

WAC 352-60-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

"Carrying passengers for hire" means carrying passengers in a vessel on waters of the state for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the vessel. This shall not include trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire on waters of the state.

"Coastal waters" means those waters (i.e., bays, sounds, harbors, rivers, inlets, etc.) directly connected to the territorial seas of the state of Washington where any entrance exceeds two nautical miles between opposite shorelines to the first point where the largest distance between shorelines narrows to two miles, as shown on the current edition of the appropriate National Ocean Service chart used for navigation. Shorelines of islands or points of land present within a waterway are considered when determining the distance between opposite shorelines.

"International waters" means the high seas within the territorial limits of Washington state seaward of the demarcation lines dividing the high seas from the harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, and are governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Chapter 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Inland waters" means the waters within the territorial limits of Washington state shoreward of the demarcation lines dividing the high seas from harbors, rivers, bays, sounds, and other inland waters, as established in Chapter 33, Code of Federal Regulations, Part 80, which are not governed by the International Regulations for Preventing Collisions at Sea, 1972, (72 COLREGS), Title 33, Code of Federal Regulations, Part 81-72, Appendix A.

"Length" means a straight line measurement of the overall distance from the foremost point of a vessel to the aftermost part of a vessel, measured parallel to the centerline not including bow sprits, bumpkins, boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments.

"Observer" means an individual riding in a vessel who is responsible for observing a water skier at all times.

"Operate" means to steer, direct, or otherwise have physical control of a vessel that is underway.

"Operator" means an individual who steers, directs, or otherwise has physical control of a vessel that is underway or exercises actual authority to control the person at the helm.

"Owner" means a person who has a lawful right to possession of a vessel by purchase, exchange, gift, lease, inheritance, or legal action whether or not the vessel is subject to a security interest.

"Person" means any individual, sole proprietorship, partnership, corporation, nonprofit corporation or organization, limited liability company, firm, association, or other legal entity located within or outside this state.

"Personal flotation device" means a wearable Type I off-shore life jacket, Type II wearable near-shore buoyant vest, Type III weara-

ble flotation aid, Type IV throwable ring buoy or buoyant cushion, or Type V special use device or hybrid inflatable device, that is approved by the United States Coast Guard Commandant under Chapter 46, Code of Federal Regulations, Part 160.

"PFD" means a personal flotation device.

"Power-driven vessel" means any vessel propelled by machinery.

"Sailing vessel" means any vessel under sail provided that propelling machinery, if fitted, is not being used.

"Racing shell, rowing scull, and racing kayak" means any manually propelled boat that is recognized by a national or international racing association for use in competitive racing, in which all occupants row, scull, or paddle, with the exception of a coxswain, if one is provided, and which is not designed to carry and does not carry any equipment not solely for competitive racing.

"Underway" means that a vessel is not at anchor, or made fast to the shore, or aground.

"Use" means to operate, navigate, moor or employ.

"Vessel" means every description of watercraft used or capable of being used as a means of transportation on the water, other than a seaplane. However, it does not include inner tubes, air mattresses, and small rafts or flotation devices or toys customarily used by swimmers.

"Vessel engaged in fishing" means any vessel fishing with nets, lines, trawls or other fishing apparatus which restrict maneuverability, but does not include a vessel fishing with trolling lines or other fishing apparatus which do not restrict maneuverability.

"Vessel not under command" means a vessel which through some exceptional circumstance is unable to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel.

"Vessel restricted in her ability to maneuver" means a vessel which from the nature of her work is restricted in her ability to maneuver as required by these requirements and is therefore unable to keep out of the way of another vessel. Vessels restricted in their ability to maneuver include, but are not limited to:

- A vessel engaged in laying, servicing or picking up a navigation mark, submarine cable, or pipeline;
- A vessel engaged in dredging, surveying, or underwater operations;
- A vessel engaged in replenishment or transferring persons, provisions, or cargo while underway;
- A vessel engaged in the launching or recovery of aircraft;
- A vessel engaged in mineclearance operations; and
- A vessel engaged in a towing operation such as severely restricts the towing vessel and her tow in their ability to deviate from their course.

"Visual distress signal" means any signalling device approved by the United States Coast Guard for use on recreational vessels.

"Water skiing" means the physical act of being towed behind a vessel on, but not limited to, any skis, aquaplane, kneeboard, tube, or any other similar device.

"Waters of the state" means any waters within the territorial limits of Washington state.

"Whistle" means any sound signaling appliance capable of producing the prescribed blasts and which complies with specifications found in Title 33, Code of Federal Regulations, Part 81, Appendix A.

"Whitewater rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of the state as listed in RCW 88.12.265 or as designated by the commission in WAC 352-60-140(2).

"Whitewater river outfitter" means any person who is advertising to carry or carries passengers for hire on any whitewater river of the state, but does not include any person whose only service on a given trip is providing instruction in canoeing or kayaking skills.

[Statutory Authority: RCW 88.12.279 and 43.51.400. WSR 98-07-022, § 352-60-020, filed 3/10/98, effective 4/10/98. Statutory Authority: RCW 43.51.400, 88.12.065, 88.12.125, 88.12.245 and chapter 33, C.F.R. Part 175.15. WSR 94-16-027, § 352-60-020, filed 7/25/94, effective 8/25/94. Statutory Authority: RCW 43.51.400. WSR 84-11-057 (Order 79), § 352-60-020, filed 5/18/84.]