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**PSHB 2899**  
**By Rep. Sullivan, B.**

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**Summary of changes in PSHB:**

- Exempts personal watercrafts, sailboats, and oar- powered boats from the bill's provisions.
- Replaces the prohibition on teak surfing and bodysurfing with the new defined term "stern deck recreation", which excludes aquatic reaction that occurs on the end of length of rope.
- Requires only one warning sticker, instead of two, and requires the Department of Licensing to accept stickers approved by the Coast Guard for use in other states.
- Delays the effective date for the sticker requirement.
- Names the bill the "Jenda Jones and Denise Colbert Safe Boating Act".

AN ACT Relating to boating safety and education to prevent carbon monoxide poisoning; amending RCW 79A.60.630, 79A.60.010, and 79A.60.610; adding a new section to chapter 79A.60 RCW; adding new sections to chapter 88.02 RCW; creating a new section; prescribing penalties; and providing an effective date.

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

1        NEW SECTION.    **Sec. 1.**    The legislature finds that:

2            (1) Carbon monoxide is a potentially deadly gas that can lead to  
3 brain injury and death.

4            (2) Marine engines are not subject to the same federal and state-  
5 mandated emission controls as automobiles and, therefore, could emit  
6 dangerously high concentrations of carbon monoxide into the atmosphere,  
7 increasing the chance of exposure to potentially lethal amounts of

1 carbon monoxide.

2 (3) Federal agencies have found that carbon monoxide can gather in  
3 deadly concentrations behind ski boats and cabin cruisers.

4 (4) Dangerous levels of carbon monoxide can accumulate around  
5 vessel swim decks and areas where occupants frequently sit or swim at  
6 the stern of the boat because the exhaust ports for both propulsion  
7 engines and generators are located nearby.

8

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 79A.60 RCW  
10 to read as follows:

11 (1) It is unlawful for a person to operate a motor driven boat or  
12 vessel, other than a personal watercraft, or have the engine of a  
13 vessel run idle, when an individual is engaged in stern deck  
14 recreation.

15 (2) A violation of this subsection is an infraction punishable by  
16 a fine of up to one hundred dollars.

17

18 **Sec. 3.** RCW 79A.60.630 and 2005 c 392 s 3 are each amended to read  
19 as follows:

20 (1) The commission shall establish and implement by rule a program  
21 to provide required boating safety education. The boating safety  
22 education program shall include training on preventing the spread of  
23 aquatic invasive species. The program shall be phased in so that all  
24 boaters not exempted under RCW 79A.60.640(3) are required to obtain a  
25 boater education card by January 1, 2016. To obtain a boater education  
26 card, a boater shall provide a certificate of accomplishment issued by  
27 a boating educator for taking and passing an accredited boating safety  
28 education course, or pass an equivalency exam, or provide proof of  
29 completion of a course that meets the standard adopted by the  
30 commission.

31 (2) As part of the boating safety education program, the commission  
32 shall:

33 (a) Establish a program to be phased over eleven years starting  
34 July 1, 2005, with full implementation by January 1, 2016. The period  
35 July 1, 2005, through December 31, 2007, will be program development,  
36 boater notification of the new requirements for mandatory education,  
37 and processing cards to be issued to individuals having taken an  
38 accredited course prior to January 1, 2008. The schedule for phase-in  
39 of the mandatory education requirement by age group is as follows:

1 January 1, 2008 - All boat operators twenty years old and younger;  
2 January 1, 2009 - All boat operators twenty-five years old and younger;  
3 January 1, 2010 - All boat operators thirty years old and younger;  
4 January 1, 2011 - All boat operators thirty-five years old and younger;  
5 January 1, 2012 - All boat operators forty years old and younger;  
6 January 1, 2013 - All boat operators fifty years old and younger;  
7 January 1, 2014 - All boat operators sixty years old and younger;  
8 January 1, 2015 - All boat operators seventy years old and younger;  
9 January 1, 2016 - All boat operators;

10 (b) Establish a minimum standard of boating safety education  
11 accomplishment. The standard must be consistent with the applicable  
12 standard established by the national association of state boating law  
13 administrators;

14 (c) Adopt minimum standards for boating safety education course of  
15 instruction and examination that ensures compliance with the national  
16 association of state boating law administrators minimum standards;

17 (d) Approve and provide accreditation to boating safety education  
18 courses operated by volunteers, or commercial or nonprofit  
19 organizations, including, but not limited to, courses given by the  
20 United States coast guard auxiliary and the United States power  
21 squadrons;

22 (e) Include information about the dangers of carbon monoxide  
23 poisoning at the stern of a vessel and how to prevent such poisoning;

24 (f) Develop an equivalency examination that may be taken as an  
25 alternative to the boating safety education course;

26 ~~((f))~~ (g) Establish a fee of ten dollars for the boater education  
27 card to fund all commission activities related to the boating safety  
28 education program created by chapter 392, Laws of 2005, including the  
29 initial costs of developing the program. Any surplus funds resulting  
30 from the fees received shall be distributed by the commission as grants  
31 to local marine law enforcement programs approved by the commission as  
32 provided in RCW 88.02.040;

33 ~~((g))~~ (h) Establish a fee for the replacement of the boater  
34 education card that covers the cost of replacement;

35 ~~((h))~~ (i) Consider and evaluate public agency and commercial  
36 opportunities to assist in program administration with the intent to  
37 keep administrative costs to a minimum;

38 ~~((i))~~ (j) Approve and provide accreditation to boating safety  
39 education courses offered online; and

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

3  
4           NEW SECTION. **Sec. 4.** A new section is added to chapter 88.02 RCW  
5 to read as follows:

6           (1) Any new or used motor driven boat or vessel, as that term is  
7 defined in RCW 79A.60.010, other than a personal watercraft, sold  
8 within this state must display a carbon monoxide warning sticker  
9 developed by the department on the interior of the vessel.

10           (2) For vessels sold by a dealer, the dealer shall ensure that the  
11 warning sticker has been affixed prior to completing a transaction.

12           (3) For a vessel sold by an individual, the department shall  
13 include the sticker in the registration materials provided to the new  
14 owner, and the department shall notify the new owner that the sticker  
15 must be affixed as described in subsection (1) of this section.

16           (4) A warning sticker already developed by a vessel manufacturer  
17 may satisfy the requirements of this section if it has been approved by  
18 the department. The department shall approve a carbon monoxide warning  
19 sticker that has been approved by the United States coast guard for  
20 similar uses in other states.

21  
22           NEW SECTION. **Sec. 5.** A new section is added to chapter 88.02 RCW  
23 to read as follows:

24           The department shall include an informational brochure about the  
25 dangers of carbon monoxide poisoning and vessels and the warning  
26 stickers required by section 4 of this act as part of the registration  
27 materials mailed by the department for two consecutive years for  
28 registrations that are due or become due after the effective date of  
29 this section, and thereafter upon recommendation by the director of the  
30 department. The materials shall instruct the vessel owner to affix the  
31 stickers as required by section 4 of this act.

32  
33           **Sec. 6.** RCW 79A.60.010 and 2005 c 392 s 2 are each amended to read  
34 as follows:

35           Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

37           (1) "Accredited course" means a mandatory course of instruction on  
38 boating safety education that has been approved by the commission.

39           (2) "Boat wastes" includes, but is not limited to, sewage, garbage,

1 marine debris, plastics, contaminated bilge water, cleaning solvents,  
2 paint scrapings, or discarded petroleum products associated with the  
3 use of vessels.

4 (3) "Boater" means any person on a vessel on waters of the state of  
5 Washington.

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

10 (5) "Boating educator" means a person providing an accredited  
11 course.

12 (6) "Carrying passengers for hire" means carrying passengers in a  
13 vessel on waters of the state for valuable consideration, whether given  
14 directly or indirectly or received by the owner, agent, operator, or  
15 other person having an interest in the vessel. This shall not include  
16 trips where expenses for food, transportation, or incidentals are  
17 shared by participants on an even basis. Anyone receiving compensation  
18 for skills or money for amortization of equipment and carrying  
19 passengers shall be considered to be carrying passengers for hire on  
20 waters of the state.

21 (7) "Certificate of accomplishment" means a form of certificate  
22 approved by the commission and issued by a boating educator to a person  
23 who has successfully completed an accredited course.

24 (8) "Commission" means the state parks and recreation commission.

25 (9) "Darkness" means that period between sunset and sunrise.

26 (10) "Environmentally sensitive area" means a restricted body of  
27 water where discharge of untreated sewage from boats is especially  
28 detrimental because of limited flushing, shallow water, commercial or  
29 recreational shellfish, swimming areas, diversity of species, the  
30 absence of other pollution sources, or other characteristics.

31 (11) "Guide" means any individual, including but not limited to  
32 subcontractors and independent contractors, engaged for compensation or  
33 other consideration by a whitewater river outfitter for the purpose of  
34 operating vessels. A person licensed under RCW 77.65.480 or 77.65.440  
35 and acting as a fishing guide is not considered a guide for the  
36 purposes of this chapter.

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

1 (13) "Motor driven boats and vessels" means all boats and vessels  
2 which are self propelled.

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

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

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

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

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

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

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

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

29 (22) "Personal watercraft" means a vessel of less than sixteen feet  
30 that uses a motor powering a water jet pump, as its primary source of  
31 motive power and that is designed to be operated by a person sitting,  
32 standing, or kneeling on, or being towed behind the vessel, rather than  
33 in the conventional manner of sitting or standing inside the vessel.

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

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

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

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

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

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

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

15 (28) "Stern deck recreation" means any aquatic recreation that  
16 involves holding onto or otherwise being in direct contact with the  
17 stern of a motor driven boat or vessel, other than a personal  
18 watercraft, while the vessel is being operated at any speed or when the  
19 vessel's engine is at idle. The term includes holding onto the swim  
20 deck, swim platform, swim ladder, or any other portion of the exterior  
21 or transom of the vessel and floating or swimming on one's stomach or  
22 back in the wake directly behind a vessel. The term does not include  
23 being dragged or pulled behind a vessel on the end of a length of rope,  
24 and does not include activities required for docking, departing,  
25 exiting, or entering the vessel, or for activities occurring when the  
26 vessel is engaged in law enforcement or emergency rescue activities.

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

29 ((+29+)) (30) "Vessel" includes every description of watercraft on  
30 the water, other than a seaplane, used or capable of being used as a  
31 means of transportation on the water. However, it does not include  
32 inner tubes, air mattresses, sailboards, and small rafts or flotation  
33 devices or toys customarily used by swimmers.

34 ((+30+)) (31) "Water skiing" means the physical act of being towed  
35 behind a vessel on, but not limited to, any skis, aquaplane, kneeboard,  
36 tube, or any other similar device.

37 ((+31+)) (32) "Waters of the state" means any waters within the  
38 territorial limits of Washington state.

39 ((+32+)) (33) "Whitewater river outfitter" means any person who is

1 advertising to carry or carries passengers for hire on any whitewater  
2 river of the state, but does not include any person whose only service  
3 on a given trip is providing instruction in canoeing or kayaking  
4 skills.

5 ~~((+33+))~~ (34) "Whitewater rivers of the state" means those rivers  
6 and streams, or parts thereof, within the boundaries of the state as  
7 listed in RCW 79A.60.470 or as designated by the commission under RCW  
8 79A.60.495.

9

10 **Sec. 7.** RCW 79A.60.610 and 1994 c 151 s 2 are each amended to read  
11 as follows:

12 The commission shall undertake a statewide recreational boating  
13 fire prevention education program concerning the safe use of marine  
14 fuels and electrical systems ~~((and the hazards of carbon monoxide))~~.  
15 The boating fire prevention education program shall provide for the  
16 distribution of fire safety materials and decals warning of fire  
17 hazards and for educational opportunities to educate boaters on the  
18 safety practices needed to operate heaters, stoves, and other  
19 appliances in Washington's unique aquatic environment. The commission  
20 shall evaluate the boating public's voluntary participation in the  
21 program and the program's impact on safe boating.

22

23 NEW SECTION. **Sec. 8.** This act may be known and cited as the Jenda  
24 Jones and Denise Colbert Safe Boating Act.

25

26 NEW SECTION. **Sec. 9.** Sections 4 and 5 of this act take effect  
27 January 1, 2007.