

# Chapter 352-65 WAC

## BOATING SAFETY PROGRAM APPROVAL

### WAC

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**WAC 352-65-010 What is the purpose of boating safety program approval?** The purpose of boating safety program approval is to establish a process to review and approve local boating safety programs and to make funds available to local governments to support their boating safety education, information, and law enforcement activities and to offset out-of-county boater impacts.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-010, filed 11/19/98, effective 12/20/98; WSR 94-04-076, § 352-65-010, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. WSR 90-13-008, § 352-65-010, filed 6/7/90, effective 7/7/90.]

**WAC 352-65-020 How are the words and phrases used in this chapter?** (1) "Boating safety program approval" means that the county or local jurisdiction has entered into an agreement with state parks to develop and maintain a boating safety program meeting minimum requirements established by state parks.

(2) "Commission" means the seven-member Washington state parks and recreation commission.

(3) "Director" means the director of the Washington state parks and recreation commission or designee.

(4) "State parks" means the operating arm of the Washington state parks and recreation commission, which is responsible for implementation of commission programs established pursuant to statute or policy.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-020, filed 11/19/98, effective 12/20/98; WSR 94-04-076, § 352-65-020, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. WSR 90-13-008, § 352-65-020, filed 6/7/90, effective 7/7/90.]

**WAC 352-65-030 Who is eligible to apply for boating safety program approval?** Any county or local public agency having jurisdiction over waters used for recreational boating and possessing the authority to enforce the Revised Code of Washington and the Washington Administrative Code is eligible to apply for state parks boating safety program approval.

(11/19/98)

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-030, filed 11/19/98, effective 12/20/98; WSR 94-04-076, § 352-65-030, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. WSR 90-13-008, § 352-65-030, filed 6/7/90, effective 7/7/90.]

**WAC 352-65-040 What are the minimum requirements necessary to obtain boating safety program approval?** The minimum requirements necessary to obtain boating safety program approval are as follows:

(1) Boating accident reporting and investigation.

(a) Each county or local jurisdiction must provide an assurance that all serious or fatal recreational boating accidents will be thoroughly investigated to the maximum extent possible, and that copies of the investigative reports will be submitted to state parks as specified in RCW 88.12.175.

(b) The approved county or local jurisdiction must support the statewide boating accident reporting system by:

(i) Providing recreational boaters with copies of the state required boating accident report (BAR) form and informing recreational boaters of their responsibility to submit the completed BAR as specified in RCW 88.12.155; and

(ii) Submitting to state parks a completed BAR form which includes all available information about the accident or casualty as specified in chapter 352-70 WAC.

(2) Boater assistance. The county or local jurisdiction will have the ability to respond or coordinate response to recreational boating emergencies which occur within its jurisdiction. Such emergencies may include swift water response, open water rescue, ice rescue, vessel fire, overdue boater search, or other boating-related emergencies or distress calls.

(3) Training. The county or local jurisdiction will be responsible for acquiring the training for its assigned boating safety program personnel. The training will include basic boating safety officer training as provided by the United States Coast Guard, state parks, or any county or local jurisdiction whose training program is approved by state parks.

Such training must be acquired within one year of initiating a new boating safety program, and within one year for each newly assigned boating safety officer.

(4) Rules and regulations. When the county or local jurisdiction adopts ordinances governing recreational boating, the ordinances must be as restrictive, but may be more restrictive than Washington state boating laws and regulations.

(5) Enforcement. The county or local jurisdiction must:

(a) Provide:

(i) Officers with law enforcement certificates from the criminal justice training commission which authorizes such officers to enforce all boating laws and regulations or officers who have completed such other training program as may be approved by the director or designee;

(ii) A patrol schedule that ensures such officers patrol the waterways during peak recreational boating periods;

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(iii) The necessary boating safety patrol equipment, including vessel(s) capable of serving the minimum requirements of this section. The patrol vessel must be properly marked and properly equipped as provided in chapter 88.02 RCW and chapter 352-60 WAC;

(b) Respond to on-water complaints, accidents, and emergencies;

(c) Enforce safety equipment, vessel operation, noise level, navigation and harbor improvements, and registration laws as specified in Title 88 RCW, and as specified in local codes or ordinances.

(6) Boating safety education and information. The county or local jurisdiction must have a boating safety education and information program as follows: Have a designated officer, trained by state parks, to coordinate the activities of boating safety education instructors, act as liaison to boating safety education organizations, and to coordinate:

(a) Boating safety presentations which may include any of the following: Presentations in primary and secondary schools, to boating organizations, and youth groups.

(b) Boating safety instruction. A public course of instruction using lessons and materials from state parks education curriculum, or other state or nationally recognized curriculum approved by state parks.

(c) Boating safety information. Distribute boating safety information and materials, including materials provided by state parks, to boating and outdoor recreation organizations, the boating public, public agencies, and the local media.

(7) Waterway marking. The county or local jurisdiction will use only those waterway markers which conform to the uniform state waterway marking system found in chapter 352-66 WAC.

(8) Boating safety inspections. The county or local jurisdiction will complete written boating safety inspections during enforcement and informational contacts when considered safe and appropriate to document boater compliance with state boating laws. State parks will provide boating safety inspection forms. A copy of the completed inspection will be submitted to state parks for statistical purposes.

(9) Reports. The county or local jurisdiction agrees to submit an annual report of activities performed through the boating safety program and to submit an annual report of all program expenditures. The county or local jurisdiction agrees to participate in statewide boating surveys coordinated by state parks.

(10) Limitations on use of funds. These funds are intended to increase education and enforcement efforts and to stimulate greater local participation in boating safety and are not to supplant existing local funds used for boating safety programs. The county or local jurisdiction agrees to deposit boat registration fees allocated by the state treasurer under RCW 88.02.040, into an account dedicated solely for boating safety purposes which include all activities or expenditures identified in this section.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-040, filed 11/19/98, effective 12/20/98; WSR 94-04-076, § 352-65-040, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. WSR 90-13-008, § 352-65-040, filed 6/7/90, effective 7/7/90.]

**WAC 352-65-045 How does a county or city apply for approval of a boating safety program?** In order to be considered by state parks for approval of a county or local jurisdiction boating safety program, an applicant must complete and submit an application form provided by state parks.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-045, filed 11/19/98, effective 12/20/98.]

**WAC 352-65-050 What funds are available and how are they distributed to approved boating safety programs?** Vessel registration fees are available under RCW 88.02.040 and are distributed as follows:

(1) State treasurer distribution to counties:

(a) Vessel registration fees will be distributed to counties upon notification to the state treasurer:

(i) By state parks that the county has an approved program; and

(ii) By the department of licensing of:

(A) The amount of registration fees collected in each county through June 30 of that calendar year; and

(B) The total vessels registered in each county through June 30 of that calendar year.

(b) State parks will award those remaining funds not distributed in this subsection to help offset out-of-county boater law enforcement and boating safety impacts. State parks may consider the following information when awarding unallocated funds:

(i) Statewide surveys of vessel use;

(ii) Estimates of out-of-county use made by county or local officials supported by locally conducted surveys;

(iii) Other available professionally conducted surveys, studies, or research; or

(iv) Subject to and based upon the availability of unallocated funds, counties with an approved program and identified as receiving the least amount of funds may be awarded additional funds to meet a minimum dollar amount set by state parks.

Any remaining funds not distributed as the result of (b) (i) through (iv) of this subsection will be distributed evenly to all counties with an approved boating safety program.

(2) Counties distribution to local jurisdictions with approved boating safety programs:

(a) Local jurisdiction program approval. Local jurisdictions offering boating safety services and desiring to receive a distribution of funds must enter into a cooperative agreement with the county and receive and maintain state parks' approval for their boating safety program.

(b) County distribution of the funds. The legislative authority of each county with an approved local jurisdiction boating safety program will be responsible for equitably distributing the funds allocated by the state treasurer to local jurisdictions within the county which comply with the requirements of this chapter. The county shall make the equitable distribution to all eligible jurisdictions within seventy-five days of the allocation from the state treasurer and shall notify state parks of the amount distributed to each eligible jurisdiction.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-050, filed 11/19/98, effective 12/20/98. Statutory Authority: RCW 43.51.400 and 88.12.385. WSR 90-13-008, § 352-65-050, filed 6/7/90, effective 7/7/90.]

**WAC 352-65-055 What conditions apply to approval of a boating safety program?** The following conditions apply to approval of a boating safety program:

(1) Program agreement. For each approved program, an agreement must be executed by the director and by the applicant.

(2) Accountability. Counties and local jurisdictions with state parks approved boating safety programs must maintain accurate annual records of activities and expenditures of their boating safety programs, provide state parks with these records consistent with the agreement or upon request, and permit state parks to audit the use of funds in accordance with generally accepted audit practices and standards.

(3) Reporting requirements. Counties and local jurisdictions with state parks approved boating safety programs shall submit reports required by state parks.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-055, filed 11/19/98, effective 12/20/98.]

**WAC 352-65-060 What criteria will be used to evaluate continuation of approval of a boating safety program?** The following criteria will be used to evaluate continuation of program approval:

(1) Assessment. State parks will conduct an assessment of the activities and expenditures of each approved boating safety program. The assessment will be based on approved program requirements as specified in this chapter and in the approved program agreement.

(2) Continuation of approval. Counties and local jurisdictions meeting the minimum program approval requirements will maintain approval.

(3) Revocation of approval. Those counties or local jurisdictions unable to demonstrate compliance with minimum approval requirements will have forty-five days to submit a plan satisfactory to state parks to remedy the deficiencies. If, after forty-five days, a county or local jurisdiction is unable to demonstrate its ability to meet minimum requirements, state parks may revoke the program approval after the county or local jurisdiction has had an opportunity for a hearing under chapter 34.05 RCW, the Administrative Procedure Act.

(4) Program changes. When state parks boating safety program approval requirements change, state parks may require a revised program description be submitted as specified in this chapter.

[Statutory Authority: RCW 88.12.385, 88.02.040 and 43.51.400. WSR 98-24-012, § 352-65-060, filed 11/19/98, effective 12/20/98; WSR 94-04-076, § 352-65-060, filed 1/31/94, effective 3/3/94. Statutory Authority: RCW 43.52.050 [43.51.050]. WSR 90-13-008, § 352-65-060, filed 6/7/90, effective 7/7/90.]