
**Natural Resources, Ecology &
Parks Committee**

SSB 5145

Brief Description: Establishing a boating safety education program.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Jacobsen, Swecker, Oke, Fraser, Johnson, Spanel, Rockefeller, Kohl-Welles, Delvin, Keiser, Haugen, Kastama, Kline, Hargrove, Regala, Franklin, Thibaudeau, Rasmussen and Shin).

Brief Summary of Substitute Bill

- Directs the State Parks and Recreation Commission to establish and implement by rule a required boating safety education program.
- Establishes a mandatory \$10 boater education card to be phased in from 2008 to 2016 for persons 12 years of age and older operating motor boats with 15 horsepower or more.

Hearing Date: 3/24/05

Staff: Jeff Olsen (786-7157).

Background:

The State Parks and Recreation Commission (Commission) is required to adopt and enforce recreational boating safety rules consistent with U.S. Coast Guard regulations. The Commission must also coordinate a statewide program of boating safety education using existing programs, when possible, offered by the U.S. Power Squadron and the U.S. Coast Guard Auxiliary. Recreational operators of motor driven boats and vessels are not required to complete a boating safety education program prior to operating the vessel.

SB 5898, passed during the 2003 legislative session, directed the Commission and the Boating Safety Advisory Council to review recreational boating safety accidents and suggest ways in which accidents could be reduced. To implement the bill, the Commission and the Boating Safety Advisory Council met four times over the interim and reviewed statistical information on recreational boating accidents. The primary recommendation of the advisory council is to mandate recreational boater education.

The monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than ten dollars and no more than five hundred dollars.

Summary of Bill:

The State Parks and Recreation Commission must establish a program to provide required boating safety education. The program must be phased in by age so that all non-exempt boaters are required to obtain a boater education card by January 1, 2016. The program must include a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard Auxiliary and the U.S. Power Squadrons. Additionally, the program must include an equivalency exam that may be taken as an alternative to the boating safety education course, a \$10 fee to receive the boater education card, and a card replacement fee.

In order to operate a motor driven boat or vessel of 15 horsepower or greater, a person must be at least 12 years old and: (1) possess a boater education card; or (2) be accompanied by and under the supervision of a person at least 16 years old who has a boater education card, or who is not yet required to possess the card under the phased-in program. Failure to possess a boater education card is a natural resource infraction.

Certain individuals are not required to have a boater education card, including: (1) persons not yet required to have a card under the phased schedule developed by the Commission; (2) certain nonresident vessel operators; (3) renters of motor driven boats or vessels, with an engine power of 15 horsepower or greater, who are at least 12 years old and who complete a Commission-approved motor vessel safety checklist; and (5) any person born before January 1, 1955.

Any person who, prior to the effective date of this act, successfully completed a boating safety education course substantially equivalent to the standards adopted by the Commission may pay a \$10 fee and receive a boater education card without taking a course or equivalency exam.

All fees collected for the issuance of a boater education card must be deposited in the newly created, nonappropriated Boating Safety Education Certification Account to be used for the administration of the boating safety education program.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.