters not exempted under RCW 79A.60.640 (~~(+3) are~~
35 ~~required~~) (2) to obtain a boater education card (~~by January 1,~~
36 ~~2016~~). To obtain a boater education card, a boater shall provide a
37 certificate of accomplishment issued by a boating educator for taking
38 and passing an accredited boating safety education course, or pass an

1 equivalency exam, or provide proof of completion of a course that
2 meets the standard adopted by the commission.

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

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

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

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

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

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

38 ~~((f))~~ (e) Establish a fee of ~~((ten dollars))~~ \$10 for the boater
39 education card to fund all commission activities related to the
40 boating safety education program created by chapter 392, Laws of

1 2005, including the initial costs of developing the program. The
2 commission shall develop an electronic option for a paddle education
3 card that can be stored digitally in addition to a physical card. Any
4 surplus funds resulting from the fees received shall be distributed
5 by the commission as grants to local marine law enforcement programs
6 approved by the commission as provided in RCW 88.02.650;

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

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

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

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

16 (3) A boater education card expires and is no longer valid 20
17 years after the date of issuance. A person may renew
18 a boater education card by:

19 (a) Providing the commission a certificate of accomplishment
20 issued by a boating educator for taking and passing an accredited
21 boating safety education course;

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

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

25 **Sec. 5.** RCW 79A.60.640 and 2005 c 392 s 4 are each amended to
26 read as follows:

27 (1) No person shall operate or permit the operation of human-
28 powered vessels or motor-driven boats and vessels (~~(with a mechanical~~
29 ~~power of fifteen horsepower or greater)) unless the person:~~

30 (a) Is at least ~~((twelve))~~ 12 years of age, except that an
31 operator of a personal watercraft shall comply with the age
32 requirements under RCW 79A.60.190; and

33 (b) (i) Has in his or her possession a boater education card or a
34 paddle education card for human-powered vessels, unless exempted
35 under subsection ~~((3))~~ (2) of this section; or

36 (ii) Is accompanied by and is under the direct supervision of a
37 person ~~((sixteen))~~ 16 years of age or older who is in possession of a
38 boater education card(~~(, or who is not yet required to possess the~~

1 ~~card as provided in the program phase in RCW 79A.60.630(2)(a)) or a~~
2 ~~paddle education card for human-powered vessels.~~

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

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

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

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

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

35 (d) Any person at least ~~((twelve))~~ 12 years old renting,
36 chartering, or leasing a human-powered vessel, motor-driven boat, or
37 vessel ~~((with an engine power of fifteen horsepower or greater))~~ who
38 completes a commission-approved motor vessel safety operating and
39 equipment checklist each time before operating the motor-driven boat

1 or vessel, except that an operator of a personal watercraft shall
2 comply with the age requirements under RCW 79A.60.190;

3 (e) Any person who is not a resident of Washington state and who
4 does not operate a motor-driven boat or vessel (~~(with an engine power~~
5 ~~of fifteen horsepower or greater)) in waters of the state for more~~
6 than ~~((sixty))~~ 60 consecutive days;

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

10 (g) Any person who has purchased the boat or vessel within the
11 last ~~((sixty))~~ 60 days, and has a bill of sale in his or her
12 possession to document the date of purchase; and

13 (h) Any person, including those less than ~~((twelve))~~ 12 years of
14 age, who is involved in practicing for, or engaging in, a permitted
15 racing event where a valid document has been issued by the
16 appropriate local, state, or federal government agency for the event,
17 and is available for inspection on-site during the racing event(~~(+~~

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

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

21 ~~(4))~~ (3) Except as provided in subsection ~~((+3))~~ (2)(a) through
22 ~~((+i))~~ (h) of this section, a boater must carry a boater education
23 card or paddle education card while operating a vessel and is
24 required to present the boater education card, or alternative license
25 as provided in subsection ~~((+3))~~ (2)(a) and (b) of this section, to
26 a law enforcement officer upon request. The commission shall adopt a
27 digital option for boater education cards and paddle education cards.

28 ~~((+5))~~ (4) Failure to possess a boater education card or a
29 paddle education card required by this section is an infraction under
30 chapter 7.84 RCW. The penalty shall be waived if the boater provides
31 proof to the court within ~~((sixty))~~ 60 days that he or she has
32 received a boater education card.

33 ~~((+6))~~ (5) No person shall permit the rental, charter, or lease
34 of a motor-driven boat or vessel (~~(with an engine power of fifteen~~
35 ~~horsepower or greater)) or a human-powered vessel to a person without~~
36 first reviewing with that person, and all other persons who may be
37 permitted by the person to operate the vessel, all the information
38 contained in the motor vessel safety operating and equipment

1 checklist or human-powered vessel safety operating and equipment
2 checklist.

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