

HOUSE BILL REPORT

HB 1289

As Reported By House Committee On:

Law & Justice

Title: An act relating to vessels.

Brief Description: Specifying the duties of an operator of a vessel involved in an accident.

Sponsors: Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott.

Brief History:

Committee Activity:

Law & Justice: 2/10/95, 2/21/95 [DPS].

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Campbell; Carrell; Chappell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan; Smith; Thibaudeau and Veloria.

Staff: Pat Shelledy (786-7149).

Background: Certain regulations apply to the operation of vessels on Washington waters. "Vessels" include all watercraft, other than seaplanes, used for transportation on the water. The word does not include inner tubes, air mattresses, and small rafts or flotation devices, or toys customarily used by swimmers.

The operator of a vessel involved in a collision, accident, or other casualty, must render all practical and necessary assistance to anyone affected by the collision to save them from danger caused by the incident. The operator is relieved of that obligation if the operator's own vessel or passengers would be placed in serious danger. The operator must also provide all pertinent accident information to the law enforcement agency having jurisdiction.

A violation is a civil infraction unless the operator commits three violations within one year, in which case a violation is a misdemeanor. The civil infraction penalty is

§110. A comparable federal law exists that imposes criminal liability on an operator of a vessel to stop and render assistance and provide identification.

There are no additional penalties if an operator involved in an accident leaves the scene of the accident. In contrast, if a person leaves the scene of a car accident, the person is subject to various penalties depending upon whether the accident resulted in property damage or injury or death to another person involved in the accident. If a person leaves the scene of a car accident which has resulted in injury or death to another person, the person is guilty of a class C felony. That crime is ranked at seriousness level IV on the Sentencing Reform Act grid. The standard range for a first-time offender convicted of a level IV offense is 3 - 9 months. First-time offenders are eligible for the first-time offender waiver, which carries a possible jail sentence of 0 - 90 days, other conditions, and supervision.

Summary of Substitute Bill: An operator of a vessel is guilty of a class C felony if the operator is involved in a collision that results in injury to a person, the operator knew or should have known that a person was injured, and the operator leaves the scene of the collision without rendering all practical and necessary assistance to the injured person as required under current law. This provision is limited to collisions that occur on fresh water located within the State of Washington. Federal law will continue to apply on salt water.

A violation is ranked at seriousness level IV on the Sentencing Reform Act grid.

Substitute Bill Compared to Original Bill: The bill's scope is substantially restricted to only those collisions that result in injury to a person and to only those collisions that occur on fresh water. The seriousness level of the crime is reduced from level V to level IV, which is the same seriousness level as hit-and-run injury accidents that involve cars.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: Boaters who get involved in a collision that results in serious physical injury and serious property damage, and then leave the scene of the collision without rendering assistance, should be penalized in the same way that drivers of cars are penalized for leaving the scene of a car accident. Boaters do not treat boating rules and regulations as seriously as they do regulations governing the operation of cars, but the damage that boats can cause in an accident is just as great as damage

resulting from car accidents. Current law does not provide the means to punish boaters who leave the scene of an accident.

Testimony Against: The penalty under the bill is too high. The scope of the bill should be restricted to a narrower category of "vessels." There are reasons to distinguish boating accidents from car accidents, given the practical problems involved in rendering assistance on the water and larger ships' ability to stop and respond. There are already existing procedures in place that require freighters and tankers to notify the Coast Guard in case of an accident.

Testified: Representative Ballasiotes, prime sponsor (pro); David Weidner, citizen (pro); Ken Carlson, Olympia Police Department, Harbor Patrol (pro); Rodney Rochon, Snohomish County Sheriff's Office (pro); Dave Williams, Recreational Boating Association of Washington (con); and Ron Wagner, Puget Sound Pilots Association.