H-1895.1

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**HOUSE BILL 1707**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Representatives Ryu, Davis, Ramel, Senn, and Pollet

AN ACT Relating to requiring the wearing of personal flotation devices on kayaks, canoes, and stand-up paddleboards; amending RCW 79A.60.160; creating a new section; prescribing penalties; and providing an effective date.

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

NEW SECTION. **Sec.**  The legislature recognizes that drowning is the most common cause of death of individuals engaging in recreational boating activities, including the use of kayaks, canoes, and stand-up paddleboards. The legislature also recognizes that although the wearing of a personal flotation device could prevent as many as half of all boating-related drowning deaths, fewer than 20 percent of adults wear a personal flotation device when engaging in recreational boating activities. The legislature finds that in circumstances where individuals are required by law to wear, and not just carry, personal flotation devices, there is a substantial increase in the number of individuals who wear personal flotation devices.

Therefore, it is the legislature's intent to reduce the number of drowning deaths by requiring all individuals to wear personal flotation devices when operating a kayak, canoe, or stand-up paddleboard on the waters of the state.

**Sec.**  RCW 79A.60.160 and 2000 c 11 s 98 are each amended to read as follows:

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

(2) Except as provided in RCW 79A.60.020, a violation of subsection (1) of this section is an infraction under chapter 7.84 RCW if the vessel is not carrying passengers for hire.

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

(4) No person shall operate a vessel under ((~~nineteen~~)) 19 feet in length on the waters of this state with a child ((~~twelve~~)) 12 years old and under, unless the child is wearing a personal flotation device that meets or exceeds the United States coast guard approval standards of the appropriate size, while the vessel is underway. For the purposes of this section, a personal flotation device is not considered readily accessible for children ((~~twelve~~)) 12 years old and under unless the device is worn by the child while the vessel is underway. The personal flotation device must be worn at all times by a child ((~~twelve~~)) 12 years old and under whenever the vessel is underway and the child is on an open deck or open cockpit of the vessel. The following circumstances are excepted:

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

(b) While a child is on a United States coast guard inspected passenger-carrying vessel operating on the navigable waters of the United States; or

(c) While on board a vessel at a time and place where no person would reasonably expect a danger of drowning to occur.

(5) Except as provided in RCW 79A.60.020, a violation of subsection (4) of this section is an infraction under chapter 7.84 RCW. Enforcement of subsection (4) of this section by law enforcement officers may be accomplished as a primary action, and need not be accompanied by the suspected violation of some other offense.

(6)(a) Except as provided in (b) of this subsection, a person may not operate or occupy a kayak, canoe, or stand-up paddleboard on the waters of this state unless the person is wearing a personal flotation device approved by the United States coast guard while the kayak, canoe, or stand-up paddleboard is underway.

(b) The following persons are not required to wear a personal flotation device as required in (a) of this subsection:

(i) A person operating or occupying a squirt boat that is designed solely for the activity of squirt boating;

(ii) A person participating in yoga on a stand-up paddleboard while within a designated swimming area or within 100 feet of shore;

(iii) A person on a stand-up paddleboard who is wearing a leash that connects the paddleboard to the person and is in compliance with the requirements for personal flotation devices on board and attached to the vessel as provided in 33 C.F.R. Sec. 175.15;

(iv) A person operating or occupying a kayak, canoe, or stand-up paddleboard as part of a sanctioned competition as recognized by a national or international racing association;

(v) A person who is a member of a federally recognized tribe;

(vi) A person operating or occupying a kayak, canoe, or stand-up paddleboard as part of an event organized by a federally recognized tribe; or

(vii) A person operating or occupying a kayak, canoe, or stand-up paddleboard while under the direct supervision of a coach or trainer.

(c) Except as provided in RCW 79A.60.020, a violation of this subsection is an infraction under chapter 7.84 RCW. Enforcement of this subsection by law enforcement officers may be accomplished as a primary action and need not be accompanied by the suspected violation of some other offense.

(d) If a person cited for a violation of this subsection appears in person before the court and provides proof of federally recognized tribal membership, the citation must be dismissed and the court may assess court administrative costs of $25 at the time of dismissal. In lieu of personal appearance, a person cited for a violation of this subsection may, before the date scheduled for the person's appearance before the court, submit by mail to the court proof of federally recognized tribal membership, in which case the citation must be dismissed without cost, except that the court may assess court administrative costs of $25 at the time of dismissal. The following documents are sufficient proof of federally recognized tribal membership: A federally recognized tribal membership or citizenship card; a certificate of federally recognized tribal enrollment; a letter signed by a tribal official confirming the person's federally recognized tribal membership status; or other documents the court deems sufficient.

NEW SECTION. **Sec.**  This act takes effect July 1, 2022.

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