

SENATE BILL 5311

State of Washington

52nd Legislature

1991 Regular Session

By Senators McMullen, Nelson, Moore and Vognild.

Read first time January 28, 1991. Referred to Committee on Transportation.

1 AN ACT Relating to bare-boat charter boats; and amending RCW
2 88.04.015 and 88.04.075.

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

4 **Sec. 1.** RCW 88.04.015 and 1989 c 295 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Department" means the department of labor and industries.

9 (2) "Carrying passengers or cargo" means the transporting of any
10 person or persons or cargo on a vessel for a fee or other
11 consideration.

12 (3) "Charter boat" means a vessel or barge operating on inland
13 navigable waters of the state of Washington which is not inspected or
14 licensed by the United States coast guard and over which the United

1 States coast guard does not exercise jurisdiction and which is rented,
2 leased, or chartered to carry more than six persons or cargo.

3 (4) "Equipment" means a system, part, or component of a vessel as
4 originally manufactured, or a system, part, or component manufactured
5 or sold for replacement, repair, or improvement of a system, part, or
6 component of a vessel; an accessory or equipment for, or appurtenance
7 to a vessel; or a marine safety article, accessory, or equipment,
8 including radio equipment, intended for use by a person on board a
9 vessel.

10 (5) "Inland navigable waters" means all waters within the
11 territorial limits of the state of Washington, shoreward of the
12 navigational demarcation lines dividing the high seas from harbors,
13 rivers, lakes, and other inland waters of the state.

14 (6) "Operate" means to start or operate any engine which propels a
15 vessel, or to physically control the motion, direction, or speed of a
16 vessel.

17 (7) "Owner" means a person who claims lawful possession of a vessel
18 by virtue of legal title or an equitable interest in a vessel which
19 entitles that person to possession of the vessel; but does not include
20 charterers and lessees.

21 (8) "Passenger" means a person carried on board a charter boat
22 except:

23 (a) The owner of the vessel or the owner's agent; or

24 (b) The captain and members of the vessel's crew.

25 (9) "Operator's license" means a vessel operator's license issued
26 by the United States coast guard or department for the specified
27 tonnage and route of the vessel.

28 (10) "Vessel" means every description of motorized watercraft,
29 other than a bare-boat charter boat, seaplane, or sailboat, used or

1 capable of being used to transport more than six passengers or cargo on
2 water for rent, lease, or hire.

3 (11) "Bare-boat charter" means the unconditional lease, rental, or
4 charter of a boat by the owner, or his or her agent, to a person who by
5 written agreement, or contract, assumes all responsibility and
6 liability for the operation, navigation, and provisioning of the boat
7 during the term of the agreement or contract.

8 **Sec. 2.** RCW 88.04.075 and 1989 c 295 s 11 are each amended to read
9 as follows:

10 The provisions of this chapter shall not apply to:

11 (1) A vessel that is a charter boat but is being used by the
12 documented or registered owner of the charter boat exclusively for the
13 owner's own noncommercial or personal pleasure purposes;

14 (2) A vessel owned by a person or corporate entity which is donated
15 and used by a person or nonprofit organization to transport passengers
16 for charitable or noncommercial purposes, regardless of whether
17 consideration is directly or indirectly paid to the owner;

18 (3) A vessel that is rented, leased, or hired by an operator to
19 transport passengers for noncommercial or personal pleasure purposes;

20 ((or))

21 (4) A vessel used exclusively for, or incidental to, an educational
22 purpose; or

23 (5) A bare-boat charter boat.