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SENATE BILL 5094

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State of Washington

56th Legislature

1999 Regular Session

By Senators Oke, Jacobsen, B. Sheldon, Bauer, Gardner, T. Sheldon, Fairley, Fraser, Winsley, McAuliffe, Long, Eide, Kohl-Welles, Costa, Haugen and McCaslin

Read first time 01/13/1999. Referred to Committee on Natural Resources, Parks & Recreation.

1 AN ACT Relating to personal flotation devices; amending RCW  
2 88.12.115; and prescribing penalties.

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

4 **Sec. 1.** RCW 88.12.115 and 1993 c 244 s 14 are each amended to read  
5 as follows:

6 (1) No person may operate or permit the operation of a vessel on  
7 the waters of the state without a personal flotation device on board  
8 for each person on the vessel. Each personal flotation device shall be  
9 in serviceable condition, of an appropriate size, and readily  
10 accessible.

11 (2) Except as provided in RCW 88.12.015, a violation of subsection  
12 (1) of this section is an infraction under chapter 7.84 RCW if the  
13 vessel is not carrying passengers for hire.

14 (3) A violation of subsection (1) of this section is a misdemeanor  
15 punishable under RCW 9.92.030, if the vessel is carrying passengers for  
16 hire.

17 (4) No person shall operate a vessel under nineteen feet in length  
18 on the waters of this state with a child twelve years old and under,  
19 unless the child is wearing a United States coast guard approved

1 personal flotation device, of the appropriate size, while the vessel is  
2 underway. For the purposes of this section, a personal flotation  
3 device is not considered readily accessible for children twelve years  
4 old and under unless the device is worn by the child while the vessel  
5 is underway. The personal flotation device must be worn at all times  
6 by a child twelve years old and under whenever the vessel is underway  
7 and the child is on an open deck or open cockpit of the vessel. The  
8 following circumstances are excepted:

9 (a) While a child is below deck or in the cabin of a boat with an  
10 enclosed cabin; or

11 (b) While a child is on a United States coast guard inspected  
12 passenger-carrying vessel operating on the navigable waters of the  
13 United States.

14 (5) Except as provided in RCW 88.12.015, a violation of subsection  
15 (4) of this section is an infraction under chapter 7.84 RCW.  
16 Enforcement of subsection (4) of this section by law enforcement  
17 officers may be accomplished as a primary action, and need not be  
18 accompanied by the suspected violation of some other offense.

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