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HOUSE BILL 2899

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State of Washington                      59th Legislature                      2006 Regular Session

By Representatives Walsh, Grant, Shabro, Morrell, Haler, Roach and McDonald

Read first time 01/16/2006.                      Referred to Committee on Natural Resources, Ecology & Parks.

1            AN ACT Relating to boating safety and education to prevent carbon  
2 monoxide poisoning; amending RCW 79A.60.630; adding a new section to  
3 chapter 79A.60 RCW; adding new sections to chapter 88.02 RCW; creating  
4 new sections; and prescribing penalties.

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

6            NEW SECTION.    **Sec. 1.** The legislature finds that:

7            (1) Carbon monoxide is a potentially deadly gas that can lead to  
8 brain injury and death.

9            (2) Marine engines are not subject to the same federal and state-  
10 mandated emission controls as automobiles and, therefore, could emit  
11 dangerously high concentrations of carbon monoxide into the atmosphere,  
12 increasing the chance of exposure to potentially lethal amounts of  
13 carbon monoxide.

14            (3) Federal agencies have found that carbon monoxide can gather in  
15 deadly concentrations behind ski boats, cabin cruisers, and personal  
16 watercraft due to their propulsion engines.

17            (4) Dangerous levels of carbon monoxide can accumulate around  
18 vessel swim decks and areas where occupants frequently sit or swim at

1 the stern of the boat because the exhaust ports for both propulsion  
2 engines and generators are located nearby.

3 (5) There is a lack of awareness and knowledge among recreational  
4 boaters of the dangers of carbon monoxide poisoning, resulting in  
5 injuries and deaths.

6 NEW SECTION. **Sec. 2.** It is the intent of the legislature that:

7 (1) Citizens be educated about the dangers of carbon monoxide  
8 poisoning from vessels;

9 (2) It is illegal for a person to operate a recreational vessel, or  
10 have the engine of a vessel run idle, when an individual is teak  
11 surfing, bodysurfing, or platform dragging behind the motorized vessel,  
12 or when an individual is occupying or holding onto the swim platform,  
13 swim deck, swim step, or swim ladder.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 79A.60 RCW  
15 to read as follows:

16 (1) A person may not operate a vessel or have the engine of a  
17 vessel run idle while an individual is teak surfing, platform dragging,  
18 or bodysurfing, or occupying or holding onto the swim platform, swim  
19 deck, swim step, or swim ladder of the vessel. This subsection does  
20 not apply when a person is docking or departing the vessel, exiting or  
21 entering the vessel, or if the vessel is engaged in law enforcement or  
22 emergency rescue activity.

23 A violation of this subsection is an infraction punishable by a  
24 fine of up to one hundred dollars.

25 (2) For the purposes of this section, the following definitions  
26 apply:

27 (a) "Teak surfing" or "platform dragging" means holding onto the  
28 swim platform, swim deck, swim step, swim ladder, or any portion of the  
29 exterior of the transom of the vessel when the vessel is underway at  
30 any speed;

31 (b) "Bodysurfing" means swimming or floating on one's stomach or  
32 back or in the wake directly behind a vessel that is underway.

33 **Sec. 4.** RCW 79A.60.630 and 2005 c 392 s 3 are each amended to read  
34 as follows:

35 (1) The commission shall establish and implement by rule a program

1 to provide required boating safety education. The boating safety  
2 education program shall include training on preventing the spread of  
3 aquatic invasive species. The program shall be phased in so that all  
4 boaters not exempted under RCW 79A.60.640(3) are required to obtain a  
5 boater education card by January 1, 2016. To obtain a boater education  
6 card, a boater shall provide a certificate of accomplishment issued by  
7 a boating educator for taking and passing an accredited boating safety  
8 education course, or pass an equivalency exam, or provide proof of  
9 completion of a course that meets the standard adopted by the  
10 commission.

11 (2) As part of the boating safety education program, the commission  
12 shall:

13 (a) Establish a program to be phased over eleven years starting  
14 July 1, 2005, with full implementation by January 1, 2016. The period  
15 July 1, 2005, through December 31, 2007, will be program development,  
16 boater notification of the new requirements for mandatory education,  
17 and processing cards to be issued to individuals having taken an  
18 accredited course prior to January 1, 2008. The schedule for phase-in  
19 of the mandatory education requirement by age group is as follows:

- 20 January 1, 2008 - All boat operators twenty years old and younger;
- 21 January 1, 2009 - All boat operators twenty-five years old and younger;
- 22 January 1, 2010 - All boat operators thirty years old and younger;
- 23 January 1, 2011 - All boat operators thirty-five years old and younger;
- 24 January 1, 2012 - All boat operators forty years old and younger;
- 25 January 1, 2013 - All boat operators fifty years old and younger;
- 26 January 1, 2014 - All boat operators sixty years old and younger;
- 27 January 1, 2015 - All boat operators seventy years old and younger;
- 28 January 1, 2016 - All boat operators;

29 (b) Establish a minimum standard of boating safety education  
30 accomplishment. The standard must be consistent with the applicable  
31 standard established by the national association of state boating law  
32 administrators;

33 (c) Adopt minimum standards for boating safety education course of  
34 instruction and examination that ensures compliance with the national  
35 association of state boating law administrators minimum standards;

36 (d) Approve and provide accreditation to boating safety education  
37 courses operated by volunteers, or commercial or nonprofit

1 organizations, including, but not limited to, courses given by the  
2 United States coast guard auxiliary and the United States power  
3 squadrons;

4 (e) Include information about the dangers of carbon monoxide  
5 poisoning at the stern of a vessel and how to prevent such poisoning;

6 (f) Develop an equivalency examination that may be taken as an  
7 alternative to the boating safety education course;

8 ~~((f))~~ (g) Establish a fee of ten dollars for the boater education  
9 card to fund all commission activities related to the boating safety  
10 education program created by chapter 392, Laws of 2005, including the  
11 initial costs of developing the program. Any surplus funds resulting  
12 from the fees received shall be distributed by the commission as grants  
13 to local marine law enforcement programs approved by the commission as  
14 provided in RCW 88.02.040;

15 ~~((g))~~ (h) Establish a fee for the replacement of the boater  
16 education card that covers the cost of replacement;

17 ~~((h))~~ (i) Consider and evaluate public agency and commercial  
18 opportunities to assist in program administration with the intent to  
19 keep administrative costs to a minimum;

20 ~~((i))~~ (j) Approve and provide accreditation to boating safety  
21 education courses offered online; and

22 ~~((j))~~ (k) Provide a report to the legislature by January 1, 2008,  
23 on its progress of implementation of the mandatory education program.

24 NEW SECTION. Sec. 5. A new section is added to chapter 88.02 RCW  
25 to read as follows:

26 (1) Any new or used vessel sold within this state must display two  
27 carbon monoxide warning stickers developed by the department. One  
28 sticker shall be placed in the interior of the vessel and one shall be  
29 placed facing out on the exterior of the stern or transom of the  
30 vessel, unless the vessel is inflatable and the sticker would not  
31 otherwise adhere to the surface of the stern.

32 (2) For vessels sold by a dealer, the dealer shall ensure that both  
33 warning stickers have been affixed prior to completing a transaction.

34 (3) For a vessel sold by an individual, the department shall  
35 include both stickers in the registration materials provided to the new  
36 owner, and the department shall notify the new owner that the stickers  
37 must be affixed as described in subsection (1) of this section.

1 (4) A warning sticker already developed by a vessel manufacturer  
2 may satisfy the requirements of this section if it has been approved by  
3 the department.

4 NEW SECTION. **Sec. 6.** A new section is added to chapter 88.02 RCW  
5 to read as follows:

6 The department shall include an informational brochure about the  
7 dangers of carbon monoxide poisoning and vessels and the warning  
8 stickers required by section 5 of this act as part of the registration  
9 materials mailed by the department for two consecutive years for  
10 registrations that are due or become due after the effective date of  
11 this act, and thereafter upon recommendation by the director of the  
12 department. The materials shall instruct the vessel owner to affix the  
13 stickers as required by section 5 of this act.

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