

Chapter 352-70 WAC

THE STATE BOATING ACCIDENT REPORTING PROGRAM

WAC

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WAC 352-70-010 What is the state boating accident reporting program? The state boating accident reporting program sets out the procedures, established under RCW 79A.60.200, boat operators must use to report pertinent boating accident information to the law enforcement agency having jurisdiction where an accident occurs. Through this program, all reports of boating accidents are forwarded to the Washington state parks and recreation commission for the confidential use of government agencies for analysis and development of accident prevention programs or as otherwise permitted by RCW 79A.60.210. The state boating accident reporting program is consistent with the regulations administered by the United States Coast Guard.

[Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-010, filed 12/21/00, effective 1/21/01. Statutory Authority: RCW 43.51.400. WSR 93-20-018, § 352-70-010, filed 9/24/93, effective 10/24/93; WSR 84-01-060 (Order 73), § 352-70-010, filed 12/19/83.]

WAC 352-70-020 What words and phrases are used in the state boating accident reporting program? Unless the context clearly indicates otherwise, the definitions in this section apply throughout this chapter.

(1) "Commission" means the Washington state parks and recreation commission.

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

(3) "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.

(4) "Use" means operate, navigate, or employ.

(5) "Vessel" means every 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.

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

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-020, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-020, filed 12/21/00, effective 1/21/01. Statutory Authority:

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RCW 43.51.400. WSR 93-20-018, § 352-70-020, filed 9/24/93, effective 10/24/93; WSR 84-01-060 (Order 73), § 352-70-020, filed 12/19/83.]

Reviser's note: The permanent filing 08-24-004 contained no amendments to this section.

WAC 352-70-030 Which vessels are subject to the state boating accident reporting program? (1) The requirements for reporting boating accidents apply to each vessel used on the waters of Washington state that:

(a) Is used by its operator for recreational purposes; or

(b) Is required to register in accordance with chapter 88.02 RCW.

(2) This chapter does not apply to each vessel subject to inspection under U.S. Code Title 46 Chapter 33 INSPECTION GENERALLY.

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-030, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-030, filed 12/21/00, effective 1/21/01. Statutory Authority: RCW 43.51.400. WSR 84-01-060 (Order 73), § 352-70-030, filed 12/19/83.]

WAC 352-70-035 Who is required to submit a boating accident report and under what conditions? (1) The operator of the vessel must submit a boating accident report when the vessel or its equipment is involved in an occurrence that results in any of the conditions found in subsection (3) of this section.

(2) When the operator of the vessel cannot submit the boating accident report required by this section, the owner shall submit the report, and, if the owner cannot submit the report, the law enforcement agency that has jurisdiction where the accident occurred shall submit the report on behalf of the owner.

(3) A boating accident report is required to be submitted as specified in subsections (1) and (2) of this section whenever any of the following conditions involving a vessel or its equipment has occurred:

(a) A person dies;

(b) A person is injured and requires medical treatment beyond first aid;

(c) Damage to vessels and other property totals two thousand dollars or more;

(d) A vessel is a complete loss; or

(e) A person disappears from the vessel under circumstances that indicate death or injury.

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-035, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-035, filed 12/21/00, effective 1/21/01.]

WAC 352-70-040 How does the operator of a vessel report a boating accident? The operator of a vessel involved in a boating accident or the owner of the vessel reporting for the operator must complete and submit a written

boating accident report to the law enforcement agency that has jurisdiction where the accident occurred within the specified times listed here:

- (1) Within forty-eight hours of the occurrence if a person dies within twenty-four hours of the accident;
- (2) Within forty-eight hours of the occurrence if a person is injured and requires medical treatment beyond first aid, or disappears from a vessel; and
- (3) Within ten days of the occurrence or death for all other boating accident reports.
- (4) All reports must be submitted on the state boating accident report form published by the commission as defined in WAC 352-70-050.

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-040, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-040, filed 12/21/00, effective 1/21/01. Statutory Authority: RCW 43.51.400. WSR 93-20-018, § 352-70-040, filed 9/24/93, effective 10/24/93; WSR 84-01-060 (Order 73), § 352-70-040, filed 12/19/83.]

WAC 352-70-050 What information must be provided on the state boating accident report form? The state boating accident report form published by the commission must be completed in writing, signed and dated by the person completing it and must contain the following information about the boating accident:

- (1) The registration numbers and names as documented of each vessel involved.
- (2) The name and address of each owner of each vessel involved.
- (3) The name of the nearest city or town, the county, the state, and the body of water.
- (4) The time and date the accident occurred.
- (5) The location on the water.
- (6) The visibility, weather, and water conditions.
- (7) The estimated air and water temperatures.
- (8) The name, address, age, or date of birth, telephone number, vessel operating experience, and boating safety training of the operator of the vessel making the report.
- (9) The name and address of each operator of each other vessel involved.
- (10) The number of persons on board and towed on skis by each vessel.
- (11) The name, address, and date of birth of each person who was injured, died, or disappeared.
- (12) The cause of each death.
- (13) Weather forecasts available to, and weather reports used by, the operator before and during the use of the vessel.
- (14) The name and address of each owner of property involved.
- (15) The number, availability, and use of personal flotation devices.
- (16) The type and amount of each fire extinguisher used.
- (17) The nature and extent of each injury.
- (18) A description of all property damage and vessel damage with an estimate of the cost of all repairs.
- (19) A description of each equipment failure that caused or contributed to the cause of the accident.
- (20) A description of the vessel accident.

(21) The type of vessel operation (cruising, drifting, fishing, hunting, skiing, racing, or other) and the type of accident (capsizing, sinking, fire, explosion, or other).

(22) The opinion of the person making the report as to the cause of the accident including whether or not alcohol or drugs, or both, was a cause or contributed to causing the accident.

(23) The make, model, type (open, cabin, house, or other), beam width at widest point, length, depth from transom to keel, horse power, propulsion (outboard, inboard, inboard outdrive, sail, or other), fuel (gas, diesel, or other), construction (wood, steel, aluminum, plastic, fiberglass, or other), and year built (model year) of the vessel of the person making the report.

(24) The name, address, and telephone number of each witness.

(25) The manufacturer's hull identification number, if any, of the vessel of the person making the report.

(26) The name, address, and telephone number of the person submitting the report.

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-050, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-050, filed 12/21/00, effective 1/21/01. Statutory Authority: RCW 43.51.400. WSR 93-20-018, § 352-70-050, filed 9/24/93, effective 10/24/93; WSR 84-01-060 (Order 73), § 352-70-050, filed 12/19/83.]

WAC 352-70-060 How is a boating accident report submitted to the commission? The law enforcement agency that has jurisdiction where a boating accident occurs must submit the state boating accident report form within ten days of receiving, or completing the report to the commission at the following address:

Washington State Parks and
Recreation Commission
Boating Programs
1111 Israel Road
P.O. Box 42654
Olympia, Washington 98504-2654

[Statutory Authority: Chapter 79A.05 RCW, RCW 79A.05.030, 79A.05.070 and chapter 79A.60 RCW. WSR 08-24-004, § 352-70-060, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 79A.05.310(4). WSR 01-02-021, § 352-70-060, filed 12/21/00, effective 1/21/01. Statutory Authority: RCW 43.51.400. WSR 93-20-018, § 352-70-060, filed 9/24/93, effective 10/24/93; WSR 84-01-060 (Order 73), § 352-70-060, filed 12/19/83.]