

## CHAPTER 31

[Senate Bill No. 6335]

## NEGLIGENT OPERATION OF COMMERCIAL VESSELS

AN ACT Relating to commercial vessels; and amending RCW 88.02.095.

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

Sec. 1. Section 2, chapter 267, Laws of 1985 as last amended by section 6, chapter 373, Laws of 1987 and RCW 88.02.095 are each amended to read as follows:

(1) It shall be unlawful for any person to operate a vessel in a negligent manner(~~(; except a commercial vessel which has or is required to have a valid marine document as a vessel of the United States and is operating in the navigable waters of the United States)).~~ For the purpose of this section, to "operate in a negligent manner" shall be construed to mean the operation of a vessel in such manner as to endanger or be likely to endanger any persons or property.

(2) A person is guilty of operating a vessel while under the influence of intoxicating liquor or any drug if the person operates a vessel within this state while:

(a) The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of the person's breath made under RCW 46.61.506; or

(b) The person has 0.10 percent or more by weight of alcohol in the person's blood, as shown by analysis of the person's blood made under RCW 46.61.506; or

(c) The person is under the influence of or affected by intoxicating liquor or any drug; or

(d) The person is under the combined influence of or affected by intoxicating liquor and any drug.

The fact that any person charged with a violation of this section is or has been entitled to use such drug under the laws of this state shall not constitute a defense against any charge of violating this section. A person cited under this subsection may upon request be given a breath test for breath alcohol or may request to have a blood sample taken for blood alcohol analysis. An arresting officer shall administer field sobriety tests when circumstances permit.

(3) For the purposes of this section, "vessel" means any watercraft used or capable of being used as a means of transportation on the water.

(4) For the purpose of this section, "vessel operator" means a person who is in actual physical control of a vessel.

(5) A violation of this section is a misdemeanor, punishable by up to ninety days in jail and by a fine of not more than one thousand dollars. In

addition, the court may order the defendant to pay restitution for any damages or injuries resulting from the offense.

Passed the Senate February 6, 1990.

Passed the House March 1, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

**CHAPTER 32**

[House Bill No. 2032]

**RECREATIONAL FACILITIES DEFINED**

AN ACT Relating to parks and recreation districts; and amending RCW 36.69.010.

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

Sec. 1. Section 36.69.010, chapter 4, Laws of 1963 as last amended by section 1, chapter 94, Laws of 1972 ex. sess. and RCW 36.69.010 are each amended to read as follows:

Park and recreation districts are hereby authorized to be formed in each and every class of county as municipal corporations for the purpose of providing leisure time activities and facilities and recreational facilities, of a nonprofit nature as a public service to the residents of the geographical areas included within their boundaries.

The term "recreational facilities" means parks, playgrounds, gymnasiums, swimming pools, field houses, bathing beaches, stadiums, golf courses, automobile race tracks and drag strips, coliseums for the display of spectator sports, public campgrounds, boat ramps and launching sites, public hunting and fishing areas, arboretums, bicycle and bridle paths, senior citizen centers, community centers, and other recreational facilities.

Passed the House February 7, 1990.

Passed the Senate February 26, 1990.

Approved by the Governor March 13, 1990.

Filed in Office of Secretary of State March 13, 1990.

**CHAPTER 33**

[House Bill No. 2276]

**TITLE 28A RCW—REORGANIZATION**

AN ACT Relating to reorganization of Title 28A RCW; amending RCW 28A.01.020, 28A.01.130, 28A.41.110, 28A.58.750, 28A.58.754, 28A.58.758, 28A.41.130, 28A.41.140, 28A.41.160, 28A.41.160, 28A.41.170, 28A.41.145, 28A.41.150, 28A.41.162, 28A.41.050, 28A.41.053, 28A.41.055, 28A.41.112, 28A.41.175, 28A.13.005, 28A.13.010, 28A.13.020, 28A.13.030, 28A.13.040, 28A.13.045, 28A.13.060, 28A.13.070, 28A.13.080, 28A.03.300, 28A.03.320, 28A.03.367, 28A.24.055, 28A.24.065, 28A.24.111, 28A.24.120, 28A.24.170, 28A.24.172, 28A.24.175, 28A.58.428, 28A.58.133, 28A.41.505, 28A.41.510, 28A.41.515, 28A.41.520, 28A.41.525, 28A.41.540, 28A.41.180, 28A.120.014, 28A.120.016, 28A.120.022,