

Section 4 of the bill does not specifically address the DNA Identification Program, but rather the general role and authority of the Department of Corrections and county jail administrators to conduct blood sampling. As constructed, section 4 would not be codified within the statutes for which the bill establishes rule-making authority. As a result, the rule-making authority established by the bill will not be effective to implement section 4.

I believe section 3 of the bill provides sufficient authority to implement the regulations necessary to carry out the intent of this bill.

For these reasons, I have vetoed section 4 of the bill.

With the exception of section 4, Substitute Senate Bill No. 6729 is approved.*

CHAPTER 231

[Substitute House Bill No. 2421] JET SKI SAFETY STANDARDS

AN ACT Relating to safety standards for jet skis; amending RCW 88.12.070, 88.12.040, and 88.02.095; prescribing penalties; and providing an effective date.

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

Sec. 1. Section 1, chapter 241, Laws of 1989 and RCW 88.12.070 are each amended 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))~~ a vessel. The operator of a personal watercraft shall be at least fourteen years of age.

(b) "Observer" means the individual riding in ~~((the recreational boat))~~ a vessel 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)) an individual who meets the minimum qualifications for an observer established by rules of the state parks and recreation commission.

(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;))~~ "Personal watercraft" means a vessel of less than sixteen feet which uses a motor powering a water jet pump, as its primary source of motive power and which is designed to be operated by a person sitting, standing, or kneeling on, or being towed behind the vessel, rather than in the conventional manner of sitting or standing inside the vessel.

(d) "Vessel" means every watercraft used or capable of being used as a means of transportation on the water, other than a seaplane.

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

(3) No ~~((recreational boat))~~ vessel 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 or brilliant orange color, measuring at least twelve inches ~~((on each side))~~ square, mounted on a ~~((handle))~~ pole 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))~~ personal watercraft, 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. Every remote-operated personal watercraft shall have a flag attached which meets the requirements of this subsection.

(4) No person shall engage or attempt to engage in water skiing, or operate or ride on a personal watercraft, without wearing an adequate and effective United States coast guard approved type I, II, III, or V personal flotation 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))~~ which is approved for personal flotation by the United States coast guard. A person operating a personal watercraft equipped by the manufacturer with a lanyard type engine cutoff switch must attach the lanyard to his or her person, clothing, or personal flotation device as is appropriate for the specific vessel. It is unlawful for any person to remove or disable a cutoff switch which was installed by the manufacturer.

(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 shall operate a personal watercraft on the waters of Washington state during the period from sunset until sunrise.

(7) No person engaged in water skiing, or the operation of a personal watercraft, shall conduct himself or herself in a negligent manner that endangers, or is likely to endanger, any person or property.

~~((7))~~ (8) The requirements of subsections (3), (4), and (5) of this section shall not apply to ~~((water skiers and boat operators))~~ persons 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.

(9) It shall be unlawful for a person to lease, hire, or rent a personal watercraft to any person who is under sixteen years of age.

Sec. 2. Section 4, chapter 72, Laws of 1933 and RCW 88.12.040 are each amended to read as follows:

(1) All such motor driven boats or vessels shall use ((a muffler or other similar device to reduce the sound of exhaust)) an adequate and operating muffling device with a series of baffles and chambers, which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise.

(2) It shall be unlawful to remove, disable, bypass, or use a cutout device on any muffler or muffling device of any vessel, except while engaged in organized racing events in an area designated for that purpose.

Sec. 3. 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 or to operate at a rate of speed greater than will permit the operator in the exercise of reasonable care to bring the vessel to a safe stop.

(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, other than a seaplane.

(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.

NEW SECTION. Sec. 4. This act shall take effect July 1, 1990.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 7, 1990.

Passed the Senate March 6, 1990.

Approved by the Governor March 28, 1990.

Filed in Office of Secretary of State March 28, 1990.

CHAPTER 232

[Substitute House Bill No. 2463]

VEHICLE REGISTRATION RECORDS RELEASE

AN ACT Relating to release of vehicle registration records; amending RCW 46.12.380; adding a new section to chapter 46.12 RCW; creating a new section; and prescribing penalties.

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

NEW SECTION. Sec. 1. The legislature recognizes the extraordinary value of the vehicle title and registration records for law enforcement and commerce within the state. The legislature also recognizes that indiscriminate release of the vehicle owner information to be an infringement upon the rights of the owner and can subject owners to intrusions on their privacy. The purpose of this act is to limit the release of vehicle owners' names and addresses while maintaining the availability of the vehicle records for the purposes of law enforcement and commerce.

Sec. 2. Section 2, chapter 241, Laws of 1984 as amended by section 1, chapter 299, Laws of 1987 and RCW 46.12.380 are each amended to read as follows:

(1) Notwithstanding the provisions of chapter 42.17 RCW, the name or address of an individual vehicle owner shall not be released by the department, county auditor, or ~~((other public agency except upon written request;))~~ agency or firm authorized by the department except under the following circumstances: