

# HOUSE BILL REPORT

## HB 1344

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### As Reported By House Committee On:

Natural Resources

**Title:** An act relating to personal watercraft.

**Brief Description:** Regulating the use and operation of personal watercraft.

**Sponsors:** Representatives Cooper, Hankins, Hatfield, Radcliff, Scott and Romero.

### Brief History:

#### Committee Activity:

Natural Resources: 2/5/99, 2/19/99 [DPS].

#### Brief Summary of Substitute Bill

- Beginning April 1, 2000, persons born after January 1, 1984, must complete a boating education course approved by the State Parks and Recreation Commission, or its equivalent, in order to operate a personal watercraft.
- The negligent operation of a personal watercraft is an infraction.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Rockefeller and Stensen.

**Minority Report:** Without recommendation. Signed by 2 members: Representatives Ericksen and Pennington.

**Staff:** Bill Lynch (786-7092).

### Background:

The Washington State Parks and Recreation Commission generally administers the state boating laws. These safety laws include provisions pertaining to the safe operation of

personal watercraft. "Personal watercraft" is defined as a vessel of less than 16 feet that uses a motor powering a water jet pump as its primary power source, and that is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than sitting or standing inside the vessel.

There is no requirement for a person who operates a personal watercraft to have successfully completed a boating education course or its equivalent.

People under the age of 14 are prohibited from operating a personal watercraft on the waters of the state. The operation of a personal watercraft during darkness is a misdemeanor.

The operation of a personal watercraft in a reckless manner is a misdemeanor. The reckless operation of a personal watercraft includes recklessly jumping the wake of another vessel unreasonably or unnecessarily close to the vessel, recklessly jumping the wake of another vessel when visibility around the vessel is obstructed, and recklessly swerving at the last possible moment to avoid a collision. The negligent operation of a vessel constitutes an infraction, but there is no comparable penalty for the negligent operation of a personal watercraft.

The requirements for having an operator and an observer to tow a water-skier do not apply to personal watercraft that is operated by the person being towed and there is no one on the personal watercraft.

Each person aboard a personal watercraft is required to wear a personal flotation device approved by the commission. The operation of a personal watercraft when people aboard are not wearing the required personal flotation device is an infraction.

A person operating a personal watercraft equipped with a lanyard-type engine cutoff switch is required to attach the lanyard as appropriate for the specific vessel. It is a misdemeanor for a person to remove or disable a cutoff switch installed by the manufacturer.

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### **Summary of Substitute Bill:**

Beginning on April 1, 2000, persons born after January 1, 1984, who are operators of personal watercraft powered by a 10 horsepower or more motor must have successfully completed a boating education course approved by the State Parks and Recreation Commission. The commission must cooperate with the U.S. Coast Guard Auxiliary, the U.S. Power Squadron, and other organizations in approving boating education courses. A person may demonstrate sufficient knowledge of the information from the boating education course in lieu of taking the course. The commission must provide a written confirmation when a person demonstrates knowledge equivalent to what the course

requires. Any operator of a personal watercraft powered by a 10 horsepower or more motor must possess proof of completion of a boating course or its equivalency. Nonresidents of the state must possess written confirmation of successful completion of a safe boating course approved by the National Association of State Boating Law Administrators issued by another state or country.

The prohibition against operating a personal watercraft during darkness is modified so that the prohibition applies between sunset and 8:00 a.m.

It is an infraction to operate a personal watercraft in a negligent manner. Examples of the negligent operation of a personal watercraft include, among others, weaving through congested vehicle traffic, jumping the wake of another vessel unreasonably close to another vessel or when visibility around the vessel is obstructed or restricted, and operating at greater than a slow/no-wake speed within 100 feet of the shoreline, a dock, a marked swim area, or swimmers or fishers. The definition of reckless operation of a personal watercraft is expanded and includes, among others, the willful and wanton operation of a personal watercraft at greater than a slow/no-wake speed within 100 feet of the shoreline, a dock, a marked swim area, or swimmers or fishers. The reckless operation of a personal watercraft is a misdemeanor.

It is an infraction while operating a personal watercraft to tow a person on water skis or other device unless the personal watercraft is rated by the manufacturer as able to carry at least three persons, and an operator and an observer are aboard. The towing restrictions do not apply when the personal watercraft is operated by the person being towed, and no person is aboard the personal watercraft. It is also an infraction to chase or harass wildlife; to proceed through emergent vegetation at other than a slow/no-wake speed; or to operate in a manner that is not reasonable and prudent.

A person is prohibited from operating a personal watercraft unless each person aboard the personal watercraft or towed by the personal watercraft is wearing a U.S. Coast Guard approved type I, II, III, or V personal flotation device. Violation of this prohibition is an infraction.

The State Parks and Recreation Commission is directed to adopt rules pertaining to the establishment of a boating education course for personal watercraft operators. The commission is required to establish a fee for the education course and for an equivalency demonstration not to exceed the commission's costs. All such fees are deposited into the state parks renewal and stewardship account, and may be appropriated only for the commission's boating safety program.

Nothing in the legislation limits the authority of local governments to regulate the operation of personal watercraft.

**Substitute Bill Compared to Original Bill:** The minimum age requirement for operating a personal watercraft changed from 16 to 14, which retains current law.

Technical amendments are made regarding the inspection and collection of the boating education fee, the penalty for reckless operation of a personal watercraft, and other matters. An exemption to the towing requirements is added for people who operate the personal watercraft while being towed. Language is added to provide that local governments' authority to regulate personal watercraft is unaffected. The Parks and Recreation Commission must cooperate with the U.S. Coast Guard Auxiliary and other groups when approving boating courses.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Original bill) This will improve safety on the water. Several organizations worked together on this legislation. There are 28 states that have similar education programs for personal watercraft. Accidents have declined in states with education programs. Personal watercraft is often a person's first boating experience, so it is good to provide these people with education. Creating an infraction for negligent operation is a valuable addition for enforcing the laws and will reduce accidents. Education will teach people what to do when they end up in the water, and will increase safety. This bill combines education and enforcement and should work well.

**Testimony Against:** (Original bill) Enforcement is nonexistent in many places. Many of the current problems are with adults. There should be minimum standards for the capacity of the water body for operating personal watercraft for safety reasons. Particular areas should be set aside for these watercraft. The minimum age should remain at 14. The classes could be offered by groups like the U.S. Coast Guard Auxiliary free of charge. Personal watercraft should be made in contrasting colors to allow easier identification of the watercraft when there are violations.

**Testified:** (In support) Representative Mike Cooper, prime sponsor; John Woodring and, Roger Hagee, Personal Watercraft Industry Association; Stewart Smith, Deputy Sheriff of Whatcom County; Robert Goetz, Washington Boating Safety Officers Association; Pete Delaunay, Boating Safety Coalition, Tacoma Motor Sports; Lawrence Stetson, Friends of Lake Crescent; Bruce Burwell, PWC Safety Project; and Ray Schow, Recreational Boaters Association of Washington.

(In support with concerns) Bernard Murray, Recreational Boaters Association of Washington; and Scott Merriman, Joe Daniels, and John Marshall (citizens).