
HOUSE BILL 2248

State of Washington 58th Legislature 2003 Regular Session

By Representatives Buck, Kessler and Rockefeller

Read first time 04/16/2003. Referred to .

1 AN ACT Relating to evidence of financial responsibility for
2 vessels; and amending RCW 88.40.020.

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

4 **Sec. 1.** RCW 88.40.020 and 2000 c 69 s 31 are each amended to read
5 as follows:

6 (1) Any (~~inland~~) barge that transports hazardous substances in
7 bulk as cargo, using any port or place in the state of Washington or
8 the navigable waters of the state shall establish evidence of financial
9 responsibility in the amount of the greater of (~~one~~) five million
10 dollars, or (~~one~~) three hundred (~~fifty~~) dollars per gross ton of
11 such vessel.

12 (2)(a) Except as provided in (b) or (c) of this subsection, a tank
13 vessel that carries oil as cargo in bulk shall demonstrate financial
14 responsibility to pay at least five hundred million dollars. The
15 amount of financial responsibility required under this subsection is
16 one billion dollars after January 1, 2004.

17 (b) The director by rule may establish a lesser standard of
18 financial responsibility for (~~barges~~) tank vessels of three hundred
19 gross tons or less. The standard shall set the level of financial

1 responsibility based on the quantity of cargo the ((~~barge~~)) tank vessel
2 is capable of carrying. The director shall not set the standard for
3 ((~~barges~~)) tank vessels of three hundred gross tons or less below that
4 required under federal law.

5 (c) The owner or operator of a tank vessel who is a member of an
6 international protection and indemnity mutual organization and is
7 covered for oil pollution risks up to the amounts required under this
8 section is not required to demonstrate financial responsibility under
9 this chapter. The director may require the owner or operator of a tank
10 vessel to prove membership in such an organization.

11 (3)(a) A cargo vessel or passenger vessel that carries oil as fuel
12 shall demonstrate financial responsibility to pay ((~~the greater of at~~
13 ~~least six hundred dollars per gross ton or five hundred thousand~~)) at
14 least three hundred million dollars. However, a passenger vessel that
15 transports passengers and vehicles between Washington state and a
16 foreign country shall demonstrate financial responsibility to pay the
17 greater of at least six hundred dollars per gross ton or five hundred
18 thousand dollars.

19 (b) The owner or operator of a cargo vessel or passenger vessel who
20 is a member of an international protection and indemnity mutual
21 organization and is covered for oil pollution risks up to the amounts
22 required under this section is not required to demonstrate financial
23 responsibility under this chapter. The director may require the owner
24 or operator of a cargo vessel or passenger vessel to prove membership
25 in such an organization.

26 (4) A fishing vessel while on the navigable waters of the state
27 must demonstrate financial responsibility in the following amounts:

28 (a) For a fishing vessel carrying predominantly nonpersistent product,
29 one hundred thirty-three dollars and forty cents per incident, for each
30 barrel of total oil storage capacity, persistent and nonpersistent
31 product, on the vessel or one million three hundred thirty-four
32 thousand dollars, whichever is greater; or (b) for a fishing vessel
33 carrying predominantly persistent product, four hundred dollars and
34 twenty cents per incident, for each barrel of total oil storage
35 capacity, persistent product and nonpersistent product, on the vessel
36 or six million six hundred seventy thousand dollars, whichever is
37 greater.

1 (5) The documentation of financial responsibility shall demonstrate
2 the ability of the document holder to meet state and federal financial
3 liability requirements for the actual costs for removal of oil spills,
4 for natural resource damages, and for necessary expenses.

5 ~~((5) The department may by rule set a lesser amount of financial
6 responsibility for a tank vessel that meets standards for construction,
7 propulsion, equipment, and personnel established by the department.
8 The department shall require as a minimum level of financial
9 responsibility under this subsection the same level of financial
10 responsibility required under federal law.))~~

11 (6) This section shall not apply to a covered vessel owned or
12 operated by the federal government or by a state or local government.

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