

# SENATE BILL REPORT

## 2SHB 1289

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As Reported By Senate Committee On:  
Law & Justice, February 21, 1996

**Title:** An act relating to vessels.

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

**Sponsors:** House Committee on Law & Justice (originally sponsored by Representatives Ballasiotes, Costa, Sheahan, Van Luven, Lambert, Mason, Mielke, Reams, Delvin, Foreman and Scott).

**Brief History:**

**Committee Activity:** Law & Justice: 2/15/96, 2/21/96 [DPA].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass as amended.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Johnson, Long, McCaslin, Roach and Schow.

**Staff:** Dick Armstrong (786-7460)

**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 him or her 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

to 9 months. First-time offenders are eligible for the first-time offender waiver, which carries a possible jail sentence of 0 to 90 days, other conditions, and supervision.

**Summary of Amended 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. Provisions of the bill do not apply to commercial vessels.

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

**Amended Bill Compared to Substitute Bill:** A technical amendment is made to clarify the intent of the House bill to exclude commercial vessels. Commercial vessels will continue to be regulated by the US Coast Guard, as provided by federal law.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** The existing law is inadequate to deal with the serious injuries that can occur in boating accidents. Right now the penalty is only an infraction, and that is not sufficient. The bill should apply to accidents in salt water and fresh water because sometimes it is unclear who has jurisdiction. The Coast Guard has jurisdiction over accidents involving commercial vessels. Large and small boats are both capable of causing considerable damage.

**Testimony Against:** None.

**Testified:** Representative Ballasiotes, prime sponsor; David Williams, Recreational Boaters Assn.; Mike Ware, Thurston County Sheriff's Office.