

# SENATE BILL REPORT

## SB 5597

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As of February 6, 2023

**Title:** An act relating to modifying boater safety and education requirements.

**Brief Description:** Modifying boater safety and education requirements.

**Sponsors:** Senators Van De Wege and Lovick.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/06/23.

**Brief Summary of Bill**

- Directs the State Parks and Recreation Commission to implement a boater safety education program for a boater operating a human-powered vessel by January 1, 2024.
- Requires an operator of a human-powered vessel to obtain a \$10 paddle education card.
- Expires a boater education card and a paddle education card 20 years after the date of issuance.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Jeff Olsen (786-7428)

**Background:** The Parks and Recreation Commission (commission) manages a required boating safety education program in Washington. The commission must establish a minimum standard of boater safety accomplishment, and adopt minimum standards for boating safety education. To obtain a boater education card, a boater must provide a certificate of accomplishment issued by a boater educator for taking and passing an accredited boating safety education course, or equivalency exam, or provide proof of

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completion of a course that meets the standard adopted by the commission. The fee for a boater education card is \$10.

To operate a motor-driven boat or vessel of 15 horsepower or greater, a person must be at least 12 years old, and possess a boater education card; or be accompanied by and under the supervision of a person at least 16 years old who has a boater education card. Certain individuals are not required to have a boater education card, including a person at least 12 years old renting a vessel who completes a commission-approved safety operating and equipment checklist, or any person born before January 1, 1955.

Failure to possess a boater education card as required by law is a natural resource infraction punishable by a fine; however, the penalty must be waived if the boater provides proof to the court, within 60 days, that they received a boater education card.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Proposed Substitute):** By January 1, 2024, the commission is required to establish and implement a program to provide required boating safety education for boaters operating a human-powered vessel. A paddle education card may be issued to a person who successfully completes a human-powered vessel boating safety education program, and pays a \$10 registration fee.

A person operating a human-powered vessel is not required to obtain a paddle education card if they are renting and operating the vessel under the guidance of a rental business, and they complete a commission-approved abbreviated program or checklist. Human-powered vessels include, but are not limited to, canoes, kayaks and stand-up paddleboards. A human-powered vessel does not include a surfboard. A person possessing a boater education card is not required to obtain a paddle education card to operate a human-powered vessel.

A boater education card and a paddle education card expire 20 years after the date of issuance. A person may renew their boater or paddle education card by providing the commission a certificate of accomplishment issued by a boating educator for taking and passing an accredited boating safety education course; passing an equivalency exam developed by the commission; or providing the commission proof of completion of a course that meets the standard adopted by the commission.

The exemptions to the boater education card requirement for a person operating a motor driven boat or vessel with a mechanical power of 15 horsepower or less, or a person born before January 1, 1955, are eliminated. A provision allowing a person that demonstrates they have successfully completed a substantially equivalent boater education course prior to July 24, 2005 to obtain a boater education card is repealed.

Failure to possess a paddle education card as required is a natural resource infraction

punishable by fine. The commission is directed to adopt a digital option for boater education and paddle education cards. A member of a federally recognized tribe is exempt from the boater education and paddle education requirements.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony On Proposed Substitute:** PRO: Washington has a good boater training system, but there is an issue with people drowning. This bill will help further educate those who lack training, or may be intoxicated. Non-motorized boater safety education will help reduce fatalities and dangerous situations in Washington waterways. A University of Washington study identified an issue with safety and human-powered vessels.

CON: This bill is a one size fits all approach that lumps all paddle sports and boaters into one category. It excludes the primary offender, tubes and inflatables, from wearing PFDs. It does not address the legality of someone choosing not to wear a PFDs. Life jackets should be mandatory. This will change the boater safety card into a boater safety license. This bill creates a potential impediment to equitable use of human propelled watercrafts and creates an impediment to students seeking educational opportunities. There are issues with exemptions for racing clubs with practicing and events. Boater ID is a barrier for BIPOC people who want to try boating but aren't ready to commit to long-term participation. Operating a kayak is not the same as a motorboat, where more damage could be caused. There will not be equitable enforcement because there are so many boaters in the state that any enforcement will be subjective and selective. Surplus funds go to law enforcement.

OTHER: State Parks has issued over 450,000 boater cards over the last 17 years. Of the 23 boating fatalities in 2022, 16 were on human-powered vessels. State Parks provides paddle safe educational materials on their website. The most important safeguard against drowning is wearing a lifejacket. This bill needs an exemption for members of boating clubs who have their own coaches and safety training requirements.

**Persons Testifying:** PRO: Senator Kevin Van De Wege, Prime Sponsor; Joren Clowers, Kalkomey Enterprises.

CON: Kyle Thomas, American Canoe Association (ACA); Andrew Michels, Pacific Northwest Outrigger Canoe Racing Association; Gerald (Skip) Denny, Hui Heihei outrigger canoe club; James Good; Scot Harkins, Seattle Sake Paddling Club; Thomas O'Keefe, American Whitewater; Jim Virgin, Boating Program Advisory Council; Lucas Batanian;

Steve Greaves, Recreational Boating Assoc. of Washington; David Gilbert.

OTHER: Rob Sendak, Washington State Parks & Recreation Commission; Brent Roth, American Canoe Association.

**Persons Signed In To Testify But Not Testifying:** No one.