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HOUSE BILL 1234

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Hymes, Reams, Rust, Wolfe, Honeyford, L. Thomas, Horn, Costa and Kessler; by request of Office of Marine Safety

Read first time 01/18/95. Referred to Committee on Government Operations.

1 AN ACT Relating to regulatory reform using incentives for vessel  
2 owners and operators to reduce the risk of oil spills; adding a new  
3 section to chapter 88.46 RCW; and adding a new section to chapter 88.40  
4 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.46 RCW  
7 to read as follows:

8 (1) An owner or operator of a covered vessel may petition the  
9 office in writing for a waiver of a specific provision of this chapter,  
10 or implementing rules relating to vessel inspection, plan compliance,  
11 or vessel operation if the owner or operator has implemented a practice  
12 or employed a technology that:

13 (a) Meets or exceeds the intent of the statutory provision or the  
14 standard established by administrative rule for which a waiver is  
15 requested;

16 (b) Increases the safety of marine transportation in the navigable  
17 waters of the state; and

18 (c) The owner or operator can demonstrate continued use of the  
19 practice or technology.

1 (2) A written petition under subsection (1) of this section must be  
2 submitted to the office and must set forth the specific statute or rule  
3 for which the waiver is sought, the basis for the waiver, and a  
4 description of how the waiver meets the criteria established in  
5 subsection (1) of this section.

6 (3) The office shall respond in writing to a petition submitted  
7 under subsection (2) of this section within thirty days of receipt. In  
8 this response, the office shall acknowledge receipt of the petition and  
9 establish a schedule for granting or denying the petition. At any  
10 time, the office may request supporting information and documentation.  
11 The office may:

12 (a) Grant the petition for a waiver in whole or in part; or

13 (b) Deny the petition.

14 (4) The office shall clearly set forth the basis for granting or  
15 denying the petition and its findings on the criteria established in  
16 subsection (1) of this section. If the office grants a petition in  
17 whole or in part, the office shall publish its decision in the state  
18 register and make it available to the public on request.

19 (5) Denial under this section is not a final appealable decision  
20 under chapter 34.05 RCW unless:

21 (a) The petition for a waiver was based on a previously granted  
22 waiver of the same statutory provision or administrative rule; and

23 (b) The procedure, practice, or technology is substantially  
24 equivalent to the procedure, practice, or technology for which the  
25 previously granted waiver was granted.

26 (6) Waivers granted under this section are effective for one year  
27 from the date granted. Waivers may be renewed upon reapplication.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 88.40 RCW  
29 to read as follows:

30 The provisions of this chapter relating to financial responsibility  
31 for covered vessels may be waived by the office under the criteria and  
32 procedures set forth in section 1 of this act.

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