

FINAL BILL REPORT

HB 1996

C 111 L 99

Synopsis as Enacted

Brief Description: Regulating charter boat safety.

Sponsors: Representatives Parlette and Cooper; by request of Department of Labor & Industries.

House Committee on Natural Resources
Senate Committee on Transportation

Background:

Under the 1989 Charter Boat Safety Act, the Department of Labor and Industries licenses charter boat operators transporting more than six passengers on inland navigable waters.

A charter boat is defined as a motorized vessel or barge that is not inspected or licensed by the United States Coast Guard (USCG) and that is operating on inland navigable waters of the state. Inland navigable waters are all waters within the territorial limits of the state shoreward of the navigational demarcation lines dividing the high seas from harbors, rivers, lakes, and other inland waters of the state.

The operation of a charter boat on inland navigable waters is prohibited unless the department has inspected the vessel, issued a current certificate of inspection, and the operator of the charter has been issued a license. A certificate of inspection is valid one year from the date of issuance.

Vessels operating as charter boats must have a registration certificate which is available for inspection by the department. Advertising or arranging for the transport of passengers on a charter for money is prohibited unless the vessel has a valid, current certificate of inspection.

Every charter boat must be inspected once every 12 months while the vessel is dockside and at least once every 24 months while the vessel is in dry-dock. The owner of a charter boat must file an application for inspection accompanied by a fee to be established by the department. The department may inspect a vessel at any time if it has reasonable cause to believe licensing, inspection, and safety regulations have been violated. If a vessel or its equipment does not comply with department rules or

applicable federal law, a certificate will not be issued and any current certificate may be revoked.

For small passenger vessels operating in fresh water, the USCG requires that a dry-dock inspection be performed once every 60 months.

All moneys received from licenses, permits, inspection fees, or penalties imposed for violations are paid to the State Treasurer and placed in the industrial insurance trust fund.

The department must prepare printed materials to provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats.

The department must adopt by rule minimum safety and health standards for passengers and crew on board charter boats. These rules must approximate, where appropriate, the rules adopted by the USCG for small passenger vessels under 100 gross tons. Rules adopted by the department must use USCG standards and precedents and be consistent with USCG practices whenever possible.

The following vessels are exempt from the act: (1) a charter boat used exclusively by the owner for noncommercial purposes; (2) a corporate-owned vessel which is donated for charitable or noncommercial purposes; (3) a vessel that is rented by an operator to transport passengers for noncommercial purposes; and (4) a vessel used exclusively for educational purposes.

Only 10 vessels are covered under the act. Of the 10 vessels, three are not regular passenger vessels and are licensed by Seattle City Light for only occasional use. The remaining vessels, including two licensed to haul cargo rather than passengers, operate in Lake Chelan. In 1999, the vessels will need to be hauled out of the water to be inspected by the department for compliance with the statute.

Summary:

Beginning no later than January 1, 2002, the 24-month dry-dock inspection requirement for charters is replaced with a 60-month dry-dock inspection requirement. Until January 1, 2002, no dry-dock inspections are required. The Department of Labor and Industries must inspect or provide for the inspection of every charter boat that carries more than six passengers, but not charter boats that are used only for cargo transportation.

The department must provide the public with information regarding the safety features and requirements necessary for the lawful operation of charter boats, but, it is not necessary that the information be in the form of prepared printed material.

The department's rules regarding minimum safety and health standards for passengers and crew on board charter boats must be consistent with the rules adopted by the USCG. Language about the need to align the department's rules with the USCG's standards is removed for clarity.

The reference to "inland navigable" waters is eliminated and replaced by "state" waters. State waters means all waters within the territorial limits of Washington, and not subject to the jurisdiction of the USCG.

A technical change is made by replacing the term "route" with "operational waters." This is a technical change.

Votes on Final Passage:

House 96 0

Senate 47 0

Effective: July 25, 1999