

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1289

Chapter 36, Laws of 1996

54th Legislature
1996 Regular Session

VESSELS--ACCIDENTS

EFFECTIVE DATE: 6/6/96

Passed by the House March 2, 1996
Yeas 90 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 27, 1996
Yeas 46 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 13, 1996

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1289** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 13, 1996 - 1:05 p.m.

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1289

AS AMENDED BY THE SENATE

Passed Legislature - 1996 Regular Session

State of Washington 54th Legislature 1996 Regular Session

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

Read first time 01/22/96.

1 AN ACT Relating to vessels; amending RCW 88.12.155; reenacting and
2 amending RCW 9.94A.320; and prescribing penalties.

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

4 **Sec. 1.** RCW 88.12.155 and 1993 c 244 s 18 are each amended to read
5 as follows:

6 (1) The operator of a vessel involved in a collision, accident, or
7 other casualty, to the extent the operator can do so without serious
8 danger to the operator's own vessel or persons aboard, shall render all
9 practical and necessary assistance to persons affected by the
10 collision, accident, or casualty to save them from danger caused by the
11 incident. Under no circumstances may the rendering of assistance or
12 other compliance with this section be evidence of the liability of such
13 operator for the collision, accident, or casualty. The operator shall
14 also give all pertinent accident information, as specified by rule by
15 the commission, to the law enforcement agency having jurisdiction:
16 PROVIDED, That this requirement shall not apply to operators of vessels
17 when they are participating in an organized competitive event
18 authorized or otherwise permitted by the appropriate agency having
19 jurisdiction and authority to authorize such events. These duties are

1 in addition to any duties otherwise imposed by law. Except as provided
2 for in RCW 88.12.015 and subsection (3) of this section, a violation of
3 this subsection is a civil infraction punishable under RCW 7.84.100.

4 (2) Any person who complies with subsection (1) of this section or
5 who gratuitously and in good faith renders assistance at the scene of
6 a vessel collision, accident, or other casualty, without objection of
7 the person assisted, shall not be held liable for any civil damages as
8 a result of the rendering of assistance or for any act or omission in
9 providing or arranging salvage, towage, medical treatment, or other
10 assistance, where the assisting person acts as any reasonably prudent
11 person would have acted under the same or similar circumstances.

12 (3) An operator of a vessel is guilty of a class C felony and is
13 punishable pursuant to RCW 9A.20.021 if the operator: (a) Is involved
14 in a collision that results in injury to a person; (b) knew or
15 reasonably should have known that a person was injured in the
16 collision; and (c) leaves the scene of the collision without rendering
17 all practical and necessary assistance to the injured person as
18 required pursuant to subsection (1) of this section, under
19 circumstances in which the operator could have rendered assistance
20 without serious danger to the operator's own vessel or persons aboard.
21 This subsection (3) does not apply to vessels involved in commerce,
22 including but not limited to tugs, barges, cargo vessels, commercial
23 passenger vessels, fishing vessels, and processing vessels.

24 **Sec. 2.** RCW 9.94A.320 and 1995 c 385 s 2, 1995 c 285 s 28, and
25 1995 c 129 s 3 (Initiative Measure No. 159) are each reenacted and
26 amended to read as follows:

27 TABLE 2

28 CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

29	XV	Aggravated Murder 1 (RCW 10.95.020)
30	XIV	Murder 1 (RCW 9A.32.030)
31		Homicide by abuse (RCW 9A.32.055)
32	XIII	Murder 2 (RCW 9A.32.050)
33	XII	Assault 1 (RCW 9A.36.011)
34		Assault of a Child 1 (RCW 9A.36.120)

1 XI Rape 1 (RCW 9A.44.040)
2 Rape of a Child 1 (RCW 9A.44.073)
3 X Kidnapping 1 (RCW 9A.40.020)
4 Rape 2 (RCW 9A.44.050)
5 Rape of a Child 2 (RCW 9A.44.076)
6 Child Molestation 1 (RCW 9A.44.083)
7 Damaging building, etc., by explosion with
8 threat to human being (RCW
9 70.74.280(1))
10 Over 18 and deliver heroin or narcotic
11 from Schedule I or II to someone
12 under 18 (RCW 69.50.406)
13 Leading Organized Crime (RCW
14 9A.82.060(1)(a))
15 IX Assault of a Child 2 (RCW 9A.36.130)
16 Robbery 1 (RCW 9A.56.200)
17 Manslaughter 1 (RCW 9A.32.060)
18 Explosive devices prohibited (RCW
19 70.74.180)
20 Indecent Liberties (with forcible
21 compulsion) (RCW 9A.44.100(1)(a))
22 Endangering life and property by
23 explosives with threat to human being
24 (RCW 70.74.270)
25 Over 18 and deliver narcotic from Schedule
26 III, IV, or V or a nonnarcotic from
27 Schedule I-V to someone under 18 and
28 3 years junior (RCW 69.50.406)
29 Controlled Substance Homicide (RCW
30 69.50.415)
31 Sexual Exploitation (RCW 9.68A.040)
32 Inciting Criminal Profiteering (RCW
33 9A.82.060(1)(b))
34 Vehicular Homicide, by being under the
35 influence of intoxicating liquor or
36 any drug (RCW 46.61.520)

1 VIII Arson 1 (RCW 9A.48.020)
2 Promoting Prostitution 1 (RCW 9A.88.070)
3 Selling for profit (controlled or
4 counterfeit) any controlled substance
5 (RCW 69.50.410)
6 Manufacture, deliver, or possess with
7 intent to deliver heroin or cocaine
8 (RCW 69.50.401(a)(1)(i))
9 Manufacture, deliver, or possess with
10 intent to deliver methamphetamine
11 (RCW 69.50.401(a)(1)(ii))
12 Vehicular Homicide, by the operation of
13 any vehicle in a reckless manner (RCW
14 46.61.520)

15 VII Burglary 1 (RCW 9A.52.020)
16 Vehicular Homicide, by disregard for the
17 safety of others (RCW 46.61.520)
18 Introducing Contraband 1 (RCW 9A.76.140)
19 Indecent Liberties (without forcible
20 compulsion) (RCW 9A.44.100(1) (b) and
21 (c))
22 Child Molestation 2 (RCW 9A.44.086)
23 Dealing in depictions of minor engaged in
24 sexually explicit conduct (RCW
25 9.68A.050)
26 Sending, bringing into state depictions of
27 minor engaged in sexually explicit
28 conduct (RCW 9.68A.060)
29 Involving a minor in drug dealing (RCW
30 69.50.401(f))
31 Reckless Endangerment 1 (RCW 9A.36.045)
32 Unlawful Possession of a Firearm in the
33 first degree (RCW 9.41.040(1)(a))

34 VI Bribery (RCW 9A.68.010)
35 Manslaughter 2 (RCW 9A.32.070)
36 Rape of a Child 3 (RCW 9A.44.079)
37 Intimidating a Juror/Witness (RCW
38 9A.72.110, 9A.72.130)

1 Damaging building, etc., by explosion with
2 no threat to human being (RCW
3 70.74.280(2))
4 Endangering life and property by
5 explosives with no threat to human
6 being (RCW 70.74.270)
7 Incest 1 (RCW 9A.64.020(1))
8 Manufacture, deliver, or possess with
9 intent to deliver narcotics from
10 Schedule I or II (except heroin or
11 cocaine) (RCW 69.50.401(a)(1)(i))
12 Intimidating a Judge (RCW 9A.72.160)
13 Bail Jumping with Murder 1 (RCW
14 9A.76.170(2)(a))
15 Theft of a Firearm (RCW 9A.56.300)
16 V Persistent prison misbehavior (RCW
17 9.94.070)
18 Criminal Mistreatment 1 (RCW 9A.42.020)
19 Rape 3 (RCW 9A.44.060)
20 Sexual Misconduct with a Minor 1 (RCW
21 9A.44.093)
22 Child Molestation 3 (RCW 9A.44.089)
23 Kidnapping 2 (RCW 9A.40.030)
24 Extortion 1 (RCW 9A.56.120)
25 Incest 2 (RCW 9A.64.020(2))
26 Perjury 1 (RCW 9A.72.020)
27 Extortionate Extension of Credit (RCW
28 9A.82.020)
29 Advancing money or property for
30 extortionate extension of credit (RCW
31 9A.82.030)
32 Extortionate Means to Collect Extensions
33 of Credit (RCW 9A.82.040)
34 Rendering Criminal Assistance 1 (RCW
35 9A.76.070)
36 Bail Jumping with class A Felony (RCW
37 9A.76.170(2)(b))
38 Sexually Violating Human Remains (RCW
39 9A.44.105)

1 Delivery of imitation controlled substance
2 by person eighteen or over to person
3 under eighteen (RCW 69.52.030(2))
4 Possession of a Stolen Firearm (RCW
5 9A.56.310)

6 IV Residential Burglary (RCW 9A.52.025)
7 Theft of Livestock 1 (RCW 9A.56.080)
8 Robbery 2 (RCW 9A.56.210)
9 Assault 2 (RCW 9A.36.021)
10 Escape 1 (RCW 9A.76.110)
11 Arson 2 (RCW 9A.48.030)
12 Commercial Bribery (RCW 9A.68.060)
13 Bribing a Witness/Bribe Received by
14 Witness (RCW 9A.72.090, 9A.72.100)
15 Malicious Harassment (RCW 9A.36.080)
16 Threats to Bomb (RCW 9.61.160)
17 Willful Failure to Return from Furlough
18 (RCW 72.66.060)
19 Hit and Run « Injury Accident (RCW
20 46.52.020(4))
21 Hit and Run with Vessel « Injury Accident
22 (RCW 88.12.155(3))
23 Vehicular Assault (RCW 46.61.522)
24 Manufacture, deliver, or possess with
25 intent to deliver narcotics from
26 Schedule III, IV, or V or
27 nonnarcotics from Schedule I-V
28 (except marijuana or
29 methamphetamines) (RCW
30 69.50.401(a)(1)(ii) through (iv))
31 Influencing Outcome of Sporting Event (RCW
32 9A.82.070)
33 Use of Proceeds of Criminal Profiteering
34 (RCW 9A.82.080 (1) and (2))
35 Knowingly Trafficking in Stolen Property
36 (RCW 9A.82.050(2))

1 III Criminal Mistreatment 2 (RCW 9A.42.030)
2 Extortion 2 (RCW 9A.56.130)
3 Unlawful Imprisonment (RCW 9A.40.040)
4 Assault 3 (RCW 9A.36.031)
5 Assault of a Child 3 (RCW 9A.36.140)
6 Custodial Assault (RCW 9A.36.100)
7 Unlawful possession of firearm in the
8 second degree (RCW 9.41.040(1)(b))
9 Harassment (RCW 9A.46.020)
10 Promoting Prostitution 2 (RCW 9A.88.080)
11 Willful Failure to Return from Work
12 Release (RCW 72.65.070)
13 Burglary 2 (RCW 9A.52.030)
14 Introducing Contraband 2 (RCW 9A.76.150)
15 Communication with a Minor for Immoral
16 Purposes (RCW 9.68A.090)
17 Patronizing a Juvenile Prostitute (RCW
18 9.68A.100)
19 Escape 2 (RCW 9A.76.120)
20 Perjury 2 (RCW 9A.72.030)
21 Bail Jumping with class B or C Felony (RCW
22 9A.76.170(2)(c))
23 Intimidating a Public Servant (RCW
24 9A.76.180)
25 Tampering with a Witness (RCW 9A.72.120)
26 Manufacture, deliver, or possess with
27 intent to deliver marijuana (RCW
28 69.50.401(a)(1)(ii))
29 Delivery of a material in lieu of a
30 controlled substance (RCW
31 69.50.401(c))
32 Manufacture, distribute, or possess with
33 intent to distribute an imitation
34 controlled substance (RCW
35 69.52.030(1))
36 Recklessly Trafficking in Stolen Property
37 (RCW 9A.82.050(1))
38 Theft of livestock 2 (RCW 9A.56.080)

1 Securities Act violation (RCW 21.20.400)

2 II Unlawful Practice of Law (RCW 2.48.180)

3 Malicious Mischief 1 (RCW 9A.48.070)

4 Possession of Stolen Property 1 (RCW

5 9A.56.150)

6 Theft 1 (RCW 9A.56.030)

7 Trafficking in Insurance Claims (RCW

8 48.30A.015)

9 Unlicensed Practice of a Profession or

10 Business (RCW 18.130.190(7))

11 Health Care False Claims (RCW 48.80.030)

12 Possession of controlled substance that is

13 either heroin or narcotics from

14 Schedule I or II (RCW 69.50.401(d))

15 Possession of phencyclidine (PCP) (RCW

16 69.50.401(d))

17 Create, deliver, or possess a counterfeit

18 controlled substance (RCW

19 69.50.401(b))

20 Computer Trespass 1 (RCW 9A.52.110)

21 Escape from Community Custody (RCW

22 72.09.310)

23 I Theft 2 (RCW 9A.56.040)

24 Possession of Stolen Property 2 (RCW

25 9A.56.160)

26 Forgery (RCW 9A.60.020)

27 Taking Motor Vehicle Without Permission

28 (RCW 9A.56.070)

29 Vehicle Prowl 1 (RCW 9A.52.095)

30 Attempting to Elude a Pursuing Police

31 Vehicle (RCW 46.61.024)

32 Malicious Mischief 2 (RCW 9A.48.080)

33 Reckless Burning 1 (RCW 9A.48.040)

34 Unlawful Issuance of Checks or Drafts (RCW

35 9A.56.060)

36 Unlawful Use of Food Stamps (RCW 9.91.140

37 (2) and (3))

1 False Verification for Welfare (RCW
2 74.08.055)
3 Forged Prescription (RCW 69.41.020)
4 Forged Prescription for a Controlled
5 Substance (RCW 69.50.403)
6 Possess Controlled Substance that is a
7 Narcotic from Schedule III, IV, or V
8 or Non-narcotic from Schedule I-V
9 (except phencyclidine) (RCW
10 69.50.401(d))

Passed the House March 2, 1996.
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