Chapter 352-78 WAC
BOATING SAFETY EDUCATION PROGRAM

WAC

352-78-010 What is the purpose of the mandatory boating safety education program?
352-78-020 What do the words and phrases in this chapter mean?
352-78-030 What is the process the commission will use to accredit a course provider?
352-78-040 What are alternative methods of obtaining a boating education card?
352-78-050 How do I become eligible to obtain a commission-issued boater education card?
352-78-060 How can I obtain a boater education card?
352-78-070 What document can be used temporarily in lieu of a boater education card?
352-78-080 How do I get a replacement for my commission-issued boater education card?
352-78-090 How do the boater safety education program requirements affect rental operators and liveries?
352-78-100 What is the phase-in schedule for the mandatory boater safety education program?
352-78-110 Who is exempt from having to carry a commission-issued boater education card when operating a motor vessel?
352-78-120 What is the fee for a commission-issued boater education card?
352-78-130 What constitutes a violation of this chapter?
352-78-140 What is the penalty for violation of this chapter?
352-78-150 Can the penalty for failure to possess a commission-issued boater education card be waived?

WAC 352-78-010 What is the purpose of the mandatory boating safety education program? The purpose of this program is to inform boaters of the requirements of sections 1 through 5, chapter 392, Laws of 2005, directing the commission to implement a program of mandatory boat operator education.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-010, filed 11/21/05, effective 12/22/05.]

WAC 352-78-020 What do the words and phrases in this chapter mean? When used in this chapter, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Accredited boating safety course" means a National Association of State Boating Law Administrators (NASBLA) and commission-approved course of instruction that concludes with an examination containing at least fifty questions plus a minimum of ten questions specific about Washington boating laws.

(2) "Accredited boating safety course provider" is a person or organization that provides a NASBLA-approved boating safety course or equivalency exam and has been accredited by the commission.

(3) "Aquatic invasive species" means a nonnative species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.

(4) "Bill of sale" is a document showing date of vessel purchase.

(5) "Boater" is any person on a vessel on the waters of the state of Washington;

(6) "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 data base.

(7) "Boating educator" means a person providing an accredited course.

(8) "Certificate of accomplishment" means a form provided by the commission and issued by a boating educator to a person who has successfully completed an accredited boating safety course. An official card or certificate issued by the United States Coast Guard Auxiliary or United States Power Squadrons to a person for successful completion of their boating safety education course is also recognized by the commission as a certificate of accomplishment.

(9) "Correspondence course and self-test" means a boating safety course and examination approved by the commission that allows individuals who are unable to participate in a boating safety class or equivalency exam a means of providing proof of competency.

(10) "Commission" means the Washington state parks and recreation commission.

(11) "Direct supervision" occurs when a person possessing or exempt from having to possess a boater education card maintains close visual and verbal contact with, provides adequate direction to, and can immediately assume control of a motor vessel from an operator of a motor vessel who is allowed to operate a motor vessel without a boater education card.

(12) "Equivalency exam" is an exam created by the commission containing at least fifty questions plus a minimum of ten specific questions that cover laws and other issues pertaining to boating in Washington. The equivalency exam is intended to provide experienced boat operators with the opportunity to meet the minimum standard of boating safety education without having to take a boating safety course.

(13) "Motor vessel" means all boats and vessels which are propelled by machinery.

(14) "Motor vessel safety operating and equipment checklist" means a printed list of the safety requirements for the operator of a vessel with a motor installed or attached to the vessel being rented, chartered, or leased and meeting minimum requirements adopted by the commission.

(15) "Minimum standard of boating safety accomplishment" means a standard of proficiency established by the commission based on the standards set by the NASBLA that determines whether an applicant for a boater education card has met or exceeded the requirements of a boating safety course, equivalency exam or correspondence course and self-test.

(16) "NASBLA" means National Association of State Boating Law Administrators.

(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) "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.

(19) "Proctor" is a member of the United States Coast Guard Auxiliary, United States Power Squadrons, public official including county sheriff's deputy, city police officer, and/or other individual authorized by the commission to provide an accredited boating safety course or equivalency exam.

(20) "Proof of accomplishment" means evidence of having met the minimum standard for boating safety education accomplishment as determined by the commission.

(21) "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.

(22) "Rental agent" means any person who is authorized to act for the owner or employer of a recreational motor vessel rental or leasing agency.

(23) "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.

(24) "Replacement boater education card" means a boater education card provided to a person who has already been issued a boater education card and has applied for a replacement of the card that has been lost, damaged, stolen, or otherwise is in need of replacement.

(25) "Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

(26) "Vessel registration" means a document issued by the department of licensing showing that all taxes and fees have been paid and acts as a permit for the vessel to be used on the waters of the state.

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

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-020, filed 11/21/05, effective 12/22/05.]

WAC 352-78-030 What is the process the commission will use to accredit a course provider? (1) The commission will delegate to the director of the Washington state parks and recreation commission or designee the authority to establish minimum standards for a boating safety education program that are consistent with the education standards set by NASBLA and which shall include training on preventing the spread of aquatic invasive species. The commission shall 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. The commission shall strive to make its boating education course materials and testing opportunities available to culturally and linguistically diverse people who are English learners, and to facilitate making the boating education card available to such persons. The boating safety education program shall provide for the accreditation of a boating safety course or courses by boating educators. The commission shall:

(a) Follow the NASBLA process for course review and approval and shall review any course that is proposed by any private or public entity that desires to teach a course to the public for the purposes of obtaining a boater education card. The commission will make available to any interested prospective accredited boating safety course provider, forms in paper and electronic form, to be used to apply to the commission to become an accredited boating safety course provider. In order to be accredited by the commission, an accredited boating safety course provider that wants to issue a boater education card must issue only the commission's boater education card.

(b) Follow the NASBLA process for courses to be reviewed and reapproved if the provider wishes to continue the use of the course.

(c) Use the NASBLA testing standards for exam questions.

(d) Create a question pool that meets the NASBLA examination question standards to cover Washington state boating laws and regulations and make this part of any course to enable accredited boating safety course providers to meet NASBLA standards.

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

(2) Any boater twelve years of age or older who completes a boating safety course that has met commission standards will be eligible to receive a boater education card upon application for such card and payment of appropriate fees. The commission will accept as proof of accomplishment or course completion:

(a) A copy of an original certificate from any course taken prior to July 1, 2005, provided that such course meets the NASBLA standards for Washington in effect at the time the course was taken.

(b) A letter from an accredited course provider that certifies that the named individual has taken and passed a boating safety course from this provider that met the acceptable course standards as of the date the course was given.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-030, filed 11/21/05, effective 12/22/05.]

WAC 352-78-040 What are alternative methods of obtaining a boating education card? (1) Provide an opportunity for any person who so wishes, to demonstrate their boating safety knowledge by taking a commission-approved equivalency exam developed from the NASBLA and state question pools.

(2) Provide an opportunity for any person who so wishes, to take a commission-approved correspondence course and self-test.

(3) Provide an opportunity for any person who so wishes, to take a commission-approved internet course.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-040, filed 11/21/05, effective 12/22/05.]

WAC 352-78-050 How do I become eligible to obtain a commission-issued boater education card? (1) A person required to possess a commission-issued boater education card in order to operate a motor vessel in Washington must meet the minimum standard for boating safety education accomplishment as set by the commission. The minimum standards for boating safety education accomplishment required by the commission are:

(a) Successful completion of a course or exam offered by an accredited boating safety course provider or proctor. Such courses or exams may include, but not be limited to, classroom, internet, correspondence, and proctored and unproctored exams.

(b) Possession of a certificate, card, or other official document issued by another state or country that is equivalent to the commission's boating safety course or equivalency exam.

(c) Suitable evidence of achieving the minimum standards for boating safety education accomplishment consists of:

(i) A certificate issued by the United States Power Squadrons, United States Coast Guard Auxiliary, the commission or other accredited boating safety course provider.

(ii) A certificate, card, or other official document issued by another state or country that is equivalent to the rules adopted by the commission.

(iii) Proof of accomplishment documentation must contain the name of the individual applying for the boater education card and be signed or otherwise certified by the issuing organization or agency.

(d) Boater education cards issued by the commission shall contain a unique number that corresponds to the individual named on the card. Commission-issued boater education cards are not transferable from one individual to another.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-050, filed 11/21/05, effective 12/22/05.]

WAC 352-78-060 How can I obtain a boater education card? To obtain a commission-issued boater education card, a person must provide to the commission:

(1) A completed application on a form provided by the commission. The application form will require the name, address, date of birth and other identifying characteristics of the applicant as determined by the commission. Incomplete applications will be returned to the applicant.

(2) Provide proof of accomplishment consisting of a document verifying the applicant has successfully completed a boating safety course or equivalency exam.

(a) A copy of the original certificate issued by the United States Power Squadrons, United States Coast Guard Auxiliary, the commission or other accredited boating safety course provider, or a Canadian Pleasure Craft Operator's Card are acceptable proof of accomplishment; or

(b) A copy of the original certificate, card, or other official documents issued by another state or country whose boating safety course meets NASBLA minimum standards is acceptable proof of accomplishment; or

(c) A copy of the original Coast Guard motorboat operator's license, either valid or expired, is acceptable proof of accomplishment. A valid license to operate a vessel issued for maritime personnel by the United States Coast Guard pursuant to 46 C.F.R. Part 10 or a maritime certificate issued by the Canadian government; or

(d) A copy of the original valid commercial fishing license issued by the department of fish and wildlife.

(3) Proof of accomplishment documents must contain the name of the individual applying for the commission-issued boater education card.

(4) In the event the original document establishing proof of accomplishment is not available, a signed statement from an accredited boating safety course provider of a boating safety course stating that the individual has successfully completed a boating safety course or equivalency exam must be submitted to the commission.

(5) The commission may require the applicant to provide the original document establishing proof of accomplishment if the copy accompanying the application is illegible or the authenticity of the copy is not certain.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-060, filed 11/21/05, effective 12/22/05.]

WAC 352-78-070 What document can be used temporarily in lieu of a boater education card? (1) The owner of a newly purchased motor vessel who is otherwise required to possess a commission-issued boater education card may use a copy of the bill of sale or vessel registration temporarily in lieu of a boater education card for no more than sixty consecutive days from the vessel date of purchase.

(2) A person, while waiting to obtain a commission-issued boater education card, may use a certificate of accomplishment for up to sixty days from date of issue to operate a motor vessel provided the original certificate of accomplishment is on board the vessel while it is being operated.

(3) A person residing in Washington who is otherwise required to possess a commission-issued boater education card and has received a certificate, card, or other official document issued by another state or country that is equivalent to Washington's boater education card may use the original of that document as a temporary education card and may operate a motor vessel in Washington for no more than sixty days from the date of residency provided the document is on board.

(4) A person who legally rents a motor vessel and is otherwise required to possess a commission-issued boater education card may use the required motor vessel safety operating and equipment checklist as a temporary education card and may operate the rental motor vessel in Washington for the term of the rental agreement but not longer than sixty consecutive days.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-070, filed 11/21/05, effective 12/22/05.]

WAC 352-78-080 How do I get a replacement for my commission-issued boater education card? (1) A person may apply for a replacement boater education card from the commission if:

(a) They legally change their name; or

(b) The card is lost, stolen or destroyed.

(2) To obtain a replacement boater education card, an applicant must provide the commission with:

(a) A completed application on a form provided by the commission; and

(b) An affidavit signed by the applicant stating the circumstances that led to the loss or destruction of the original commission-issued boater education card; and

(c) A five-dollar fee for a replacement card paid in full in a manner determined by the commission and stated on the application form.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-080, filed 11/21/05, effective 12/22/05.]

WAC 352-78-090 How do the boater safety education program requirements affect rental operators and liveries? (1) Beginning January 1, 2008, any person who provides a motor vessel for rent in Washington must require that the person who rents the motor vessel and all operators of the rental motor vessel who are required to have the commission-issued boater education card as provided by the phase-in schedule in WAC 352-78-100, show proof of possession of a boater education card before renting the person a motor vessel; or

(2) When the person who rents the motor vessel and all operators of the rented motor vessel do not possess a commission-issued boater education card, the rental agent must ensure that the person who rents the motor vessel and all operators of the craft:

(a) Reviews, initials, and signs the motor vessel safety operating and equipment checklist in the presence of the rental agent before they may operate the rental motor vessel; and

(b) Retains the issued copy of the motor vessel safety operating and equipment checklist on board when operating the motor vessel.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-090, filed 11/21/05, effective 12/22/05.]

WAC 352-78-100 What is the phase-in schedule for the mandatory boater safety education program? (1) After January 1, 2006, the commission may issue boater education cards to anyone age twelve and older who submits a completed application, provides proof of accomplishment, and pays the fee required in this chapter. Possession of a commission-issued boater education card is not required until January 1, 2008.

(2) Beginning January 1, 2008, all individuals age twelve through twenty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(3) By January 1, 2009, all individuals age twelve through twenty-five are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(4) By January 1, 2010, all individuals age twelve through thirty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(5) By January 1, 2011, all individuals age twelve through thirty-five are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(6) By January 1, 2012, all individuals age twelve through forty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(7) By January 1, 2013, all individuals age twelve through fifty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(8) By January 1, 2014, all individuals age twelve through sixty are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(9) By January 1, 2015, all individuals age twelve through seventy are required to possess a boater education card when operating a vessel of fifteen horsepower or greater.

(10) After January 1, 2016, all individuals age twelve and older must possess a boater education card to operate a vessel of fifteen horsepower or greater.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-100, filed 11/21/05, effective 12/22/05.]

WAC 352-78-110 Who is exempt from having to carry a commission-issued boater education card when operating a motor vessel? A commission-issued boater education card is not required by the following persons:

(1) 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;

(2) 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 a valid marine operator license issued by the United States Coast Guard or a boater education card;

(3) 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;

(4) 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;

(5) 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;

(6) 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;

(7) 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;

(8) Any person, including those less than twelve years of age, who are 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;

(9) Any person who is accompanied by and is under the direct supervision of a person sixteen years of age or older who is in possession of a commission-issued boater education card, or who is not yet required to possess the card.

(10) Any person who is not yet required to have a commission-issued boater education card under the phased schedule in WAC 352-78-090; and

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

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-110, filed 11/21/05, effective 12/22/05.]

WAC 352-78-120 What is the fee for a commission-issued boater education card? (1) The commission-issued boater education card fee is ten dollars.

(2) Duplicate fee for replacement cards is five dollars. The fee is waived if replacement is necessary because of an error by the commission. The same number will be assigned on any duplicate card as was assigned on the original.

(3) Fees paid to the commission for a commission-issued boater education card or replacement card are not refundable.

(4) An accredited course provider may charge a reasonable fee to recover costs associated with providing a boating safety course or equivalency exam.

(5) All receipts from fees collected for the issuance of the commission-issued boater education card shall be used solely for the administration of this chapter 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 88.02.040.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-120, filed 11/21/05, effective 12/22/05.]

WAC 352-78-130 What constitutes a violation of this chapter? A person is considered in violation of the provisions contained in this chapter and subject to the penalties prescribed by law when they:

(1) Provide a false statement or information or assist another person in giving a false statement or information on any application, affidavit, document or statement used to obtain a commission-issued boater education card or replacement boater education card; or

(2) Exhibit an altered boater education card or any boating education card other than the one issued to them, to a peace officer; or

(3) Alter a commission-issued boater education card or replacement boater education card issued by the commission or its authorized agent; or

(4) Produce or possess an unauthorized replica of a commission-issued boater education card or replacement boater education card.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-130, filed 11/21/05, effective 12/22/05.]

WAC 352-78-140 What is the penalty for violation of this chapter? Any violation of this chapter is an infraction under RCW 79A.60.110 and chapter 7.84 RCW.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-140, filed 11/21/05, effective 12/22/05.]

WAC 352-78-150 Can the penalty for failure to possess a commission-issued boater education card be waived? In any proceeding for failure to possess a commission-issued boater education card, the court shall waive the penalty if the boater provides proof to the court within sixty days that he or she has received a boater education card.

[Statutory Authority: RCW 79A.05.310, chapter 79A.60 RCW and 2005 c 392, §§ 1 through 5 codified in chapter 79A.60 RCW. WSR 05-23-128, § 352-78-150, filed 11/21/05, effective 12/22/05.]