
HOUSE BILL 1018

State of Washington

67th Legislature

2021 Regular Session

By Representatives Lovick and Ryu

Prefiled 12/10/20.

1 AN ACT Relating to boater education; and amending RCW 79A.60.010
2 and 79A.60.640.

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

4 **Sec. 1.** RCW 79A.60.010 and 2005 c 392 s 2 are each amended to
5 read as follows:

6 ((Unless the context clearly requires otherwise, the)) The
7 definitions in this section apply throughout this chapter unless the
8 context clearly requires otherwise.

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

11 (2) "Boat wastes" includes, but is not limited to, sewage,
12 garbage, marine debris, plastics, contaminated bilge water, cleaning
13 solvents, paint scrapings, or discarded petroleum products associated
14 with the use of vessels.

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

17 (4) "Boater education card" means a card issued to a person who
18 has successfully completed a boating safety education test and has
19 paid the registration fee for a serial number record to be maintained
20 in the commission's database.

- 1 (5) "Boating educator" means a person providing an accredited
2 course.
- 3 (6) "Carrying passengers for hire" means carrying passengers in a
4 vessel on waters of the state for valuable consideration, whether
5 given directly or indirectly or received by the owner, agent,
6 operator, or other person having an interest in the vessel. This
7 shall not include trips where expenses for food, transportation, or
8 incidentals are shared by participants on an even basis. Anyone
9 receiving compensation for skills or money for amortization of
10 equipment and carrying passengers shall be considered to be carrying
11 passengers for hire on waters of the state.
- 12 (7) "Certificate of accomplishment" means a form of certificate
13 approved by the commission and issued by a boating educator to a
14 person who has successfully completed an accredited course.
- 15 (8) "Commission" means the state parks and recreation commission.
- 16 (9) "Darkness" means that period between sunset and sunrise.
- 17 (10) "Environmentally sensitive area" means a restricted body of
18 water where discharge of untreated sewage from boats is especially
19 detrimental because of limited flushing, shallow water, commercial or
20 recreational shellfish, swimming areas, diversity of species, the
21 absence of other pollution sources, or other characteristics.
- 22 (11) "Guide" means any individual, including but not limited to
23 subcontractors and independent contractors, engaged for compensation
24 or other consideration by a whitewater river outfitter for the
25 purpose of operating vessels. A person licensed under RCW 77.65.480
26 or 77.65.440 and acting as a fishing guide is not considered a guide
27 for the purposes of this chapter.
- 28 (12) "Marina" means a facility providing boat moorage space,
29 fuel, or commercial services. Commercial services include but are not
30 limited to overnight or live-aboard boating accommodations.
- 31 (13) "Motor driven boats and vessels" means all boats and vessels
32 which are self propelled.
- 33 (14) "Motor vessel safety operating and equipment checklist"
34 means a printed list of the safety requirements for a vessel with a
35 motor installed or attached to the vessel being rented, chartered, or
36 leased and meeting minimum requirements adopted by the commission in
37 accordance with RCW 79A.60.630.
- 38 (15) "Muffler" or "muffler system" means a sound suppression
39 device or system, including an underwater exhaust system, designed
40 and installed to abate the sound of exhaust gases emitted from an

1 internal combustion engine and that prevents excessive or unusual
2 noise.

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

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

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

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

13 (20) "Person" means any individual, sole proprietorship,
14 partnership, corporation, nonprofit corporation or organization,
15 limited liability company, firm, association, or other legal entity
16 located within or outside this state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (33) "Whitewater rivers of the state" means those rivers and
25 streams, or parts thereof, within the boundaries of the state as
26 listed in RCW 79A.60.470 or as designated by the commission under RCW
27 79A.60.495.

28 (34) "Human-powered boats and vessels" means all boats and
29 vessels that are human-propelled and includes, but is not limited to,
30 canoes, kayaks, rafts, and stand-up paddleboards.

31 **Sec. 2.** RCW 79A.60.640 and 2005 c 392 s 4 are each amended to
32 read as follows:

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

36 (a) Is at least twelve years of age, except that an operator of a
37 personal watercraft shall comply with the age requirements under RCW
38 79A.60.190; and

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

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

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

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

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

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

33 (c) Any person who is legally engaged in the operation of a
34 vessel that is exempt from vessel registration requirements under
35 chapter 88.02 RCW and applicable rules and is used for purposes of
36 law enforcement or official government work. However, the person when
37 operating a vessel for recreational purposes must carry a boater
38 education card;

39 (d) Any person at least twelve years old renting, chartering, or
40 leasing a motor driven boat or vessel with an engine power of fifteen

1 horsepower or greater who completes a commission-approved motor
2 vessel safety operating and equipment checklist each time before
3 operating the motor driven boat or vessel, except that an operator of
4 a personal watercraft shall comply with the age requirements under
5 RCW 79A.60.190;

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

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

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

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

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

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

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

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

33 (6) No person shall permit the rental, charter, or lease of a
34 motor driven boat or vessel with an engine power of fifteen
35 horsepower or greater to a person without first reviewing with that
36 person, and all other persons who may be permitted by the person to
37 operate the vessel, all the information contained in the motor vessel
38 safety operating and equipment checklist.

--- END ---