

# Title 318 WAC

## MARITIME COMMISSION

**Chapters**

**318-04 Vessel assessment schedule.**

**Chapter 318-04 WAC**

**VESSEL ASSESSMENT SCHEDULE**

**WAC**

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**WAC 318-04-010 Declaration of purpose.** To effectuate the purposes of chapter 88.44 RCW, the Washington state maritime commission hereby adopts certain definitions and prescribes the rate and terms of assessments on vessels which transit upon the waters of this state.

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-010, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-020 Definitions** Unless the context clearly requires otherwise, the definitions in this section apply throughout these rules.

"Tanker barge" is a vessel as defined by RCW 88.44.010(15) which is not self-propelled and is designed, constructed or adapted primarily to carry, or carries oil, as defined by RCW 88.44.010(6), in bulk as cargo or cargo residue.

"Tanker vessel" - is a vessel as defined by RCW 88.44.010(15) which is self-propelled and designed, constructed or adapted primarily to carry or carries oil, as defined by RCW 88.44.010(6), in bulk as cargo or cargo residue.

"Small tanker vessel" - is a vessel as defined by RCW 88.44.010(15), of 300 gross registered tons or less, whether self-propelled or not, and designed, constructed or adapted primarily to carry or carries oil, as defined by RCW 88.44.010(6), in bulk as cargo or cargo residue, which voluntarily pays assessments under WAC 318-04-030 and submits to the provisions of chapter 88.44 RCW.

"Dry cargo barge" is a vessel as defined by RCW 88.44.010(15) which is not self-propelled, but because it is not designed, constructed or adapted primarily to carry oil, is not a tanker barge. To be subject to assessment, the dry cargo barge must be carrying oil solely to fuel barge machinery or mobile equipment carried as cargo.

"Nontanker vessel" is a vessel as defined by RCW 88.44.010(15) which is neither a tanker barge, a tanker vessel, nor a dry cargo barge.

(1992 Ed.)

"Maximum capacity" is the volume of oil, as defined by RCW 88.44.010(6) that a tanker barge or tanker vessel is capable of carrying when fully loaded as designed, constructed or adapted.

"Passenger vessel" is a self-propelled ship of three-hundred or more gross tons with a fuel capacity of at least six-thousand gallons carrying passengers for compensation.

[Statutory Authority: RCW 88.44.020(5), 88.44.100 and 34.05.380 (3)(c) and (d). 92-23-007, § 318-04-020, filed 11/5/92, effective 11/6/92. Statutory Authority: RCW 88.44.100. 91-19-073, § 318-04-020, filed 9/17/91, effective 11/5/91; 91-02-005, § 318-04-020, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-030 Assessments Effective September 12, 1991 or upon approval by the office of marine safety, whichever is later (except as provided below in this subsection), there is hereby levied by the Washington state maritime commission upon all nonexempt vessels, as defined by RCW 88.44.010(15) and WAC 318-04-020, which transit upon the waters of this state and upon small tanker vessels, or the owners or operators thereof, an assessment in the following amounts:**

(A) On tanker barges whose maximum capacity is:

	<u>Rate</u>
(1) 0 to 28,999 bbls	\$ 68.00
(2) 29,000 to 44,999 bbls	\$ 78.00
(3) 45,000 to 59,999 bbls	\$ 97.00
(4) 60,000 to 79,999 bbls	\$ 122.00
(5) 80,000 and over	\$ 152.00

(B) On tanker vessels carrying oil as cargo

	<u>Rate</u>
(1) 0 to 300 Gross Registered Tons - On Small Tanker Vessels	\$ 25.00
(2) 301 to 9,999 Gross Reg. Tons	\$ 1,620
(3) 10,000 Gross Reg. Tons and Over	\$ 3,240

(C) On tanker vessels when not carrying oil as cargo, but while carrying other liquid or semi-liquid cargoes

	<u>Rate</u>
(1) 301 - 500 Gross Reg. Tons	\$ 73.00
(2) 501 - 1,000 Gross Reg. Tons	\$ 97.00
(3) 1,001 - 4,999 Gross Reg. Tons	\$ 122.00
(4) 5,000 Gross Reg. Tons and over	\$ 162.00

(D) On dry cargo barges (not tanker barges)

<u>Rate</u>
\$ 73.00

(E) On nontanker vessels carrying oil as fuel for propulsion machinery

			<u>Rate</u>
(1)	301 - 500	Gross Reg. Tons	\$ 73.00
(2)	501 - 1,000	Gross Reg. Tons	\$ 97.00
(3)	1,001 - 4,999	Gross Reg. Tons	\$ 122.00
(4)	5,000	Gross Reg. Tons and over	\$ 162.00

[(See WAC 318-04-090 for effective dates of 5% annual increases)]

(F) On passenger vessels engaged as international ferry boats subsequent to date of filing of this rule-making order with the code reviser's office \$75.00

The assessment levied on all vessels, or the owners or operators thereof, which transit upon the portion of the Columbia River that runs between the states of Washington and Oregon, shall be effective on and after January 1, 1992.

[Statutory Authority: RCW 88.44.020(5), 88.44.100 and 34.05.380 (3)(c) and (d). 92-23-007, § 318-04-030, filed 11/5/92, effective 11/6/92. Statutory Authority: RCW 88.44.100. 91-19-073, § 318-04-030, filed 9/17/91, effective 11/5/91; 91-02-005, § 318-04-030, filed 12/21/90, effective 1/1/91.]

**Reviser's note:** The effective date of January 1, 1992 mentioned in the last paragraph of this section has been indefinitely deferred; see WSR 92-03-061, filed on January 13, 1992.

**Reviser's note:** RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

**WAC 318-04-040 When due.** Vessel assessments shall be due and payable to the Washington state maritime commission before any vessel discharges, loads or departs from Washington waters, whichever is first.

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-040, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-050 How assessed.** Vessels arriving in Washington waters will be assessed each time they enter the state's waters. Tanker vessels and tanker barges home ported in Washington and transiting the waters of the state, but not arriving and departing frequently, shall be assessed each time they discharge or take on a cargo of oil in Washington waters, but there shall be no more than one assessment per day (24-hour period commencing at 12:01 a.m.).

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-050, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-060 Exemptions.** Vessels which show satisfactory proof to the commission or the department of ecology prior to April 1, 1991 (or prior to April 1, 1992 in the case of vessels transiting only the waters of the Columbia River that runs between Washington and Oregon) or prior to initial entry into Washington waters, whichever comes first, that they have formerly and individually arranged with an officially recognized cleanup cooperative or with a private cleanup contractor to provide immediate response capabilities in the event of an oil spill or release are

exempt from assessment, as are other vessels expressly exempted by RCW 88.44.010(15).

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-060, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-070 Surcharge.** Vessels otherwise subject to assessment, but which have not presented timely and satisfactory proof of an approved arrangement with a recognized cooperative or private clean-up contractor in compliance with WAC 318-04-060, or arranged to make their assessment payments to the Washington state maritime commission by April 1, 1991 (or April 1, 1992 in cases of vessels on the Columbia River) must thereafter pay all back assessments, plus a surcharge of twenty percent, before being accepted for membership in the commission and placed on its regular assessment schedule.

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-070, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-080 Collection of accounts.** (1) The commission shall obtain from the marine exchange of Puget Sound, the Washington state pilotage commission, the fisheries commission and/or U.S. customs a record of all vessels transiting the waters of this state and shall from this record periodically invoice all vessels, their owners, operators or agents shown thereon for assessments levied pursuant to WAC 318-04-030. The date of the invoice shall be known as the billing date.

(2) Assessments not paid within twenty days from the billing date shall be delinquent. If the delinquent assessments are not paid within thirty-five days from the billing date, a notice of delinquency shall be sent to the vessel, its owner, operator or agent stating that if the delinquent assessments are not paid within forty-five days from the billing date, the vessel, its owner, operator or agent involved will thereafter be denied further credit and be put on a cash basis until the delinquent assessments are paid.

If at any time an account thereafter is again unpaid in the same year for more than thirty-five days from the billings date, the commission may, without further notice, immediately place the vessel, its owner, operator or agent on a cash basis for the remainder of the year, or such period as the commission may at its option specify.

(3) Delinquent assessments not paid within thirty-five days of the billing date shall bear interest at the maximum legal rate, not to exceed 1 1/2% per month from the due date to date of payment, and in case of suit to collect said delinquent assessments, the prevailing party shall, in addition to any other relief granted, be allowed an attorney's fee in such amount as the court in its discretion deems reasonable, together with costs of suit.

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-080, filed 12/21/90, effective 1/1/91.]

**WAC 318-04-090 Increase in assessments.** On and after January 1, 1992, all assessments on vessels, their owners or operators as specified in WAC 318-04-030, are hereby increased in the following amounts:

- (A) By five percent effective January 1, 1992;
- (B) By five percent effective January 1, 1993.

**Vessel Assessment Schedule**

**318-04-090**

[Statutory Authority: RCW 88.44.100. 91-02-005, § 318-04-090, filed 12/21/90, effective 1/1/91.]