Chapter 296-115 WAC
SAFETY REQUIREMENTS FOR CHARTER BOATS

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WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

296-115-001 Foreword. [Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-001, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-001, filed 11/13/80.] Repealed by WSR 08-20-123, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005.

296-115-010 Appeal of decisions. [Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-010, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-010, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-010, filed 11/13/80.] Repealed by WSR 08-20-123, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. Later promulgation, see WAC 296-115-110.

WAC 296-115-005 Scope and purpose. This chapter generally sets requirements according to chapter 88.04 RCW to protect the safety and health of passengers and crew on board charter boats, and provides penalties for violations of these requirements. Specifically, this chapter:

(1) Applies to vessels for hire that carry seven or more passengers when operated in state waters which are not regulated by the United States Coast Guard.

(2) Does not apply to:

(a) Vessels that are charter boats but are being used by the documented or registered owner exclusively for their own noncommercial or personal pleasure purposes;

(b) Vessels owned by people or corporate entities which are donated and used by people or nonprofit organizations to transport passengers for charitable or noncommercial purposes, regardless of whether consideration is directly or indirectly paid to the owner;

(c) Vessels that are rented, leased, or hired by operators to transport passengers for noncommercial or personal pleasure purposes;

(d) Vessels used exclusively for, or incidental to, educational purposes; or

(e) Bare boat charter boats.

(3) Is intended to be consistent with, and prevails in the event of a conflict with, the rules adopted by the United States Coast Guard under 46 C.F.R. Subchapters K and T, in effect at the time the vessel's keel was laid.

(4) **General information:**

All forms and applications related to charter boat operations may be requested from the department or are available on the website at https://lni.wa.gov/licensing-permits/other-licenses-permits/charter-boats.

All correspondence related to charter boat operations may be submitted to:

Department of Labor and Industries
DOSH-Charter Boats
P.O. Box 44616
Olympia, WA 98504-4616; or
Submitted electronically to:
Email: Charterboats@lni.wa.gov

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 26-15-109 (Order 26-05), s 296-115-005, filed 7/21/26, effective 8/21/26. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-005, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-005, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-005, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-24-017 (Order 91-07), § 296-115-005, filed 11/22/91, effective 12/24/91; WSR 91-03-044 (Order 90-18), § 296-115-005, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-005, filed 11/13/80.]

WAC 296-115-015 Definitions. (1) **Approved.** Approved by the assistant director or an authorized representative. However, if a provision of this chapter requires approval by an agency or organization other than the department, such as nationally recognized testing laboratories or the United States Coast Guard, then approval by the specified authority will be accepted.

(2) **Assistant director.** The assistant director of the division of occupational safety and health (DOSH) within the department of labor and industries.

(3) **Authorized person.** A person approved or assigned by the employer to perform a specific type of duty or duties or be at a specific location or locations at the workplace.

(4) **Bare boat charter.** The unconditional lease, rental, or charter of a boat by the owner, or owner's agent, to a person who by written agreement, or contract, assumes all responsibility and liability for the operation, navigation, and provisioning of the boat during the term of the agreement or contract, except when a captain or crew is required or provided by the owner or owner's agents to be hired by the charterer to operate the vessel.

(5) **Carrying passengers or cargo.** The transporting of any person or persons or cargo on a vessel for a fee or other consideration.

(6) **C.F.R.** Code of Federal Regulations.

(7) **Charter boat.** A vessel or barge operating on waters of the state of Washington which is:

(a) Not inspected or licensed by the United States Coast Guard and over which the United States Coast Guard does not exercise jurisdiction; and

(b) Rented, leased, or chartered to carry seven or more persons, or cargo.

(8) **Commercial.** Any activity from which the operator, or the person chartering, renting, or leasing a vessel derives a profit, and/or which qualifies as a legitimate business expense under the Internal Revenue Statutes.

(9) **Competent person.** Someone who is capable of identifying existing and predictable hazards in the surroundings or working conditions that are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt action to eliminate them.

(10) **Confined space.** A space that is all of the following:

(a) Large enough and arranged so that an employee could fully enter the space and perform work; and

(b) Has limited or restricted means for entry or exit. Examples of spaces with limited or restricted entry are tanks, vessels, silos, storage bins, hoppers, vaults, and pits; and

(c) Not primarily designed for human occupancy.

(11) **Consideration.** An economic benefit, inducement, right, or profit including pecuniary payment accruing to an individual, person, or entity, but not including a voluntary sharing of the actual expenses of the voyage, by monetary contribution or donation of fuel, food, beverage, or other supplies.

(12) **Defect.** Any characteristic or condition that tends to weaken or reduce the strength of the tool, object, or structure of which it is a part.

(13) **Department.** The department of labor and industries.

(14) **Employee:**

(a) Someone who is employed in the business of an employer; and

(b) Every person in this state who is working for an employer under an independent contract for personal labor.

(15) **Employer.** Any person, firm, corporation, partnership, business trust, legal representative, or other business entity that operates a passenger vessel for hire in this state and employs one or more employees or contracts with one or more persons for personal labor. Any person, partnership, or business entity that has no employees, and is covered by the Industrial Insurance Act is considered both an employer and an employee.

(16) **Enclosed space.** Any space, other than a confined space, which is enclosed by bulkheads and overhead. It includes cargo holds, tanks, quarters, and machinery and boiler spaces.

(17) **Equipment.** A system, part, or component of a vessel as originally manufactured, or a system, part, or component manufactured or sold for replacement, repair, or improvement of a system, part, or component of a vessel; an accessory or equipment for, or appurtenance to a vessel; or a marine safety article, accessory, or equipment, including radio equipment, intended for use by a person on board a vessel.

(18) **Flammable liquid.** As defined in National Fire Protection Association (NFPA) 306, a liquid that has a closed-cup flash point that is below 37.8°C (100°F) and a maximum vapor pressure of 2,068 mm Hg (40 psia (pounds per square inch absolute) at 37.8°C (100°F)).

(19) **Hazard.** A condition, potential or inherent, that is likely to cause injury, death, or occupational disease.

(20) **Hazardous substance.** A substance that, because it is explosive, flammable, poisonous, corrosive, oxidizing, irritating, or otherwise harmful, is likely to cause death or injury, including all substances listed on the USCG hazardous materials list.

(21) **Inspection.** The examination of vessels by the assistant director or an authorized representative of the assistant director.

(22) **Keel laid.** The date a vessel's keel was laid or the vessel was at a similar stage of construction.

(23) **Maritime safety specialist.** A technical and operations specialist in maritime issues located in the department.

(24) **Master.** The individual having command of the vessel and who is the holder of a valid license that authorizes the individual to serve as master of a small passenger vessel.

(25) **Passenger.** A person carried on board a charter boat except (a) the owner of the vessel or the owner's agent, or (b) the captain and members of the vessel's crew.

(26) **Passenger for hire.** A passenger for whom consideration is contributed as a condition of carriage on the vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or any other person having an interest in the vessel.

(27) **Should.** Recommended.

(28) **Standard safeguard.** A device intended to remove a hazard incidental to the machine, appliance, tool, or equipment to which the device is attached. Standard safeguards must be constructed of either metal, wood, other suitable material, or a combination. The final determination of the sufficiency of any safeguard rests with the assistant director.

(29) **State waters.** All waters within the territorial limits of the state of Washington, and not subject to the jurisdiction of the United States Coast Guard.

(30) **Substantial.** An object is constructed of such strength, material, and workmanship that it will withstand all normal wear, shock, and usage.

(31) **Suitable.** That which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

(32) **Under way.** A vessel is not at anchor, made fast to the shore, or aground.

(33) **USCG.** The United States Coast Guard.

(34) **United States Coast Guard Navigation.** Rules International/Inland, Commandants Instruction M16672.2D as now adopted, or legally amended by the United States Coast Guard.

(35) **Vessel.** Every description of motorized watercraft, other than a bare boat charter boat, seaplane, or sailboat, used or capable of being used to transport seven or more passengers, or cargo, on water for rent, lease, or hire.

(36) **Working day.** A calendar day, except Saturdays, Sundays, and legal holidays as described in RCW 1.16.050. The time within which an act must be done is computed by excluding the first working day and including the last working day.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-015, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-015, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-015, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-015, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-015, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 95-04-007, § 296-115-015, filed

1/18/95, effective 3/1/95; WSR 91-24-017 (Order 91-07), § 296-115-015, filed 11/22/91, effective 12/24/91; WSR 91-03-044 (Order 90-18), § 296-115-015, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-015, filed 11/13/80.]

WAC 296-115-025 Vessel inspection and certification. (1) The department must inspect all vessels subject to this chapter to ensure they are safe and seaworthy at least once each year.

(2) The department may also inspect a vessel:

(a) If requested to do so by the owner, operator, or master of the vessel;

(b) After an explosion, fire, or any other accident involving the vessel;

(c) Upon receipt of a complaint from any person;

(d) At the discretion of the department.

(3) The department will charge the owner of a vessel a fee for each certification or recertification inspection. See WAC 296-115-120 for fee schedule.

(4) No person will operate a passenger or cargo vessel if the vessel does not have a valid certificate of inspection issued by the department.

(5) After inspecting a vessel and determining it is safe and seaworthy and complies with the provisions of this chapter and with the applicable state and federal laws and regulations, the department will issue a certificate of inspection for that vessel. The certificate will be valid for one year from the date of issuance.

(a) The certificate must set forth the date of the inspection;

(b) The names of the vessel and the owner;

(c) The number of lifeboats, if required;

(d) The number of life preservers required;

(e) The number of passengers allowed; and

(f) Any other information the department requires by rule.

(6) Any time a vessel is found to be not safe or seaworthy, or not in compliance with the provisions of this chapter or with the applicable state and federal laws and regulations:

(a) The department shall refuse to issue a certificate of inspection until the deficiencies have been corrected and shall cancel any certificate of inspection currently issued.

(b) The department must give the owner a written statement why the vessel was found to be unsafe, unseaworthy, or not in compliance with the provisions of this chapter or the applicable state and federal laws and regulations, including a specific reference to the statute or rule. The notification will be made on the notice of deficiencies form and signed by the attending maritime inspector.

(7) Department inspectors may, upon presenting their credentials to the owner, master, operator, or agent in charge of a vessel, board the vessel without delay to make an inspection.

(a) Inspectors must inform the owner, master, operator, or agent in charge that their intent is to inspect the vessel.

(b) During the inspection, inspectors must have access to all areas of the vessel. Inspectors may question privately the owner, master, operator, or agent in charge of the vessel, or any crew member of or passenger on the vessel.

(c) If any person refuses to allow inspectors to board a vessel for an inspection, or refuses to allow access to any areas of the ves-

sel, the department may request a warrant from the superior court for the county in which the vessel is located. The court will grant the warrant if:

(i) There is evidence that the vessel has sustained a fire, explosion, unintentional grounding, or has been involved in any other accident;

(ii) There is evidence that the vessel is not safe or seaworthy; or

(iii) The department shows that the inspection furthers a general administrative plan for enforcing the safety requirements of chapter 88.04 RCW, the Charter Boat Safety Act.

(8) The owner or master of a vessel must post the certificate of inspection behind glass or other suitable transparent material in a conspicuous area of the vessel.

(9) Please see WAC 296-115-005(4) for instructions on how to submit documents to the department to request an inspection, submit a complaint, or notify the department of repairs or alterations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-025, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 18-04-096, § 296-115-025, filed 2/6/18, effective 3/9/18; WSR 17-16-132, § 296-115-025, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-025, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-025, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-025, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-025, filed 11/13/80.]

WAC 296-115-030 Master's examination and licensing. (1) The registered owner of passenger vessels or barges for hire is responsible to obtain an operator's license from the United States Coast Guard or the department for the master or operator of each vessel. A physical examination will be required.

(2) The department may recommend suspension or revocation of a license to the United States Coast Guard for intemperance, incompetence, or a negligent, reckless, or willful disregard for duty.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-030, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-030, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-115-030, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-030, filed 11/13/80.]

WAC 296-115-035 Specific inspection requirements. (1) Each passenger vessel subject to the provisions in this section must be drydocked or hauled out at intervals not to exceed sixty months and

the underwater hull and appendages, propellers, shafting, stern bearings, rudders, through-hull fittings, sea valves and strainers must be examined to determine that these items are in satisfactory condition.

(2) At the annual inspection the inspector must:

(a) View the vessel afloat and conduct the following tests and inspections of the hull:

(i) Examine the hull exterior and interior, bulkheads, and weather deck.

(ii) Examine and test by operation all watertight closures in the hull, decks, and bulkheads.

(iii) Inspect all railings and bulwarks and their attachment to the hull.

(iv) Inspect weathertight closures above the weather deck and drainage or water from exposed decks and superstructure.

(b) Examine and test the following items:

(i) Main propulsion machinery.

(ii) Engine starting system.

(iii) Engine control mechanisms.

(iv) Auxiliary machinery.

(v) Fuel systems.

(vi) Sea valves and bulkhead closure valves.

(vii) Bilge and drainage systems.

(viii) Electrical system, including circuit protection.

(c) Inspect the life saving and fire extinguishing equipment for serviceability.

(d) Inspect and test the vessel's steering apparatus, ground tackle, navigation lights, sanitary facilities, pressure vessels, and any other equipment aboard the vessel for serviceability and safety.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-035, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-035, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-035, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-035, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-035, filed 11/13/80.]

WAC 296-115-040 Vessel construction and arrangement. (1) Application.

(a) These requirements apply to all vessels contracted for construction on or after June 7, 1979.

(b) Vessels constructed before the effective date of this chapter must be brought into substantial compliance with the requirements of this section. Where strict compliance is impractical, the assistant director may grant a temporary variance to allow a modification or a permanent variance if the intent of these requirements is met.

(c) The intent of these requirements is to provide for a sound, seaworthy vessel, reasonably fit for the service it is intended to provide, and to ensure that the materials, scantlings, fastenings, and workmanship meet this intent. Primary consideration must be given to the provision of a seaworthy hull, protection against fire, means of escape in case of casualty, guards and rails in hazardous places, ven-

tilation of closed spaces, and necessary facilities for passengers and crew.

(2) Hull structure.

(a) In general, complying with the standards of the United States Coast Guard rules for small passenger vessels or with the standards of a recognized classification society is considered satisfactory evidence of the structural adequacy of a vessel.

(b) Special consideration will be given by the assistant director to materials or structural requirements not specified by the standards of a recognized classification society.

(3) Watertight integrity and subdivision.

(a) All vessels carrying more than 49 passengers must have a collision bulkhead and watertight bulkheads (or sufficient air tankage or other internal flotation) so the vessel will remain afloat (with positive stability) with any one main compartment flooded.

(b) All watertight bulkheads required by this part must be of substantial construction so they remain watertight with water to the top of the bulkhead.

(c) Watertight bulkheads must extend intact to the bulkhead deck. Penetrations must be kept to a minimum and must be watertight.

(d) The weather deck on a flush deck vessel must be watertight and must not obstruct overboard drainage.

(e) Cockpits must be watertight except that companionways may be fitted if they are provided with watertight coamings and weathertight doors. Also, ventilation openings may be provided if they are situated as high in the cockpit as possible and the opening height does not exceed two inches.

(f) Cockpits must be self-bailing. The scuppers installed for this purpose must be located so they are effective considering probable list and trim.

(g) Well decks must be watertight. Freeing ports may be installed if the provisions of applicable United States Coast Guard standards are followed.

(h) Weather deck hatches may be weathertight. All hatches must be provided with covers capable of being secured.

(i) The number of openings in the vessel's sides below the weather deck must be kept to a minimum.

(j) Any openings in a vessel's sides, such as portlights, must comply with applicable United States Coast Guard standards.

(4) Stability.

(a) All charter vessels must have a stability test, unless the assistant director determines that a test is not required because sufficient evidence is provided by the owner that the vessel's stability is satisfactory for the service for which it is intended.

(b) A letter stating that the vessel has met these stability requirements must be posted in the pilothouse of each vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-040, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-040, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-040, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-040, filed 11/13/80.]

WAC 296-115-050 General requirements. (1) Where an existing charter vessel does not meet a particular requirement of this section, the assistant director may grant:

(a) A temporary variance to allow time for modifications to be made.

(b) A permanent variance if the degree of protection afforded is judged to be adequate for the service in which the vessel is used.

(2) Lifesaving equipment required by this section must be approved by the USCG.

(3) The following lifesaving equipment is required:

(a) All vessels carrying passengers must carry life floats or buoyant apparatus for all persons on board.

(i) All life floats or buoyant apparatus must be international orange in color.

(ii) Vessels operating not more than one mile from land are not required to carry life floats or buoyant apparatus.

(iii) Lifeboats, life rafts, dinghies, dories, skiffs, or similar type craft may be substituted for the required life floats or buoyant apparatus if the substitution is approved by the assistant director.

(iv) Life floats, buoyant apparatus, or any authorized substitute must be U.S. Coast Guard approved and have the following equipment:

(A) Two paddles or oars not less than four feet in length.

(B) A painter of at least one-half inch diameter and 30 feet in length.

(b) All vessels must have a USCG-approved adult life preserver for the number of people the vessel is certified to carry, with at least 10 percent additional of a type suitable for children or greater number to provide a life jacket for each child-sized person on board.

(i) Life preservers must be stowed in readily accessible places in the upper part of the vessel; and

(ii) Each life preserver must be marked with the vessel's name.

(c) All vessels must carry in a readily accessible location at least one ring life buoy of an approved type with 60 feet of buoyant line attached. The ring life buoy must:

(i) Be ready to cast loose at any time; and

(ii) Have a floating water light, unless operation is limited to daytime.

(4) Fire protection general.

(a) The general construction of a vessel must minimize fire hazards.

(b) Internal combustion engine exhausts, boiler and galley uptakes, and similar sources of ignition must be kept clear of and suitably insulated from woodwork or other combustible material.

(c) Lamp, paint, and oil lockers and similar storage areas for flammable liquids must be constructed of metal or lined with metal.

(5) Fire protection equipment. Equipment required to be of an approved type must be approved by the USCG or other agency acceptable to the director.

(a) Fire pumps.

(i) All vessels carrying more than 49 passengers must carry an approved power fire pump capable of reaching any part of the vessel.

(ii) All other vessels must carry an approved hand fire pump. These pumps must be provided with a suitable suction and discharge hose, and may also serve as bilge pumps.

(b) Fixed fire extinguishing system.

(i) The following vessels must have a fixed fire extinguishing system to protect the machinery and fuel tank spaces:

(A) Those powered by internal combustion engines using gasoline or other fuel having a flashpoint of 110°F or lower; and

(B) Those with hulls constructed of fiber-reinforced plastic (FRP) or wood.

(ii) This system must be an approved type and have a capacity sufficient to protect the space.

(iii) Controls for the fixed system must be installed in an accessible location outside the space protected.

(iv) A device must be provided to automatically shut down power ventilation serving the protected space and engines that draw intake air from the protected space prior to release of the extinguishing agent into the space.

(c) Fire axe. A vessel of more than 19.8 meters (65 feet) in length must have at least one fire axe located in or adjacent to the primary operating station.

(d) Portable fire extinguishers.

(i) All vessels must have a minimum number of portable fire extinguishers of an approved size and type. The number required will be determined by Table 1, Portable Fire Extinguishers.

(ii) Portable fire extinguishers must be inspected at least once a month. Extinguishers found defective must be serviced or replaced.

(iii) Portable fire extinguishers must be serviced at least once a year. The required service must consist of discharging and recharging foam and dry chemical extinguishers and weighing and inspecting carbon dioxide extinguishers.

(iv) Portable fire extinguishers must be hydrostatically tested at intervals not to exceed those specified in WAC 296-800-300 in the safety and health core rules.

(v) Portable fire extinguishers of the vaporizing liquid type such as carbon tetrachloride and other toxic vaporizing liquids are prohibited and must not be carried on any vessel.

(vi) Portable fire extinguishers must be mounted in brackets or hangers near the space protected. The location must be marked in a manner satisfactory to the assistant director.

Table 1
Portable Fire Extinguishers

		Type Extinguisher Permitted		
Space Protected	**Minimum # Required**	**CG Class**	**Medium**	**Minimum Size**
Operating station	1	B-I, C-I	Halon CO_2 Dry chemical	2.5 lb. 4 lb. 2 lb.
Machinery space	1 Located just outside exit	B-II, C-II	CO_2 Dry chemical	15 lb. 10 lb.
Open vehicle deck	1 for every 10 vehicles	B-II	Foam Halon CO_2 Dry chemical	2.5 gal. 10 lb. 15 lb. 10 lb.
Accommodation space	1 for each 2,500 sq. ft. or fraction thereof	A-II	Foam Dry chemical	2.5 gal. 10 lb.
Galley, pantry, concession stand	1	A-II, B-II	Foam Dry chemical	2.5 gal. 10 lb.

(6) Means of escape.

(a) All vessels must have at least two avenues of escape from all general areas accessible to the passengers or where the crew may be

quartered or normally employed. The avenues must be located so that if one is not available the other may be. At least one of the avenues should be independent of watertight doors.

(b) One vertical means of escape is acceptable where the length of the compartment is less than 12 feet under the following conditions:

(i) There is no source of fire in the space, such as a galley stove or heater and the vertical escape is remote from the engine and fuel tank space; or

(ii) The arrangement is such that the installation of two means of escape does not materially improve the safety of the vessel or those aboard.

(7) Ventilation.

(a) All enclosed spaces within the vessel must be properly vented or ventilated. Where such openings would endanger the vessel under adverse weather conditions, means must be provided to close them.

(b) All crew and passenger space must be adequately ventilated in a manner suitable to the purpose of the space.

(8) Crew and passenger accommodations.

(a) Vessels with crew members living aboard must have suitable accommodations.

(b) Vessels carrying passengers must have fixed seating for the maximum number of passengers permitted, installed as follows:

(i) Spacing that provides for ready escape in case of fire or other casualty.

(ii) Aisles not over 15 feet long must be not less than 24 inches wide.

(iii) Aisles over 15 feet long must be not less than 30 inches wide.

(iv) Where seats are in rows the distance from seat front to seat front must be not less than 30 inches.

(v) The assistant director may grant special exception to fixed seating spacing requirements if escape over the side can be readily accomplished through windows or other openings in the way of the seats.

(c) Portable or temporary seating may be installed but must be arranged as provided for fixed seating.

(9) Toilet facilities and drinking water.

(a) Vessels must be provided with toilets and wash basins as specified in WAC 296-800-230 unless vessels are used exclusively on short runs of approximately 30 minutes or less.

(b) All toilets and wash basins must be fitted with adequate plumbing. Facilities for men and women must be in separate compartments, except in the case of vessels carrying 49 passengers and less, the assistant director may approve other arrangements.

(c) Potable drinking water must be provided for all passengers and crew according to WAC 296-800-23005.

(d) Covered trash containers must be provided in passenger areas.

(10) Rails and guards.

(a) Rails or equivalent protection must be installed near the periphery of all weather decks accessible to passengers and crews. Where space limitations make deck rails impractical for areas designed for crew only, such as at narrow catwalks in the way of deckhouse sides, hand grabs may be substituted.

(b) Rails must consist of evenly spaced courses. The spacing must not be greater than four inches except as provided in WAC 296-115-050 (10)(d). Lower rail courses may not be required if all or part of the

space below the upper rail course is fitted with a bulwark, chain link fencing, wire mesh or the equivalent.

(c) On passenger decks of vessels engaged in ferry or excursion type operation, rails must be at least 42 inches high. The top rail must be pipe, wire, chain, or wood and must withstand at least 200 pounds of side loading. The space below the top rail must be fitted with bulwarks, chain link fencing, wire mesh, or the equivalent.

(d) On vessels engaged in other than passenger service, the rails must be not less than 36 inches high. Where vessels are used in special service, the assistant director may approve other arrangements, but in no case less than 30 inches high.

(e) Suitable storm rails or hand grabs must be installed where necessary in all passageways, at deckhouse sides, and at ladders and hatches where passengers or crew might have normal access.

(f) Suitable covers, guards, or rails must be installed in the way of all exposed and hazardous places such as gears or machinery. (See chapter 296-806 WAC, Machine safety for detailed requirements.)

(11) Machinery installation.

(a) Propulsion machinery.

(i) Propulsion machinery must be suitable in type and design for the propulsion requirements of the hull of the vessel in which it is installed. Installations meeting the requirements of the USCG or USCG-recognized classification society are considered acceptable to the assistant director.

(ii) Installations using gasoline or diesel as a fuel must meet the requirements of applicable USCG standards.

(b) Auxiliary machinery and bilge systems.

(i) All vessels must be provided with a suitable bilge pump, piping, and valves for removing water from the vessel.

(ii) Vessels carrying more than 49 passengers must have a power operated bilge pump. The source of power must be independent of the propulsion machinery. Other vessels must have a hand operated bilge pump, but may have a power operated pump if it is operated by an independent power source.

(c) Steering apparatus and miscellaneous systems.

(i) All vessels must be provided with a suitable steering apparatus.

(ii) All vessels must be provided with navigation lights and shapes, whistles, fog horns, and fog bells as required by the USCG rules of navigation.

(iii) All vessels must be equipped with a suitable number of portable battery lights for emergency purposes. There should be at least two, one located at the operating station and the other at the access to the propulsion machinery.

(d) Electrical installations. The electrical installations of all vessels must be at least equal to applicable USCG standards, or as approved by the assistant director.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-050, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-050, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 29 C.F.R. 1910 Subpart Z. WSR 14-07-086, § 296-115-050, filed 3/18/14, effective 5/1/14. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-050, filed 10/1/08, effective

11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-050, filed 1/24/07, effective 4/1/07; WSR 04-14-028, § 296-115-050, filed 6/29/04, effective 1/1/05; WSR 03-18-090, § 296-115-050, filed 9/2/03, effective 11/1/03. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-050, filed 11/21/00, effective 1/1/01. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-050, filed 11/13/80.]

WAC 296-115-060 Operations. (1) No person will rent, lease, or hire out a charter boat, carry, advertise for carrying, or arrange for carrying, more than six passengers on a vessel for a fee or other consideration on state waters unless the vessel meets the requirements of this chapter.

(2) Notice of casualty.

(a) The owner or person in charge of any vessel involved in a marine accident or casualty involving any of the following must report the incident immediately to the department:

(i) Damage to property in excess of $1,500.

(ii) Major damage affecting the seaworthiness or safety of the vessel.

(iii) Loss of life or an injury to a person that requires medical treatment beyond first aid.

(iv) Fire on board the vessel.

(b) The report must be in writing to the assistant director. Upon receipt of the report the assistant director may request an investigation by a marine dock inspector.

(c) For work-related injuries and illness involving any employee that resulted in death, inpatient hospitalization, amputation or loss of an eye, you must comply with the recordkeeping and reporting regulations in chapter 296-27 WAC.

(3) Miscellaneous operations.

(a) In the case of collision, accident, or other casualty involving a vessel, the operator must:

(i) So far as possible without serious danger to the vessel or persons aboard, render any necessary assistance to other persons affected by the collision, accident, or casualty to save them from danger.

(ii) Provide the name and address of the vessel owner and the name of the vessel to any person injured and to the owner of any property damaged.

(b) The person in charge of the vessel must see that the provisions of the certificate of inspection are strictly adhered to. This will not limit the person in charge from taking any action in an emergency judged necessary to help vessels in distress or to prevent loss of life.

(c) The operator of a vessel must comply with the provisions of the USCG Navigation Rules International/Inland, Commandants Instruction M16672.2D.

(d) The operator of a vessel must test the vessel's steering gear, signaling whistle, controls, and communication system before getting under way for the day's operation.

(e) Vessels using fuel with a flashpoint of 110°F or lower must not take on fuel when passengers are on board.

(f) All vessels must enforce "no smoking" provisions when fueling and as otherwise required by chapter 70.160 RCW. Locations on the vessel where flammable liquids are stored must be posted "No smoking." "Smoke" or "smoking" means the carrying or smoking of any kind of lighted pipe, cigar, cigarette, or any other lighted smoking equipment.

(g) Flammable liquids must be stored in a U.S. Department of Transportation approved container or flammable storage locker securely connected to the deck. See 46 C.F.R. 142.225 and 29 C.F.R. 1926.152.

(h) All vessels must prepare and post emergency check-off lists in a conspicuous place accessible to crew and passengers, covering the following:

(i) Man overboard.

(ii) Fire.

(i) The persons in charge must conduct emergency drills to ensure that the crew is familiar with their duties in an emergency and must document the drills.

(j) Carrying hazardous substances is prohibited on vessels. However, the assistant director may authorize a vessel to carry specific types and quantities of hazardous substances if the assistant director approves the type, quantity, and manner in which it is carried.

(k) All areas accessible to passengers or crew must be kept in a clean and sanitary condition. All walking surfaces must be free of slipping or tripping hazards and in good repair.

(4) First aid.

(a) All passenger vessels at all times must have a person holding a valid certificate of first-aid/CPR training.

(b) A first-aid kit or first-aid room must be provided on all vessels. The size and quantity of first-aid supplies or equipment required must be determined by the number of persons normally dependent upon each kit or equipment. The first-aid kit or supplies must be in a weatherproof container with individually sealed packages for each type of item. The location of the first-aid station or kit must be posted or marked "first aid" on the container.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-060, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-16-132, § 296-115-060, filed 8/1/17, effective 9/1/17. Statutory Authority: RCW 49.17.010, 49.17.040, and 49.17.050. WSR 15-11-066, § 296-115-060, filed 5/19/15, effective 7/1/15. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060 and 29 C.F.R. 1910 Subpart Z. WSR 14-07-086, § 296-115-060, filed 3/18/14, effective 5/1/14. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-060, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-060, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-060, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-060, filed 11/13/80.]

WAC 296-115-070 Rules of navigation. The operation and navigation of all charter vessels must be in strict accordance with the United States Coast Guard Navigation Rules International/Inland, Comman-

dants Instruction M16672.2D as now adopted, or legally amended by the United States Coast Guard.

(1) A copy of the United States Coast Guard Navigation Rules International/Inland, Commandants Instruction M16672.2D, must be on board all charter vessels at all times when the vessel is under way.

(2) At least annually, where applicable, the operator of each vessel must "swing the compass" to determine the actual compass readings in relation to true compass headings, and must maintain a record on board the vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-070, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. WSR 07-03-163, § 296-115-070, filed 1/24/07, effective 4/1/07. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-070, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-070, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-070, filed 11/13/80.]

WAC 296-115-100 Penalties for certificate of inspection and operator's license violations. (1) For owners of vessels, any violation of the certification and inspection provisions of this chapter is punishable according to the penalties provided under the Washington Industrial Safety and Health Act, chapter 49.17 RCW.

(2) The following fixed schedule penalties apply:

(a) For failing to display certificate of inspection as required in WAC 296-115-025(8), $50 to owner of the vessel.

(b) For a nonowner who operates vessel without a valid certificate of inspection, $100 per violation.

(c) For operating a vessel in passenger service without a valid USCG/state of Washington operator's license, $100 per violation to the owner of the vessel.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-100, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-100, filed 10/1/08, effective 11/1/08. Statutory Authority: RCW 49.17.010, [49.17].040, [49.17].050 and 1999 c 111. WSR 00-23-100, § 296-115-100, filed 11/21/00, effective 1/1/01. Statutory Authority: Chapter 49.17 RCW. WSR 91-03-044 (Order 90-18), § 296-115-100, filed 1/10/91, effective 2/12/91. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-100, filed 11/13/80.]

WAC 296-115-110 Appeal of decisions. (1) An aggrieved person may request an evidentiary hearing with the assistant director or their designee regarding denial of a certificate of inspection or license, or a determination of the maximum passengers, crew, or total capacity of a charter boat.

Such a request must be made prior to filing any other appeal from such a decision.

(a) A request made under this subsection must be submitted in one of the following ways:

(i) By mail to:

DOSH Appeals
P.O. Box 44604
Olympia, WA 98504-4604

(ii) By fax transmission to: 360-902-5581

(iii) Electronically to: DOSHappeals@lni.wa.gov; or

(iv) Take to any department service location.

(b) Any request made under this subsection must be received by the department within 15 working days from the receipt of the decision.

(c) A hearing held under this subsection will include a recorded conference during which the aggrieved party can explain their position and provide any additional information they would like the department to consider.

(d) The hearing will be held at the department's headquarters office or at another location designated by the assistant director and presided over by an authorized representative of the assistant director.

(e) Following the evidentiary hearing the department will issue a final decision in writing within 75 working days from the date the request was filed.

(f) A final department decision issued under this section may be appealed to the board of industrial insurance appeals within 15 working days following communication of the decision, following the process in RCW 49.17.140. The decision of the board may be appealed following the process in RCW 49.17.150.

(g) The decision being appealed will remain in effect until the applicant presents proof to the department that the specified requirements are met, or until the appeal is otherwise resolved.

(2) Other than department decisions under subsection (1) of this section, an aggrieved person may appeal department decisions under this chapter following the appeal process in chapter 49.17 RCW. The decision being appealed will remain in effect until the aggrieved person presents proof to the department that the specified requirements are met, or, until the appeal is otherwise resolved.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-110, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-110, filed 10/1/08, effective 11/1/08.]

WAC 296-115-120 Annual fee schedule. The following fees must be paid by, or on behalf of, the owner or user of the vessel(s).

Effective June 1, 2023

(1) The annual certification fee for passenger vessels or barges is $300 plus $2.40 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is $60 for the first year; this covers application and test costs. The renewal fee is $30 annually.

(3) Additional inspection service when required is at the rate of $30 per hour, plus travel and per diem.

Effective June 1, 2025

(1) The annual certification fee for passenger vessels or barges is $350 plus $2.80 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is $70 for the first year; this covers application and test costs. The renewal fee is $35 annually.

(3) Additional inspection service when required is at the rate of $35 per hour, plus travel and per diem.

Effective June 1, 2027

(1) The annual certification fee for passenger vessels or barges is $400 plus $3.20 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is $80 for the first year; this covers application and test costs. The renewal fee is $40 annually.

(3) Additional inspection service when required is at the rate of $40 per hour, plus travel and per diem.

Effective June 1, 2029

(1) The annual certification fee for passenger vessels or barges is $450 plus $3.60 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is $90 for the first year; this covers application and test costs. The renewal fee is $45 annually.

(3) Additional inspection service when required is at the rate of $45 per hour, plus travel and per diem.

Effective June 1, 2031

(1) The annual certification fee for passenger vessels or barges is $500 plus $4 per ton for each vessel.

(2) The fee for an operator's license for passenger vessels or barges is $100 for the first year; this covers application and test costs. The renewal fee is $50 annually.

(3) Additional inspection service when required is at the rate of $50 per hour, plus travel and per diem.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 88.04.005(3), and 88.04.330. WSR 23-09-054, § 296-115-120, filed 4/18/23, effective 5/22/23. Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 88.04.005. WSR 08-20-123, § 296-115-120, filed 10/1/08, effective 11/1/08. Statutory Authority: Chapter 49.17 RCW. WSR 89-21-018 (Order 89-10), § 296-115-120, filed 10/10/89, effective 11/24/89. Statutory Authority: RCW 49.17.040, 49.17.050, 49.17.240, chapters 42.30 and 43.22 RCW. WSR 80-17-014 (Order 80-20), § 296-115-120, filed 11/13/80.]