



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Natural Resources

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 13-15-103 ; or	<input type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

Vessel Inspection Requirements for Ownership Transfer
 After July 1, 2014, owners of vessels more than sixty-five (65) feet in length and more than forty (40) years old must obtain a vessel inspection prior to transferring such vessels. Owners must provide a copy of the vessel inspection documentation to the transferee and the Washington State Department of Natural Resources prior to the ownership transfer. Owners who comply will avoid secondary liability if the vessel is later abandoned by the transferee or becomes derelict prior to a subsequent ownership transfer.

Hearing location(s):
 Mount Vernon – Tuesday, March 25, 2014 / 6:00 PM
 • Mount Vernon City Council Chambers,
 1805 Continental Place
 Mount Vernon, WA 98273

Vancouver – Wednesday, March 26, 2014 / 6:00 PM.
 • Vancouver Community Library
 901 C Street
 Vancouver, WA 98660

Seattle – Thursday, March 27, 2014 / 6:00 PM.
 • Seattle Public Library, Beacon Hill Branch
 2821 Beacon Avenue S.
 Seattle, WA 98144

Date: _____ Time: _____

Submit written comments to:

Name: Lisa M. Randlette
 Address: Dept. of Natural Resources / MS 47027 /
 Olympia, WA 98504-7027
 e-mail lisa.randlette@dnr.wa.gov
 fax (360) 902-1786 by (date) March 28, 2014

Assistance for persons with disabilities: Contact
Ms. Megan McKay by March 21, 2014
 TTY (360) 902-1125 or () _____

Date of intended adoption: May 6, 2014
 (Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rule specifies financial liability for prior and current owners of commercial and recreational vessels that are greater than sixty-five (65) feet in length and more than forty (40) years old. This rule specifies how sellers / transferors of such vessels will be released from potential, future secondary liability for subsequent abandonment or dereliction of the vessel. by providing inspection reports to the prospective buyer and the Washington State Department of Natural Resources.

Reasons supporting proposal: Compliance with this rule will provide sellers / transferors potential, future protection from secondary liability for subsequent abandonment or dereliction of the vessel.

Statutory authority for adoption: RCW 34.05.328

Statute being implemented: RCW 79.100.150

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE February 18, 2014

NAME (TYPE OR PRINT)
Megan Duffy

SIGNATURE

TITLE
Deputy Supervisor, Aquatics & Environmental Protection

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: February 19, 2014
TIME: 8:56 AM

WSR 14-05-092

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington State Department of Natural Resources

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location 1111 Washington St. SE, Olympia, WA 98504-7027	Phone
Drafting.....Lisa M. Randlette	same	(360) 902-1085
Implementation.....Melissa Ferris	same	(360) 902-1100
Enforcement.....Melissa Ferris	same	(360) 902-1100

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

- Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.
- No. Explain why no statement was prepared.

Overall the impact on small business is minimal and no formal SBEIS is required. Vessel inspections by either the buyer or seller are considered normal business costs as part of negotiating a sale price, so the rule will not change buyer or seller behavior in most cases. There will be a small subset of cases where the inspection will be an additional cost, however because this will be a small subset, it is expected that the impact on small business overall will be minimal. There also may be minor costs associated with transmitting inspection documentation if a small business proposes to sell a vessel that is 40 years or older, and 65 feet or longer.

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes A preliminary cost-benefit analysis may be obtained by contacting:
 Name: Lisa M. Randlette
 Address: Aquatic Resources Division
 Department of Natural Resources
 Mail Stop 47027
 Olympia, WA 98504-7027

 phone (360) 902-1085
 fax (360) 902-1786
 e-mail lisa.randlette@dnr.wa.gov

- No: Please explain: