

# Washington State Parks Boating Programs Fact Sheet

Updated July 10, 2013

## Boating laws change on July 28, 2013

### Increased penalties for operating a boat under the influence - RCW\* 79A.60.040

The State Parks Commission, along with its Boating Safety Council, NW Marine Trade Association, Recreational Boating Association of WA, and Seattle Children's, and other boating leaders worked to amend the law to make boating safer in Washington. The change is intended to deter people operating a boat while under the influence (BUI) by increasing the penalty and making breathalyzer tests mandatory (in cases where an officer has probable cause). Here's what boaters need to know about changes effective on July 28, 2013:

- A BUI conviction will become a gross misdemeanor punishable by up to a \$5,000 fine and/or 364 days in jail.
- Officers with probable cause can ask the boat operator to submit to a breathalyzer test. If the operator refuses to take the test, he/she will be issued a Class 1 Civil Infraction.
- The maximum penalty for refusal to take a breathalyzer test will be \$1,000; however RCW 3.62.090 (the public safety and education assessment) adds 105% to the penalty, so the total fine could be up to \$2,050.
- An operator's refusal cannot be used as evidence in a subsequent criminal trial.
- The change added marijuana references to the law consistent with initiative 502, which made recreational use of marijuana legal. The legal limit for boating under the influence of marijuana is 5.0 nanograms.



Senate Bill 5437 signed by Governor Inslee on May 16, 2013, gives marine law enforcement officers new authority to enforce boating safety laws.

### Making boat rental laws clear - RCW 79A.60

Rentals, like all other boats, are now required to be outfitted with minimum safety equipment required by law, such as life jackets, fire extinguishers and signaling devices. Senate Bill 5437 changed the law so it's clear what those requirements are for rented vessels. The bill ensures boat rental companies do not charge a separate price for providing legally required safety equipment.

### Authority to cite for boat accidents - RCW 10.31.100

The most common type of boating accident in Washington state is a boat collision - either with another vessel or a fixed object. The most common reason for these accidents is operator inattention or a related violation of the boating "rules of the road." The law changes so an officer investigating a boating accident can issue a citation to the boater at fault even if the officer did not witness the accident. Officers would make this decision during the course of an investigation - as they currently do with vehicle accidents.

\* RCW stands for Revised Code of Washington - RCWs are Washington State Law.



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