

practitioner acting within the scope of his or her license. In the case of subcutaneous, intradermal and intramuscular and intravenous injections, a health care assistant may perform such functions only under the supervision of a health care practitioner having authority, within the scope of his or her license, to order such procedures. The health care practitioner who ordered the procedure or a health care practitioner who could order the procedure under his or her license shall be physically present in the immediate area of a hospital or nursing home where the injection is administered. Sensitivity agents being administered intradermally or by the scratch method are excluded from this requirement.

NEW SECTION. Sec. 4. A new section is added to chapter 18.135 RCW to read as follows:

(1) Each delegator, as defined under RCW 18.135.020(6) shall maintain a list of specific medications, diagnostic agents, and the route of administration of each that he or she has authorized for injection. Both the delegator and delegatee shall sign the above list, indicating the date of each signature. The signed list shall be forwarded to the director of the department of licensing and shall be available for review.

(2) Delegatees are prohibited from administering any controlled substance as defined in RCW 69.50.101(2)(d), any experimental drug, and any cancer chemotherapy agent unless a delegator is physically present in the immediate area where the drug is administered.

Passed the Senate March 10, 1986.

Passed the House March 4, 1986.

Approved by the Governor April 2, 1986.

Filed in Office of Secretary of State April 2, 1986.

CHAPTER 217

[Substitute Senate Bill No. 4990]

WATERCRAFT CARRYING PASSENGERS FOR HIRE

AN ACT Relating to river running; adding a new chapter to Title 91 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft carrying passengers for hire on the rivers of this state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Watercraft" means every type of watercraft carrying passengers for hire used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, inflatable crafts, decked canoes, and kayaks.

(2) "Carrying passengers for hire" means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the watercraft. This shall not affect trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) "Operate" means to navigate or otherwise use a watercraft.

(4) "Operator" means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) "Passenger" means every person on board a watercraft who is not an operator.

(6) "Rivers of the state" means those rivers and streams, or parts thereof, within the boundaries of this state.

NEW SECTION. Sec. 3. (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable crafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river.

NEW SECTION. Sec. 4. (1) Except as provided in subsection (2) of this section, watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway.

NEW SECTION. Sec. 5. (1) No person may operate on the rivers of this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a vessel on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of vessel being operated.

NEW SECTION. Sec. 6. While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

(1) If using inflatable watercraft, use only watercraft with three or more separate air chambers;

(2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;

(3) Ensure that each watercraft has accessible a spare type III or type V life jacket in good repair;

(4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;

(5) Ensure that each watercraft has accessible an adequate first-aid kit;

(6) Ensure that each watercraft has a spare propelling device;

(7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and

(8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip.

NEW SECTION. Sec. 7. (1) Watercraft operators and passengers on any trip carrying passengers for hire shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any watercraft carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other watercraft under the supervision of the same operator or owner or being operated by a person registered under section 11 of this act or an operator under the direction or control of a person registered under section 11 of this act.

NEW SECTION. Sec. 8. Whitewater river sections include but are not limited to:

(1) Green river above Flaming Geyser state park;

(2) Klickitat river above the confluence with Summit creek;

(3) Methow river below the town of Carlton;

(4) Sauk river above the town of Darrington;

(5) Skagit river above Bacon creek;

(6) Suiattle river;

(7) Tieton river below Rimrock dam;

(8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;

(9) Wenatchee river above the Wenatchee county park at the town of Monitor;

(10) White Salmon river; and

(11) Any other section of river designated a "whitewater river section" by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty.

NEW SECTION. Sec. 9. (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

- (a) The date, time, and exact location of the occurrence;
- (b) The name of each person who died or disappeared;
- (c) A description of the watercraft; and
- (d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given.

NEW SECTION. Sec. 10. (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 11. (1) Any person carrying passengers for hire on whitewater river sections in this state may register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) Any person advertising or representing themselves as having registered under this section who is not currently registered is guilty of a gross misdemeanor.

(4) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(5) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by section 11 of this act.

(6) The state of Washington shall be immune from any civil action arising from a registration under this section.

NEW SECTION. Sec. 12. A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 91 RCW.

Passed the Senate March 11, 1986.

Passed the House March 11, 1986.

Approved by the Governor April 2, 1986.

Filed in Office of Secretary of State April 2, 1986.

CHAPTER 218

[Substitute Senate Bill No. 5005]

CREDIT SERVICES ORGANIZATION ACT

AN ACT Relating to credit service organizations; adding a new chapter to Title 19 RCW; and prescribing penalties.

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

NEW SECTION. Sec. 1. This chapter may be known and cited as the "credit services organizations act."