
SENATE BILL 5442

State of Washington

65th Legislature

2017 Regular Session

By Senators Fortunato and Pedersen; by request of Parks and Recreation Commission

Read first time 01/25/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to expanding the permitted uses of surplus funds
2 from boater education card fees to certain boating safety programs
3 and activities; and amending RCW 79A.60.630, 79A.60.650, and
4 79A.60.640.

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

6 **Sec. 1.** RCW 79A.60.630 and 2011 c 171 s 118 are each amended to
7 read as follows:

8 (1) The commission shall establish and implement by rule a
9 program to provide required boating safety education. The boating
10 safety education program shall include training on preventing the
11 spread of aquatic invasive species. (~~The program shall be phased in~~
12 ~~so that~~) All boaters not exempted under RCW 79A.60.640(3) are
13 required to obtain a boater education card (~~by January 1, 2016~~). To
14 obtain a boater education card, a boater shall provide a certificate
15 of accomplishment issued by a boating educator for taking and passing
16 an accredited boating safety education course, or pass an equivalency
17 exam, or provide proof of completion of a course that meets the
18 standard adopted by the commission.

19 (2) As part of the boating safety education program, the
20 commission shall:

1 (a) ~~((Establish a program to be phased over eleven years starting~~
2 ~~July 1, 2005, with full implementation by January 1, 2016. The period~~
3 ~~July 1, 2005, through December 31, 2007, will be program development,~~
4 ~~boater notification of the new requirements for mandatory education,~~
5 ~~and processing cards to be issued to individuals having taken an~~
6 ~~accredited course prior to January 1, 2008. The schedule for phase in~~
7 ~~of the mandatory education requirement by age group is as follows:~~
8 ~~January 1, 2008 — All boat operators twenty years old and younger;~~
9 ~~January 1, 2009 — All boat operators twenty five years old and~~
10 ~~younger;~~
11 ~~January 1, 2010 — All boat operators thirty years old and younger;~~
12 ~~January 1, 2011 — All boat operators thirty five years old and~~
13 ~~younger;~~
14 ~~January 1, 2012 — All boat operators forty years old and younger;~~
15 ~~January 1, 2013 — All boat operators fifty years old and younger;~~
16 ~~January 1, 2014 — All boat operators sixty years old and younger;~~
17 ~~January 1, 2015 — All boat operators seventy years old and younger;~~
18 ~~January 1, 2016 — All boat operators;~~

19 ~~(b))~~ Establish a minimum standard of boating safety education
20 accomplishment. The standard must be consistent with the applicable
21 standard established by the national association of state boating law
22 administrators;

23 ~~((e))~~ (b) Adopt minimum standards for boating safety education
24 course of instruction and examination that ensures compliance with
25 the national association of state boating law administrators minimum
26 standards;

27 ~~((d))~~ (c) Approve and provide accreditation to boating safety
28 education courses operated by volunteers, or commercial or nonprofit
29 organizations, including, but not limited to, courses given by the
30 United States coast guard auxiliary and the United States power
31 squadrons;

32 ~~((e))~~ (d) Develop an equivalency examination that may be taken
33 as an alternative to the boating safety education course;

34 ~~((f))~~ (e) Establish a fee of ten dollars for the boater
35 education card to fund all commission activities related to the
36 boating safety education program created by chapter 392, Laws of
37 2005, including the initial costs of developing the program. Any
38 surplus funds resulting from the fees received ~~((shall))~~ may be
39 distributed by the commission as grants to local marine law
40 enforcement programs approved by the commission as provided in RCW

1 88.02.650 or used by the commission to fund the programs and
2 activities associated with the administration of RCW 79A.05.310;

3 ~~((g))~~ (f) Establish a fee for the replacement of the boater
4 education card that covers the cost of replacement;

5 ~~((h))~~ (g) Consider and evaluate public agency and commercial
6 opportunities to assist in program administration with the intent to
7 keep administrative costs to a minimum;

8 ~~((i))~~ (h) Approve and provide accreditation to boating safety
9 education courses offered online; and

10 ~~((j))~~ (i) Provide a report to the legislature by January 1,
11 2008, on its progress of implementation of the mandatory education
12 program.

13 **Sec. 2.** RCW 79A.60.650 and 2005 c 392 s 5 are each amended to
14 read as follows:

15 The boating safety education certification account is created in
16 the custody of the state treasurer. All receipts from fees collected
17 for the issuance of a boater education card shall be deposited in the
18 account and shall be used only for the administration of RCW
19 79A.05.310, 79A.60.630, and 79A.60.640. Only the state parks and
20 recreation commission may authorize expenditures from the account.
21 The account is subject to allotment procedures under chapter 43.88
22 RCW, but an appropriation is not required for expenditures.

23 **Sec. 3.** RCW 79A.60.640 and 2005 c 392 s 4 are each amended to
24 read as follows:

25 (1) No person shall operate or permit the operation of motor
26 driven boats and vessels with a mechanical power of fifteen
27 horsepower or greater unless the person:

28 (a) Is at least twelve years of age, except that an operator of a
29 personal watercraft shall comply with the age requirements under RCW
30 79A.60.190; and

31 (b)(i) Has in his or her possession a boater education card,
32 unless exempted under subsection (3) of this section; or

33 (ii) Is accompanied by and is under the direct supervision of a
34 person sixteen years of age or older who is in possession of a boater
35 education card(~~(, or who is not yet required to possess the card as~~
36 ~~provided in the program phase in RCW 79A.60.630(2)(a))~~).

37 (2) Any person who can demonstrate they have successfully
38 completed, prior to July 24, 2005, a boating safety education course

1 substantially equivalent to the standards adopted by the commission
2 shall be eligible for a boater education card upon application to the
3 commission and payment of the fee, without having to take a course or
4 equivalency exam as provided in RCW 79A.60.630(1). Successful
5 completion of a boating safety education course could include an
6 original or copy of an original certificate issued by the commission,
7 the United States coast guard auxiliary, or the United States power
8 squadrons, or official certification by these organizations that the
9 individual successfully completed a course substantially equivalent
10 to the standards adopted by the commission.

11 (3) The following persons are not required to carry a boater
12 education card:

13 (a) The operator of a vessel engaged in a lawful commercial
14 fishery operation as licensed by the department of fish and wildlife
15 under Title 77 RCW. However, the person when operating a vessel for
16 recreational purposes must carry either a valid commercial fishing
17 license issued by the department of fish and wildlife or a boater
18 education card;

19 (b) Any person who possesses a valid marine operator license
20 issued by the United States coast guard when operating a vessel
21 authorized by such coast guard license. However, the person when
22 operating a vessel for recreational purposes must carry either a
23 valid marine operator license issued by the United States coast guard
24 or a boater education card;

25 (c) Any person who is legally engaged in the operation of a
26 vessel that is exempt from vessel registration requirements under
27 chapter 88.02 RCW and applicable rules and is used for purposes of
28 law enforcement or official government work. However, the person when
29 operating a vessel for recreational purposes must carry a boater
30 education card;

31 (d) Any person at least twelve years old renting, chartering, or
32 leasing a motor driven boat or vessel with an engine power of fifteen
33 horsepower or greater who completes a commission-approved motor
34 vessel safety operating and equipment checklist each time before
35 operating the motor driven boat or vessel, except that an operator of
36 a personal watercraft shall comply with the age requirements under
37 RCW 79A.60.190;

38 (e) Any person who is not a resident of Washington state and who
39 does not operate a motor driven boat or vessel with an engine power

1 of fifteen horsepower or greater in waters of the state for more than
2 sixty consecutive days;

3 (f) Any person who is not a resident of Washington state and who
4 holds a current out-of-state or out-of-country certificate or card
5 that is equivalent to the rules adopted by the commission;

6 (g) Any person who has purchased the boat or vessel within the
7 last sixty days, and has a bill of sale in his or her possession to
8 document the date of purchase;

9 (h) Any person, including those less than twelve years of age,
10 who is involved in practicing for, or engaging in, a permitted racing
11 event where a valid document has been issued by the appropriate
12 local, state, or federal government agency for the event, and is
13 available for inspection on-site during the racing event; and

14 ~~((Any person who is not yet required to have a boater~~
15 ~~education card under the phased schedule in RCW 79A.60.630(2)(a); and~~
16 ~~(j))~~) Any person born before January 1, 1955.

17 (4) Except as provided in subsection (3)(a) through ~~((i))~~ (h)
18 of this section, a boater must carry a boater education card while
19 operating a vessel and is required to present the boater education
20 card, or alternative license as provided in subsection (3)(a) and (b)
21 of this section, to a law enforcement officer upon request.

22 (5) Failure to possess a boater education card required by this
23 section is an infraction under chapter 7.84 RCW. The penalty shall be
24 waived if the boater provides proof to the court within sixty days
25 that he or she has received a boater education card.

26 (6) No person shall permit the rental, charter, or lease of a
27 motor driven boat or vessel with an engine power of fifteen
28 horsepower or greater to a person without first reviewing with that
29 person, and all other persons who may be permitted by the person to
30 operate the vessel, all the information contained in the motor vessel
31 safety operating and equipment checklist.

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