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HOUSE BILL 1707

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State of Washington

67th Legislature

2022 Regular Session

By Representative Ryu

Prefiled 12/28/21.

1 AN ACT Relating to requiring the wearing of personal flotation  
2 devices on kayaks, canoes, and stand-up paddleboards; amending RCW  
3 79A.60.160; creating a new section; prescribing penalties; and  
4 providing an effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes that drowning  
7 is the most common cause of death of individuals engaging in  
8 recreational boating activities, including the use of kayaks, canoes,  
9 and stand-up paddleboards. The legislature also recognizes that  
10 although the wearing of a personal flotation device could prevent as  
11 many as half of all boating-related drowning deaths, fewer than 20  
12 percent of adults wear a personal flotation device when engaging in  
13 recreational boating activities. The legislature finds that in  
14 circumstances where individuals are required by law to wear, and not  
15 just carry, personal flotation devices, there is a substantial  
16 increase in the number of individuals who wear personal flotation  
17 devices.

18 Therefore, it is the legislature's intent to reduce the number of  
19 drowning deaths by requiring all individuals to wear personal  
20 flotation devices when operating a kayak, canoe, or stand-up  
21 paddleboard on the waters of the state.

1       **Sec. 2.** RCW 79A.60.160 and 2000 c 11 s 98 are each amended to  
2 read as follows:

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

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

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

14       (4) No person shall operate a vessel under (~~nineteen~~) 19 feet  
15 in length on the waters of this state with a child (~~twelve~~) 12  
16 years old and under, unless the child is wearing a personal flotation  
17 device that meets or exceeds the United States coast guard approval  
18 standards of the appropriate size, while the vessel is underway. For  
19 the purposes of this section, a personal flotation device is not  
20 considered readily accessible for children (~~twelve~~) 12 years old  
21 and under unless the device is worn by the child while the vessel is  
22 underway. The personal flotation device must be worn at all times by  
23 a child (~~twelve~~) 12 years old and under whenever the vessel is  
24 underway and the child is on an open deck or open cockpit of the  
25 vessel. The following circumstances are excepted:

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

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

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

33       (5) Except as provided in RCW 79A.60.020, a violation of  
34 subsection (4) of this section is an infraction under chapter 7.84  
35 RCW. Enforcement of subsection (4) of this section by law enforcement  
36 officers may be accomplished as a primary action, and need not be  
37 accompanied by the suspected violation of some other offense.

38       (6) (a) Except as provided in (b) of this subsection, a person may  
39 not operate or occupy a kayak, canoe, or stand-up paddleboard on the  
40 waters of this state unless the person is wearing a personal

1 flotation device approved by the United States coast guard while the  
2 kayak, canoe, or stand-up paddleboard is underway.

3 (b) The following persons are not required to wear a personal  
4 flotation device as required in (a) of this subsection:

5 (i) A person operating or occupying a squirt boat that is  
6 designed solely for the activity of squirt boating;

7 (ii) A person participating in yoga on a stand-up paddleboard  
8 while within a designated swimming area or within 100 feet of shore;

9 (iii) A person on a stand-up paddleboard who is wearing a leash  
10 that connects the paddleboard to the person and is in compliance with  
11 the requirements for personal flotation devices on board and attached  
12 to the vessel as provided in 33 C.F.R. Sec. 175.15;

13 (iv) A person operating or occupying a kayak, canoe, or stand-up  
14 paddleboard as part of a sanctioned competition as recognized by a  
15 national or international racing association;

16 (v) A person who is a member of a federally recognized tribe;

17 (vi) A person operating or occupying a kayak, canoe, or stand-up  
18 paddleboard as part of an event organized by a federally recognized  
19 tribe; or

20 (vii) A person operating or occupying a kayak, canoe, or stand-up  
21 paddleboard while under the direct supervision of a coach or trainer.

22 (c) Except as provided in RCW 79A.60.020, a violation of this  
23 subsection is an infraction under chapter 7.84 RCW. Enforcement of  
24 this subsection by law enforcement officers may be accomplished as a  
25 primary action and need not be accompanied by the suspected violation  
26 of some other offense.

27 (d) If a person cited for a violation of this subsection appears  
28 in person before the court and provides proof of federally recognized  
29 tribal membership, the citation must be dismissed and the court may  
30 assess court administrative costs of \$25 at the time of dismissal. In  
31 lieu of personal appearance, a person cited for a violation of this  
32 subsection may, before the date scheduled for the person's appearance  
33 before the court, submit by mail to the court proof of federally  
34 recognized tribal membership, in which case the citation must be  
35 dismissed without cost, except that the court may assess court  
36 administrative costs of \$25 at the time of dismissal. The following  
37 documents are sufficient proof of federally recognized tribal  
38 membership: A federally recognized tribal membership or citizenship  
39 card; a certificate of federally recognized tribal enrollment; a  
40 letter signed by a tribal official confirming the person's federally

1 recognized tribal membership status; or other documents the court  
2 deems sufficient.

3 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2022.

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