
ENGROSSED SUBSTITUTE HOUSE BILL 2443

State of Washington

66th Legislature

2020 Regular Session

By House Housing, Community Development & Veterans (originally sponsored by Representatives Ryu and Davis)

READ FIRST TIME 02/04/20.

1 AN ACT Relating to requiring the use of personal flotation
2 devices on smaller vessels; and amending RCW 79A.60.160.

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

4 **Sec. 1.** RCW 79A.60.160 and 2000 c 11 s 98 are each amended to
5 read as follows:

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

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

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

17 (4) No person shall operate a vessel under nineteen feet in
18 length on the waters of this state with a child twelve years old and
19 under, unless the child is wearing a personal flotation device that
20 meets or exceeds the United States coast guard approval standards of
21 the appropriate size, while the vessel is underway. For the purposes

1 of this section, a personal flotation device is not considered
2 readily accessible for children twelve years old and under unless the
3 device is worn by the child while the vessel is underway. The
4 personal flotation device must be worn at all times by a child twelve
5 years old and under whenever the vessel is underway and the child is
6 on an open deck or open cockpit of the vessel. The following
7 circumstances are excepted:

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

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

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

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

20 (6) A person thirteen years old or older but under the age of
21 eighteen operating or riding on a human-powered vessel on the waters
22 of this state must wear a personal flotation device that meets or
23 exceeds the United States coast guard approval standards of the
24 appropriate size while the vessel is underway unless the person is:

25 (a) Below deck or in the cabin of a boat with an enclosed cabin;

26 (b) On a United States coast guard inspected passenger-carrying
27 vessel operating on the navigable waters of the United States;

28 (c) On board a squirt boat that is designed solely for the
29 activity of squirt boating;

30 (d) On a stand-up paddleboard while:

31 (i) Wearing a leash that connects the paddleboard to the person;

32 and

33 (ii) In compliance with the requirements for personal flotation
34 devices on board and attached to the vessel as provided in 33 Code of
35 Federal Regulations 175.15, as of January 1, 2020;

36 (e) Participating in yoga on a stand-up paddleboard while within
37 a designated swimming area or within 100 feet from shore;

38 (f) On board a racing boat, racing shell, rowing skull, or racing
39 kayak that is manually propelled, recognized by a national or

1 international racing association, and designed solely for competitive
2 racing;
3 (g) On a surfboard in surf zones in open water; or
4 (h) An athlete under direct supervision of a coach or trainer.
5 (7) Except as provided in RCW 79A.60.020, a violation of
6 subsection (6) of this section is an infraction under chapter 7.84
7 RCW. Enforcement of subsection (6) of this section by law enforcement
8 officers may be accomplished as a primary action and need not be
9 accompanied by the suspected violation of some other offense.
10 (8) If a court finds that a person has committed a violation of
11 subsection (6) of this section, the court must waive the monetary
12 penalty if the person:
13 (a) Has not previously been found by a court to have committed a
14 violation of subsection (6) of this section; and
15 (b) The person presents proof to the court that he or she
16 obtained a boater education card issued pursuant to chapter 79A.60
17 RCW either before or after the date of the violation.

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