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SENATE BILL 5128

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State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen and Swecker

Read first time 01/11/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to a secondary commercial fish receiver's failure  
2 to account for commercial harvest; amending RCW 77.15.568; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 77.15.568 and 2003 c 336 s 1 are each amended to read  
6 as follows:

7 ~~((Since violation of rules of the department relating to the  
8 accounting of the commercial harvest of food fish, commercialized game  
9 fish, and shellfish result in damage to the resources of the state,  
10 persons selling such fish and shellfish at retail, including but not  
11 limited to stores, markets, and restaurants, must maintain sufficient  
12 records for the department to be able to ascertain the origin of the  
13 fish and shellfish in their possession.~~

14 ~~(1) A retail fish seller is guilty of retail fish seller's failure  
15 to account for commercial harvest if the retail seller sells fish or  
16 shellfish at retail, the fish or shellfish were required to be entered  
17 on a Washington state fish receiving ticket, the seller is not a  
18 wholesale fish dealer or fisher selling under a direct retail sale~~

1 ~~endorsement, and the seller fails to maintain sufficient records at the~~  
2 ~~location where the fish or shellfish are being sold to determine the~~  
3 ~~following:~~

4 ~~(a) The name of the wholesale fish dealer or fisher selling under~~  
5 ~~a direct retail sale endorsement from whom the fish were purchased;~~

6 ~~(b) The wholesale fish dealer's license number or the number of the~~  
7 ~~fisher's sale under a direct retail sale endorsement;~~

8 ~~(c) The fish receiving ticket number documenting original receipt,~~  
9 ~~if known;~~

10 ~~(d) The date of purchase; and~~

11 ~~(e) The amount of fish or shellfish originally purchased from the~~  
12 ~~wholesale dealer or fisher selling under a direct retail sale~~  
13 ~~endorsement.~~

14 ~~(2) A retail fish seller's failure to account for commercial~~  
15 ~~harvest is a misdemeanor.))~~

16 (1) A person is guilty of a secondary commercial fish receiver's  
17 failure to account for commercial harvest if:

18 (a) The person sells fish or shellfish at retail, stores or holds  
19 fish or shellfish for another in exchange for valuable consideration,  
20 ships fish or shellfish in exchange for valuable consideration, or  
21 brokers fish or shellfish in exchange for valuable consideration;

22 (b) The fish or shellfish were required to be entered on a  
23 Washington fish receiving ticket or a Washington aquatic farm  
24 production annual report; and

25 (c) The person fails to maintain records of each receipt of fish or  
26 shellfish, as required under subsections (3) through (5) of this  
27 section, at the location where the fish or shellfish are being sold, at  
28 the location where the fish or shellfish are being stored or held, or  
29 at the principal place of business of the shipper or broker.

30 (2) This section does not apply to a wholesale fish dealer, a  
31 fisher selling under a direct retail sale endorsement, or a registered  
32 aquatic farmer.

33 (3) Records of the receipt of fish or shellfish required to be kept  
34 under this section must be in the English language and be maintained  
35 for three years from the date fish or shellfish are received, shipped,  
36 or brokered.

37 (4) Records maintained by persons that retail or broker must  
38 include the following:

1       (a) The name, address, and phone number of the wholesale fish  
2 dealer, fisher selling under a direct retail sale endorsement, or  
3 aquatic farmer or shellstock shipper from whom the fish or shellfish  
4 were purchased or received;

5       (b) The Washington fish receiving ticket number documenting  
6 original receipt or aquatic farm production quarterly report  
7 documenting production, if available;

8       (c) The date of purchase or receipt; and

9       (d) The amount and species of fish or shellfish purchased or  
10 received.

11       (5) Records maintained by persons that store, hold, or ship fish or  
12 shellfish for others must state the following:

13       (a) The name, address, and phone number of the person and business  
14 from whom the fish or shellfish were received;

15       (b) The date of receipt; and

16       (c) The amount and species of fish or shellfish received.

17       (6) A secondary commercial fish receiver's failure to account for  
18 commercial harvest is a misdemeanor.

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