

Chapter 79A.60 RCW
REGULATION OF RECREATIONAL VESSELS

Sections

- 79A.60.010 Definitions.
- 79A.60.020 Violations of chapter punishable as misdemeanor—
Circumstances—Violations designated as civil
infractions.
- 79A.60.030 Operation of vessel in a negligent manner—Penalty.
- 79A.60.040 Operation of vessel in a reckless manner—Operation of a
vessel under the influence of intoxicating liquor,
cannabis, or any drug—Consent to breath or blood test
—Penalty.
- 79A.60.045 Vessel impoundment—Procedure—Forfeiture.
- 79A.60.050 Homicide by watercraft—Penalty.
- 79A.60.060 Assault by watercraft—Penalty.
- 79A.60.080 Failure to stop for law enforcement officer.
- 79A.60.090 Eluding a law enforcement vessel.
- 79A.60.100 Enforcement—Chapter to supplement federal law.
- 79A.60.110 Equipment standards—Rules—Penalty.
- 79A.60.120 Tampering with vessel lights or signals—Exhibiting false
lights or signals—Penalty.
- 79A.60.130 Muffler or underwater exhaust system required—Exemptions
—Enforcement—Penalty.
- 79A.60.140 Personal flotation devices—Inspection and approval—
Rules.
- 79A.60.150 Failure of vessel to contain safety equipment—Owner/
operator may be cited for applicable infraction or
crime.
- 79A.60.160 Personal flotation devices required—Penalty.
- 79A.60.170 Water skiing safety—Requirements.
- 79A.60.180 Loading or powering vessel beyond safe operating ability
—Penalties.
- 79A.60.190 Operation of personal watercraft—Prohibited activities—
Penalties.
- 79A.60.200 Duty of operator involved in collision, accident, or
other casualty—Immunity from liability of persons
rendering assistance—Penalties.
- 79A.60.210 Casualty and accident reports—Confidentiality—Use as
evidence.
- 79A.60.220 Boating accident reports by local government agencies—
Investigation—Report of coroner.
- 79A.60.230 Vessels adrift—Owner to be notified.
- 79A.60.240 Notice—Contents—Service.
- 79A.60.250 Posting of notice.
- 79A.60.260 Compensation—Liability on failure to give notice.
- 79A.60.270 Disputed claims—Trial—Bond.
- 79A.60.280 Liability for excessive or negligent use.
- 79A.60.290 Unclaimed vessel—Procedure.
- 79A.60.300 Vessels secured pursuant to chapter 79A.65 RCW.
- 79A.60.400 Vessels carrying passengers for hire on whitewater rivers
—Purpose.
- 79A.60.410 Vessels carrying passengers for hire on whitewater rivers
—Whitewater river outfitter's license required.

- 79A.60.420 Vessels carrying passengers for hire on whitewater rivers
—Conduct constituting misdemeanor.
- 79A.60.430 Vessels carrying passengers for hire on whitewater rivers
—Safety requirements.
- 79A.60.440 Vessels carrying passengers for hire on whitewater rivers
—Operation of vessel—Exemptions.
- 79A.60.450 Vessels carrying passengers for hire on whitewater rivers
—Use of alcohol prohibited—Vessel to be accompanied
by vessel with licensed outfitter.
- 79A.60.460 Vessels carrying passengers for hire on whitewater rivers
—Rights-of-way.
- 79A.60.470 Vessels carrying passengers for hire on whitewater rivers
—Designation of whitewater river sections.
- 79A.60.480 Vessels carrying passengers for hire on whitewater rivers
—Whitewater river outfitter's license—Application—
Fees—Insurance—Penalties—State immune from civil
actions arising from licensure.
- 79A.60.485 Vessels carrying passengers for hire on whitewater rivers
—Rules to implement RCW 79A.60.480—Fees.
- 79A.60.490 Vessels carrying passengers for hire on whitewater rivers
—License sanction for certain convictions.
- 79A.60.495 Designation as whitewater river—Rules—Schedule of
fines.
- 79A.60.498 Uniform regulation of business and professions act.
- 79A.60.500 Uniform waterway marking system.
- 79A.60.510 Findings—Sewage disposal initiative established—Boater
environmental education—Waterway access facilities.
- 79A.60.520 Identification and designation of polluted and
environmentally sensitive areas.
- 79A.60.530 Designation of marinas, boat launches, or boater
destinations for installation of sewage pumpout or
dump units.
- 79A.60.540 Contracts for financial assistance—Ownership of sewage
pumpout or dump unit—Ongoing costs.
- 79A.60.550 Development by department of ecology of design,
installation, and operation of sewage pumpout and dump
units—Rules.
- 79A.60.560 Boater environmental education program.
- 79A.60.570 Grants for environmental education or boat waste
management planning.
- 79A.60.580 Review of programs by commission.
- 79A.60.590 Allocation of funds.
- 79A.60.595 Commission to adopt rules.
- 79A.60.600 Liquid petroleum gas leak warning devices—Findings.
- 79A.60.610 Recreational boating fire prevention education program.
- 79A.60.620 Small spill prevention education program.
- 79A.60.630 Boating safety education—Commission's duties—Fee—Report
to the legislature.
- 79A.60.640 Requirements to operate motor-driven boats/vessels—
Exemptions—Penalty.
- 79A.60.650 Boating safety education certification account.
- 79A.60.660 Operating motor-driven boat or vessel for teak surfing,
platform dragging, bodysurfing—Prohibition—Exceptions
—Penalty.

- 79A.60.670 Boating activities program—Boating activities advisory committee—Adoption of rules.
- 79A.60.680 Study of boater needs—Funding recommendations.
- 79A.60.690 Boating activities account.
- 79A.60.700 Refusal to submit to certain tests—Not admissible as evidence—Penalty.
- 79A.60.710 Vessels for hire—Requirements—Application of section—Penalty.

RCW 79A.60.010 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Accredited course" means a mandatory course of instruction on boating safety education that has been approved by the commission.
- (2) "Boat wastes" includes, but is not limited to, sewage, garbage, marine debris, plastics, contaminated bilge water, cleaning solvents, paint scrapings, or discarded petroleum products associated with the use of vessels.
- (3) "Boater" means any person on a vessel on waters of the state of Washington.
- (4) "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.
- (5) "Boating educator" means a person providing an accredited course.
- (6) "Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.
- (7) "Certificate of accomplishment" means a form of certificate approved by the commission and issued by a boating educator to a person who has successfully completed an accredited course.
- (8) "Commission" means the state parks and recreation commission.
- (9) "Darkness" means that period between sunset and sunrise.
- (10) "Environmentally sensitive area" means a restricted body of water where discharge of untreated sewage from boats is especially detrimental because of limited flushing, shallow water, commercial or recreational shellfish, swimming areas, diversity of species, the absence of other pollution sources, or other characteristics.
- (11) "Guide" means any individual, including but not limited to subcontractors and independent contractors, engaged for compensation or other consideration by a whitewater river outfitter for the purpose of operating vessels. A person licensed under RCW 77.65.480 or 77.65.440 and acting as a fishing guide is not considered a guide for the purposes of this chapter.
- (12) "Marina" means a facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

- (13) "Motor-driven boats and vessels" means all boats and vessels which are self-propelled.
- (14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission in accordance with RCW 79A.60.630.
- (15) "Muffler" or "muffler system" means a sound suppression device or system, including an underwater exhaust system, designed and installed to abate the sound of exhaust gases emitted from an internal combustion engine and that prevents excessive or unusual noise.
- (16) "Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.
- (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) "Observer" means the individual riding in a vessel who is responsible for observing a water skier at all times.
- (19) "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.
- (20) "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.
- (21) "Personal flotation device" means a buoyancy device, life preserver, buoyant vest, ring buoy, or buoy cushion that is designed to float a person in the water and that is approved by the commission.
- (22) "Personal watercraft" means a vessel of less than sixteen feet that uses a motor powering a water jet pump, as its primary source of motive power and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.
- (23) "Polluted area" means a body of water used by boaters that is contaminated by boat wastes at unacceptable levels, based on applicable water quality and shellfish standards.
- (24) "Public entities" means all elected or appointed bodies, including tribal governments, responsible for collecting and spending public funds.
- (25) "Reckless" or "recklessly" means acting carelessly and heedlessly in a willful and wanton disregard of the rights, safety, or property of another.
- (26) "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.
- (27) "Sewage pumpout or dump unit" means:
- (a) A receiving chamber or tank designed to receive vessel sewage from a "porta-potty" or a portable container; and
 - (b) A stationary or portable mechanical device on land, a dock, pier, float, barge, vessel, or other location convenient to boaters, designed to remove sewage waste from holding tanks on vessels.
- (28) "Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

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

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

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

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

(33) "Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 79A.60.470 or as designated by the commission under RCW 79A.60.495. [2005 c 392 s 2; 2003 c 39 s 45; 2000 c 11 s 92; 1998 c 219 s 5; 1997 c 391 s 1; 1993 c 244 s 5; 1933 c 72 s 1; RRS s 9851-1. Formerly RCW 88.12.010.]

Intent—2005 c 392: See note following RCW 79A.60.630.

Intent—1993 c 244: "It is the intent of the legislature that the boating safety laws administered by the state parks and recreation commission provide Washington's citizens with clear and reasonable boating safety regulations and penalties. Therefore, the legislature intends to recodify, clarify, and partially decriminalize the statewide boating safety laws in order to help the boating community understand and comply with these laws.

It is also the intent of the legislature to increase boat registration fees in order to provide additional funds to local governments for boating safety enforcement and education programs. The funds are to be used for enforcement, education, training, and equipment, including vessel noise measurement equipment. The legislature encourages programs that provide boating safety education in the primary and secondary school system for boat users and potential future boat users. The legislature also encourages boating safety programs that use volunteer and private sector efforts to enhance boating safety and education." [1993 c 244 s 1.]

RCW 79A.60.020 Violations of chapter punishable as misdemeanor—Circumstances—Violations designated as civil infractions. (1) A violation of this chapter designated as an infraction is a misdemeanor, punishable under RCW 9.92.030, if the current violation is the person's third violation of the same provision of this chapter during the past three hundred sixty-five days.

(2) A violation designated in this chapter as a civil infraction shall constitute a civil infraction pursuant to chapter 7.84 RCW. [1999 c 249 s 1501; 1993 c 244 s 6. Formerly RCW 88.12.015.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.030 Operation of vessel in a negligent manner—

Penalty. A person shall not operate a vessel in a negligent manner. For the purposes of this section, to "operate in a negligent manner" means operating a vessel in disregard of careful and prudent operation, or in disregard of careful and prudent rates of speed that are no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, size of the lake or body of water, freedom from obstruction to view ahead, effects of vessel wake, and so as not to unduly or unreasonably endanger life, limb, property or other rights of any person entitled to the use of such waters. Except as provided in RCW 79A.60.020, a violation of this section is an infraction under chapter 7.84 RCW. [2000 c 11 s 93; 1993 c 244 s 7; 1933 c 72 s 2; RRS s 9851-2. Formerly RCW 88.12.020.]

Intent—1993 c 244: See note following RCW 79A.60.010.

**RCW 79A.60.040 Operation of vessel in a reckless manner—
Operation of a vessel under the influence of intoxicating liquor,
cannabis, or any drug—Consent to breath or blood test—Penalty. (1)**

It is unlawful for any person to operate a vessel in a reckless manner.

(2) It is unlawful for a person to operate a vessel while under the influence of intoxicating liquor, cannabis, or any drug. A person is considered to be under the influence of intoxicating liquor, cannabis, or any drug if, within two hours of operating a vessel:

(a) The person has an alcohol concentration of 0.08 or higher as shown by analysis of the person's breath or blood made under RCW 46.61.506; or

(b) The person has a THC concentration of 5.00 or higher as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor, cannabis, or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor, cannabis, and any drug.

(3) The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section.

(4) (a) Any person who operates a vessel within this state is deemed to have given consent, subject to the provisions of RCW 46.61.506, to a test or tests of the person's breath for the purpose of determining the alcohol concentration in the person's breath if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of intoxicating liquor or a combination of intoxicating liquor and any other drug.

(b) When an arrest results from an accident in which there has been serious bodily injury to another person or death or the arresting officer has reasonable grounds to believe the person was operating a vessel while under the influence of THC or any other drug, a blood test may be administered with the consent of the arrested person and a valid waiver of the warrant requirement or without the consent of the person so arrested pursuant to a search warrant or when exigent circumstances exist.

(c) Neither consent nor this section precludes a police officer from obtaining a search warrant for a person's breath or blood.

(d) An arresting officer may administer field sobriety tests when circumstances permit.

(5) The test or tests of breath must be administered pursuant to RCW 46.20.308. The officer shall warn the person that if the person refuses to take the test, the person will be issued a class 1 civil infraction under RCW 7.80.120.

(6) A violation of subsection (1) of this section is a misdemeanor. A violation of subsection (2) of this section is a gross misdemeanor. In addition to the statutory penalties imposed, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

(7) For the purposes of this subsection, "cannabis" has the meaning provided in RCW 69.50.101. [2022 c 16 s 136; 2014 c 132 s 1; 2013 c 278 s 1; 1998 c 213 s 7; 1993 c 244 s 8. Prior: 1990 c 231 s 3; 1990 c 31 s 1; 1987 c 373 s 6; 1986 c 153 s 6; 1985 c 267 s 2. Formerly RCW 88.12.025, 88.12.100, and 88.02.095.]

Intent—Finding—2022 c 16: See note following RCW 69.50.101.

Effective date—1998 c 213: See note following RCW 46.20.308.

Intent—1993 c 244: See note following RCW 79A.60.010.

Effective date—Severability—1990 c 231: See notes following RCW 79A.60.170.

Legislative finding, purpose—Severability—1987 c 373: See notes following RCW 46.61.502.

RCW 79A.60.045 Vessel impoundment—Procedure—Forfeiture. (1) Whenever the operator of a vessel is arrested for a violation of RCW 79A.60.040, the arresting officer, or another officer acting at the arresting officer's direction, has authority to impound the vessel as provided in this section.

(2) This section is not intended to limit or constrain the ability of local government from enacting and enforcing ordinances or other regulations relating to the impoundment of vessels for the purposes of enforcing RCW 79A.60.040.

(3) Unless vessel impound is required for evidentiary purposes, a law enforcement officer must seek a series of reasonable alternatives to impound before impounding the vessel. Reasonable alternatives to impound may include, but are not limited to:

(a) Working with the vessel's owner to locate a qualified operator who can take possession of the vessel within thirty minutes following the arrest of the vessel's operator and giving possession of the vessel to such a person;

(b) Leaving the vessel at a marina, dock, or moorage facility, provided that:

(i) The owner is present and willing to sign a liability waiver by which the owner agrees to waive any claims related to such an action against the law enforcement officer and the officer's agency and indemnify the officer and the agency against any claims related to such an action by any third party; and

(ii) The owner agrees to pay any applicable moorage charges or fees; and

(c) Towing the vessel to the closest boat ramp, marina, or similar type facility where the owner can meet the impounding officer within thirty minutes in order to:

(i) Moor the vessel by accepting any applicable moorage charges or fees; or

(ii) Take possession of the vessel if the owner was not present at the time of the arrest.

(4) For the purposes of this section, storing an impounded vessel may include, but is not limited to:

(a) Removing the vessel to and placing it in a secure or other type of moorage facility; or

(b) Placing the vessel in the custody of an operator licensed by the United States coast guard per 46 C.F.R. Sec. 11.482 to provide commercial assistance towing services in Washington state who must:

(i) Tow it to a storage facility operated by the towing entity for storage or to a moorage facility for storage; or

(ii) Tow it to a location designated by the operator or owner of the vessel.

(5) In exigent circumstances, an impounding officer may temporarily attach an impounded vessel to a mooring buoy or anchor the vessel to the bottom for up to twenty-four hours, after which time the impounding officer must move or cause the vessel to be moved to an appropriate facility for storage as outlined in subsection (4) of this section.

(6) If the impounding officer secures a vessel by placing it on its trailer, the officer, moorage facility representative, or commercial assistance towing service is authorized to detach the vessel's trailer from the vehicle to which it is attached, attach the trailer to an impounding vehicle, operate the vessel to load it on the trailer, and then tow the vessel on its trailer to the storage facility.

(7) All vessels must be handled appropriately and returned in substantially the same condition as they existed before being impounded, unless forfeited pursuant to subsection (12) of this section. Except as provided in subsection (12)(b) of this section, all personal property in the vessel must be kept intact and must be returned to the vessel's owner or agent during the normal business hours of the entity storing the vessel upon request, provided the vessel owner, or the owner's agent, is able to provide sufficient proof of his or her identity.

(8) No moorage facility or vessel towing service provider is required to accept an impounded or otherwise secured vessel under this section for towing or storage. An impounding officer intending to secure a vessel by means of storing it at a moorage facility must have the permission of the owner or operator of the moorage facility prior to leaving the vessel at the facility. The impounding officer shall identify an authorized person on the vessel impound authorization and inventory form to represent the vessel impound facility. The officer must provide a copy of the vessel impound authorization and inventory form to the designated person representing the vessel impound facility along with the addresses of the registered and legal owners of the vessel. The moorage facility may require that the impounding officer's agency take responsibility for the foreclosure process set forth in subsection (12) of this section before they consent to accept an impounded vessel.

(9) (a) An impounding officer impounding a vessel pursuant to this section shall notify the legal and registered owner or owners of the impoundment of the vessel. The notification must be in writing and sent within one business day after the impound by first-class mail, digital transmission, or facsimile to the last known address of the registered and legal owner or owners of the vessel, as identified by the department of licensing, and must inform the owner or owners of the identity of the person or agency authorizing the impound. The impounding officer may serve the operator with the vessel impound authorization and inventory form at the time of impound if the operator is a legal or registered owner of the vessel. Personal service of the vessel impound authorization and inventory form meets the notice requirement of this subsection with respect to the legal or registered owner personally served. The notification must be provided on a vessel impound authorization and inventory form and include: (i) The name, address, and telephone number of the facility where the vessel is being held; (ii) the right of redemption and opportunity for a hearing to contest the validity of the impoundment; and (iii) the rate that is being charged for the storage of the vessel while impounded.

(b) A notice does not need to be sent to the legal or registered owner or owners of an impounded vessel if the vessel has been redeemed.

(c) The impounded vessel may not be redeemed by the operator within a twelve-hour period starting at the time of the operator's arrest. The vessel may be redeemed by or released to an owner or an agent of the owner that is not the operator within the twelve-hour period following arrest.

(10) A moorage facility that accepts a vessel impounded pursuant to this section for storage may charge the owner of the vessel up to one hundred twenty-five percent of the normal moorage rates of tenants or guests in addition to a fee for securing the impounded vessel. A moorage facility must store the vessel in the least costly boat slip or storage area available that is appropriate for the vessel size. An entity that provides emergency vessel towing services that accepts a vessel impounded pursuant to this section for towing or storage, or both, may charge its normal towing and storage fees. The costs of removal and storage of vessels under this section is a lien upon the vessel until paid, unless the impoundment is determined to be invalid. The registered owner of a vessel impounded pursuant to this section is responsible for paying all fees associated with the towing and storage of the vessel resulting from its impoundment, except as otherwise provided in subsection (15) of this section.

(11) Within fifteen days of impoundment of the vessel, or until the vessel is forfeited pursuant to subsection (12) of this section, the legal or registered owner of a vessel impounded and stored pursuant to this section may redeem the vessel by paying all towing and storage fees charged as allowed in subsection (10) of this section. Within fifteen days of impoundment of the vessel, or until the vessel is forfeited pursuant to subsection (12) of this section, any person who shows proof of ownership or written authorization from the impounded vessel's registered or legal owner or the vessel's insurer may view the vessel without charge during the normal business hours of the entity storing the vessel. The moorage facility may request that a representative of the impounding agency be present during redemption. If requested, the impounding agency must provide a representative as requested by the moorage facility.

(12) If an impounded vessel stored pursuant to this section is not redeemed by its registered or legal owner pursuant to subsection (11) of this section within fifteen days of its impoundment, the entity storing the vessel, or the agency of the impounding officer, if required by the moorage facility under subsection (8) of this section, may initiate foreclosure. Forfeiture by the vessel owner is complete twenty days after mailing of the notice required by this subsection, unless within that time the owner, or any lienholder or holder of a security interest, pays all fees associated with the towing and storage of the vessel resulting from its impoundment. However, foreclosure may not be completed while a hearing under subsection (15) of this section to contest the validity of the impoundment is pending in district or municipal court or while any appeal of a decision of the district or municipal court on the validity of the impoundment is pending.

(a) In order to foreclose on the vessel, the foreclosing entity must mail notice of its intent. Such a notice must, at a minimum, state: (i) The intent of the foreclosing entity to foreclose on the vessel; (ii) that, when the foreclosure process is complete, the owner forfeits all ownership interest in the vessel; (iii) the right of the foreclosing entity to take possession of or dispose of the vessel upon completion of the foreclosure process; and (iv) that the owner, or other interested person or entity, may avoid forfeiture of the vessel by paying all fees associated with the towing and storage of the vessel resulting from its impoundment within twenty days of mailing of the notice. The notice must be mailed to the owner of the vessel at the address on file with the state with which the vessel is registered, or on file with the federal government, if the vessel is registered with the federal government, and any lienholder or secured interests on record. A notice need not be sent to the purported owner or any other person whose interest in the vessel is not recorded with a state or with the federal government.

(b) Upon completion of the foreclosure process, the registered and legal owners of the vessel forfeit any and all ownership interest in it and the entity administering the foreclosure process must dispose of it through sale. The proceeds of a sale under this section shall be applied first to payment of the amount of reasonable charges incurred by the entity for towing, storage, and sale, then to the owner or to satisfy any liens of record or security interests of record on the vessel in the order of their priority. If the sale is for a sum less than the applicable charges, the foreclosing entity is entitled to assert a claim for the deficiency against the vessel owner. Nothing in this section prevents any lienholder or secured party from asserting a claim for any deficiency owed the lienholder or secured party. If more than one thousand dollars remains after the satisfaction of amounts owed to the entity and to any owner or bona fide security interest, then the foreclosing entity must remit the moneys to the department of licensing for deposit in the derelict vessel removal account established in RCW 79.100.100. A copy of the forfeited vessel disposition report form identifying the vessel resulting in any surplus shall accompany the remitted funds. Transfer of ownership of the vessel after foreclosure must comply with RCW 79.100.150, when applicable. All personal property in the vessel not claimed prior to foreclosure must be turned over to the law enforcement agency that authorized the impoundment. The personal property must be disposed of pursuant to chapter 63.32 or 63.40 RCW, or as otherwise provided by law. Within fourteen days of the

completion of the foreclosure process of a vessel pursuant to this subsection, the foreclosing entity shall send a forfeited vessel disposition report, together with a copy of the vessel impound authorization and inventory form and the notice of intent to foreclose, to the department of licensing so that the department may include documentation in the ownership records of the vessel. The vessel disposition information sent to the department of licensing on the forfeited vessel disposition report relieves the previous owner of the vessel from any civil or criminal liability for the operation of the vessel from the date of sale thereafter, and transfers full liability for the vessel to the party to whom the vessel is transferred by the foreclosing entity.

(13) Any individual or entity whose assistance has been requested by an impounding officer who in good faith provides trailering, towing, or secured or other type of moorage of a vessel impounded pursuant to this section is not liable for any damage to or theft of the vessel or its contents, or for damages for loss of use of the vessel resulting from any act or omission in providing assistance other than for acts or omissions constituting gross negligence or willful or wanton misconduct, or for any damages arising from any act or omission committed during the foreclosure process.

(14) If a law enforcement officer impounds and secures a vessel pursuant to this section, the impounding officer and the government agency employing the officer are not liable for any damage to or theft of the vessel or its contents, or for damages for loss of use of the vessel, or for any damages arising from any act or omission committed during the foreclosure process.

(15) Any legal or registered owner seeking to redeem an impounded vessel under this section has a right to a hearing in the district or municipal court for the jurisdiction in which the vessel was impounded to contest the validity of the impoundment. The district court has jurisdiction to determine the issues involving all impoundments including those authorized by the state or its agents, unless the impoundment was authorized by municipal agents. The municipal court has exclusive jurisdiction to determine the issues involving impoundments authorized by agents of the municipality. Any request for a hearing must be made in writing per the instructions provided on the uniform vessel impound authorization and inventory form and must be received by the appropriate court within ten business days of the date that the vessel impound authorization and inventory form was mailed to or served on the registered or legal owner or owners of the impounded vessel. If the hearing request is not received by the court within ten business days of the sending or personal service of the notice of impoundment pursuant to subsection (9) of this section, the right to a hearing is waived and the registered owner is liable for any towing, storage, or other impoundment charges permitted under this chapter. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(a) Within five days after the request for a hearing, the court shall notify the operator of the impound facility, the registered and legal owners of the vessel, and the officer or agency authorizing the impound in writing of the hearing date and time.

(b) At the hearing, the petitioner may produce any relevant evidence that is admissible under court rules to show that the impoundment, towing, or storage fees charged were not proper. The court may consider a written report made under oath by the officer who

authorized the impoundment in lieu of the officer's personal appearance at the hearing.

(c) At the conclusion of the hearing, the court shall determine whether the impoundment was proper, whether the towing or storage fees charged were in compliance with the fees established in subsection (10) of this section, and who is responsible for payment of the fees. The court may not adjust fees or charges that are in compliance with subsection (10) of this section.

(d) If the impoundment is found proper, the impoundment, towing, and storage fees as permitted under this chapter together with court costs must be assessed against the petitioner.

(e) If the impoundment is determined to be in violation of this section, then the registered and legal owners of the vessel bear no impoundment, towing, or storage fees, any security must be returned or discharged as appropriate, and the agency that authorized the impoundment is liable for any towing, storage, or other impoundment fees permitted under this chapter. The court shall enter judgment in favor of the moorage facility or vessel towing contractor against the agency authorizing the impound for the impoundment, towing, and storage fees incurred. In addition, the court shall enter judgment in favor of the petitioner for the amount of the filing fee required by law for the impound hearing petition. If an impoundment is determined to be in violation of this section, the impounding officer and the government agency employing the officer are not liable for damage to or theft of the vessel or its contents, or damages for loss of use of the vessel, if the impounding officer had reasonable suspicion to believe that the operator of the vessel was operating the vessel while under the influence of intoxicating liquor or any drug, was in physical control of the vessel while under the influence of intoxicating liquor or any drug, or was operating the vessel in a reckless manner, or if the impounding officer otherwise acted reasonably under the circumstances in acting to impound and secure the vessel.

(f) If any judgment entered under this subsection is not paid within fifteen days of notice in writing of its entry, the court shall award reasonable attorneys' fees and costs against the defendant in any action to enforce the judgment. Notice of entry of judgment may be made by registered or certified mail, and proof of mailing may be made by affidavit of the party mailing the notice. Notice of the entry of the judgment must read essentially as follows:

TO:

YOU ARE HEREBY NOTIFIED JUDGMENT was entered against you in the Court located at in the sum of \$, in an action entitled, Case No. YOU ARE FURTHER NOTIFIED that attorneys' fees and costs will be awarded against you under RCW ... if the judgment is not paid within 15 days of the date of this notice.

DATED this day of, (year)....

Signature

Typed name and address of party mailing notice

(16) By September 30, 2017, the department of licensing in collaboration with the commission shall create the following forms for use in the enforcement of this section:

(a) A vessel impound authorization and inventory form. This form must include sections for the impounding officer to record the

addresses of the registered and legal owners of the vessel and the designated individual that will act on behalf of the impound facility; and

(b) A forfeited vessel disposition report form.

(17) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Impound" means to take and hold a vessel in legal custody.

(b) "Legal owner" means a person having a perfected security interest or a registered owner of a vessel unencumbered by a security interest.

(c) "Moorage facility" includes a private moorage facility as defined in RCW 88.26.010, a moorage facility as defined in RCW 53.08.310, or a moorage facility owned or operated by the agency of the arresting officer.

(d) "Registered owner" or "owner" means the person whose lawful right of possession of a vessel has most recently been recorded with the department of licensing.

(e) "Secure moorage" is in-water moorage or dry storage at a moorage facility in a location specifically designated for the moorage of vessels and in a location where access is controlled or security is provided.

(f) "Vessel" includes any vessel as defined in RCW 79A.60.010 and includes any associated trailer or towing device used to transport the vessel if it is included in the impoundment. [2017 c 247 s 1.]

RCW 79A.60.050 Homicide by watercraft—Penalty. (1) When the death of any person ensues within three years as a proximate result of injury proximately caused by the operating of any vessel by any person, the operator is guilty of homicide by watercraft if he or she was operating the vessel:

(a) While under the influence of intoxicating liquor or any drug, as defined by RCW 79A.60.040;

(b) In a reckless manner; or

(c) With disregard for the safety of others.

(2) When the death is caused by a skier towed by a vessel, the operator of the vessel is not guilty of homicide by watercraft.

(3) A violation of this section is punishable as a class A felony according to chapter 9A.20 RCW. [2000 c 11 s 94; 1998 c 219 s 1. Formerly RCW 88.12.029.]

RCW 79A.60.060 Assault by watercraft—Penalty. (1) "Serious bodily injury" means bodily injury which involves a substantial risk of death, serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

(2) A person is guilty of assault by watercraft if he or she operates any vessel:

(a) In a reckless manner, and this conduct is the proximate cause of serious bodily injury to another; or

(b) While under the influence of intoxicating liquor or any drug, as defined by RCW 79A.60.040, and this conduct is the proximate cause of serious bodily injury to another.

(3) When the injury is caused by a skier towed by a vessel, the operator of the vessel is not guilty of assault by watercraft.

(4) A violation of this section is punishable as a class B felony according to chapter 9A.20 RCW. [2000 c 11 s 95; 1998 c 219 s 2. Formerly RCW 88.12.032.]

RCW 79A.60.080 Failure to stop for law enforcement officer. Any operator of a vessel who willfully fails to stop when requested or signaled to do so by a person reasonably identifiable as a law enforcement officer is guilty of a gross misdemeanor. [1990 c 235 s 1. Formerly RCW 88.12.035, 88.12.110, and 88.08.070.]

RCW 79A.60.090 Eluding a law enforcement vessel. Any operator of a vessel who willfully fails or refuses to immediately bring the vessel to a stop and who operates the vessel in a manner indicating a wanton or willful disregard for the lives or property of others while attempting to elude a pursuing law enforcement vessel, after being given a visual or audible signal to bring the vessel to a stop, shall be guilty of a class C felony punishable under chapter 9A.20 RCW. The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving such a signal shall be in uniform and his or her vessel shall be appropriately marked showing it to be an official law enforcement vessel. [1990 c 235 s 2. Formerly RCW 88.12.045, 88.12.120, and 88.08.080.]

RCW 79A.60.100 Enforcement—Chapter to supplement federal law.

(1) Every law enforcement officer of this state and its political subdivisions has the authority to enforce this chapter. Law enforcement officers may enforce recreational boating rules adopted by the commission. Such law enforcement officers include, but are not limited to, county sheriffs, officers of other local law enforcement entities, fish and wildlife officers, through the director, the state patrol, and state park rangers. In the exercise of this responsibility, all such officers may stop and board any vessel and direct it to a suitable pier or anchorage to enforce this chapter.

(2) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control. [2001 c 253 s 60; 1994 c 264 s 80; 1993 c 244 s 9; 1988 c 36 s 73; 1986 c 217 s 10. Formerly RCW 88.12.055, 88.12.330, and 91.14.100.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.110 Equipment standards—Rules—Penalty. In addition to the equipment standards prescribed under this chapter, the commission shall adopt rules specifying equipment standards for vessels. Except where the violation is classified as a misdemeanor under this chapter, violation of any equipment standard adopted by the commission is an infraction under chapter 7.84 RCW. [1993 c 244 s 10. Formerly RCW 88.12.065.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.120 Tampering with vessel lights or signals—

Exhibiting false lights or signals—Penalty. An operator or owner who endangers a vessel, or the persons on board the vessel, by showing, masking, extinguishing, altering, or removing any light or signal or by exhibiting any false light or signal, is guilty of a misdemeanor, punishable as provided in RCW 9.92.030. [1993 c 244 s 11. Formerly RCW 88.12.075.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.130 Muffler or underwater exhaust system required—

Exemptions—Enforcement—Penalty. (1) All motor-propelled vessels shall be equipped and maintained with an effective muffler that is in good working order and in constant use. For the purpose of this section, an effective muffler or underwater exhaust system does not produce sound levels in excess of ninety decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission, as of July 25, 1993, and for engines manufactured on or after January 1, 1994, a noise level of eighty-eight decibels when subjected to a stationary sound level test that shall be prescribed by rules adopted by the commission.

(2) A vessel that does not meet the requirements of subsection (1) of this section shall not be operated on the waters of this state.

(3) No person may operate a vessel on waters of the state in such a manner as to exceed a noise level of seventy-five decibels measured from any point on the shoreline of the body of water on which the vessel is being operated that shall be specified by rules adopted by the commission, as of July 25, 1993. Such measurement shall not preclude a stationary sound level test that shall be prescribed by rules adopted by the commission.

(4) This section does not apply to: (a) A vessel tuning up, testing for, or participating in official trials for speed records or a sanctioned race conducted pursuant to a permit issued by an appropriate governmental agency; or (b) a vessel being operated by a vessel or marine engine manufacturer for the purpose of testing or development. Nothing in this subsection prevents local governments from adopting ordinances to control the frequency, duration, and location of vessel testing, tune-up, and racing.

(5) Any officer authorized to enforce this section who has reason to believe that a vessel is not in compliance with the noise levels established in this section may direct the operator of the vessel to submit the vessel to an on-site test to measure noise level, with the officer on board if the officer chooses, and the operator shall comply with such request. If the vessel exceeds the decibel levels established in this section, the officer may direct the operator to take immediate and reasonable measures to correct the violation.

(6) Any officer who conducts vessel sound level tests as provided in this section shall be qualified in vessel noise testing. Qualifications shall include but may not be limited to the ability to select the appropriate measurement site and the calibration and use of noise testing equipment.

(7) A person shall not remove, alter, or otherwise modify in any way a muffler or muffler system in a manner that will prevent it from being operated in accordance with this chapter.

(8) A person shall not manufacture, sell, or offer for sale any vessel that is not equipped with a muffler or muffler system that does not comply with this chapter. This subsection shall not apply to power vessels designed, manufactured, and sold for the sole purpose of competing in racing events and for no other purpose. Any such exemption or exception shall be documented in any and every sale agreement and shall be formally acknowledged by signature on the part of both the buyer and the seller. Copies of the agreement shall be maintained by both parties. A copy shall be kept on board whenever the vessel is operated.

(9) Except as provided in RCW 79A.60.020, a violation of this section is an infraction under chapter 7.84 RCW.

(10) Vessels that are equipped with an engine modified to increase performance beyond the engine manufacturer's stock configuration shall have an exhaust system that complies with the standards in this section after January 1, 1994. Until that date, operators or owners, or both, of such vessels with engines that are out of compliance shall be issued a warning and be given educational materials about types of muffling systems available to muffle noise from such high performance engines.

(11) Nothing in this section preempts a local government from exercising any power that it possesses under the laws or Constitution of the state of Washington to adopt more stringent regulations. [2000 c 11 s 97; 1993 c 244 s 39. Formerly RCW 88.12.085.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.140 Personal flotation devices—Inspection and approval—Rules. (1) The commission shall adopt rules providing for its inspection and approval of the personal flotation devices that may be used to satisfy the requirements of this chapter and governing the manner in which such devices shall be used. The commission shall prescribe the different types of devices that are appropriate for the different uses, such as water skiing or operation of a personal watercraft. In adopting its rules the commission shall consider the United States coast guard rules or regulations. The commission may approve devices inspected and approved by the coast guard without conducting any inspection of the devices itself.

(2) In situations where personal flotation devices are required under provisions of this chapter, the devices shall be in good and serviceable condition and of appropriate size. If they are not, then they shall not be considered as personal flotation devices under such provisions. [1993 c 244 s 12. Formerly RCW 88.12.095.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.150 Failure of vessel to contain safety equipment—Owner/operator may be cited for applicable infraction or crime. If a vessel does not contain the safety equipment required under this chapter and the rules of the commission, and the operator is not the owner of the vessel but is operating the vessel with the express or implied permission of the owner, then either the owner or the operator, or both, may be cited for the applicable infraction or

charged with the applicable crime. [2013 c 278 s 6; 1993 c 244 s 13. Formerly RCW 88.12.105.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.160 Personal flotation devices required—Penalty.

(1) No person may operate or permit the operation of a vessel on the waters of the state without a personal flotation device on board for each person on the vessel. Each personal flotation device shall be in serviceable condition, of an appropriate size, and readily accessible.

(2) Except as provided in RCW 79A.60.020, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

(3) A violation of subsection (1) of this section is a misdemeanor punishable under RCW 9.92.030, if the vessel is carrying passengers for hire.

(4) No person shall operate a vessel under nineteen feet in length on the waters of this state with a child twelve years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children twelve years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child twelve years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

(a) While a child is below deck or in the cabin of a boat with an enclosed cabin;

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or

(c) While on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

(5) Except as provided in RCW 79A.60.020, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense. [2000 c 11 s 98; 1999 c 310 s 1; 1993 c 244 s 14; 1933 c 72 s 5; RRS s 9851-5. Formerly RCW 88.12.115 and 88.12.050.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.170 Water skiing safety—Requirements. (1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) No vessel operator may tow or attempt to tow a water skier on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and

during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red or brilliant orange color, measuring at least twelve inches square, mounted on a pole not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a personal watercraft, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection. Except as provided under RCW 79A.60.020, a violation of this subsection is an infraction under chapter 7.84 RCW.

(3) The observer and the operator shall not be the same person. The observer shall be an individual who meets the minimum qualifications for an observer established by rules of the commission. Except as provided under RCW 79A.60.020, a violation of this subsection is an infraction under chapter 7.84 RCW.

(4) No person shall engage or attempt to engage in water skiing without wearing a personal flotation device. Except as provided under RCW 79A.60.020, a violation of this subsection is an infraction under chapter 7.84 RCW.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise. A violation of this subsection is a misdemeanor, punishable as provided under RCW 9.92.030.

(6) No person engaged in water skiing either as operator, observer, or skier, shall conduct himself or herself in a reckless manner that willfully or wantonly endangers, or is likely to endanger, any person or property. A violation of this subsection is a misdemeanor as provided under RCW 9.92.030.

(7) The requirements of subsections (2), (3), (4), and (5) of this section shall not apply to persons engaged in tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events. [2000 c 11 s 99; 1993 c 244 s 15; 1990 c 231 s 1; 1989 c 241 s 1. Formerly RCW 88.12.125, 88.12.080, and 88.12.070.]

Intent—1993 c 244: See note following RCW 79A.60.010.

Effective date—1990 c 231: "This act shall take effect July 1, 1990." [1990 c 231 s 4.]

Severability—1990 c 231: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1990 c 231 s 5.]

RCW 79A.60.180 Loading or powering vessel beyond safe operating ability—Penalties. (1) A person shall not load or permit to be loaded a vessel with passengers or cargo beyond its safe carrying ability or carry passengers or cargo in an unsafe manner taking into consideration weather and other existing operating conditions.

(2) A person shall not operate or permit to be operated a vessel equipped with a motor or other propulsion machinery of a power beyond the vessel's ability to operate safely, taking into consideration the vessel's type, use, and construction, the weather conditions, and other existing operating conditions.

(3) A violation of subsection (1) or (2) of this section is an infraction punishable as provided under chapter 7.84 RCW except as provided under RCW 79A.60.020 or where the overloading or overpowering is reasonably advisable to effect a rescue or for some similar emergency purpose.

(4) If it appears reasonably certain to any law enforcement officer that a person is operating a vessel clearly loaded or powered beyond its safe operating ability and in the judgment of that officer the operation creates an especially hazardous condition, the officer may direct the operator to take immediate and reasonable steps necessary for the safety of the individuals on board the vessel, including directing the operator to return to shore or a mooring and to remain there until the situation creating the hazard is corrected or ended. Failure to follow the direction of an officer under this subsection is a misdemeanor punishable as provided under RCW 9.92.030. [2000 c 11 s 100; 1993 c 244 s 16. Formerly RCW 88.12.135.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.190 Operation of personal watercraft—Prohibited activities—Penalties. (1) A person shall not operate a personal watercraft unless each person aboard the personal watercraft is wearing a personal flotation device approved by the commission. Except as provided for in RCW 79A.60.020, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) A person operating a personal watercraft equipped by the manufacturer with a lanyard-type engine cutoff switch shall attach the lanyard to his or her person, clothing, or personal flotation device as appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch that was installed by the manufacturer.

(3) A person shall not operate a personal watercraft during darkness.

(4) A person under the age of fourteen shall not operate a personal watercraft on the waters of this state.

(5) A person shall not operate a personal watercraft in a reckless manner, including recklessly weaving through congested vessel traffic, recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel or when visibility around the vessel is obstructed, or recklessly swerving at the last possible moment to avoid collision.

(6) A person shall not lease, hire, or rent a personal watercraft to a person under the age of sixteen.

(7) Subsections (1) through (6) of this section shall not apply to a performer engaged in a professional exhibition or a person participating in a regatta, race, marine parade, tournament, or exhibition authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

(8) Violations of subsections (2) through (6) of this section constitute a misdemeanor under RCW 9.92.030. [2000 c 11 s 101; 1993 c 244 s 17. Formerly RCW 88.12.145.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.200 Duty of operator involved in collision, accident, or other casualty—Immunity from liability of persons rendering assistance—Penalties. (1) The operator of a vessel involved in a collision, accident, or other casualty, to the extent the operator can do so without serious danger to the operator's own vessel or persons aboard, shall render all practical and necessary assistance to persons affected by the collision, accident, or casualty to save them from danger caused by the incident. Under no circumstances may the rendering of assistance or other compliance with this section be evidence of the liability of such operator for the collision, accident, or casualty. The operator shall also give all pertinent accident information, as specified by rule by the commission, to the law enforcement agency having jurisdiction: PROVIDED, That this requirement shall not apply to operators of vessels when they are participating in an organized competitive event authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events. These duties are in addition to any duties otherwise imposed by law. Except as provided for in RCW 79A.60.020 and subsection (3) of this section, a violation of this subsection is a civil infraction punishable under RCW 7.84.100.

(2) Any person who complies with subsection (1) of this section or who gratuitously and in good faith renders assistance at the scene of a vessel collision, accident, or other casualty, without objection of the person assisted, shall not be held liable for any civil damages as a result of the rendering of assistance or for any act or omission in providing or arranging salvage, towage, medical treatment, or other assistance, where the assisting person acts as any reasonably prudent person would have acted under the same or similar circumstances.

(3) An operator of a vessel is guilty of a class C felony and is punishable pursuant to RCW 9A.20.021 if the operator: (a) Is involved in a collision that results in injury to a person; (b) knew or reasonably should have known that a person was injured in the collision; and (c) leaves the scene of the collision without rendering all practical and necessary assistance to the injured person as required pursuant to subsection (1) of this section, under circumstances in which the operator could have rendered assistance without serious danger to the operator's own vessel or persons aboard. This subsection (3) does not apply to vessels involved in commerce, including but not limited to tugs, barges, cargo vessels, commercial passenger vessels, fishing vessels, and processing vessels. [2000 c 11 s 102; 1996 c 36 s 1; 1993 c 244 s 18; 1984 c 183 s 1; 1983 2nd ex.s. c 3 s 48. Formerly RCW 88.12.155, 88.12.130, and 88.02.080.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.210 Casualty and accident reports—Confidentiality—Use as evidence. (1) All reports made to the commission pursuant to RCW 79A.60.200 and 79A.05.310 shall be without prejudice to the person

who makes the report and shall be for the confidential usage of governmental agencies, except as follows:

(a) Statistical information which shall be made public;

(b) The names and addresses of the operator and owner and the registration number or name of the vessel as documented which was involved in an accident or casualty and the names and addresses of any witnesses which, if reported, shall be disclosed upon written request to any person involved in a reportable accident, or, for a reportable casualty, to any member of a decedent's family or the personal representatives of the family.

(2) A report made to the commission pursuant to RCW 79A.60.200 and 79A.05.310 or copy thereof shall not be used in any trial, civil or criminal, arising out of an accident or casualty, except that solely to prove a compliance or failure to comply with the report requirements of RCW 79A.60.200 and 79A.05.310, a certified statement which indicates that a report has or has not been made to the commission shall be provided upon demand to any court or upon written request to any person who has or claims to have made a report. [1999 c 249 s 1502; 1984 c 183 s 3. Formerly RCW 88.12.165, 88.12.140, and 43.51.402.]

Severability—1999 c 249: See note following RCW 79A.05.010.

RCW 79A.60.220 Boating accident reports by local government agencies—Investigation—Report of coroner. Law enforcement authorities, fire departments, or search and rescue units of any city or county government shall provide to the commission a report, prepared by the local government agency regarding any boating accident occurring within their jurisdiction resulting in a death or injury requiring hospitalization. Such report shall be provided to the commission within ten days of the occurrence of the accident. The results of any investigation of the accident conducted by the city or county governmental agency shall be included in the report provided to the commission. At the earliest opportunity, but in no case more than forty-eight hours after becoming aware of an accident, the agency shall notify the commission of the accident. The commission shall have authority to investigate any boating accident. The results of any investigation conducted by the commission shall be made available to the local government for further processing. This provision does not eliminate the requirement for a boating accident report by the operator required under RCW 79A.60.200.

The report of a county coroner, or any public official assuming the functions of a coroner, concerning the death of any person resulting from a boating accident, shall be submitted to the commission within one week of completion. Information in such report may be, together with information in other such reports, incorporated into the state boating accident report provided for in RCW 79A.05.310(4), and shall be for the confidential usage of governmental agencies as provided in RCW 79A.60.210. [1999 c 249 s 1503; 1987 c 427 s 1. Formerly RCW 88.12.175, 88.12.150, and 43.51.403.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Boating accidents and boating safety services—Study—Report—1987 c 427: "The parks and recreation commission shall conduct a study of

boating accidents and boating safety services in Washington including a review of how the local option tax for funding of boating safety enforcement is used. Further the parks and recreation commission shall develop recommendations to address identified problems and report these recommendations to the legislature by January 2, 1988." [1987 c 427 s 4.]

RCW 79A.60.230 Vessels adrift—Owner to be notified. Any person taking up any vessel found adrift, and out of the custody of the owner, in waters of this state, shall forthwith notify the owner thereof, if to him or her known, or if upon reasonable inquiry he or she can ascertain the name and residence of the owner, and request such owner to pay all reasonable charges, and take such vessel away. [1993 c 244 s 19; Code 1881 s 3242; 1854 p 386 s 1; RRS s 9891. Formerly RCW 88.12.185, 88.12.160, and 88.20.010.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.240 Notice—Contents—Service. Such notice as is required by RCW 79A.60.230 shall be given personally, or in writing; if in writing, it shall be served upon the owner, or may be sent by mail to the post office where such owner usually receives his or her letters. Such notice shall inform the party where the vessel was taken up, and where it may be found, and what amount the taker-up or finder demands for his or her charges. [1999 c 249 s 1504; 1993 c 244 s 20; Code 1881 s 3243; 1854 p 386 s 2; RRS s 9892. Formerly RCW 88.12.195, 88.12.170, and 88.20.020.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.250 Posting of notice. (1) In all cases where the notice required by RCW 79A.60.230 is not given personally, it shall be the duty of the taker-up to post up at the post office nearest the place where such vessel may be taken up, a written notice of the taking up of such vessel. The written notice shall contain a description of the vessel, with the name, if any is painted thereon, also the place where taken up, the place where the property may be found, and the charge for taking the same up.

(2) If the taker-up is traveling upon waters of the state, such notice shall additionally be posted up at the first post office he or she shall pass after the taking up.

(3) In all cases, the person who took up the vessel shall at the time when, and place where, he or she posts up such notice, also mail a copy of such notice, directed to the postmaster of each post office on waters of the state, and within fifty miles of the place where such vessel is taken up. [1999 c 249 s 1505; 1993 c 244 s 21; Code 1881 s 3244; 1854 p 386 s 3; RRS s 9893. Formerly RCW 88.12.205, 88.12.180, and 88.20.030.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.260 Compensation—Liability on failure to give notice. Every person taking up any vessel so found adrift, and giving the notice herein required, shall be entitled to receive from the owner claiming the property, a reasonable compensation for his or her time, services, expenses, and risk in taking up said property, and take notice of the same, to be settled by agreement between the parties. In case the person has not, within ten days after the taking up, substantially complied with the provisions of this chapter in giving the notice, the person shall be entitled to no compensation, but he or she shall be liable to all damages the owner may have suffered, and be also liable to the owner for the value of the use of the vessel, from the time of taking it up until the same is delivered to the owner. [1993 c 244 s 22; Code 1881 s 3245; 1854 p 386 s 4; RRS s 9894. Formerly RCW 88.12.215, 88.12.190, and 88.20.040.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.270 Disputed claims—Trial—Bond. In case the parties cannot agree on the amount to be paid the taker-up, or the ownership, and the sum claimed is less than one thousand dollars, the owner may file a complaint, setting out the facts, and the judge, on hearing, shall decide the same with a jury, or not, and in the same manner as is provided in ordinary civil actions before a district judge. If the amount claimed by the taker-up is more than one thousand dollars, the owner shall file his or her complaint in the superior court of the county where the property is, and trial shall be had as in other civil actions; but if the taker-up claims more than one thousand dollars, and a less amount is awarded him or her, he or she shall be liable for all the costs in the superior court; and in all cases where the taker-up shall recover a less amount than has been tendered him or her by the owner or claimant, previous to filing his or her complaint, he or she shall pay the costs before the district judge or in the superior court: PROVIDED, That in all cases the owner, after filing his or her complaint before a district judge, shall be entitled to the possession of the vessel, upon giving bond, with security to the satisfaction of the judge, in double the amount claimed by the taker-up. When the complaint is filed in the superior court, the clerk thereof shall approve the security of the bond. The bond shall be conditioned to pay such costs as shall be awarded to the finder or taker-up of such vessel. [1993 c 244 s 23; 1987 c 202 s 248; Code 1881 s 3246; 1854 p 386 s 5; RRS s 9895. Formerly RCW 88.12.218, 88.12.200, and 88.20.050.]

Intent—1993 c 244: See note following RCW 79A.60.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 79A.60.280 Liability for excessive or negligent use. In case the taker-up shall use the vessel, more than is necessary to put it into a place of safety, he or she shall be liable to the owner for such use, and for all damage; and in case it shall suffer injury from

his or her neglect to take suitable care of it, he or she shall be liable to the owner for all damage. [1993 c 244 s 24; Code 1881 s 3247, part; 1854 p 387 s 6; RRS s 9896, part. FORMER PART OF SECTION: Code 1881 s 3247, part. Now codified as RCW 88.20.070. Formerly RCW 88.12.222, 88.12.210, and 88.20.060.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.290 Unclaimed vessel—Procedure. In case such vessel is of less value than one hundred dollars, and is not claimed within three months, the taker-up may apply to a district judge of the district where the property is, who, upon being satisfied that due notice has been given, and that the owner cannot, with reasonable diligence be found, shall order the vessel to be sold, and after paying the taker-up such sum as he or she shall be entitled to, and the costs, the balance shall be paid the county treasurer as is provided in the case of the sale of estrays. In case the vessel exceeds one hundred dollars, and is not claimed within six months, application shall be made to the superior court of the county, and the same proceeding shall be thereupon had. All sales made under this section shall be conducted as sales of personal property on execution. [1993 c 244 s 25; 1987 c 202 s 249; Code 1881 s 3247, part; 1854 p 387 s 7; RRS s 9896, part. Formerly RCW 88.12.225, 88.12.220, 88.20.070, and 88.20.060, part.]

Intent—1993 c 244: See note following RCW 79A.60.010.

Intent—1987 c 202: See note following RCW 2.04.190.

RCW 79A.60.300 Vessels secured pursuant to chapter 79A.65 RCW. The provisions of RCW 79A.60.230 through 79A.60.290 do not apply to vessels secured pursuant to chapter 79A.65 RCW. [2000 c 11 s 103; 1994 c 51 s 8. Formerly RCW 88.12.227.]

RCW 79A.60.400 Vessels carrying passengers for hire on whitewater rivers—Purpose. The purpose of RCW 79A.60.440 through 79A.60.480 is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of vessels carrying passengers for hire on the whitewater rivers of this state. [2000 c 11 s 104; 1993 c 244 s 26; 1986 c 217 s 1. Formerly RCW 88.12.230 and 91.14.005.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.410 Vessels carrying passengers for hire on whitewater rivers—Whitewater river outfitter's license required. (1) No person shall act in the capacity of a paid whitewater river outfitter, or advertise in any newspaper or magazine or any other trade publication, or represent himself or herself as a whitewater river outfitter in the state, without first obtaining a whitewater river outfitter's license from the department of licensing in accordance with RCW 79A.60.480.

(2) Every whitewater river outfitter's license must, at all times, be conspicuously placed on the premises set forth in the license. [2000 c 11 s 105; 1997 c 391 s 2. Formerly RCW 88.12.232.]

Effective date—1997 c 391 ss 2, 4, 5, 7, and 8: "Sections 2, 4, 5, 7, and 8 of this act take effect January 1, 1998." [1997 c 391 s 12.]

RCW 79A.60.420 Vessels carrying passengers for hire on whitewater rivers—Conduct constituting misdemeanor. Except as provided in RCW 79A.60.480, the commission of a prohibited act or the omission of a required act under RCW 79A.60.430 through 79A.60.480 constitutes a misdemeanor, punishable as provided under RCW 9.92.030. [2000 c 11 s 106; 1997 c 391 s 3; 1993 c 244 s 27. Formerly RCW 88.12.235.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.430 Vessels carrying passengers for hire on whitewater rivers—Safety requirements. (1) While carrying passengers for hire on whitewater rivers in this state, the licensed whitewater river outfitter shall comply with the following requirements at the beginning of every trip:

(a) If using inflatable vessels, use only vessels with three or more separate air chambers;

(b) Ensure that all passengers are wearing a securely fastened United States coast guard-approved type V personal flotation device of the proper size, and that all guides are wearing a securely fastened United States coast guard-approved type III or type V personal flotation device;

(c) Ensure that a spare United States coast guard-approved type III or type V personal flotation device in good repair is accessible to all vessels on each trip;

(d) Ensure that each vessel has on it a bagged throwable line with a floating line and bag;

(e) Ensure that each vessel has accessible an adequate first aid kit;

(f) Ensure that each vessel has a spare propelling device;

(g) Ensure that a repair kit and air pump are accessible to inflatable vessel;

(h) Ensure that equipment to prevent and treat hypothermia is accessible to all vessels on a trip; and

(i) Ensure that each vessel is operated by a guide who has complied with the requirements of subsection (2) of this section.

(2) No person may act as a guide unless the individual is at least eighteen years of age and has:

(a) Successfully completed a lifesaving training course meeting standards adopted by the commission;

(b) Completed a program of guide training on whitewater rivers, conducted by a guide instructor, which program must run for a minimum of fifty hours on a whitewater river and must include at least the following elements:

(i) Equipment preparation and boat rigging;

(ii) Reading river characteristics including currents, eddies, rapids, and hazards;

(iii) Methods of scouting and running rapids;

(iv) River rescue techniques, including emergency procedures and equipment recovery; and

(v) Communications with clients, including paddling and safety instruction; and

(c) Completed at least one trip on an entire section of whitewater river before carrying passengers for hire in a vessel on any such section of whitewater river.

(3) A guide instructor must have traveled at least one thousand five hundred river miles, seven hundred fifty of which must have been while acting as a guide.

(4) Any person conducting guide training on whitewater rivers shall, upon request of a guide trainee, issue proof of completion to the guide completing the required training program. [1997 c 391 s 4; 1993 c 244 s 30; 1986 c 217 s 6. Formerly RCW 88.12.245, 88.12.280, and 91.14.050.]

Effective date—1997 c 391 ss 2, 4, 5, 7, and 8: See note following RCW 79A.60.410.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.440 Vessels carrying passengers for hire on whitewater rivers—Operation of vessel—Exemptions. (1) No person may operate any vessel carrying passengers for hire on whitewater rivers in a manner that interferes with other vessels or with the free and proper navigation of the rivers of this state.

(2) Every operator of a vessel carrying passengers for hire on whitewater rivers shall at all times operate the vessel in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No vessel carrying passengers for hire on whitewater rivers may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the vessel and other existing operating conditions. In the case of inflatable vessels, safe carrying capacity in whitewater shall be considered as less than the United States coast guard capacity rating for each vessel. This subsection shall not apply in cases of an unexpected emergency on the river.

(4) Individuals licensed under chapter 77.32 RCW and acting as fishing guides are exempt from RCW 79A.60.420 and 79A.60.460 through 79A.60.480. [2000 c 11 s 107; 1993 c 244 s 28; 1986 c 217 s 3. Formerly RCW 88.12.250 and 91.14.020.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.450 Vessels carrying passengers for hire on whitewater rivers—Use of alcohol prohibited—Vessel to be accompanied by vessel with licensed outfitter. (1) Whitewater river outfitters and guides on any trip carrying passengers for hire on whitewater rivers of the state shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any vessel carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other vessel being operated by a licensed whitewater river outfitter or a guide under the direction or control of a licensed whitewater river outfitter. [1997 c 391 s 5; 1993 c 244 s 31; 1986 c 217 s 7. Formerly RCW 88.12.255, 88.12.290, and 91.14.060.]

Effective date—1997 c 391 ss 2, 4, 5, 7, and 8: See note following RCW 79A.60.410.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.460 Vessels carrying passengers for hire on whitewater rivers—Rights-of-way. (1) Except as provided in subsection (2) of this section, vessels on whitewater rivers proceeding downstream have the right-of-way over vessels proceeding upstream.

(2) In all cases, vessels not under power proceeding downstream on whitewater rivers have the right-of-way over motorized craft underway. [1993 c 244 s 29; 1986 c 217 s 4. Formerly RCW 88.12.260 and 91.14.030.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.470 Vessels carrying passengers for hire on whitewater rivers—Designation of whitewater river sections.

Whitewater river sections include but are not limited to:

- (1) Green river above Flaming Geyser state park;
- (2) Klickitat river above the confluence with Summit creek;
- (3) Methow river below the town of Carlton;
- (4) Sauk river above the town of Darrington;
- (5) Skagit river above Bacon creek;
- (6) Suiattle river;
- (7) Tieton river below Rimrock dam;
- (8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;
- (9) Wenatchee river above the Wenatchee county park at the town of Monitor;
- (10) White Salmon river; and
- (11) Any other section of river designated a "whitewater river section" by the commission under RCW 79A.60.495. [2000 c 11 s 108; 1997 c 391 s 6; 1986 c 217 s 8. Formerly RCW 88.12.265, 88.12.300, and 91.14.070.]

RCW 79A.60.480 Vessels carrying passengers for hire on whitewater rivers—Whitewater river outfitter's license—Application—Fees—Insurance—Penalties—State immune from civil actions arising from licensure. (1) The department of licensing may issue a whitewater river outfitter's license to an applicant who submits a completed application, pays the required fee, and complies with the requirements of this section.

(2) An applicant for a whitewater river outfitter's license shall make application upon a form provided by the department of licensing.

The form must be submitted annually and include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the applicant;

(b) Certification that all employees, subcontractors, or independent contractors hired as guides meet training standards under RCW 79A.60.430 before carrying any passengers for hire;

(c) Proof that the applicant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the applicant and the applicant's employees that result in bodily injury or property damage. All guides must be covered by the applicant's insurance policy;

(d) Certification that the applicant will maintain the insurance for a period of not less than one year from the date of issuance of the license; and

(e) Certification by the applicant that for a period of not less than twenty-four months immediately preceding the application the applicant:

(i) Has not had a license, permit, or certificate to carry passengers for hire on a river revoked by another state or by an agency of the government of the United States due to a conviction for a violation of safety or insurance coverage requirements no more stringent than the requirements of this chapter; and

(ii) Has not been denied the right to apply for a license, permit, or certificate to carry passengers for hire on a river by another state.

(3) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(4) Any person advertising or representing himself or herself as a whitewater river outfitter who is not currently licensed is guilty of a gross misdemeanor.

(5) The department of licensing shall submit annually a list of licensed persons and companies to the department of commerce, tourism promotion division.

(6) If an insurance company cancels or refuses to renew insurance for a licensee, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the licensee that on the effective date of termination the department of licensing will suspend the license unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may sanction a license under RCW 18.235.110 if the licensee fails to maintain in full force and effect the insurance required by this section.

(7) The state of Washington shall be immune from any civil action arising from the issuance of a license under this section. [2023 c 470 s 2126; 2002 c 86 s 327; 2000 c 11 s 109; 1997 c 391 s 7; 1995 c 399 s 216; 1986 c 217 s 11. Formerly RCW 88.12.275, 88.12.320, and 91.14.090.]

Explanatory statement—2023 c 470: See note following RCW 10.99.030.

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective date—1997 c 391 ss 2, 4, 5, 7, and 8: See note following RCW 79A.60.410.

RCW 79A.60.485 Vessels carrying passengers for hire on whitewater rivers—Rules to implement RCW 79A.60.480—Fees. The department of licensing may adopt and enforce such rules, including the setting of fees, as may be consistent with and necessary to implement RCW 79A.60.480. The fees must approximate the cost of administration. The fees must be deposited in the business and professions account created in RCW 43.24.150. [2011 c 298 s 35; 2000 c 11 s 110; 1997 c 391 s 9. Formerly RCW 88.12.276.]

Purpose—Intent—Agency transfer—Contracting—Effective date—2011 c 298: See notes following RCW 19.02.020.

RCW 79A.60.490 Vessels carrying passengers for hire on whitewater rivers—License sanction for certain convictions. Within five days after conviction for any of the provisions of RCW 79A.60.430 through 79A.60.480, the court shall forward a copy of the judgment to the department of licensing. After receiving proof of conviction, the department of licensing may sanction the license of any whitewater river outfitter under RCW 18.235.110. Proof of compliance with all licensing requirements and correction of the violation under which the whitewater river outfitter was convicted may be considered by the department as mitigating factors when taking disciplinary action. [2002 c 86 s 328; 2000 c 11 s 111; 1997 c 391 s 8. Formerly RCW 88.12.278.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

Effective date—1997 c 391 ss 2, 4, 5, 7, and 8: See note following RCW 79A.60.410.

RCW 79A.60.495 Designation as whitewater river—Rules—Schedule of fines. The commission shall adopt rules that designate as whitewater rivers all sections of rivers with at least one class III rapid or greater, as described in the American Whitewater Affiliation's whitewater safety code. The commission is authorized to consider the imposition of a schedule of fines for minor violations. [1997 c 391 s 10. Formerly RCW 88.12.279.]

RCW 79A.60.498 Uniform regulation of business and professions act. The uniform regulation of business and professions act, chapter 18.235 RCW, governs unlicensed practice, the issuance and denial of licenses, and the discipline of licensees under this chapter. [2002 c 86 s 329.]

Effective dates—2002 c 86: See note following RCW 18.08.340.

Part headings not law—Severability—2002 c 86: See RCW 18.235.902 and 18.235.903.

RCW 79A.60.500 Uniform waterway marking system. The parks and recreation commission is hereby directed to develop and adopt rules establishing a uniform waterway marking system for waters of the state not serviced by such a marking system administered by the federal government. Such system shall be designed to provide for standardized waterway marking buoys, floats, and other waterway marking devices which identify or specify waterway hazards, vessel traffic patterns, and similar information of necessity or use to boaters. Any new or replacement waterway marking buoy, float, or device installed by a unit of local government shall be designed and installed consistent with rules adopted by the parks and recreation commission pursuant to this section. [1987 c 427 s 3. Formerly RCW 88.12.285, 88.12.350, and 43.51.404.]

RCW 79A.60.510 Findings—Sewage disposal initiative established—Boater environmental education—Waterway access facilities. The legislature finds that the waters of Washington state provide a unique and valuable recreational resource to large and growing numbers of boaters. Proper stewardship of, and respect for, these waters requires that, while enjoying them for their scenic and recreational benefits, boaters must exercise care to assure that such activities do not contribute to the despoliation of these waters, and that watercraft be operated in a safe and responsible manner. The legislature has specifically addressed the topic of access to clean and safe waterways by requiring the 1987 boating safety study and by establishing the Puget Sound partnership.

The legislature finds that there is a need to educate Washington's boating community about safe and responsible actions on our waters and to increase the level and visibility of the enforcement of boating laws. To address the incidence of fatalities and injuries due to recreational boating on our state's waters, local and state efforts directed towards safe boating must be stimulated. To provide for safe waterways and public enjoyment, portions of the watercraft excise tax and boat registration fees should be made available for boating safety and other boating recreation purposes.

In recognition of the need for clean waterways, and in keeping with the Puget Sound partnership's water quality work plan, the legislature finds that adequate opportunities for responsible disposal of boat sewage must be made available. There is hereby established a five-year initiative to install sewage pumpout or sewage dump stations at appropriate marinas.

To assure the use of these sewage facilities, a boater environmental education program must accompany the five-year

initiative and continue to educate boaters about boat wastes and aquatic resources.

The legislature also finds that, in light of the increasing numbers of boaters utilizing state waterways, a program to acquire and develop sufficient waterway access facilities for boaters must be undertaken.

To support boating safety, environmental protection and education, and public access to our waterways, the legislature declares that a portion of the income from boating-related activities, as specified in RCW 82.49.030 and 88.02.650, should support these efforts. [2011 c 171 s 117; 2007 c 341 s 57; 1999 c 249 s 1506; 1989 c 393 s 1. Formerly RCW 88.12.295, 88.12.360, and 88.36.010.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Effective date—2007 c 341: See RCW 90.71.907.

Severability—1999 c 249: See note following RCW 79A.05.010.

RCW 79A.60.520 Identification and designation of polluted and environmentally sensitive areas. The commission, in consultation with the departments of ecology, fish and wildlife, natural resources, social and health services, and the Puget Sound partnership shall conduct a literature search and analyze pertinent studies to identify areas which are polluted or environmentally sensitive within the state's waters. Based on this review the commission shall designate appropriate areas as polluted or environmentally sensitive, for the purposes of chapter 393, Laws of 1989 only. [2007 c 341 s 56; 1999 c 249 s 1507; 1994 c 264 s 81; 1989 c 393 s 3. Formerly RCW 88.12.305, 88.12.380, and 88.36.030.]

Effective date—2007 c 341: See RCW 90.71.907.

Severability—1999 c 249: See note following RCW 79A.05.010.

RCW 79A.60.530 Designation of marinas, boat launches, or boater destinations for installation of sewage pumpout or dump units. (1) A marina which meets one or more of the following criteria shall be designated by the commission as appropriate for installation of a sewage pumpout or dump unit:

(a) The marina is located in an environmentally sensitive or polluted area; or

(b) The marina has one hundred twenty-five slips or more and there is a lack of sewage pumpout or dump units within a reasonable distance.

(2) In addition to subsection (1) of this section, the commission may at its discretion designate a marina as appropriate for installation of a sewage pumpout or dump unit if there is a demonstrated need for a sewage pumpout or dump unit at the marina based on professionally conducted studies undertaken by federal, state, or local government, or the private sector; and it meets the following criteria:

(a) The marina provides commercial services, such as sales of food, fuel or supplies, or overnight or live-aboard moorage opportunities;

(b) The marina is located at a heavily used boating destination or on a heavily traveled route, as determined by the commission; or

(c) There is a lack of adequate sewage pumpout or dump unit capacity within a reasonable distance.

(3) Exceptions to the designation made under this section may be made by the commission if no sewer, septic, water, or electrical services are available at the marina.

(4) In addition to marinas, the commission may designate boat launches or boater destinations as appropriate for installation of a sewage pumpout or dump unit based on the criteria found in subsections (1) and (2) of this section. [1993 c 244 s 32; 1989 c 393 s 4. Formerly RCW 88.12.315, 88.12.390, and 88.36.040.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.540 Contracts for financial assistance—Ownership of sewage pumpout or dump unit—Ongoing costs. (1) Marinas and boat launches designated as appropriate for installation of a sewage pumpout or dump unit under RCW 79A.60.530 shall be eligible for funding support for installation of such facilities from funds specified in RCW 79A.60.590. The commission shall notify owners or operators of all designated marinas and boat launches of the designation, and of the availability of funding to support installation of appropriate sewage disposal facilities. The commission shall encourage the owners and operators to apply for available funding.

(2) The commission shall seek to provide the most cost-efficient and accessible facilities possible for reducing the amount of boat waste entering the state's waters. The commission shall consider providing funding support for portable pumpout facilities in this effort.

(3) The commission shall contract with, or enter into an interagency agreement with another state agency to contract with, applicants based on the criteria specified below:

(a) (i) Contracts may be awarded to publicly owned, tribal, or privately owned marinas or boat launches.

(ii) Contracts may provide for state reimbursement to cover eligible costs as deemed reasonable by commission rule. Eligible costs include purchase, installation, or major renovation of the sewage pumpout or dump units, including sewer, water, electrical connections, and those costs attendant to the purchase, installation, and other necessary appurtenances, such as required pier space, as determined by the commission.

(iii) Ownership of the sewage pumpout or dump unit will be retained by the state through the commission in privately owned marinas. Ownership of the sewage pumpout or dump unit in publicly owned marinas will be held by the public entity.

(iv) Operation, normal and expected maintenance, and ongoing utility costs will be the responsibility of the contract recipient. The sewage pumpout or dump unit shall be kept in operating condition and available for public use at all times during operating hours of the facility, excluding necessary maintenance periods.

(v) The contract recipient agrees to allow the installation, existence and use of the sewage pumpout or dump unit by granting an irrevocable license for a minimum of ten years at no cost to the commission.

(b) Contracts awarded pursuant to (a) of this subsection shall be subject, for a period of at least ten years, to the following conditions:

(i) Any contract recipient entering into a contract under this section must allow the boating public access to the sewage pumpout or dump unit during operating hours.

(ii) The contract recipient must agree to monitor and encourage the use of the sewage pumpout or dump unit, and to cooperate in any related boater environmental education program administered or approved by the commission.

(iii) The contract recipient must agree not to charge a fee for the use of the sewage pumpout or dump unit.

(iv) The contract recipient must agree to arrange and pay a reasonable fee for a periodic inspection of the sewage pumpout or dump unit by the local health department or appropriate authority.

(v) Use of a free sewage pumpout or dump unit by the boating public shall be deemed to be included in the term "outdoor recreation" for the purposes of chapter 4.24 RCW. [2000 c 11 s 112; 1993 c 244 s 33; 1989 c 393 s 5. Formerly RCW 88.12.325, 88.12.400, and 88.36.050.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.550 Development by department of ecology of design, installation, and operation of sewage pumpout and dump units—Rules. The department of ecology, in consultation with the commission, shall, for initiation of the statewide program only, develop criteria for the design, installation, and operation of sewage pumpout and dump units, taking into consideration the ease of access to the unit by the boating public. The department of ecology may adopt rules to administer the provisions of this section. [1993 c 244 s 34; 1989 c 393 s 6. Formerly RCW 88.12.335, 88.12.410, and 88.36.060.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.560 Boater environmental education program. The commission shall undertake a statewide boater environmental education program concerning the effects of boat wastes. The boater environmental education program shall provide informational materials on proper boat waste disposal methods, environmentally safe boat maintenance practices, locations of sewage pumpout and dump units, and boat oil recycling facilities. [1993 c 244 s 35; 1989 c 393 s 7. Formerly RCW 88.12.345, 88.12.420, and 88.36.070.]

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.570 Grants for environmental education or boat waste management planning. The commission shall award grants to local government entities for boater environmental education or boat waste management planning. Grants shall be allocated according to criteria

developed by the commission. [1989 c 393 s 8. Formerly RCW 88.12.355, 88.12.430, and 88.36.080.]

RCW 79A.60.580 Review of programs by commission. The commission shall, in consultation with interested parties, review progress on installation of sewage pumpout and dump units, the boater environmental education program, and the boating safety program. [1999 c 249 s 1508; 1993 c 244 s 36; 1989 c 393 s 9. Formerly RCW 88.12.365, 88.12.440, and 88.36.090.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.590 Allocation of funds. The amounts allocated in accordance with *RCW 82.49.030(3) shall be expended upon appropriation in accordance with the following limitations:

(1) Thirty percent of the funds shall be appropriated to the recreation and conservation funding board and be expended for use by state and local government for public recreational waterway boater access and boater destination sites. Priority shall be given to critical site acquisition. The recreation and conservation funding board shall administer such funds as a competitive grants program. The amounts provided for in this subsection shall be evenly divided between state and local governments.

(2) Thirty percent of the funds shall be expended by the commission exclusively for sewage pumpout or dump units at publicly and privately owned marinas as provided for in RCW 79A.60.530 and 79A.60.540.

(3) Twenty-five percent of the funds shall be expended for grants to state agencies and other public entities to enforce boating safety and registration laws and to carry out boating safety programs. The commission shall administer such grant program.

(4) Fifteen percent shall be expended for instructional materials, programs or grants to the public school system, public entities, or other nonprofit community organizations to support boating safety and boater environmental education or boat waste management planning. The commission shall administer this program. [2007 c 241 s 72; 2000 c 11 s 113; 1993 c 244 s 37; 1989 c 393 s 11. Formerly RCW 88.12.375, 88.12.450, and 88.36.100.]

***Reviser's note:** RCW 82.49.030 was amended by 2000 c 103 s 18, deleting subsection (3).

Intent—Effective date—2007 c 241: See notes following RCW 79A.25.005.

Intent—1993 c 244: See note following RCW 79A.60.010.

RCW 79A.60.595 Commission to adopt rules. The commission shall adopt rules as are necessary to carry out all sections of chapter 393, Laws of 1989 except for RCW 79A.60.550 and 82.49.030. The commission shall comply with all applicable provisions of chapter 34.05 RCW in

adopting the rules. [1999 c 249 s 1509; 1989 c 393 s 14. Formerly RCW 88.12.385, 88.12.460, and 88.36.110.]

Severability—1999 c 249: See note following RCW 79A.05.010.

RCW 79A.60.600 Liquid petroleum gas leak warning devices—

Findings. (1) The legislature finds that:

(a) Washington state has the greatest length of marine shoreline miles of the lower forty-eight states;

(b) Such marine waters and the extensive freshwater lakes and rivers of the state provide innumerable recreational opportunities, and support a state recreational vessel population that is one of the largest in the country;

(c) Many of Washington's popular recreational waters are remote from population centers and thus remote from emergency health care facilities;

(d) Washington's climate in the western portion of the state, in which its marine recreational waters lie, is cool and wet for much of the year. Much of the state's recreational vessel activity is conducted in the late fall and winter months in connection with fishing activities. For these reasons the great majority of Washington vessels are equipped with heating devices. These appliances are in use for a much greater portion of the boating season than in other states, and are predominantly fueled by liquid petroleum gas;

(e) Current state and federal standards governing heating and cooking appliances on vessels that are fueled by liquid petroleum gas do not adequately protect against undetected gas leaks. Such gas leaks have led to explosions on Washington waters, causing loss of life and property damage;

(f) The commission coordinates a statewide program of boating safety education to communicate accident prevention information to boaters at risk of fires, explosions, and other hazards, and administers a boating accident reporting program to assess the effectiveness of accident prevention measures.

(2) It is the intent of the legislature to address the state's unique local circumstances regarding inadequate protection of Washington's boaters from undetected leaks of liquid petroleum gas-fueled appliances by incorporating into the boating safety program an intensified boating fire prevention program with special emphasis on preventing fires and carbon monoxide poisoning caused by auxiliary fuels and appliances. [1994 c 151 s 1; 1993 c 469 s 1. Formerly RCW 88.12.500.]

Severability—1993 c 469: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 469 s 7.]

Effective date—1993 c 469: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 17, 1993]." [1993 c 469 s 8.]

RCW 79A.60.610 Recreational boating fire prevention education program. The commission shall undertake a statewide recreational boating fire prevention education program concerning the safe use of marine fuels and electrical systems. The boating fire prevention education program shall provide for the distribution of fire safety materials and decals warning of fire hazards and for educational opportunities to educate boaters on the safety practices needed to operate heaters, stoves, and other appliances in Washington's unique aquatic environment. The commission shall evaluate the boating public's voluntary participation in the program and the program's impact on safe boating. [2006 c 140 s 4; 1994 c 151 s 2. Formerly RCW 88.12.505.]

Short title—2006 c 140: See note following RCW 79A.60.660.

RCW 79A.60.620 Small spill prevention education program. (1) The Washington sea grant program, in consultation with the department of ecology, shall develop and conduct a voluntary spill prevention education program that targets small spills from commercial fishing vessels, ferries, cruise ships, ports, and marinas. Washington sea grant shall coordinate the spill prevention education program with recreational boater education performed by the state parks and recreation commission.

(2) The spill prevention education program shall illustrate ways to reduce oil contamination of bilge water, accidental spills of hydraulic fluid and other hazardous substances during routine maintenance, and reduce spillage during refueling. The program shall illustrate proper disposal of oil and hazardous substances and promote strategies to meet shoreside oil and hazardous substance handling, and disposal needs of the targeted groups. The program shall include a series of training workshops and the development of educational materials. [2000 c 11 s 114; 1991 c 200 s 110. Formerly RCW 90.56.090.]

RCW 79A.60.630 Boating safety education—Commission's duties—Fee—Report to the legislature. (1) The commission shall establish and implement by rule a program to provide required boating safety education. The boating safety education program shall include training on preventing the spread of aquatic invasive species. The boating safety education program shall include educational materials regarding whale watching guidelines and other voluntary and regulatory measures related to whale watching. The program shall be phased in so that all boaters not exempted under RCW 79A.60.640(3) are required to obtain a boater education card by January 1, 2016. To obtain a boater education card, a boater shall provide a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course, or pass an equivalency exam, or provide proof of completion of a course that meets the standard adopted by the commission.

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

(a) Establish a program to be phased over eleven years starting July 1, 2005, with full implementation by January 1, 2016. The period July 1, 2005, through December 31, 2007, will be program development,

boater notification of the new requirements for mandatory education, and processing cards to be issued to individuals having taken an accredited course prior to January 1, 2008. The schedule for phase-in of the mandatory education requirement by age group is as follows:
January 1, 2008 - All boat operators twenty years old and younger;
January 1, 2009 - All boat operators twenty-five years old and younger;
January 1, 2010 - All boat operators thirty years old and younger;
January 1, 2011 - All boat operators thirty-five years old and younger;
January 1, 2012 - All boat operators forty years old and younger;
January 1, 2013 - All boat operators fifty years old and younger;
January 1, 2014 - All boat operators sixty years old and younger;
January 1, 2015 - All boat operators seventy years old and younger;
January 1, 2016 - All boat operators;

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

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

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

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

(f) Establish a fee of ten dollars for the boater education card to fund all commission activities related to the boating safety education program created by chapter 392, Laws of 2005, including the initial costs of developing the program. Any surplus funds resulting from the fees received shall be distributed by the commission as grants to local marine law enforcement programs approved by the commission as provided in RCW 88.02.650;

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

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

(i) Approve and provide accreditation to boating safety education courses offered online; and

(j) Provide a report to the legislature by January 1, 2008, on its progress of implementation of the mandatory education program. [2019 c 293 s 1; 2011 c 171 s 118; 2005 c 392 s 3.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Intent—2005 c 392: "It is the intent of the legislature to establish a boating safety education program that contributes to the reduction of accidents and increases the enjoyment of boating by all operators of all recreational vessels on the waters of this state. Based on the 2003 report to the legislature titled "Recreational

Boating Safety in Washington, A Report on Methods to Achieve Safer Boating Practices," the legislature recognizes that boating accidents also occur in nonmotorized vessels in this state, but, at this time there is no national educational standard for nonmotorized vessels. Therefore, the commission is hereby authorized and directed to work with agencies and organizations representing nonmotorized vessel activities and individuals operating nonmotorized vessels to decrease accidents of operators in these vessels. It is also the intent of the legislature to encourage boating safety education programs that use volunteer and private sector efforts to enhance boating safety and education for operators of nonmotorized vessels to work closely with the state parks and recreation commission in its efforts to reduce all boating accidents in this state." [2005 c 392 s 1.]

RCW 79A.60.640 Requirements to operate motor-driven boats/vessels—Exemptions—Penalty.

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

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

(b) (i) Has in his or her possession a boater education card, unless exempted under subsection (3) of this section; or

(ii) Is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a boater education card, or who is not yet required to possess the card as provided in the program phase in RCW 79A.60.630(2) (a).

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

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

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

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

(c) Any person who is legally engaged in the operation of a vessel that is exempt from vessel registration requirements under

chapter 88.02 RCW and applicable rules and is used for purposes of law enforcement or official government work. However, the person when operating a vessel for recreational purposes must carry a boater education card;

(d) Any person at least twelve years old renting, chartering, or leasing a motor-driven boat or vessel with an engine power of fifteen horsepower or greater who completes a commission-approved motor vessel safety operating and equipment checklist each time before operating the motor-driven boat or vessel, except that an operator of a personal watercraft shall comply with the age requirements under RCW 79A.60.190;

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

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

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

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

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

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

(4) Except as provided in subsection (3)(a) through (i) of this section, a boater must carry a boater education card while operating a vessel and is required to present the boater education card, or alternative license as provided in subsection (3)(a) and (b) of this section, to a law enforcement officer upon request.

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

(6) No person shall permit the rental, charter, or lease of a motor-driven boat or vessel with an engine power of fifteen horsepower or greater to a person without first reviewing with that person, and all other persons who may be permitted by the person to operate the vessel, all the information contained in the motor vessel safety operating and equipment checklist. [2005 c 392 s 4.]

Intent—2005 c 392: See note following RCW 79A.60.630.

RCW 79A.60.650 Boating safety education certification account.

The boating safety education certification account is created in the custody of the state treasurer. All receipts from fees collected for the issuance of a boater education card shall be deposited in the account and shall be used only for the administration of RCW 79A.60.630 and 79A.60.640. Only the state parks and recreation commission may authorize expenditures from the account. The account is

subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2005 c 392 s 5.]

Intent—2005 c 392: See note following RCW 79A.60.630.

RCW 79A.60.660 Operating motor-driven boat or vessel for teak surfing, platform dragging, bodysurfing—Prohibition—Exceptions—Penalty. (1) No person may operate a motor-driven boat or vessel or have the engine of a motor-driven boat or vessel run idle while an individual is teak surfing, platform dragging, or bodysurfing behind the motor-driven boat or vessel.

(2) No person may operate a motor-driven boat or vessel or have the engine of a motor-driven boat or vessel run idle while an individual is occupying or holding onto the swim platform, swim deck, swim step, or swim ladder of the motor-driven boat or vessel.

(3) Subsection (2) of this section does not apply when an individual is occupying the swim platform, swim deck, swim step, or swim ladder for a very brief period of time while assisting with the docking or departure of the vessel, while exiting or entering the vessel, or while the vessel is engaged in law enforcement or emergency rescue activity.

(4) For the purposes of this section, "teak surfing" or "platform dragging" means holding onto the swim platform, swim deck, swim step, swim ladder, or any portion of the exterior of the transom of a motor-driven boat or vessel for any amount of time while the motor-driven boat or vessel is underway at any speed.

(5) For the purposes of this section, "bodysurfing" means swimming or floating on one's stomach or on one's back on or in the wake directly behind a motor-driven boat or vessel that is underway.

(6) A violation of this section is a natural resource infraction punishable as provided under chapter 7.84 RCW, however the fine imposed may not exceed one hundred dollars. [2006 c 140 s 1.]

Short title—2006 c 140: "This act may be known and cited as the Jenda Jones and Denise Colbert safe boating act." [2006 c 140 s 5.]

RCW 79A.60.670 Boating activities program—Boating activities advisory committee—Adoption of rules. (1) The boating activities program is created in the recreation and conservation funding board.

(2) The recreation and conservation funding board shall distribute moneys appropriated from the boating activities account created in RCW 79A.60.690 as follows, or as otherwise appropriated by the legislature, after deduction for the board's expenses in administering the boating activities program and for related studies:

(a) To the commission for boater safety, boater education, boating-related law enforcement activities, activities included in RCW 88.02.650, related administrative expenses, and boating-related environmental programs, such as pumpout stations, to enhance clean waters for boating;

(b) For grants to state agencies, counties, municipalities, port districts, federal agencies, nonprofit organizations, and Indian tribes to improve boating access to water and marine parks, enhance the boater experience, boater safety, boater education, and boating-related law enforcement activities, and to provide funds for boating-

related environmental programs, such as pumpout stations, to enhance clean waters for boating; and

(c) If the amount available for distribution from the boating activities account is equal to or less than two million five hundred thousand dollars per fiscal year, then eighty percent of the amount available must be distributed to the commission for the purposes of (a) of this subsection and twenty percent for grants in (b) of this subsection. Amounts available for distribution in excess of two million five hundred thousand dollars per fiscal year shall be distributed by the board for purposes of (a) and (b) of this subsection.

(3) The recreation and conservation funding board shall establish an application process for boating activities grants.

(4) Agencies receiving grants for capital purposes from the boating activities account shall consider the possibility of contracting with the commission, the department of natural resources, or other federal, state, and local agencies to employ the youth development and conservation corps or other youth crews in completing the project.

(5) To solicit input on the boating activities grant application process, criteria for grant awards, and use of grant moneys, and to determine the interests of the boating community, the recreation and conservation funding board shall solicit input from a boating activities advisory committee. The recreation and conservation funding board may utilize a currently established boating issues committee that has similar responsibility for input on recreational boating-related funding issues. Members of the boating activities advisory committee are not eligible for compensation but may be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(6) The recreation and conservation funding board may adopt rules to implement this section. [2011 c 171 s 119; 2007 c 311 s 2.]

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

RCW 79A.60.680 Study of boater needs—Funding recommendations.

(1) By December 1, 2007, the *interagency committee for outdoor recreation shall complete an initial study of boater needs and make recommendations to the appropriate committees of the legislature on the initial amount of funding that should be provided to the commission for boating-related law enforcement purposes under RCW 79A.60.670(2)(a).

(2) The *interagency committee for outdoor recreation shall periodically update its study of boater needs as necessary and shall make recommendations to the governor and the appropriate committees of the legislature concerning funding allocations to state parks and other grant applicants. [2007 c 311 s 3.]

***Reviser's note:** Chapter 241, Laws of 2007 amended numerous sections of chapter 79A.25 RCW, and changed the name of the "interagency committee for outdoor recreation" to the "recreation and conservation funding board."

RCW 79A.60.690 Boating activities account. The boating activities account is created in the state treasury. Moneys in the

account may be spent only after appropriation. Expenditures from the account may be used only as authorized under RCW 79A.60.670 and 79A.60.680.

Grants, gifts, or other financial assistance received by the *interagency committee for outdoor recreation from state and nonstate sources for purposes of boating activities may be deposited into the account. [2007 c 311 s 1.]

***Reviser's note:** Chapter 241, Laws of 2007 amended numerous sections of chapter 79A.25 RCW, and changed the name of the "interagency committee for outdoor recreation" to the "recreation and conservation funding board."

RCW 79A.60.700 Refusal to submit to certain tests—Not admissible as evidence—Penalty. (1) The refusal of a person to submit to a test of the alcohol concentration, THC concentration, or presence of any drug in the person's blood or breath is not admissible into evidence at a subsequent criminal trial.

(2) A person's refusal to submit to a test or tests pursuant to RCW 79A.60.040(4)(a) constitutes a class 1 civil infraction under RCW 7.80.120. [2014 c 132 s 2; 2013 c 278 s 2.]

RCW 79A.60.710 Vessels for hire—Requirements—Application of section—Penalty. (1) No person who has vessels for hire, or the agent or employee thereof, shall rent, lease, charter, or otherwise permit the use of a vessel, unless the person:

- (a) Displays the vessel registration numbers and a valid decal on the vessel hull as required by RCW 88.02.550(1);
- (b) Keeps a copy of the vessel registration certificate aboard the vessel, in compliance with RCW 88.02.340;
- (c) Displays a carbon monoxide decal on the vessel as required by RCW 88.02.390(2) if the vessel is motor-driven and is not a personal watercraft;
- (d) Provides a copy of the rental agreement to be kept aboard during the rental, lease, charter, or use period for vessels required under chapter 88.02 RCW to be registered;
- (e) Ensures that the vessel, if motor-propelled, meets the muffler or underwater exhaust system requirement in RCW 79A.60.130;
- (f) Outfits the vessel with the quantity and type of personal flotation devices required by RCW 79A.60.140 and 79A.60.160 for the number and ages of the people who will use the vessel;
- (g) Explains the personal flotation device requirements to the person renting, leasing, chartering, or otherwise using the vessel;
- (h) Equips the vessel with a skier-down flag, and explains observer and personal flotation requirements of RCW 79A.60.170, if the persons renting, leasing, chartering, or otherwise using the vessel will be waterskiing;
- (i) If the vessel is a personal watercraft, provides a personal flotation device and a lanyard attached to an engine cutoff switch for the operator to wear at all times when operating the personal watercraft, as required by RCW 79A.60.190;
- (j) Reviews with the person operating the vessel, and all other persons who the operator may permit to operate the vessel, all the information contained in the motor vessel safety operating and

equipment checklist prescribed by the Washington state parks and recreation commission and required under RCW 79A.60.640(6); and

(k) Provides all other safety equipment required by RCW 79A.60.110 and referenced in the motor vessel safety operating and equipment checklist prescribed by the Washington state parks and recreation commission and required under RCW 79A.60.640(6).

(2) This section does not apply to fishing guides and charter boat operators who have a United States coast guard operator's license and are operating on navigable waters, and people who act in the capacity of a paid whitewater river outfitter or guide, or who operate a vessel carrying passengers for hire on whitewater rivers in this state.

(3) As provided in RCW 79A.60.020, a violation of this section is a civil infraction punishable under chapter 7.84 RCW, unless:

(a) The violation is a violation of RCW 88.02.550, which is punished as a class 2 civil infraction; or

(b) The current violation is the person's third violation of the same provision of this chapter during the past three hundred sixty-five days. If it is the person's third violation, then it must be punished as a misdemeanor under RCW 9.92.030. [2013 c 278 s 5.]