

of minor and sometimes major injuries, and seriously disrupted the peace and quiet of our State's citizenry over a substantial portion of the summer. All of this goes far beyond justifiable displays of patriotism on the anniversary of this nation's independence.

The concerns of the state's citizens and the threat posed by fireworks outweigh arguments in favor of delaying the effective date of this legislation. Therefore, I have vetoed Section 42 which contains the one year delay. This legislation will be come effective on June 7, 1984.

This bill provides for an option in counties, cities and towns to adopt more restrictive rules with respect to the types of fireworks that may be sold. Moreover, neither the state of Washington nor any local law enforcement agency has complete authority over sales by Indian tribes, some of which sales may be illegal under this legislation. Given this overlap of jurisdictional authority and given possible discrepancies in proscribed conduct, I am also vetoing Sections 38, and 39 of the bill.

Section 38 adopts a standard of strict liability with respect to damages awardable in any action for injury to person or property resulting from the sale of fireworks in violation of the Chapter. In short, the contributory fault of the claimant with respect to both purchasing illegal fireworks or improperly using those fireworks would not be chargeable to the claimant to diminish an award of compensatory damages. While I fully endorse the intent of this section to create incentives against the sale of illegal fireworks, I believe it will prove unfair and unworkable in view of the approach of the statute with regard to local option and with regard to problems presented by the sale of fireworks by Indian tribes. I would support a more specialized approach to strict liability that referenced the sections of the statute that specifically prohibit types of fireworks.

Section 39 of this bill purports to prohibit the printing or broadcasting of any advertisement for the sale of fireworks "in violation of this Chapter." As worded, this section is vague. In application, I believe it will not only be vague but overly broad and thus violative of Constitutional protections for freedom of speech and expression.

With the exception of Sections 38, 39 and 42, the Engrossed Substitute House Bill 1652 is approved.

CHAPTER 250

[Engrossed Substitute House Bill No. 255] WATERCRAFT TAX AND REGISTRATION

AN ACT Relating to watercraft; amending section 43, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.020; amending section 49, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.070; amending section 16, chapter 7, Laws of 1983 as amended by section 44, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.030; amending section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260; adding a new section to chapter 84.08 RCW; creating a new section; repealing section 53, chapter 3, Laws of 1983 2nd ex. sess. (uncodified); and declaring an emergency.

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

Sec. 1. Section 43, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.020 are each amended to read as follows:

The following are exempt from the tax imposed under this chapter:

- (1) Vessels exempt from the registration requirements of chapter 88.02 RCW;
- (2) Vessels used exclusively for commercial fishing purposes;
- (3) Vessels under sixteen feet in overall length;

(4) Vessels owned and operated by the United States, a state of the United States, or any municipality or political subdivision thereof;

~~((4))~~ (5) Vessels owned by a nonprofit organization or association engaged in character building of boys and girls under eighteen years of age and solely used for such purposes, as determined by the department for the purposes of RCW 84.36.030; and

~~((5))~~ (6) Vessels owned and held for sale by a dealer, but not rented on a regular commercial basis.

*Sec. 2. Section 16, chapter 7, Laws of 1983 as amended by section 44, chapter 3, Laws of 1983 2nd ex. sess. and RCW 88.02.030 are each amended to read as follows:

Vessel registration is required under this chapter except for the following:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) Vessels owned by a resident of a country other than the United States ~~((or Canada))~~ if the vessel is not physically located upon the waters of this state for a period of more than sixty days;

(4) Vessels owned by a resident of another state ~~((or a Canadian province))~~ if the vessel is registered in accordance with the laws of the state ~~((or province))~~ in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state ~~((or province))~~ for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state ~~((or a Canadian province))~~ and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) Vessels used as a ship's lifeboat;

(6) Vessels equipped with propulsion machinery of less than ten horse power that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

~~((7))~~ (7) Vessels under sixteen feet in overall length ~~((or whose primary propulsion is human power))~~ which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States; and

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States.

*Sec. 2 was partially vetoed, see message at end of chapter.

NEW SECTION. Sec. 3. (1) A vessel numbered in this state under the federal boat safety act need not register under chapter 88.02 RCW until the earlier of: (a) One year from the date this state's vessel numbering system is approved under the federal boat safety act; or (b) the expiration date of the certificate of number issued for the vessel under the federal boat safety act. At the time of registration under chapter 88.02 RCW, the amount of excise tax due under chapter 82.49 RCW shall include amounts which would have been due under that chapter if the vessel had been registered at the time otherwise required under chapter 88.02 RCW.

(2) As used in this section, "federal boat safety act" means the federal boat safety act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.).

Sec. 4. Section 49, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.070 are each amended to read as follows:

(1) Any county may impose a tax, by ordinance or resolution, upon the privilege of using a vessel taxable under RCW 82.49.010 which is moored or stored in the county, if the population of the unincorporated area of the county together with the population of the cities which are parties to an interlocal agreement under chapter 39.34 RCW equal or exceed two-thirds of the total population of the county: **PROVIDED**, That such agreement shall take into consideration any marine patrols provided as of June 30, 1983, and may provide compensation for those municipal corporations in the county which are parties to the agreement and which provide boating safety services, including fire suppression and rescue services only as related to boating safety. The annual amount of the tax shall be up to fifty cents per foot of the vessel per calendar year, or part thereof.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year.

(4) The moneys collected under this section shall be distributed by the county monthly to the parties to the interlocal agreement, and other municipal corporations entitled to compensation, according to the terms of the agreement. Moneys collected under this section shall be used only for administration and enforcement of boating safety, search and rescue operations concerning boating, and boating patrols.

NEW SECTION. Sec. 5. There is added to chapter 84.08 RCW a new section to read as follows:

Every individual, corporation, association, partnership, trust, and estate shall list with the department of revenue all ships and vessels which are subject to their ownership, possession, or control and which are subject to ad valorem taxation under RCW 84.36.080, and such listing shall be subject to the same requirements, penalties, and liens provided in chapters 84.40 and 84.60 RCW for all other personal property in the same manner as provided therein.

The department shall assess all ships and vessels and shall certify to the respective county assessors the equalized values thereof, subject to the same rules as other state-assessed properties in accordance with RCW 84.12.370 and 84.16.130 and chapter 84.48 RCW.

Any ship or vessel owner disputing the assessment under this section shall have the same rights of review as any other vessel owner subject to the excise tax contained in chapter 82.49 RCW in accordance with RCW 82.49.060.

NEW SECTION. Sec. 6. Section 53, chapter 3, Laws of 1983 2nd ex. sess. (uncodified) is repealed.

Sec. 7. Section 84.56.260, chapter 15, Laws of 1961 and RCW 84.56.260 are each amended to read as follows:

The power and duty to levy on property and collect any tax due and unpaid shall continue in and devolve upon the county treasurer and his successors in office after his return to the county auditor, and until the tax is paid; and the warrant attached to the assessment roll shall continue in force and confer authority upon the treasurer to whom the same was issued, and upon his successors in office, to collect any tax due and uncollected thereon. This section shall apply to all assessment rolls and the warrants thereto attached; PROVIDED, That taxes imposed but not collected on boats for the years 1980 through 1982 may not be collected.

NEW SECTION. Sec. 8. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state

government and its existing public institutions, and shall take effect immediately.

Passed the House March 2, 1984.

Passed the Senate February 24, 1984.

Approved by the Governor March 28, 1984, with the exception of a portion of section 2(7) which was vetoed.

Filed in Office of Secretary of State March 28, 1984.

Note: Governor's explanation of partial veto is as follows:

I am returning herewith, without my approval as to one provision, Engrossed Substitute House Bill No. 255, entitled:

"AN ACT Relating to watercraft."

A portion of section 2(7) would exempt from registration watercraft under 16 feet in overall length not used in waters subject to Federal jurisdiction.

I appreciate the legislature's desire to limit boat registration requirements as much as possible and still qualify for Federal funding. However, a registration requirement conditioned on the type of water in which the boat will be used would create several problems:

1. It is impossible for both users and registration agencies to determine in advance where a boat will be used in the following 12 months.
2. A lack of registrations on a large number of the motorized boats under 16 feet in length would make enforcement of both the registration law and boating safety laws very difficult. This is particularly so since the distinction between Federal and state waters is often quite unclear.
3. This provision could foster widespread non-compliance with the registration law. This in turn could jeopardize Federal funding.
4. It would cause a loss of state revenues.

With the exception of a portion of section 2(7), Engrossed Substitute House Bill No. 255 is approved.

CHAPTER 251

[Engrossed Substitute Senate Bill No. 4490]

ELECTRIC HEAT—TERMINATION OF SERVICE

AN ACT Relating to residential space heating; amending section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21.300; amending section 80.28.010, chapter 14, Laws of 1961 and RCW 80.28.010; adding a new section to chapter 35.21 RCW; adding new sections to chapter 54.16 RCW; and adding a new section to chapter 80.28 RCW.

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

*Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 and RCW 35.21-.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, 1986, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsection (2) of this section. In the event of a disputed account and tender by the owner of the