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**SUBSTITUTE SENATE BILL 5393**

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**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** Senate Committee on Transportation (originally sponsored by Senators Haugen, Johnson, Patterson, Oke, Gardner, Sellar and Costa)

Read first time 03/01/1999.

1 AN ACT Relating to personal watercraft; adding a new section to  
2 chapter 88.12 RCW; repealing RCW 88.12.145; and prescribing penalties.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 88.12 RCW  
5 to read as follows:

6 (1) A person shall not operate a personal watercraft unless each  
7 person aboard the personal watercraft or being towed behind the  
8 personal watercraft is wearing a United States coast guard approved  
9 type I, II, III, or V personal flotation device. An inflatable  
10 personal flotation device does not satisfy the requirements of this  
11 section. Except as provided for in RCW 88.12.015, a violation of this  
12 subsection is a civil infraction punishable under RCW 7.84.100.

13 (2) A person operating a personal watercraft equipped by the  
14 manufacturer with a lanyard-type engine cutoff switch shall attach the  
15 lanyard to his or her person, clothing, or personal flotation device,  
16 as appropriate for the specific personal watercraft. It is unlawful  
17 for any person to remove or disable a cutoff switch or spring loaded  
18 throttle mechanism that was installed by the manufacturer.

1 (3) A person shall not operate a personal watercraft between sunset  
2 and 8:00 a.m.

3 (4) Beginning April 1, 2000:

4 (a) No person under the age of sixteen may operate a personal  
5 watercraft.

6 (b) Subject to the minimum age requirement contained in (a) of this  
7 subsection, no person born after January 1, 1984, may operate a  
8 personal watercraft powered by a motor of ten horsepower or greater  
9 unless such a person has successfully completed a boating education  
10 course approved by the commission. The commission shall approve  
11 boating education courses offered by the United States coast guard  
12 auxiliary and the United States power squadron. In lieu of completing  
13 a boating course, an individual may demonstrate, in a manner approved  
14 by the commission, sufficient knowledge of the information from the  
15 boating education course. The commission shall issue written  
16 confirmation of the successful demonstration of equivalent knowledge.

17 (c) If a nonresident of the state is operating a personal  
18 watercraft on the waters of the state, the person is subject to the  
19 requirements of this section. The person is in compliance with the  
20 requirements of this subsection if the person possesses written  
21 confirmation of successful completion of a safe boating course approved  
22 by the national association of state boating law administrators and  
23 issued by the person's home state, or any other state or country.

24 (d) Any operator of a personal watercraft required by this  
25 subsection to possess proof of completion of a boating course or  
26 equivalency demonstration must have the documentation in his or her  
27 possession at all times while operating a personal watercraft.

28 (e) A violation of this subsection is an infraction under chapter  
29 7.84 RCW.

30 (5) A person shall not operate a personal watercraft in a negligent  
31 manner. Maneuvers that constitute negligent operation of a vessel  
32 include, but are not limited to:

33 (a) Weaving through congested vessel traffic;

34 (b) Jumping the wake of another vessel unreasonably close to  
35 another vessel or when visibility around the vessel is obstructed or  
36 restricted;

37 (c) Becoming airborne or completely leaving the water while  
38 crossing the wake of another vessel within one hundred feet of the  
39 vessel creating the wake;

1 (d) Operating at greater than a slow/no-wake speed within one  
2 hundred feet of the shoreline, a dock, pier, marked launch area, marked  
3 swim area, swim float, swimmers, surfers, persons engaged in angling,  
4 any manually powered vessel, or any anchored, moored, or drifting  
5 vessel;

6 (e) Operating contrary to navigation rules including following too  
7 closely to another vessel, including another personal watercraft. For  
8 the purposes of this subsection, "following too closely" means  
9 proceeding in the same direction and operating at a speed in excess of  
10 ten miles per hour within one hundred feet to the rear or fifty feet to  
11 the side of another vessel which is underway, unless the vessels are  
12 operating in a narrow channel, in which case personal watercraft may  
13 operate at the speed and flow of the other traffic in the channel;

14 (f) A violation of this subsection (5) is an infraction under  
15 chapter 7.84 RCW.

16 (6) A person shall not operate a personal watercraft:

17 (a) While towing a person on water skis, a kneeboard, an inflatable  
18 craft or any other device unless the personal watercraft is rated by  
19 the manufacturer to carry at least three persons, and an operator and  
20 observer are aboard the personal watercraft;

21 (b) To chase or harass wildlife or waterfowl;

22 (c) Through emergent vegetation at other than a slow/no-wake speed;

23 (d) In any other manner that is not reasonable and prudent.

24 (7) Except for the minimum age requirement established in  
25 subsection (4) of this section, subsections (1) through (6) of this  
26 section do not apply to a performer engaged in a professional  
27 exhibition or a person participating in a regatta, race, marine parade,  
28 or exhibition authorized or otherwise permitted by the appropriate  
29 agency having jurisdiction and authority to authorize such events.

30 (8) A person shall not operate a personal watercraft in a reckless  
31 manner. For the purposes of this section, "reckless operation of a  
32 personal watercraft" means the willful and wanton performance of any of  
33 the actions described in subsection (5) of this section.

34 (9) A person shall not lease, hire, or rent a personal watercraft  
35 to a person under the age of sixteen.

36 (10) A violation of subsection (2), (3), (6), (8), or (9) of this  
37 section is a misdemeanor under RCW 9.92.030. This subsection does not  
38 limit the application of any other section that makes the unauthorized  
39 use or operation of a personal watercraft a misdemeanor.

1 (11) The commission shall adopt rules implementing subsection (4)  
2 of this section. The commission shall establish a fee for a boating  
3 education course and for an equivalency demonstration not to exceed the  
4 commission's costs associated with the boating education course and  
5 equivalency demonstration. All such fees collected by the commission  
6 shall be deposited into the state parks renewal and stewardship account  
7 created under RCW 43.51.275, and appropriated only to the commission  
8 solely for use in the commission's boating safety program.

9 NEW SECTION. **Sec. 2.** RCW 88.12.145 (Operation of personal  
10 watercraft--Prohibited activities--Penalties) and 1993 c 244 s 17 are  
11 each repealed.

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