

NEW SECTION. Sec. 12. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 163, Laws of 1979 ex. sess., section 130, chapter 7, Laws of 1985 and RCW 70.120.030;

(2) Section 4, chapter 163, Laws of 1979 ex. sess., section 2, chapter 176, Laws of 1980 and RCW 70.120.040;

(3) Section 5, chapter 163, Laws of 1979 ex. sess. and RCW 70.120-.050;

(4) Section 6, chapter 163, Laws of 1979 ex. sess., section 3, chapter 176, Laws of 1980 and RCW 70.120.060; and

(5) Section 17, chapter 163, Laws of 1979 ex. sess. (uncodified).

NEW SECTION. Sec. 13. Sections 2 through 4 and 9 of this act are added to chapter 70.120 RCW.

NEW SECTION. Sec. 14. This act shall take effect January 1, 1990.

Passed the House April 17, 1989.

Passed the Senate April 12, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.

CHAPTER 241

[Substitute House Bill No. 1007]  
WATER SKIING SAFETY

AN ACT Relating to safety in water skiing; adding a new section to chapter 88.12 RCW; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. A new section is added to chapter 88.12 RCW to read as follows:

(1) The purpose of this section is to promote safety in water skiing on the waters of Washington state, provide a means of ensuring safe water skiing and promote the enjoyment of water skiing.

(2) When used in this section, the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(a) "Operator" means the individual in physical control of the recreational boat.

(b) "Observer" means the individual riding in the recreational boat who shall be responsible for observing the water skier at all times. The observer and the operator shall not be the same person. The observer shall be at least ten years of age.

(c) "Recreational boat" means any vessel manufactured or used primarily for noncommercial use; or leased, rented, or chartered to another for the latter's noncommercial use.

(d) "Waters of Washington state" means any waters within the territorial limits of Washington state.

(3) No recreational boat which has in tow a person or persons on water skis, or similar contrivance shall be operated on any waters of Washington state unless such craft shall be occupied by at least an operator and an observer. The observer shall continuously observe the person or persons being towed and shall display a flag immediately after the towed person or persons fall into the water, and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright red color, measuring twelve inches on each side, mounted on a handle not less than twenty-four inches long and displayed as to be visible from every direction. This subsection does not apply to a United States coast guard approved recreational boat, the design of which makes no provision for carrying an operator or any other person on board, and that is actually operated by the person or persons being towed.

(4) No person shall engage or attempt to engage in water skiing without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal floatation device in good and serviceable condition and of appropriate size, or a wet suit specifically designed by a manufacturer for that purpose and capable of floating the water skier.

(5) No person shall engage or attempt to engage in water skiing, or operate any vessel to tow a water skier, on the waters of Washington state during the period from one hour after sunset until one hour prior to sunrise.

(6) No person engaged in water skiing shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

(7) The requirements of subsections (3), (4), and (5) of this section shall not apply to water skiers and boat operators engaged in water ski tournaments, competitions, or exhibitions that have been authorized or otherwise permitted by the appropriate agency having jurisdiction and authority to authorize such events.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 17, 1989.

Passed the Senate March 29, 1989.

Approved by the Governor May 5, 1989.

Filed in Office of Secretary of State May 5, 1989.