
SUBSTITUTE SENATE BILL 5179

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Ecology & Parks (originally sponsored by Senators Owen, Barr, Fraser, Rinehart and Sutherland)

Read first time 02/10/93.

1 AN ACT Relating to vessel safety; adding new sections to chapter
2 88.12 RCW; prescribing penalties; and declaring an emergency.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

5 (a) Washington state has the greatest length of marine shoreline
6 miles of the lower forty-eight states;

7 (b) Such marine waters and the extensive freshwater lakes and
8 rivers of the state provide innumerable recreational opportunities, and
9 support a state recreational vessel population that is one of the
10 largest in the country;

11 (c) Many of Washington's popular recreational waters are remote
12 from population centers and thus remote from emergency health care
13 facilities;

14 (d) Washington's climate in the western portion of the state, in
15 which its marine recreational waters lie, is cool and wet for much of
16 the year. Much of the state's recreational vessel activity is
17 conducted in the late fall and winter months in connection with fishing
18 activities. For these reasons the great majority of Washington vessels
19 are equipped with heating devices. These appliances are in use for a

1 much greater portion of the boating season than in other states, and
2 are predominantly fueled by liquid petroleum gas;

3 (e) Current state and federal standards governing heating and
4 cooking appliances on vessels that are fueled by liquid petroleum gas
5 do not adequately protect against undetected gas leaks. Such gas leaks
6 have led to explosions on Washington waters, causing loss of life and
7 property damage;

8 (f) A vessel equipped with leak detection and warning devices will
9 greatly reduce the potential for the ignition of liquid petroleum gas
10 which may have escaped into the hold of the vessel, yet such devices
11 are not currently required either by federal standards or Washington
12 law.

13 (2) It is the intent of the legislature to address the state's
14 unique local circumstances regarding inadequate protection of
15 Washington's boaters from undetected leaks of liquid petroleum gas-
16 fueled appliances by requiring leak detection and warning devices to be
17 placed on those vessels most at risk. It is further the intent of the
18 legislature in this action to exercise the authority to address such
19 local circumstances recognized in federal laws which otherwise preempt
20 the field of establishing safety standards for vessels.

21 NEW SECTION. **Sec. 2.** (1) Effective July 1, 1994, the owner of any
22 vessel that is equipped with a liquid petroleum gas system shall ensure
23 that such vessel is equipped with one or more sensors and warning
24 devices capable of sensing vapors at a level of concentration below the
25 threshold which presents a danger of explosion. The devices shall be
26 capable of providing a continuous warning audible to anyone on board or
27 boarding the vessel.

28 (2) As used in this section, "vessel" includes any vessel used
29 primarily for recreation or chartered primarily for recreational
30 purposes that is required to display a valid registration decal from
31 the department of licensing or the department of revenue. On or before
32 April 1, 1994, the commission shall adopt rules defining vessels of
33 open-air construction which are excluded from this definition.

34 (3) A violation of subsection (1) of this section is a civil
35 infraction punishable under RCW 7.84.100. During the period from July
36 1, 1994, to September 1, 1994, a person violating this section may be
37 issued a written warning of the violation only.

1 NEW SECTION. **Sec. 3.** The sensors and warning devices required by
2 section 2 of this act shall comply with all applicable standards
3 adopted by the United States coast guard or the commission. Within
4 thirty days following the effective date of this act, the commission
5 shall request the coast guard to adopt standards requiring and
6 governing the installation of such devices. If the commission
7 determines that such federal standards are not reasonably likely to be
8 adopted by April 1, 1994, the commission shall adopt such standards on
9 or before such date. The rules shall provide that more than one sensor
10 shall be required on vessels which due to their size or design cannot
11 be adequately serviced by a single sensor.

12 NEW SECTION. **Sec. 4.** (1) On or after July 1, 1994, it is a
13 violation of this chapter for any person or vessel dealer to offer for
14 sale within this state a vessel that is not equipped with the warning
15 device required by section 2 of this act.

16 (2) On or after July 1, 1994, it is a violation of this chapter to
17 manufacture a vessel which does not meet the requirements of section 2
18 of this act, or to modify a vessel in any way that causes a vessel to
19 be out of compliance with section 2 of this act.

20 (3) A violation of this section shall be a misdemeanor punishable
21 as provided by RCW 9A.20.021(2).

22 NEW SECTION. **Sec. 5.** In the event that a court of competent
23 jurisdiction rules that any provision of sections 1 through 4 of this
24 act is invalid as preempted by federal law or regulations, the
25 commission shall submit to the appropriate federal official an
26 application for exemption from such preemption as provided by 46 U.S.C.
27 Sec. 4305.

28 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act are each
29 added to chapter 88.12 RCW.

30 NEW SECTION. **Sec. 7.** If any provision of this act or its
31 application to any person or circumstance is held invalid, the
32 remainder of the act or the application of the provision to other
33 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 8.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of the
3 state government and its existing public institutions, and shall take
4 effect immediately.

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