

WAC 352-78-020 What do the words and phrases in this chapter mean? When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Accredited boating safety course" means a National Association of State Boating Law Administrators (NASBLA) and commission-approved course of instruction that concludes with an examination containing at least fifty questions plus a minimum of ten questions specific about Washington boating laws.

(2) "Accredited boating safety course provider" is a person or organization that provides a NASBLA-approved boating safety course or equivalency exam and has been accredited by the commission.

(3) "Aquatic invasive species" means a nonnative species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(4) "Bill of sale" is a document showing date of vessel purchase.

(5) "Boater" is any person on a vessel on the waters of the state of Washington;

(6) "Boater education card" means a card issued to a person who has successfully completed a boating safety education test and has paid the registration fee for a serial number record to be maintained in the commission's database.

(7) "Boating educator" means a person providing an accredited course.

(8) "Certificate of accomplishment" means a form provided by the commission and issued by a boating educator to a person who has successfully completed an accredited boating safety course. An official card or certificate issued by the United States Coast Guard Auxiliary or United States Power Squadrons to a person for successful completion of their boating safety education course is also recognized by the commission as a certificate of accomplishment.

(9) "Correspondence course and self-test" means a boating safety course and examination approved by the commission that allows individuals who are unable to participate in a boating safety class or equivalency exam a means of providing proof of competency.

(10) "Commission" means the Washington state parks and recreation commission.

(11) "Direct supervision" occurs when a person possessing or exempt from having to possess a boater education card maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motor vessel from an operator of a motor vessel who is allowed to operate a motor vessel without a boater education card.

(12) "Equivalency exam" is an exam created by the commission containing at least fifty questions plus a minimum of ten specific questions that cover laws and other issues pertaining to boating in Washington. The equivalency exam is intended to provide experienced boat operators with the opportunity to meet the minimum standard of boating safety education without having to take a boating safety course.

(13) "Motor vessel" means all boats and vessels which are propelled by machinery.

(14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for the operator of a vessel with a motor installed or attached to the vessel being rented,

chartered, or leased and meeting minimum requirements adopted by the commission.

(15) "Minimum standard of boating safety accomplishment" means a standard of proficiency established by the commission based on the standards set by the NASBLA that determines whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam or correspondence course and self-test.

(16) "NASBLA" means National Association of State Boating Law Administrators.

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

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

(19) "Proctor" is a member of the United States Coast Guard Auxiliary, United States Power Squadrons, public official including county sheriff's deputy, city police officer, and/or other individual authorized by the commission to provide an accredited boating safety course or equivalency exam.

(20) "Proof of accomplishment" means evidence of having met the minimum standard for boating safety education accomplishment as determined by the commission.

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

(22) "Rental agent" means any person who is authorized to act for the owner or employer of a recreational motor vessel rental or leasing agency.

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

(24) "Replacement boater education card" means a boater education card provided to a person who has already been issued a boater education card and has applied for a replacement of the card that has been lost, damaged, stolen, or otherwise is in need of replacement.

(25) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(26) "Vessel registration" means a document issued by the department of licensing showing that all taxes and fees have been paid and acts as a permit for the vessel to be used on the waters of the state.

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

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-020, filed 11/21/05, effective 12/22/05.]