

# HOUSE BILL REPORT

## SSB 5483

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### As Passed House-Amended:

April 9, 1997

**Title:** An act relating to licensing whitewater river outfitters.

**Brief Description:** Licensing whitewater river outfitters.

**Sponsors:** Senate Committee on Natural Resources & Parks (originally sponsored by Senators Johnson, Oke, Snyder, Prentice, Kohl, Rossi, Spanel, Swecker and Schow).

### Brief History:

#### Committee Activity:

Natural Resources: 3/26/97, 4/4/97 [DPA].

#### Floor Activity:

Passed House-Amended: 4/9/97, 87-11.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 10 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Regala, Ranking Minority Member; Butler, Assistant Ranking Minority Member; Alexander; Anderson; Hatfield; Pennington and Sheldon.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Chandler.

**Staff:** Linda Byers (786-7129).

**Background:** Vessels carrying passengers for hire on whitewater rivers in the state must meet certain operating and equipment requirements. For example, operators and passengers must wear personal flotation devices, and vessels must carry spare propelling devices and first-aid kits. A person operating whitewater river trips must complete a lifesaving training course meeting standards adopted by the State Parks and Recreation Commission. A person carrying passengers for hire on whitewater river trips may, but is not required to, register annually with the Department of Licensing. If a person chooses to register, that person supplies information on his or her name, address, and proof of liability insurance.

**Summary of Bill:** Definitions are established in statute for whitewater river outfitters and guides. A mandatory whitewater river outfitter licensing program is established

in the Department of Licensing. In addition to the information currently provided under the voluntary registration program, an applicant for an outfitter's license must certify that all guides who work for the outfitter meet new training standards and are covered by the applicant's insurance policy. The applicant must also show that within the last two years the applicant has not had a related license, permit, or certificate revoked by another state or a federal agency due to a conviction for a violation of safety or insurance coverage requirements, and that the applicant has not been denied the right to apply for such a license, permit, or certificate by another state. Within five days of conviction for any of the state laws on whitewater river rafting, the court will forward a copy of the judgment to the Department of Licensing. After receiving proof of conviction, the department may suspend the license of a whitewater river outfitter for a period not to exceed one year or until the outfitter provides proof of compliance.

Guides must be at least 18 years old. In addition to the lifesaving training course, guides must complete a minimum of 50 hours of guide training on whitewater rivers. The guide training program must include training on equipment preparation and boat rigging, reading river characteristics, methods of scouting and running rapids, river rescue techniques, and communication with clients, including paddling and safety instruction. A guide must complete at least one trip on an entire section of whitewater river before carrying passengers for hire on that section. In order to be a guide instructor, a person must have traveled at least 1,500 river miles, 750 of which must have been while acting as a guide.

The State Parks and Recreation Commission will adopt rules that designate as whitewater rivers all sections of rivers with at least one Class III rapid. The commission may consider the imposition of a schedule of fines for minor violations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and sections 2, 4, 5, 7, and 8 of this act take effect January 1, 1998.

**Testimony For:** This is a reasonable, common-sense proposal. The focus is on consumer protection. There has been genuine concern and understanding from the Legislature. The outfitters heeded the warning of the committee, and the bill represents a reasonable compromise. This will help ensure safe rafting, which is the bottom line.

**Testimony Against:** None.

**Testified:** Brian and Barbara Brunner, self; Linda Hull, representing Brian and Barbara Brunner; and Charles Van Gorder, Professional River Outfitters of Washington (all in favor).