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**Chapter 296-115 WAC, Safety Requirements for Charter Boats**

**Purpose:**

**Why was rulemaking proposed?**

This proposal would update the appeal process to more accurately reflect the intent of chapter 88.04 RCW, the Charter Boat Safety Act, and chapter 49.17 RCW, the Washington Industrial Safety and Health Act. The penalty language is being changed to align the charter boat penalty structure with other Division of Occupational Safety and Health (DOSH) penalties. A few requirements are being updated to make them consistent with current U.S. Coast Guard requirements under 46 CFR. Typographical errors found in a couple of references are also being corrected.

**What changes were proposed?**

**New section:**

WAC 296-115-110, Appeal of Decisions

- This section was previously WAC 296-115-010. We repealed WAC 296-115-010 and moved these requirements to the end of the rule with a new section number to create a more logical flow for the rule.
- The place to request a hearing changed from the Director to the Assistant Director, and we clarified the steps involved.
- The appeal venue changed to the BIIA to be consistent with RCW 88.04.055 for all citations **except** those regarding denial of a certificate of inspection or license, or a decision on the maximum passengers, crew, or total capacity of a charter boat.

**Amended sections:**

WAC 296-115-005, Scope and Purpose

- Changed name from “Scope and Application” to be consistent with current DOSH rule design.

WAC 296-115-015, Definitions

- Deleted definitions that are no longer in the rule.
- Added new terms (Assistant Director, employee, keel laid, master)

WAC 296-115-025, Vessel Inspection and Certification

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- Changed the title from “Vessel Inspection and Licensing” for consistency within the rule and with Coast Guard regulations.

WAC 296-115-030, Master’s Examination and Licensing

- Removed penalty language and placed it in the penalty section (WAC 296-115-100).

WAC 296-115-035, Specific Inspection Requirements

- Applied clear rule writing principles.

WAC 296-115-040, Vessel Construction and Arrangement

- Applied clear rule writing principles.

WAC 296-115-050, General Requirements

- Made life preserver requirements consistent with U.S. Coast Guard regulations under 46 CFR 180.71 by adding the requirement to provide an appropriate life jacket for each child-sized person on board.
- Made ring life buoy requirements consistent with U.S. Coast Guard regulations under 46 CFR 180.70(d) by adding requirement for a floating water light when operating at night.
- Updated fixed fire extinguishing system requirements to be consistent with U.S. Coast Guard regulations under 46 CFR 181.115 by including vessels with wood and fiber-reinforced hulls among those needed a fixed fire extinguishing system
- Deleted requirement for use of carbon dioxide in the fixed fire extinguishing systems since it is no longer commonly used.
- Updated fixed fire extinguishing system requirements to be consistent with U.S. Coast Guard regulations under 46 CFR 181.410(10) by adding a requirement for an automatic shut-down device for power ventilation.
- Added Table 1, Portable Fire Extinguishers to assist employers in determining the correct type of fire extinguisher needed.
- Made deck railing requirements consistent with 46 CFR 116.900(c) and (g) by changing the spacing for rails from 12 inches to 4 inches, and clarifying that hand grabs in lieu of railings are only allowed for areas designed for crew. Corrected a typographical error in the USCG Manual reference.
- Made emergency portable battery light requirements consistent with 46 CFR 183.430 by clarifying minimum requirements.
- Applied clear rule writing principles.

WAC 296-115-060, Operations

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- Made injury or casualty reporting requirements consistent with 46 CFR 185.202(a)(6) by clarifying types of injuries that require reporting, and adding fire on board the vessel as one of the conditions that require reporting.
  - Made emergency drill requirements consistent with 46 CFR 185.520(f) by adding requirement for documentation of drills.
  - Applied clear rule writing principles

WAC 296-115-070, Rules of Navigation

- Corrected a typographical error and updated the reference number for the navigation rules.
- Updated to correct term for testing compass readings.
- Applied clear rule writing principles.

WAC 296-115-100, Penalties for Certificate of Inspection and Operator's License

- Changed title for clarity.
- Changed penalty for owners of vessels who violate the certification and inspection provisions from \$200 to penalties provided under WISHA to be consistent with RCW 88.04.320(3).
- Applied clear rule writing principles.

WAC 296-115-120, Annual Fee Schedule

- Changed the term "license" to "certification" to use consistent terminology within the rules and to be consistent with U.S. Coast Guard requirements under 46 CFR.
- Applied clear rule writing principles.

**Repealed Sections:**

WAC 296-115-001, Forward

- This section was incorporated into WAC 296-115-005, Scope and Purpose, to be more consistent with the structure of our other rules.

WAC 296-115-010, Appeal of Decisions

- This section was re-numbered as WAC 296-115-110 for better organizational flow. See New Sections above.