
HOUSE BILL 2806

State of Washington 54th Legislature 1996 Regular Session

By Representatives Sterk, Robertson, Wolfe, Romero and Brown

Read first time 01/19/96. Referred to Committee on Transportation.

1 AN ACT Relating to personal watercraft safety; amending RCW
2 88.12.145; adding a new section to chapter 88.12 RCW; creating a new
3 section; and prescribing penalties.

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

5 **Sec. 1.** RCW 88.12.145 and 1993 c 244 s 17 are each amended to read
6 as follows:

7 (1) A person shall not operate a personal watercraft unless each
8 person aboard the personal watercraft is wearing a United States coast
9 guard-approved type I, II, III, or V personal flotation device
10 ~~((approved by the commission))~~. Except as provided for in RCW
11 88.12.015, a violation of this subsection is a civil infraction
12 punishable under RCW 7.84.100.

13 (2) A person operating a personal watercraft equipped by the
14 manufacturer with a lanyard-type engine cutoff switch shall attach the
15 lanyard to his or her person, clothing, or personal flotation device as
16 appropriate for the specific vessel. It is unlawful for any person to
17 remove, alter, or disable a cutoff switch or spring-loaded throttle
18 mechanism that was installed by the manufacturer.

1 (3) A person shall not operate a personal watercraft (~~during~~
2 ~~darkness~~) between sunset and 8:00 a.m.

3 (4) A person under the age of fourteen shall not operate a
4 personal watercraft on the waters of this state.

5 (5) A person shall not operate a personal watercraft in a reckless
6 manner(~~(, including recklessly weaving through congested vessel~~
7 ~~traffic, recklessly jumping the wake of another vessel unreasonably or~~
8 ~~unnecessarily close to the vessel or when visibility around the vessel~~
9 ~~is obstructed, or recklessly swerving at the last possible moment to~~
10 ~~avoid collision~~)) endangering the life or property of another person.
11 Prima facie evidence of reckless operation exists if the person commits
12 two or more of the following acts simultaneously:

13 (a) Operates the personal watercraft within a zone of proximity to
14 another watercraft closer than sixty feet unless both watercraft are
15 leaving a flat wake;

16 (b) Operates the personal watercraft within the vicinity of a
17 motorboat in a manner that obstructs the visibility of either operator;

18 (c) Heads into the wake of a motor boat that is within a zone of
19 proximity closer than sixty feet and causes one-half or more of the
20 length of the personal watercraft to leave the water;

21 (d) Within a zone of proximity to another watercraft closer than
22 sixty feet, maneuvers quickly, turns sharply, or swerves, unless the
23 maneuver is necessary to avoid a collision.

24 (6) A person shall not lease, hire, or rent a personal watercraft
25 to a person under the age of sixteen.

26 (7) A person shall not operate a personal watercraft:

27 (a) Within one hundred feet of a shoreline, dock, swimmer, or
28 swimming diving raft or a moored, anchored, or nonmotorized watercraft
29 at greater than slow-no wake speed;

30 (b) While towing a person on water skis, a kneeboard, an inflatable
31 craft, or any other device unless an operator and an observer are on
32 board;

33 (c) To chase or harass wildlife;

34 (d) Through emergent or floating vegetation at other than a slow-no
35 wake speed;

36 (e) On waters of the state of less than seventy-five acres;

37 (f) In any other manner that is not reasonable and prudent.

38 (8) After January 1, 1997, a person age fourteen or over and under
39 age eighteen shall not operate a personal watercraft without a

1 certificate establishing that he or she has successfully completed a
2 personal watercraft safety program approved by the commission pursuant
3 to section 2 of this act.

4 (9) Subsections (1) through ~~((+6+))~~ (8) of this section shall not
5 apply to a performer engaged in a professional exhibition or a person
6 participating in a regatta, race, marine parade, tournament, or
7 exhibition authorized or otherwise permitted by the appropriate agency
8 having jurisdiction and authority to authorize such events.

9 ~~((+8+))~~ (10) Violations of subsections (2) through ~~((+6+))~~ (8) of
10 this section constitute a misdemeanor under RCW 9.92.030.

11 NEW SECTION. Sec. 2. A new section is added to chapter 88.12 RCW
12 to read as follows:

13 The commission shall undertake to approve one or more personal
14 watercraft safety education programs prior to January 1, 1997. An
15 approved personal watercraft safety program must provide education and
16 testing to ensure that an applicant has detailed knowledge of RCW
17 88.12.145 including penalties for violating personal watercraft
18 restrictions. Upon successful completion of an approved program, an
19 applicant who is age fourteen or over and under age eighteen shall
20 receive a certificate authorizing the person to operate a personal
21 watercraft as provided in RCW 88.12.145(8).

22 NEW SECTION. Sec. 3. The state parks and recreation commission
23 shall evaluate the program or programs' impact on the safe and
24 responsible use of personal watercraft on our state's waterways. The
25 commission shall present such an evaluation to the proper legislative
26 committees on or before January 1, 1998.

--- END ---