

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5311

Chapter 45, Laws of 1991

52nd Legislature
1991 Regular Session

BARE-BOAT CHARTER BOATS

EFFECTIVE DATE: 7/28/91

Passed by the Senate March 7, 1991
Yeas 44 Nays 0

ALAN BLUECHEL
President of the Senate

Passed by the House April 9, 1991
Yeas 92 Nays 0

JOE KING
**Speaker of the
House of Representatives**

Approved April 24, 1991

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5311** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

April 24, 1991 - 11:05 a.m.

BOOTH GARDNER
Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5311

Passed Legislature - 1991 Regular Session

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, except when a captain or
8 crew is required or provided by the owner or owner's agents to be hired
9 by the charterer to operate the vessel.

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

12 The provisions of this chapter shall not apply to:

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

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

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

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

25 (5) A bare-boat charter boat.

Passed the Senate March 7, 1991.

Passed the House April 9, 1991.

Approved by the Governor April 24, 1991.

Filed in Office of Secretary of State April 24, 1991.