

2 **ESSB 6328** - H AMD
3 By Representative

4 ADOPTED AS AMENDED 3/6/98

5 Strike everything after the enacting clause and insert the
6 following:

7 NEW SECTION. **Sec. 1.** PURPOSE. The legislature finds that merger
8 of the departments of fisheries and wildlife resulted in two criminal
9 codes applicable to fish and wildlife, and that it has become
10 increasingly difficult to administer and enforce the two criminal
11 codes. Furthermore, laws defining crimes involving fish and wildlife
12 have evolved over many years of changing uses and management objectives
13 for fish and wildlife. The resulting two codes make it difficult for
14 citizens to comply with the law and unnecessarily complicate
15 enforcement of laws against violators.

16 The legislature intends by chapter . . ., Laws of 1998 (this act)
17 to revise and recodify the criminal laws governing fish and wildlife,
18 ensuring that all people involved with fish and wildlife are able to
19 know and understand the requirements of the laws and the risks of
20 violation. Additionally, the legislature intends to create a more
21 uniform approach to criminal laws governing fish and wildlife and to
22 the laws authorizing prosecution, sentencing, and punishments,
23 including defining new crimes and repealing crimes that are redundant
24 to other provisions of the criminal code.

25 Chapter . . ., Laws of 1998 (this act) is not intended to alter
26 existing powers of the commission or the director to adopt rules or
27 exercise powers over fish and wildlife. In some places reference is
28 made to violation of department rules, but this is intended to conform
29 with current powers of the commission, director, or both, to adopt
30 rules governing fish and wildlife activities.

31 NEW SECTION. **Sec. 2.** EXEMPTION FOR DEPARTMENT ACTIONS. A person
32 is not guilty of a crime under this chapter if the person is an
33 officer, employee, or agent of the department lawfully acting in the
34 course of his or her authorized duties.

1 NEW SECTION. **Sec. 3.** AUTHORITY TO DEFINE VIOLATION OF A RULE AS
2 AN INFRACTION. If the commission or director has authority to adopt a
3 rule that is punishable as a crime under this chapter, then the
4 commission or director may provide that violation of the rule shall be
5 punished with notice of infraction under RCW 7.84.030.

6 NEW SECTION. **Sec. 4.** SEPARATE OFFENSES FOR EACH BIG GAME,
7 PROTECTED, OR ENDANGERED ANIMAL. Where it is unlawful to hunt, take,
8 kill, fish, or possess big game or protected or endangered fish or
9 wildlife, then each individual animal unlawfully killed, taken, or
10 possessed is a separate offense.

11 NEW SECTION. **Sec. 5.** JURISDICTION. District courts have
12 jurisdiction concurrent with superior courts for misdemeanors and gross
13 misdemeanors committed in violation of this chapter and may impose the
14 punishment provided for these offenses. Superior courts have
15 jurisdiction over felonies committed in violation of this chapter.
16 Venue for offenses occurring in off-shore waters shall be in a county
17 bordering on the Pacific Ocean, or the county where fish or wildlife
18 from the offense are landed.

19 NEW SECTION. **Sec. 6.** CONVICTION IN A STATE OR MUNICIPAL COURT.
20 Unless the context clearly requires otherwise, as used in this chapter,
21 "conviction" means a final conviction in a state or municipal court or
22 an unvacated forfeiture of bail or collateral deposited to secure the
23 defendant's appearance in court. A plea of guilty, or a finding of
24 guilt for a violation of this title or rule of the commission or
25 director constitutes a conviction regardless of whether the imposition
26 of sentence is deferred or the penalty is suspended.

27 NEW SECTION. **Sec. 7.** REFERENCE TO CHAPTERS 7.84 AND 9A.20 RCW.
28 Crimes defined by this chapter shall be punished as infractions,
29 misdemeanors, gross misdemeanors, or felonies, based on the
30 classification of crimes set out in chapters 7.84 and 9A.20 RCW.

31 NEW SECTION. **Sec. 8.** ACTING FOR COMMERCIAL PURPOSES--VALUE OF
32 FISH OR WILDLIFE--PROOF. (1) For purposes of this chapter, a person
33 acts for commercial purposes if the person:

1 (a) Acts with intent to sell, attempted to sell, sold, bartered,
2 attempted to purchase, or purchased fish or wildlife;

3 (b) Uses gear typical of that used in commercial fisheries;

4 (c) Exceeds the bag or possession limits for personal use by taking
5 or possessing more than three times the amount of fish or wildlife
6 allowed;

7 (d) Delivers or attempts to deliver fish or wildlife to a person
8 who sells or resells fish or wildlife including any licensed or
9 unlicensed wholesaler; or

10 (e) Takes fish using a vessel designated on a commercial fishery
11 license and gear not authorized in a personal use fishery.

12 (2) For purposes of this chapter, the value of any fish or wildlife
13 may be proved based on evidence of legal or illegal sales involving the
14 person charged or any other person, of offers to sell or solicitation
15 of offers to sell by the person charged or by any other person, or of
16 any market price for the fish or wildlife including market price for
17 farm-raised game animals. The value assigned to specific wildlife by
18 RCW 77.21.070 may be presumed to be the value of such wildlife. It is
19 not relevant to proof of value that the person charged misrepresented
20 that the fish or wildlife was taken in compliance with law if the fish
21 or wildlife was unlawfully taken and had no lawful market value.

22 NEW SECTION. **Sec. 9.** UNLAWFUL HUNTING OF GAME BIRDS. (1) A
23 person is guilty of unlawful hunting of game birds in the second degree
24 if the person:

25 (a) Hunts a game bird and the person does not have and possess all
26 licenses, tags, stamps, and permits required under this title;

27 (b) Recklessly destroys, takes, or harms the eggs or nests of a
28 game bird except when authorized by permit; or

29 (c) Violates any rule of the commission or director regarding
30 seasons, bag or possession limits but less than two times the bag or
31 possession limit, closed areas including game reserves, closed times,
32 or other rule addressing the manner or method of hunting or possession
33 of game birds.

34 (2) A person is guilty of unlawful hunting of game birds in the
35 first degree if the person hunts game birds and the person takes or
36 possesses two times or more than the possession or bag limit for such
37 game birds allowed by rule of the commission or director.

1 (3)(a) Unlawful hunting of game birds in the second degree is a
2 misdemeanor.

3 (b) Unlawful hunting of game birds in the first degree is a gross
4 misdemeanor.

5 NEW SECTION. **Sec. 10.** UNLAWFUL HUNTING OF BIG GAME. (1) A person
6 is guilty of unlawful hunting of big game in the second degree if the
7 person:

8 (a) Hunts big game and the person does not have and possess all
9 licenses, tags, or permits required under this title; or

10 (b) Violates any rule of the commission or director regarding
11 seasons, bag or possession limits, closed areas including game
12 reserves, closed times, or any other rule governing the hunting,
13 taking, or possession of big game.

14 (2) A person is guilty of unlawful hunting of big game in the first
15 degree if the person was previously convicted of any crime under this
16 title involving unlawful hunting, killing, possessing, or taking big
17 game, and within five years of the date that the prior conviction was
18 entered the person hunts for big game and:

19 (a) The person does not have and possess all licenses, tags, or
20 permits required under this title; or

21 (b) The act was in violation of any rule of the commission or
22 director regarding seasons, bag or possession limits, closed areas
23 including game reserves, or closed times.

24 (3)(a) Unlawful hunting of big game in the second degree is a gross
25 misdemeanor.

26 (b) Unlawful hunting of big game in the first degree is a class C
27 felony. Upon conviction, the department shall revoke all licenses or
28 tags involved in the crime and the department shall order the person's
29 hunting privileges suspended for two years.

30 NEW SECTION. **Sec. 11.** UNLAWFUL HUNTING OF GAME ANIMALS. (1) A
31 person is guilty of unlawful hunting of game animals in the second
32 degree if the person:

33 (a) Hunts a game animal that is not classified as big game, and
34 does not have and possess all licenses, tags, or permits required by
35 this title; or

36 (b) Violates any rule of the commission or director regarding
37 seasons, bag or possession limits but less than two times the bag or

1 possession limit, closed areas including game reserves, closed times,
2 or other rule addressing the manner or method of hunting or possession
3 of game animals not classified as big game.

4 (2)(a) A person is guilty of unlawful hunting of game animals in
5 the first degree if the person hunts a game animal that is not
6 classified as big game; and

7 (b) The person takes or possesses two times or more than the
8 possession or bag limit for such game animals allowed by rule of the
9 commission or director.

10 (3)(a) Unlawful hunting of game animals in the second degree is a
11 misdemeanor.

12 (b) Unlawful hunting of game animals in the first degree is a gross
13 misdemeanor.

14 NEW SECTION. **Sec. 12.** WEAPONS, TRAPS, OR DOGS ON GAME RESERVES.

15 (1) A person is guilty of unlawful use of weapons, traps, or dogs on
16 game reserves if:

17 (a) The person uses firearms, other hunting weapons, or traps on a
18 game reserve; or

19 (b) The person negligently allows a dog upon a game reserve.

20 (2) This section does not apply to persons on a public highway or
21 if the conduct is authorized by rule of the department.

22 (3) This section does not apply to a person in possession of a
23 handgun if the person in control of the handgun possesses a valid
24 concealed pistol license and the handgun is concealed on the person.

25 (4) Unlawful use of weapons, traps, or dogs on game reserves is a
26 misdemeanor.

27 NEW SECTION. **Sec. 13.** UNLAWFUL TAKING OF ENDANGERED FISH OR

28 WILDLIFE. (1) A person is guilty of unlawful taking of endangered fish
29 or wildlife in the second degree if the person hunts, fishes,
30 possesses, harasses, or kills fish or wildlife or destroys the nests or
31 eggs of fish or wildlife and the fish or wildlife is designated by the
32 commission as endangered, and the taking has not been authorized by
33 rule of the commission.

34 (2) A person is guilty of unlawful taking of endangered fish or
35 wildlife in the first degree if the person has been:

1 (a) Convicted under subsection (1) of this section or convicted of
2 any crime under this title involving the killing, possessing,
3 harassing, or harming of endangered fish or wildlife; and

4 (b) Within five years of the date of the prior conviction the
5 person commits the act described by subsection (1) of this section.

6 (3)(a) Unlawful taking of endangered fish or wildlife in the second
7 degree is a gross misdemeanor.

8 (b) Unlawful taking of endangered fish or wildlife in the first
9 degree is a class C felony. The department shall revoke any licenses
10 or tags used in connection with the crime and order the person's
11 privileges to hunt, fish, trap, or obtain licenses under this title and
12 Title 75 RCW to be suspended for two years.

13 NEW SECTION. **Sec. 14.** UNLAWFUL TAKING OF PROTECTED FISH OR
14 WILDLIFE. (1) A person is guilty of unlawful taking of protected fish
15 or wildlife if:

16 (a) The person hunts, fishes, possesses, or kills protected fish or
17 wildlife, or the person possesses or destroys the eggs or nests of
18 protected fish or wildlife, and the taking has not been authorized by
19 rule of the commission; or

20 (b) The person violates any rule of the commission regarding the
21 taking, harming, harassment, possession, or transport of protected fish
22 or wildlife.

23 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

24 NEW SECTION. **Sec. 15.** UNLAWFUL TAKING OF UNCLASSIFIED FISH OR
25 WILDLIFE. (1) A person is guilty of unlawful taking of unclassified
26 fish or wildlife if:

27 (a) The person kills, hunts, fishes, takes, holds, possesses,
28 transports, injures, or harms fish or wildlife that is not classified
29 as big game, game fish, game animals, game birds, food fish, shellfish,
30 protected wildlife, or endangered wildlife; and

31 (b) The act violates any rule of the commission or the director.

32 (2) Unlawful taking of unclassified fish or wildlife is a
33 misdemeanor.

34 NEW SECTION. **Sec. 16.** UNLAWFUL USE OF POISON OR EXPLOSIVES. (1)
35 A person is guilty of unlawful use of poison or explosives if:

1 (a) The person lays out, sets out, or uses a drug, poison, or other
2 deleterious substance that kills, injures, harms, or endangers fish or
3 wildlife, except if the person is using the substance in compliance
4 with federal and state laws and label instructions; or

5 (b) The person lays out, sets out, or uses an explosive that kills,
6 injures, harms, or endangers fish or wildlife, except if authorized by
7 law or permit of the director.

8 (2) Unlawful use of poison or explosives is a gross misdemeanor.

9 NEW SECTION. **Sec. 17.** INFRACTION VIOLATION OF RULES GOVERNING
10 FISH AND WILDLIFE. A person is guilty of an infraction, which shall be
11 cited and punished as provided under chapter 7.84 RCW, if the person:

12 (1) Fails to immediately record a catch of fish or shellfish on a
13 catch record card required by RCW 75.25.190 or 77.32.050, or required
14 by rule of the commission under this title or Title 75 RCW; or

15 (2) Fishes for personal use using barbed hooks in violation of any
16 rule; or

17 (3) Violates any other rule of the commission or director that is
18 designated by rule as an infraction.

19 NEW SECTION. **Sec. 18.** UNLAWFUL RECREATIONAL FISHING IN THE SECOND
20 DEGREE. (1) A person is guilty of unlawful recreational fishing in the
21 second degree if the person fishes for, takes, possesses, or harvests
22 fish or shellfish and:

23 (a) The person does not have and possess the license or the catch
24 record card required by chapter 75.25 or 77.32 RCW for such activity;
25 or

26 (b) The action violates any rule of the commission or the director
27 regarding seasons, bag or possession limits but less than two times the
28 bag or possession limit, closed areas, closed times, or any other rule
29 addressing the manner or method of fishing or possession of fish,
30 except for use of a net to take fish as provided for in section 50 of
31 this act.

32 (2) Unlawful recreational fishing in the second degree is a
33 misdemeanor.

34 NEW SECTION. **Sec. 19.** UNLAWFUL RECREATIONAL FISHING IN THE FIRST
35 DEGREE. (1) A person is guilty of unlawful recreational fishing in the
36 first degree if:

1 (a) The person takes, possesses, or retains two times or more than
2 the bag limit or possession limit of fish or shellfish allowed by any
3 rule of the director or commission setting the amount of food fish,
4 game fish, or shellfish that can be taken, possessed, or retained for
5 noncommercial use;

6 (b) The person fishes in a fishway; or

7 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
8 stones fish in state waters, or possesses fish taken by such means,
9 unless such means are authorized by express rule of the commission or
10 director.

11 (2) Unlawful recreational fishing in the first degree is a gross
12 misdemeanor.

13 NEW SECTION. **Sec. 20.** UNLAWFUL TAKING OF SEAWEED. (1) A person
14 is guilty of unlawful taking of seaweed if the person takes, possesses,
15 or harvests seaweed and:

16 (a) The person does not have and possess the license required by
17 chapter 75.25 RCW for taking seaweed; or

18 (b) The action violates any rule of the department or the
19 department of natural resources regarding seasons, possession limits,
20 closed areas, closed times, or any other rule addressing the manner or
21 method of taking, possessing, or harvesting of seaweed.

22 (2) Unlawful taking of seaweed is a misdemeanor. This does not
23 affect rights of the state to recover civilly for trespass, conversion,
24 or theft of state-owned valuable materials.

25 NEW SECTION. **Sec. 21.** WASTE OF FISH AND WILDLIFE. (1) A person
26 is guilty of waste of fish and wildlife in the second degree if:

27 (a) The person kills, takes, or possesses fish or wildlife and the
28 value of the fish or wildlife is greater than twenty dollars but less
29 than two hundred fifty dollars; and

30 (b) The person recklessly allows such fish or wildlife to be
31 wasted.

32 (2) A person is guilty of waste of fish and wildlife in the first
33 degree if:

34 (a) The person kills, takes, or possesses food fish, shellfish,
35 game fish, game birds, or game animals having a value of two hundred
36 fifty dollars or more; and

1 (b) The person recklessly allows such fish or wildlife to be
2 wasted.

3 (3)(a) Waste of fish and wildlife in the second degree is a
4 misdemeanor.

5 (b) Waste of fish and wildlife in the first degree is a gross
6 misdemeanor. Upon conviction, the department shall revoke any license
7 or tag used in the crime and shall order suspension of the person's
8 privileges to engage in the activity in which the person committed
9 waste of fish and wildlife in the first degree for a period of one
10 year.

11 (4) It is prima facie evidence of waste if a processor purchases or
12 engages a quantity of food fish, shellfish, or game fish that cannot be
13 processed within sixty hours after the food fish or shellfish are taken
14 from the water, unless the food fish or shellfish are preserved in good
15 marketable condition.

16 NEW SECTION. **Sec. 22.** UNLAWFUL INTERFERENCE WITH FISHING OR
17 HUNTING GEAR. (1) A person is guilty of unlawful interference with
18 fishing or hunting gear in the second degree if the person:

19 (a) Takes or releases a wild animal from another person's trap
20 without permission;

21 (b) Springs, pulls up, damages, possesses, or destroys another
22 person's trap without the owner's permission; or

23 (c) Interferes with recreational gear used to take fish or
24 shellfish.

25 (2) Unlawful interference with fishing or hunting gear in the
26 second degree is a misdemeanor.

27 (3) A person is guilty of unlawful interference with fishing or
28 hunting gear in the first degree if the person:

29 (a) Takes or releases food fish or shellfish from commercial
30 fishing gear without the owner's permission; or

31 (b) Intentionally destroys or interferes with commercial fishing
32 gear.

33 (4) Unlawful interference with fishing or hunting gear in the first
34 degree is a gross misdemeanor.

35 (5) A person is not in violation of unlawful interference with
36 fishing or hunting gear if the person removes a trap placed on property
37 owned, leased, or rented by the person.

1 NEW SECTION. **Sec. 23.** FAILING TO IDENTIFY TRAPS FOR FURBEARING
2 ANIMALS. (1) A person is guilty of failing to identify traps for
3 furbearing animals if the person fails to attach to the person's traps
4 or devices a legible metal tag with either the department
5 identification number of the trapper or the name and address of the
6 trapper in English letters not less than one-eighth inch in height.

7 (2) Failing to identify traps for furbearing animals is a
8 misdemeanor.

9 NEW SECTION. **Sec. 24.** OBSTRUCTING THE TAKING OF FISH OR WILDLIFE.

10 (1) A person is guilty of obstructing the taking of fish or wildlife if
11 the person:

12 (a) Harasses, drives, or disturbs fish or wildlife with the intent
13 of disrupting lawful pursuit or taking thereof; or

14 (b) Harasses, intimidates, or interferes with an individual engaged
15 in the lawful taking of fish or wildlife or lawful predator control
16 with the intent of disrupting lawful pursuit or taking thereof.

17 (2) Obstructing the taking of fish or wildlife is a gross
18 misdemeanor.

19 (3) It is an affirmative defense to a prosecution for obstructing
20 the taking of fish or wildlife that the person charged was:

21 (a) Interfering with a person engaged in hunting outside the
22 legally established hunting season; or

23 (b) Preventing or attempting to prevent unauthorized trespass on
24 private property.

25 (4) The person raising a defense under subsection (3) of this
26 section has the burden of proof by a preponderance of the evidence.

27 NEW SECTION. **Sec. 25.** UNLAWFUL POSTING. (1) A person is guilty
28 of unlawful posting if the individual posts signs preventing hunting or
29 fishing on any land not owned or leased by the individual, or without
30 the permission of the person who owns, leases, or controls the land
31 posted.

32 (2) Unlawful posting is a misdemeanor.

33 NEW SECTION. **Sec. 26.** UNLAWFUL USE OF DEPARTMENT LANDS OR
34 FACILITIES. (1) A person is guilty of unlawful use of department lands
35 or facilities if the person enters upon, uses, or remains upon

1 department lands or facilities in violation of any rule of the
2 department.

3 (2) Unlawful use of department lands or facilities is a
4 misdemeanor.

5 NEW SECTION. **Sec. 27.** SPOTLIGHTING BIG GAME. (1) A person is
6 guilty of spotlighting big game in the second degree if the person
7 hunts big game with the aid of a spotlight or other artificial light
8 while in possession or control of a firearm, bow and arrow, or cross
9 bow.

10 (2) A person is guilty of spotlighting big game in the first degree
11 if:

12 (a) The person has any prior conviction for gross misdemeanor or
13 felony for a crime under this title involving big game including but
14 not limited to subsection (1) of this section or section 10 of this
15 act; and

16 (b) Within ten years of the date that such prior conviction was
17 entered the person commits the act described by subsection (1) of this
18 section.

19 (3)(a) Spotlighting big game in the second degree is a gross
20 misdemeanor.

21 (b) Spotlighting big game in the first degree is a class C felony.
22 Upon conviction, the department shall order suspension of all
23 privileges to hunt wildlife for a period of two years.

24 NEW SECTION. **Sec. 28.** UNLAWFUL USE OR POSSESSION OF A LOADED
25 FIREARM. (1) A person is guilty of unlawful possession of a loaded
26 firearm in a motor vehicle if:

27 (a) The person carries, transports, conveys, possesses, or controls
28 a rifle or shotgun in a motor vehicle; and

29 (b) The rifle or shotgun contains shells or cartridges in the
30 chamber, or is a muzzle-loading firearm that is loaded and capped or
31 primed.

32 (2) A person is guilty of unlawful use of a loaded firearm if the
33 person negligently shoots a firearm from, across, or along the
34 maintained portion of a public highway.

35 (3) Unlawful possession of a loaded firearm in a motor vehicle is
36 a misdemeanor.

37 (4) This section does not apply if the person:

1 (a) Is a law enforcement officer who is authorized to carry a
2 firearm and is on duty within the officer's respective jurisdiction;

3 (b) Possesses a disabled hunter's permit as provided by RCW
4 77.32.237 and complies with all rules of the department concerning
5 hunting by persons with disabilities.

6 NEW SECTION. Sec. 29. UNLAWFULLY AVOIDING WILDLIFE CHECK STATIONS
7 OR FIELD INSPECTIONS. (1) A person is guilty of unlawfully avoiding
8 wildlife check stations or field inspections if the person fails to:

9 (a) Obey check station signs;

10 (b) Stop and report at a check station if directed to do so by a
11 uniformed fish and wildlife officer; or

12 (c) Produce for inspection upon request by a fish and wildlife
13 officer: (i) Hunting or fishing equipment; (ii) seaweed, fish,
14 shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or
15 catch record cards required by this title or Title 75 RCW.

16 (2) Unlawfully avoiding wildlife check stations or field
17 inspections is a gross misdemeanor.

18 (3) Wildlife check stations may not be established upon interstate
19 highways or state routes.

20 NEW SECTION. Sec. 30. UNLAWFUL USE OF DOGS--PUBLIC NUISANCE. (1)
21 A person is guilty of unlawful use of dogs if the person:

22 (a) Negligently fails to prevent a dog under the person's control
23 from pursuing or injuring deer, elk, or an animal classified as
24 endangered under this title;

25 (b) Uses the dog to hunt deer or elk; or

26 (c) During the closed season for a species of game animal or game
27 bird, negligently fails to prevent the dog from pursuing such animal or
28 destroying the nest of a game bird.

29 (2) Unlawful use of dogs is a misdemeanor. A dog that is the basis
30 for a violation of this section may be declared a public nuisance.

31 NEW SECTION. Sec. 31. UNLAWFUL RELEASE OF FISH OR WILDLIFE.

32 (1)(a) A person is guilty of unlawfully releasing, planting, or placing
33 fish or wildlife if the person knowingly releases, plants, or places
34 live fish, wildlife, or aquatic plants within the state, except for a
35 release of game fish into private waters for which a game fish stocking

1 permit has been obtained or the planting of food fish or shellfish by
2 permit of the commission.

3 (b) A violation of this subsection is a gross misdemeanor. In
4 addition, the department shall order the person to pay all costs the
5 department incurred in capturing, killing, or controlling the fish or
6 wildlife released or its progeny. This does not affect the existing
7 authority of the department to bring a separate civil action to recover
8 costs of capturing, killing, controlling the fish or wildlife released
9 or their progeny, or restoration of habitat necessitated by the
10 unlawful release.

11 (2)(a) A person is guilty of unlawful release of deleterious exotic
12 wildlife if the person knowingly releases, plants, or places live fish
13 or wildlife within the state and such fish or wildlife has been
14 classified as deleterious exotic wildlife by rule of the commission.

15 (b) A violation of this subsection is a class C felony. In
16 addition, the department shall also order the person to pay all costs
17 the department incurred in capturing, killing, or controlling the fish
18 or wildlife released or its progeny. This does not affect the existing
19 authority of the department to bring a separate civil action to recover
20 costs of capturing, killing, controlling the fish or wildlife released
21 or their progeny, or restoration of habitat necessitated by the
22 unlawful release.

23 NEW SECTION. **Sec. 32.** ENGAGING IN COMMERCIAL WILDLIFE ACTIVITY
24 WITHOUT A LICENSE. (1) A person is guilty of engaging in commercial
25 wildlife activity without a license if the person:

26 (a) Deals in raw furs for commercial purposes and does not hold a
27 fur dealer license required by chapter 77.32 RCW;

28 (b) Practices taxidermy for profit and does not hold a taxidermy
29 license required by chapter 77.32 RCW; or

30 (c) Operates a game farm without a license required by chapter
31 77.32 RCW.

32 (2) Engaging in commercial wildlife activities without a license is
33 a gross misdemeanor.

34 NEW SECTION. **Sec. 33.** UNLAWFUL USE OF A COMMERCIAL WILDLIFE
35 LICENSE. (1) A person who holds a fur buyer's license or taxidermy
36 license is guilty of unlawful use of a commercial wildlife license if
37 the person:

1 (a) Fails to have the license in possession while engaged in fur
2 buying or practicing taxidermy for commercial purposes; or

3 (b) Violates any rule of the department regarding the use,
4 possession, display, or presentation of the taxidermy or fur buyer's
5 license.

6 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

7 NEW SECTION. **Sec. 34.** UNLAWFUL TRAPPING. (1) A person is guilty
8 of unlawful trapping if the person:

9 (a) Sets out traps that are capable of taking wild animals, game
10 animals, or furbearing mammals and does not possess all licenses, tags,
11 or permits required under this title; or

12 (b) Violates any rule of the commission or director regarding
13 seasons, bag or possession limits, closed areas including game
14 reserves, closed times, or any other rule governing the trapping of
15 wild animals.

16 (2) Unlawful trapping is a misdemeanor.

17 NEW SECTION. **Sec. 35.** COMMERCIAL FISHING WITHOUT A LICENSE. (1)
18 A person is guilty of commercial fishing without a license in the
19 second degree if the person fishes for, takes, or delivers food fish,
20 shellfish, or game fish while acting for commercial purposes and:

21 (a) The person does not hold a fishery license or delivery license
22 under chapter 75.28 RCW for the food fish or shellfish; or

23 (b) The person is not a licensed operator designated as an
24 alternate operator on a fishery or delivery license under chapter 75.28
25 RCW for the food fish or shellfish.

26 (2) A person is guilty of commercial fishing without a license in
27 the first degree if the person commits the act described by subsection
28 (1) of this section and:

29 (a) The violation involves taking, delivery, or possession of food
30 fish or shellfish with a value of two hundred fifty dollars or more;
31 or

32 (b) The violation involves taking, delivery, or possession of food
33 fish or shellfish from an area that was closed to the taking of such
34 food fish or shellfish by any statute or rule.

35 (3)(a) Commercial fishing without a license in the second degree is
36 a gross misdemeanor.

1 (b) Commercial fishing without a license in the first degree is a
2 class C felony.

3 NEW SECTION. **Sec. 36.** COMMERCIAL FISH GUIDING OR CHARTERING
4 WITHOUT A LICENSE. (1) A person is guilty of commercial fish guiding
5 or chartering without a license if:

6 (a) The person operates a charter boat and does not hold the
7 charter boat license required for the food fish taken;

8 (b) The person acts as a professional salmon guide and does not
9 hold a professional salmon guide license; or

10 (c) The person acts as a game fish guide and does not hold a
11 professional game fish guide license.

12 (2) Commercial fish guiding or chartering without a license is a
13 gross misdemeanor.

14 NEW SECTION. **Sec. 37.** COMMERCIAL FISHING USING UNLAWFUL GEAR OR
15 METHODS. (1) A person is guilty of commercial fishing using unlawful
16 gear or methods if the person acts for commercial purposes and takes or
17 fishes for any fish or shellfish using any gear or method in violation
18 of a rule of the department specifying, regulating, or limiting the
19 gear or method for taking, fishing, or harvesting of such fish or
20 shellfish.

21 (2) Commercial fishing using unlawful gear or methods is a gross
22 misdemeanor.

23 NEW SECTION. **Sec. 38.** UNLAWFUL USE OF A NONDESIGNATED VESSEL.
24 (1) A person who holds a fishery license required by chapter 75.28 RCW,
25 or who holds an operator's license and is designated as an alternate
26 operator on a fishery license required by chapter 75.28 RCW, is guilty
27 of unlawful use of a nondesignated vessel if the person takes, fishes
28 for, or delivers from that fishery using a vessel not designated on the
29 person's license, when vessel designation is required by chapter 75.28
30 RCW.

31 (2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

32 (3) A nondesignated vessel may be used, subject to appropriate
33 notification to the department and in accordance with rules established
34 by the commission, when a designated vessel is inoperative because of
35 accidental damage or mechanical breakdown.

1 (4) If the person commits the act described by subsection (1) of
2 this section and the vessel designated on the person's fishery license
3 was used by any person in the fishery on the same day, then the
4 violation for using a nondesignated vessel is a class C felony. Upon
5 conviction the department shall order revocation and suspension of all
6 commercial fishing privileges under chapter 75.28 RCW for a period of
7 one year.

8 NEW SECTION. **Sec. 39.** UNLAWFUL USE OF A COMMERCIAL FISHERY
9 LICENSE. (1) A person who holds a fishery license required by chapter
10 75.28 RCW, or who holds an operator's license and is designated as an
11 alternate operator on a fishery license required by chapter 75.28 RCW,
12 is guilty of unlawful use of a commercial fishery license if the
13 person:

14 (a) Does not have the commercial fishery license or operator's
15 license in possession during fishing or delivery; or

16 (b) Violates any rule of the department regarding the use,
17 possession, display, or presentation of the person's license, decals,
18 or vessel numbers.

19 (2) Unlawful use of a commercial fishery license is a misdemeanor.

20 NEW SECTION. **Sec. 40.** VIOLATION OF COMMERCIAL FISHING AREA OR
21 TIME. (1) A person is guilty of violating commercial fishing area or
22 time in the second degree if the person acts for commercial purposes
23 and takes, fishes for, delivers, or receives food fish or shellfish:

24 (a) At a time not authorized by statute or rule; or

25 (b) From an area that was closed to the taking of such food fish or
26 shellfish for commercial purposes by statute or rule.

27 (2) A person is guilty of violating commercial fishing area or time
28 in the first degree if the person commits the act described by
29 subsection (1) of this section and:

30 (a) The person acted with knowledge that the area or time was not
31 open to the taking or fishing of food fish or shellfish for commercial
32 purposes; and

33 (b) The violation involved two hundred fifty dollars or more worth
34 of food fish or shellfish.

35 (3)(a) Violating commercial fishing area or time in the second
36 degree is a gross misdemeanor.

1 (b) Violating commercial fishing area or time in the first degree
2 is a class C felony.

3 NEW SECTION. **Sec. 41.** FAILURE TO REPORT COMMERCIAL FISH HARVEST
4 OR DELIVERY. (1) Except as provided in section 45 of this act, a
5 person is guilty of failing to report a commercial fish or shellfish
6 harvest or delivery if the person acts for commercial purposes and
7 takes or delivers any fish or shellfish, and the person:

8 (a) Fails to sign a fish-receiving ticket that documents the
9 delivery of fish or shellfish or otherwise documents the taking or
10 delivery; or

11 (b) Fails to report or document the taking, landing, or delivery as
12 required by any rule of the department.

13 (2) Failing to report a commercial fish harvest or delivery is a
14 gross misdemeanor.

15 (3) For purposes of this section, "delivery" of fish or shellfish
16 occurs when there is a transfer or conveyance of title or control from
17 the person who took, fished for, or otherwise harvested the fish or
18 shellfish.

19 NEW SECTION. **Sec. 42.** UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE.
20 (1) A person is guilty of unlawful trafficking in fish or wildlife in
21 the second degree if the person traffics in fish or wildlife with a
22 wholesale value of less than two hundred fifty dollars and:

23 (a) The fish or wildlife is classified as game, food fish,
24 shellfish, game fish, or protected wildlife and the trafficking is not
25 authorized by statute or rule of the department; or

26 (b) The fish or wildlife is unclassified and the trafficking
27 violates any rule of the department.

28 (2) A person is guilty of unlawful trafficking in fish or wildlife
29 in the first degree if the person commits the act described by
30 subsection (1) of this section and:

31 (a) The fish or wildlife has a value of two hundred fifty dollars
32 or more; or

33 (b) The fish or wildlife is designated as endangered or deleterious
34 exotic wildlife and such trafficking is not authorized by any statute
35 or rule of the department.

36 (3)(a) Unlawful trafficking in fish or wildlife in the second
37 degree is a gross misdemeanor.

1 (b) Unlawful trafficking in fish or wildlife in the first degree is
2 a class C felony.

3 NEW SECTION. **Sec. 43.** ENGAGING IN FISH DEALING ACTIVITY WITHOUT
4 A LICENSE. (1) A person is guilty of engaging in fish dealing activity
5 without a license in the second degree if the person:

6 (a) Engages in the commercial processing of fish or shellfish,
7 including custom canning or processing of personal use fish or
8 shellfish and does not hold a wholesale dealer's license required by
9 RCW 75.28.300(1) or 77.32.211 for anadromous game fish;

10 (b) Engages in the wholesale selling, buying, or brokering of food
11 fish or shellfish and does not hold a wholesale dealer's or buying
12 license required by RCW 75.28.300(2) or 77.32.211 for anadromous game
13 fish;

14 (c) Is a fisher who lands and sells his or her catch or harvest in
15 the state to anyone other than a licensed wholesale dealer within or
16 outside the state and does not hold a wholesale dealer's license
17 required by RCW 75.28.300(3) or 77.32.211 for anadromous game fish; or

18 (d) Engages in the commercial manufacture or preparation of
19 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food
20 fish or shellfish and does not hold a wholesale dealer's license
21 required by RCW 75.28.300(4) or 77.32.211 for anadromous game fish.

22 (2) Engaging in fish dealing activity without a license in the
23 second degree is a gross misdemeanor.

24 (3) A person is guilty of engaging in fish dealing activity without
25 a license in the first degree if the person commits the act described
26 by subsection (1) of this section and the violation involves fish or
27 shellfish worth two hundred fifty dollars or more. Engaging in fish
28 dealing activity without a license in the first degree is a class C
29 felony.

30 NEW SECTION. **Sec. 44.** UNLAWFUL USE OF FISH BUYING AND DEALING
31 LICENSES. (1) A person who holds a fish dealer's license required by
32 RCW 75.28.300, an anadromous game fish buyer's license required by RCW
33 77.32.211, or a fish buyer's license required by RCW 75.28.340 is
34 guilty of unlawful use of fish buying and dealing licenses in the
35 second degree if the person:

36 (a) Possesses or receives fish or shellfish for commercial purposes
37 worth less than two hundred fifty dollars; and

1 (b) Fails to document such fish or shellfish with a fish-receiving
2 ticket required by statute or rule of the department.

3 (2) A person is guilty of unlawful use of fish buying and dealing
4 licenses in the first degree if the person commits the act described by
5 subsection (1) of this section and:

6 (a) The violation involves fish or shellfish worth two hundred
7 fifty dollars or more;

8 (b) The person acted with knowledge that the fish or shellfish were
9 taken from a closed area, at a closed time, or by a person not licensed
10 to take such fish or shellfish for commercial purposes; or

11 (c) The person acted with knowledge that the fish or shellfish were
12 taken in violation of any tribal law.

13 (3)(a) Unlawful use of fish buying and dealing licenses in the
14 second degree is a gross misdemeanor.

15 (b) Unlawful use of fish buying and dealing licenses in the first
16 degree is a class C felony. Upon conviction, the department shall
17 suspend all privileges to engage in fish buying or dealing for two
18 years.

19 NEW SECTION. **Sec. 45.** VIOLATING RULES GOVERNING WHOLESALE FISH
20 BUYING AND DEALING. (1) A person who holds a wholesale fish dealer's
21 license required by RCW 75.28.300, an anadromous game fish buyer's
22 license required by RCW 77.32.211, or a fish buyer's license required
23 by RCW 75.28.340 is guilty of violating rules governing wholesale fish
24 buying and dealing if the person:

25 (a) Fails to possess or display his or her license when engaged in
26 any act requiring the license;

27 (b) Fails to display or uses the license in violation of any rule
28 of the department;

29 (c) Files a signed fish-receiving ticket but fails to provide all
30 information required by rule of the department; or

31 (d) Violates any other rule of the department regarding wholesale
32 fish buying and dealing.

33 (2) Violating rules governing wholesale fish buying and dealing is
34 a gross misdemeanor.

35 NEW SECTION. **Sec. 46.** PROVIDING FALSE INFORMATION REGARDING FISH
36 OR WILDLIFE. (1) A person is guilty of providing false information
37 regarding fish or wildlife if the person knowingly provides false or

1 misleading information required by any statute or rule to be provided
2 to the department regarding the taking, delivery, possession,
3 transportation, sale, transfer, or any other use of fish or wildlife.
4 (2) Providing false information regarding fish or wildlife is a
5 gross misdemeanor.

6 NEW SECTION. **Sec. 47.** VIOLATING RULES REQUIRING REPORTING OF FISH
7 OR WILDLIFE HARVEST. (1) A person is guilty of violating rules
8 requiring reporting of fish or wildlife harvest if the person:

9 (a) Fails to make a harvest log report of a commercial fish or
10 shellfish catch in violation of any rule of the commission or the
11 director;

12 (b) Fails to maintain a trapper's report or taxidermist ledger in
13 violation of any rule of the commission or the director;

14 (c) Fails to submit any portion of a big game animal for a required
15 inspection required by rule of the commission or the director; or

16 (d) Fails to return a catch record card or wildlife harvest report
17 to the department as required by rule of the commission or director.

18 (2) Violating rules requiring reporting of fish or wildlife harvest
19 is a misdemeanor.

20 NEW SECTION. **Sec. 48.** UNLAWFUL TRANSPORTATION OF FISH OR
21 WILDLIFE. (1) A person is guilty of unlawful transportation of fish or
22 wildlife in the second degree if the person:

23 (a) Knowingly imports, moves within the state, or exports fish or
24 wildlife in violation of any rule of the commission or the director
25 governing the transportation or movement of fish or wildlife and the
26 transportation does not involve big game, endangered fish or wildlife,
27 deleterious exotic wildlife, or fish or wildlife having a value greater
28 than two hundred fifty dollars; or

29 (b) Possesses but fails to affix or notch a big game transport tag
30 as required by rule of the commission or director.

31 (2) A person is guilty of unlawful transportation of fish or
32 wildlife in the first degree if the person:

33 (a) Knowingly imports, moves within the state, or exports fish or
34 wildlife in violation of any rule of the commission or the director
35 governing the transportation or movement of fish or wildlife and the
36 transportation involves big game, endangered fish or wildlife,

1 deleterious exotic wildlife, or fish or wildlife with a value of two
2 hundred fifty dollars or more; or

3 (b) Knowingly transports shellfish, shellstock, or equipment used
4 in commercial culturing, taking, handling, or processing shellfish
5 without a permit required by authority of this title.

6 (3)(a) Unlawful transportation of fish or wildlife in the second
7 degree is a misdemeanor.

8 (b) Unlawful transportation of fish or wildlife in the first degree
9 is a gross misdemeanor.

10 **Sec. 49.** RCW 75.12.320 and 1983 1st ex.s. c 46 s 63 are each
11 amended to read as follows:

12 (1) Except as provided in subsection (~~(2)~~) (3) of this section,
13 it is unlawful for a person who is not a treaty Indian fisherman to
14 participate in the taking of (~~food~~) fish or shellfish in a treaty
15 Indian fishery, or to be on board a vessel, or associated equipment,
16 operating in a treaty Indian fishery. A violation of this subsection
17 is a gross misdemeanor.

18 (2) A person who violates subsection (1) of this section with the
19 intent of acting for commercial purposes, including any sale of catch,
20 control of catch, profit from catch, or payment for fishing assistance,
21 is guilty of a class C felony. Upon conviction, the department shall
22 order revocation of any license and a one-year suspension of all
23 commercial fishing privileges requiring a license under chapter 75.28
24 or 75.30 RCW.

25 (3)(a) The spouse, forebears, siblings, children, and grandchildren
26 of a treaty Indian fisherman may assist the fisherman in exercising
27 treaty Indian fishing rights when the treaty Indian fisherman is
28 present at the fishing site.

29 (b) Other treaty Indian fishermen with off-reservation treaty
30 fishing rights in the same usual and accustomed places, whether or not
31 the fishermen are members of the same tribe or another treaty tribe,
32 may assist a treaty Indian fisherman in exercising treaty Indian
33 fishing rights when the treaty Indian fisherman is present at the
34 fishing site.

35 (c) Biologists approved by the department may be on board a vessel
36 operating in a treaty Indian fishery.

37 (~~(3)~~) (4) For the purposes of this section:

1 (a) "Treaty Indian fisherman" means a person who may exercise
2 treaty Indian fishing rights as determined under United States v.
3 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith,
4 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
5 courts;

6 (b) "Treaty Indian fishery" means a fishery open to only treaty
7 Indian fishermen by tribal or federal regulation;

8 (c) "To participate" and its derivatives mean an effort to operate
9 a vessel or fishing equipment, provide immediate supervision in the
10 operation of a vessel or fishing equipment, or otherwise assist in the
11 fishing operation, ~~((or))~~ to claim possession of a share of the catch,
12 or to represent that the catch was lawfully taken in an Indian fishery.

13 ~~((4))~~ (5) A violation of this section ~~((involving salmon))~~
14 constitutes illegal fishing and is subject to the ~~((sanctions provided~~
15 ~~under RCW 75.10.130))~~ suspensions provided for commercial fishing
16 violations.

17 NEW SECTION. Sec. 50. UNLAWFUL USE OF NETS TO TAKE FISH. (1) A
18 person is guilty of unlawful use of a net to take fish in the second
19 degree if the person:

20 (a) Lays, sets, uses, or controls a net or other device or
21 equipment capable of taking fish from the waters of this state, except
22 if the person has a valid license for such fishing gear from the
23 director under this title and is acting in accordance with all rules of
24 the commission and director; or

25 (b) Fails to return unauthorized fish to the water immediately
26 while otherwise lawfully operating a net under a valid license.

27 (2) A person is guilty of unlawful use of a net to take fish in the
28 first degree if the person:

29 (a) Commits the act described by subsection (1) of this section;
30 and

31 (b) The violation occurs within five years of entry of a prior
32 conviction for a gross misdemeanor or felony under this title or Title
33 75 RCW involving fish, other than a recreational fishing violation, or
34 involving unlawful use of nets.

35 (3)(a) Unlawful use of a net to take fish in the second degree is
36 a gross misdemeanor. Upon conviction, the department shall revoke any
37 license held under this title or Title 75 RCW allowing commercial net
38 fishing used in connection with the crime.

1 (b) Unlawful use of a net to take fish in the first degree is a
2 class C felony. Upon conviction, the department shall order a one-year
3 suspension of all commercial fishing privileges requiring a license
4 under this title or Title 75 RCW.

5 (4) Notwithstanding subsections (1) and (2) of this section, it is
6 lawful to use a landing net to land fish otherwise legally hooked.

7 NEW SECTION. **Sec. 51.** UNLAWFUL USE OF COMMERCIAL FISHING VESSEL
8 FOR RECREATIONAL OR CHARTER FISHING. (1) A person is guilty of
9 unlawful use of a commercial fishing vessel, except as may be
10 authorized by rule of the commission, for recreational or charter
11 fishing if the person uses, operates, or controls a vessel on the same
12 day for both:

13 (a) Charter or recreational fishing; and

14 (b) Commercial fishing or shellfish harvesting.

15 (2) Unlawful use of a commercial fishing vessel for recreational or
16 charter fishing is a gross misdemeanor.

17 NEW SECTION. **Sec. 52.** UNLAWFUL HYDRAULIC PROJECT ACTIVITIES. (1)
18 A person is guilty of unlawfully undertaking hydraulic project
19 activities if the person constructs any form of hydraulic project or
20 performs other work on a hydraulic project and:

21 (a) Fails to have a hydraulic project approval required under
22 chapter 75.20 RCW for such construction or work; or

23 (b) Violates any requirements or conditions of the hydraulic
24 project approval for such construction or work.

25 (2) Unlawfully undertaking hydraulic project activities is a gross
26 misdemeanor.

27 NEW SECTION. **Sec. 53.** UNLAWFUL FAILURE TO USE OR MAINTAIN
28 APPROVED FISH GUARD ON WATER DIVERSION DEVICE. (1) A person is guilty
29 of unlawful failure to use or maintain an approved fish guard on a
30 diversion device if the person owns, controls, or operates a device
31 used for diverting or conducting water from a lake, river, or stream
32 and:

33 (a) The device is not equipped with a fish guard, screen, or bypass
34 approved by the director as required by RCW 75.20.040 or 77.16.220; or

1 (b) The person knowingly fails to maintain or operate an approved
2 fish guard, screen, or bypass so as to effectively screen or prevent
3 fish from entering the intake.

4 (2) Unlawful failure to use or maintain an approved fish guard,
5 screen, or bypass on a diversion device is a gross misdemeanor.
6 Following written notification to the person from the department that
7 there is a violation, each day that a diversion device is operated
8 without an approved or maintained fish guard, screen, or bypass is a
9 separate offense.

10 NEW SECTION. Sec. 54. UNLAWFUL FAILURE TO PROVIDE, MAINTAIN, OR
11 OPERATE FISHWAY FOR DAM OR OTHER OBSTRUCTION. (1) A person is guilty
12 of unlawful failure to provide, maintain, or operate a fishway for dam
13 or other obstruction if the person owns, operates, or controls a dam or
14 other obstruction to fish passage on a river or stream and:

15 (a) The dam or obstruction is not provided with a durable and
16 efficient fishway approved by the director as required by RCW
17 75.20.060;

18 (b) Fails to maintain a fishway in efficient operating condition;
19 or

20 (c) Fails to continuously supply a fishway with a sufficient supply
21 of water to allow the free passage of fish.

22 (2) Unlawful failure to provide, maintain, or operate a fishway for
23 dam or other obstruction is a gross misdemeanor. Following written
24 notification to the person from the department that there is a
25 violation, each day of unlawful failure to provide, maintain, or
26 operate a fishway is a separate offense.

27 NEW SECTION. Sec. 55. UNLAWFUL USE OF SCIENTIFIC PERMIT. (1) A
28 person is guilty of unlawful use of a scientific permit if the person:

29 (a) Violates any terms or conditions of a scientific permit issued
30 by the director;

31 (b) Buys or sells fish or wildlife taken with a scientific permit;
32 or

33 (c) Violates any rule of the commission or the director applicable
34 to the issuance or use of scientific permits.

35 (2) Unlawful use of a scientific permit is a gross misdemeanor.

1 NEW SECTION. **Sec. 56.** UNLAWFUL HUNTING OR FISHING CONTESTS. (1)

2 A person is guilty of unlawfully holding a hunting or fishing contest
3 if the person:

4 (a) Conducts, holds, or sponsors a hunting contest, a fishing
5 contest involving game fish, or a competitive field trial using live
6 wildlife without the permit required by RCW 77.32.211; or

7 (b) Violates any rule of the commission or the director applicable
8 to a hunting contest, fishing contest involving game fish, or a
9 competitive field trial using live wildlife.

10 (2) Unlawfully holding a hunting or fishing contest is a
11 misdemeanor.

12 NEW SECTION. **Sec. 57.** UNLAWFUL OPERATION OF A GAME FARM. (1) A

13 person is guilty of unlawful operation of a game farm if the person (a)
14 operates a game farm without the license required by RCW 77.32.211; or

15 (b) violates any rule of the commission or the director applicable to
16 game farms under RCW 77.12.570, 77.12.580, and 77.12.590.

17 (2) Unlawful operation of a game farm is a gross misdemeanor.

18 NEW SECTION. **Sec. 58.** VIOLATION OF A RULE REGARDING INSPECTION
19 AND CONTROL OF AQUATIC FARMS. (1) A person is guilty of violating a
20 rule regarding inspection and disease control of aquatic farms if the
21 person:

22 (a) Violates any rule adopted under chapter 75.58 RCW regarding the
23 inspection and disease control program for an aquatic farm; or

24 (b) Fails to register or report production from an aquatic farm as
25 required by chapter 75.58 RCW.

26 (2) A violation of a rule regarding inspection and disease control
27 of aquatic farms is a misdemeanor.

28 NEW SECTION. **Sec. 59.** UNLAWFUL PURCHASE OR USE OF A LICENSE. (1)

29 A person is guilty of unlawful purchase or use of a license in the
30 second degree if the person buys, holds, uses, displays, transfers, or
31 obtains any license, tag, permit, or approval required by this title or
32 Title 75 RCW and the person:

33 (a) Uses false information to buy, hold, use, display, or obtain a
34 license, permit, tag, or approval;

1 (b) Acquires, holds, or buys in excess of one license, permit, or
2 tag for a license year if only one license, permit, or tag is allowed
3 per license year;

4 (c) Uses or displays a license, permit, tag, or approval that was
5 issued to another person;

6 (d) Permits or allows a license, permit, tag, or approval to be
7 used or displayed by another person not named on the license, permit,
8 tag, or approval;

9 (e) Acquires or holds a license while privileges for the license
10 are revoked or suspended.

11 (2) A person is guilty of unlawful purchase or use of a license in
12 the first degree if the person commits the act described by subsection
13 (1) of this section and the person was acting with intent that the
14 license, permit, tag, or approval be used for any commercial purpose.
15 A person is presumed to be acting with such intent if the violation
16 involved obtaining, holding, displaying, or using a license or permit
17 for participation in any commercial fishery issued under this title or
18 Title 75 RCW or a license authorizing fish or wildlife buying,
19 trafficking, or wholesaling.

20 (3)(a) Unlawful purchase or use of a license in the second degree
21 is a gross misdemeanor. Upon conviction, the department shall revoke
22 any unlawfully used or held licenses and order a two-year suspension of
23 participation in the activities for which the person unlawfully
24 obtained, held, or used a license.

25 (b) Unlawful purchase or use of a license in the first degree is a
26 class C felony. Upon conviction, the department shall revoke any
27 unlawfully used or held licenses and order a five-year suspension of
28 participation in any activities for which the person unlawfully
29 obtained, held, or used a license.

30 (4) For purposes of this section, a person "uses" a license,
31 permit, tag, or approval if the person engages in any activity
32 authorized by the license, permit, tag, or approval held or possessed
33 by the person. Such uses include but are not limited to fishing,
34 hunting, taking, trapping, delivery or landing fish or wildlife, and
35 selling, buying, or wholesaling of fish or wildlife.

36 (5) Any license obtained in violation of this section is void upon
37 issuance and is of no legal effect.

1 NEW SECTION. **Sec. 60.** UNLAWFUL HUNTING OR FISHING WHEN PRIVILEGES
2 ARE REVOKED OR SUSPENDED. (1) A person is guilty of unlawful hunting
3 or fishing when privileges are revoked or suspended in the second
4 degree if the person hunts or fishes and the person's privilege to
5 engage in such hunting or fishing were revoked or suspended by any
6 court or the department.

7 (2) A person is guilty of unlawful hunting or fishing when
8 privileges are revoked or suspended in the first degree if the person
9 commits the act described by subsection (1) of this section and:

10 (a) The suspension of privileges that was violated was a permanent
11 suspension;

12 (b) The person takes or possesses more than two hundred fifty
13 dollars' worth of unlawfully taken food fish, wildlife, game fish,
14 seaweed, or shellfish; or

15 (c) The violation involves the hunting, taking, or possession of
16 fish or wildlife classified as endangered or threatened or big game.

17 (3)(a) Unlawful hunting or fishing when privileges are revoked or
18 suspended in the second degree is a gross misdemeanor. Upon
19 conviction, the department shall order permanent suspension of the
20 person's privileges to engage in such hunting or fishing activities.

21 (b) Unlawful hunting or fishing when privileges are revoked or
22 suspended in the first degree is a class C felony. Upon conviction,
23 the department shall order permanent suspension of all privileges to
24 hunt, fish, trap, or take wildlife, food fish, or shellfish.

25 (4) As used in this section, hunting includes trapping with a
26 trapping license.

27 NEW SECTION. **Sec. 61.** UNLAWFUL INTERFERING IN DEPARTMENT
28 OPERATIONS. (1) A person is guilty of unlawful interfering in
29 department operations if the person prevents department employees from
30 carrying out duties authorized by this title or Title 75 RCW, including
31 but not limited to interfering in the operation of department vehicles,
32 vessels, or aircraft.

33 (2) Unlawful interfering in department operations is a gross
34 misdemeanor.

35 NEW SECTION. **Sec. 62.** CRIMINAL WILDLIFE PENALTY ASSESSMENT FOR
36 ILLEGALLY TAKEN OR POSSESSED WILDLIFE. (1) If a person is convicted of
37 violating section 10 of this act and that violation results in the

1 death of wildlife listed in this section, the court shall require
2 payment of the following amounts for each animal killed or possessed.
3 This shall be a criminal wildlife penalty assessment that shall be paid
4 to the clerk of the court and distributed each month to the state
5 treasurer for deposit in the public safety and education account.

6 (a) Moose, mountain sheep, mountain goat, and all wildlife
7 species classified as endangered by rule of the commission,
8 except for mountain caribou and grizzly bear as listed under

9 (d) of this subsection \$ 4,000

10 (b) Elk, deer, black bear, and cougar \$ 2,000

11 (c) Trophy animal elk and deer \$ 6,000

12 (d) Mountain caribou, grizzly bear, and trophy animal mountain
13 sheep \$12,000

14 (2) No forfeiture of bail may be less than the amount of the bail
15 established for hunting during closed season plus the amount of the
16 criminal wildlife penalty assessment in subsection (1) of this section.

17 (3) For the purpose of this section a "trophy animal" is:

18 (a) A buck deer with four or more antler points on both sides, not
19 including eyeguards;

20 (b) A bull elk with five or more antler points on both sides, not
21 including eyeguards; or

22 (c) A mountain sheep with a horn curl of three-quarter curl or
23 greater.

24 For purposes of this subsection, "eyeguard" means an antler
25 protrusion on the main beam of the antler closest to the eye of the
26 animal.

27 (4) If two or more persons are convicted of illegally possessing
28 wildlife in subsection (1) of this section, the criminal wildlife
29 penalty assessment shall be imposed on them jointly and separately.

30 (5) The criminal wildlife penalty assessment shall be imposed
31 regardless of and in addition to any sentence, fines, or costs
32 otherwise provided for violating any provision of this title. The
33 criminal wildlife penalty assessment shall be included by the court in
34 any pronouncement of sentence and may not be suspended, waived,
35 modified, or deferred in any respect. This section may not be
36 construed to abridge or alter alternative rights of action or remedies
37 in equity or under common law or statutory law, criminal or civil.

38 (6) A defaulted criminal wildlife penalty assessment may be
39 collected by any means authorized by law for the enforcement of orders

1 of the court or collection of a fine or costs, including but not
2 limited to vacation of a deferral of sentencing or vacation of a
3 suspension of sentence.

4 (7) A person assessed a criminal wildlife penalty assessment under
5 this section shall have his or her hunting license revoked and all
6 hunting privileges suspended until the penalty assessment is paid
7 through the registry of the court in which the penalty assessment was
8 assessed.

9 NEW SECTION. **Sec. 63.** DISPOSITION OF FORFEITED WILDLIFE AND
10 ARTICLES. (1) Unless otherwise provided in this title or Title 75 RCW,
11 fish, shellfish, or wildlife unlawfully taken or possessed, or involved
12 in a violation shall be forfeited to the state upon conviction. Unless
13 already held by, sold, destroyed, or disposed of by the department, the
14 court shall order such fish or wildlife to be delivered to the
15 department. Where delay will cause loss to the value of the property
16 and a ready wholesale buying market exists, the department may sell
17 property to a wholesale buyer at a fair market value.

18 (2) The department may use, sell, or destroy any other property
19 forfeited by the court or the department. Any sale of other property
20 shall be at public auction or after public advertisement reasonably
21 designed to obtain the highest price. The time, place, and manner of
22 holding the sale shall be determined by the director. The director may
23 contract for the sale to be through the department of general
24 administration as state surplus property, or, except where not
25 justifiable by the value of the property, the director shall publish
26 notice of the sale once a week for at least two consecutive weeks
27 before the sale in at least one newspaper of general circulation in the
28 county in which the sale is to be held. Proceeds of the sale shall be
29 deposited in the state treasury to be credited to the state wildlife
30 fund.

31 NEW SECTION. **Sec. 64.** DEPARTMENT AUTHORITY TO REVOKE LICENSES.
32 (1) Upon any conviction of any violation of this chapter, the
33 department may revoke any license, tag, or stamp, or other permit
34 involved in the violation or held by the person convicted, in addition
35 to other penalties provided by law.

36 (2) If the department orders that a license, tag, stamp, or other
37 permit be revoked, that order is effective upon entry of the order and

1 any such revoked license, tag, stamp, or other permit is void as a
2 result of such order of revocation. The department shall order such
3 license, tag, stamp, or other permit turned over to the department, and
4 shall order the person not to acquire a replacement or duplicate for
5 the remainder of the period for which the revoked license, tag, stamp,
6 or other permit would have been valid. During this period when a
7 license is revoked, the person is subject to punishment under this
8 chapter. If the person appeals the sentence by the court, the
9 revocation shall be effective during the appeal.

10 (3) If an existing license, tag, stamp, or other permit is voided
11 and revoked under this chapter, the department and its agents shall not
12 be required to refund or restore any fees, costs, or money paid for the
13 license, nor shall any person have any right to bring a collateral
14 appeal under chapter 34.05 RCW to attack the department order.

15 NEW SECTION. **Sec. 65.** DEPARTMENT AUTHORITY TO SUSPEND
16 PRIVILEGES--FORM AND PROCEDURE. (1) If any crime in this chapter is
17 punishable by a suspension of privileges, then the department shall
18 issue an order that specifies the privileges suspended and period when
19 such suspension shall begin and end. The department has no authority
20 to issue licenses, permits, tags, or stamps for the suspended activity
21 until the suspension ends and any license, tag, stamp, or other
22 permission obtained in violation of an order of suspension is void and
23 ineffective.

24 (2) A court sentence may include a suspension of privileges only if
25 grounds are provided by statute. There is no right to seek
26 reinstatement of privileges from the department during a period of
27 court-ordered suspension.

28 (3) If this chapter makes revocation or suspension of privileges
29 mandatory, then the department shall impose the punishment in addition
30 to any other punishments authorized by law.

31 NEW SECTION. **Sec. 66.** GROUNDS FOR DEPARTMENT REVOCATION AND
32 SUSPENSION OF PRIVILEGES. The department shall impose revocation and
33 suspension of privileges upon conviction in the following
34 circumstances:

35 (1) If directed by statute for an offense;

1 (2) If the department finds that actions of the defendant
2 demonstrated a willful or wanton disregard for conservation of fish or
3 wildlife. Such suspension of privileges may be permanent;

4 (3) If a person is convicted twice within ten years for a violation
5 involving unlawful hunting, killing, or possessing big game, the
6 department shall order revocation and suspension of all hunting
7 privileges for two years. RCW 77.16.020 or 77.16.050 as it existed
8 before the effective date of this section may comprise one of the
9 convictions constituting the basis for revocation and suspension under
10 this subsection;

11 (4) If a person is convicted three times in ten years of any
12 violation of recreational hunting or fishing laws or rules, the
13 department shall order a revocation and suspension of all recreational
14 hunting and fishing privileges for two years;

15 (5) If a person is convicted twice within five years of a gross
16 misdemeanor or felony involving unlawful commercial fish or shellfish
17 harvesting, buying, or selling, the department shall impose a
18 revocation and suspension of the person's commercial fishing privileges
19 for one year. A commercial fishery license suspended under this
20 subsection may not be used by an alternate operator or transferred
21 during the period of suspension.

22 **Sec. 67.** RCW 77.16.135 and 1995 1st sp.s. c 2 s 43 are each
23 amended to read as follows:

24 (1) The commission shall revoke all licenses and order a ten-year
25 suspension of all privileges extended under (~~Title 77 RCW~~) the
26 authority of the department of a person convicted of assault on a
27 (~~state wildlife agent~~) fish and wildlife officer or other law
28 enforcement officer provided that:

29 (a) The (~~wildlife agent~~) fish and wildlife officer or other law
30 enforcement officer was on duty at the time of the assault; and

31 (b) The (~~wildlife agent~~) fish and wildlife officer or other law
32 enforcement officer was enforcing the provisions of this title (~~77~~
33 ~~RCW~~)).

34 (2) For the purposes of this section, the definition of assault
35 includes:

36 (a) RCW 9A.32.030; murder in the first degree;

37 (b) RCW 9A.32.050; murder in the second degree;

38 (c) RCW 9A.32.060; manslaughter in the first degree;

1 (d) RCW 9A.32.070; manslaughter in the second degree;

2 (e) RCW 9A.36.011; assault in the first degree;

3 (f) RCW 9A.36.021; assault in the second degree; and

4 (g) RCW 9A.36.031; assault in the third degree.

5 ~~((3) For the purposes of this section, a conviction includes:~~

6 ~~(a) A determination of guilt by the court;~~

7 ~~(b) The entering of a guilty plea to the charge or charges by the~~
8 ~~accused;~~

9 ~~(c) A forfeiture of bail or a vacation of bail posted to the court;~~
10 ~~or~~

11 ~~(d) The imposition of a deferred or suspended sentence by the~~
12 ~~court.~~

13 ~~(4) No license described under Title 77 RCW shall be reissued to a~~
14 ~~person violating this section for a minimum of ten years, at which time~~
15 ~~a person may petition the director for a reinstatement of his or her~~
16 ~~license or licenses. The ten year period shall be tolled during any~~
17 ~~time the convicted person is incarcerated in any state or local~~
18 ~~correctional or penal institution, in community supervision, or home~~
19 ~~detention for an offense under this section. Upon review by the~~
20 ~~director, and if all provisions of the court that imposed sentencing~~
21 ~~have been completed, the director may reinstate in whole or in part the~~
22 ~~licenses and privileges under Title 77 RCW.))~~

23 NEW SECTION. Sec. 68. DIRECTOR'S AUTHORITY TO SUSPEND PRIVILEGES.

24 (1) If a person shoots another person or domestic livestock while
25 hunting, the director shall suspend all hunting privileges for three
26 years. If the shooting of another person or livestock is the result of
27 criminal negligence or reckless or intentional conduct, then the
28 person's privileges shall be suspended for ten years. The suspension
29 may be continued beyond these periods if damages owed to the victim or
30 livestock owner have not been paid by the suspended person.

31 (2) If a person commits any assault upon employees, agents, or
32 personnel acting for the department, the director shall suspend hunting
33 or fishing privileges for ten years.

34 (3) Within twenty days of service of an order suspending privileges
35 or imposing conditions under this section, a person may petition for
36 administrative review under chapter 34.05 RCW by serving the director
37 with a petition for review. The order is final and unappealable if
38 there is no timely petition for administrative review.

1 (4) The commission may by rule authorize petitions for
2 reinstatement of administrative suspensions and define circumstances
3 under which reinstatement will be allowed.

4 NEW SECTION. **Sec. 69.** CIVIL FORFEITURE OF PROPERTY USED FOR
5 VIOLATION OF THIS CHAPTER. (1) Fish and wildlife officers and ex
6 officio fish and wildlife officers may seize without warrant boats,
7 airplanes, vehicles, gear, appliances, or other articles they have
8 probable cause to believe have been used in violation of this chapter.
9 However, fish and wildlife officers may not seize any item or article,
10 other than for evidence, if under the circumstances, it is reasonable
11 to conclude that the violation was inadvertent. The property seized is
12 subject to forfeiture to the state under this section regardless of
13 ownership. Property seized may be recovered by its owner by depositing
14 into court a cash bond equal to the value of the seized property but
15 not more than twenty-five thousand dollars. Such cash bond is subject
16 to forfeiture in lieu of the property. Forfeiture of property seized
17 under this section is a civil forfeiture against property intended to
18 be a remedial civil sanction.

19 (2) In the event of a seizure of property under this section,
20 jurisdiction to begin the forfeiture proceedings shall commence upon
21 seizure. Within fifteen days following the seizure, the seizing
22 authority shall serve a written notice of intent to forfeit property on
23 the owner of the property seized and on any person having any known
24 right or interest in the property seized. Notice may be served by any
25 method authorized by law or court rule, including service by certified
26 mail with return receipt requested. Service by mail is deemed complete
27 upon mailing within the fifteen-day period following the seizure.

28 (3) Persons claiming a right of ownership or right to possession of
29 property are entitled to a hearing to contest forfeiture. Such a claim
30 shall specify the claim of ownership or possession and shall be made in
31 writing and served on the director within forty-five days of the
32 seizure. If the seizing authority has complied with notice
33 requirements and there is no claim made within forty-five days, then
34 the property shall be forfeited to the state.

35 (4) If any person timely serves the director with a claim to
36 property, the person shall be afforded an opportunity to be heard as to
37 the person's claim or right. The hearing shall be before the director
38 or director's designee, or before an administrative law judge appointed

1 under chapter 34.12 RCW, except that a person asserting a claim or
2 right may remove the matter to a court of competent jurisdiction if the
3 aggregate value of the property seized is more than five thousand
4 dollars.

5 (5) The hearing to contest forfeiture and any subsequent appeal
6 shall be as provided for in Title 34 RCW. The seizing authority has
7 the burden to demonstrate that it had reason to believe the property
8 was held with intent to violate or was used in violation of this title
9 or rule of the commission or director. The person contesting
10 forfeiture has the burden of production and proof by a preponderance of
11 evidence that the person owns or has a right to possess the property
12 and:

13 (a) That the property was not held with intent to violate or used
14 in violation of this title or Title 75 RCW; or

15 (b) If the property is a boat, airplane, or vehicle, that the
16 illegal use or planned illegal use of the boat, airplane, or vehicle
17 occurred without the owner's knowledge or consent, and that the owner
18 acted reasonably to prevent illegal uses of such boat, airplane, or
19 vehicle.

20 (6) A forfeiture of a conveyance encumbered by a perfected security
21 interest is subject to the interest of the secured party if the secured
22 party neither had knowledge nor consented to the act or omission. No
23 security interest in seized property may be perfected after seizure.

24 (7) If seized property is forfeited under this section the
25 department may retain it for official use unless the property is
26 required to be destroyed, or upon application by any law enforcement
27 agency of the state, release such property to the agency for the use of
28 enforcing this title, or sell such property, and deposit the proceeds
29 to the wildlife fund, as provided for in RCW 77.12.170.

30 **Sec. 70.** RCW 75.08.011 and 1996 c 267 s 2 are each amended to read
31 as follows:

32 As used in this title or Title 77 RCW or rules (~~of the~~
33 ~~department~~) adopted under those titles, unless the context clearly
34 requires otherwise:

35 (1) "Commission" means the fish and wildlife commission.

36 (2) "Director" means the director of fish and wildlife.

37 (3) "Department" means the department of fish and wildlife.

1 (4) "Person" means an individual or a public or private entity or
2 organization. The term "person" includes local, state, and federal
3 government agencies, and all business organizations, including
4 corporations and partnerships.

5 (5) "~~((Fisheries patrol))~~ Fish and wildlife officer" means a person
6 appointed and commissioned by the commission, with authority to enforce
7 this title, rules of the department, and other statutes as prescribed
8 by the legislature. ~~((Fisheries patrol))~~ Fish and wildlife officers
9 are peace officers. Fish and wildlife officer includes a person
10 commissioned before the effective date of this section as a fisheries
11 patrol officer.

12 (6) "Ex officio ~~((fisheries patrol))~~ fish and wildlife officer"
13 means a commissioned officer of a municipal, county, state, or federal
14 agency having as its primary function the enforcement of criminal laws
15 in general, while the officer is in the appropriate jurisdiction. The
16 term "ex officio ~~((fisheries patrol))~~ fish and wildlife officer" also
17 includes ~~((wildlife agents,))~~ special agents of the national marine
18 fisheries service, United States fish and wildlife special agents,
19 state parks commissioned officers, department of natural resources
20 enforcement officers, and United States forest service officers, while
21 the agents and officers are within their respective jurisdictions.

22 (7) "To fish," "to harvest," and "to take" and their derivatives
23 mean an effort to kill, injure, harass, or catch ~~((food))~~ fish or
24 shellfish.

25 (8) "State waters" means all marine waters and fresh waters within
26 ordinary high water lines and within the territorial boundaries of the
27 state.

28 (9) "Offshore waters" means marine waters of the Pacific Ocean
29 outside the territorial boundaries of the state, including the marine
30 waters of other states and countries.

31 (10) "Concurrent waters of the Columbia river" means those waters
32 of the Columbia river that coincide with the Washington-Oregon state
33 boundary.

34 (11) "Resident" means a person who has maintained a permanent place
35 of abode within the state for at least ninety days immediately
36 preceding an application for a license, has established by formal
37 evidence an intent to continue residing within the state, and who is
38 not licensed to hunt or fish as a resident in another state.

1 (12) "Nonresident" means a person who has not fulfilled the
2 qualifications of a resident.

3 (13) "Food fish" means those species of the classes Osteichthyes,
4 Agnatha, and Chondrichthyes that have been classified and that shall
5 not be fished for except as authorized by rule of the commission. The
6 term "food fish" includes all stages of development and the bodily
7 parts of food fish species.

8 (14) "Shellfish" means those species of marine and freshwater
9 invertebrates that have been classified and that shall not be taken
10 except as authorized by rule of the commission. The term "shellfish"
11 includes all stages of development and the bodily parts of shellfish
12 species.

13 (15) "Salmon" means all species of the genus *Oncorhynchus*, except
14 those classified as game fish in Title 77 RCW, and includes:

15	Scientific Name	Common Name
16	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
17	<i>Oncorhynchus kisutch</i>	Coho salmon
18	<i>Oncorhynchus keta</i>	Chum salmon
19	<i>Oncorhynchus gorbuscha</i>	Pink salmon
20	<i>Oncorhynchus nerka</i>	Sockeye salmon

21 (16) "Commercial" means related to or connected with buying,
22 selling, or bartering. Fishing for food fish or shellfish with gear
23 unlawful for fishing for personal use, or possessing food fish or
24 shellfish in excess of the limits permitted for personal use are
25 commercial activities.

26 (17) "To process" and its derivatives mean preparing or preserving
27 food fish or shellfish.

28 (18) "Personal use" means for the private use of the individual
29 taking the food fish or shellfish and not for sale or barter.

30 (19) "Angling gear" means a line attached to a rod and reel capable
31 of being held in hand while landing the fish or a hand-held line
32 operated without rod or reel.

33 (20) "Open season" means those times, manners of taking, and places
34 or waters established by rule of the commission for the lawful fishing,
35 taking, or possession of food fish or shellfish. "Open season"
36 includes the first and last days of the established time.

1 (21) "Fishery" means the taking of one or more particular species
2 of food fish or shellfish with particular gear in a particular
3 geographical area.

4 (22) "Limited-entry license" means a license subject to a license
5 limitation program established in chapter 75.30 RCW.

6 (23) "Seaweed" means marine aquatic plant species that are
7 dependent upon the marine aquatic or tidal environment, and exist in
8 either an attached or free floating form, and includes but is not
9 limited to marine aquatic plants in the classes Chlorophyta,
10 Phaeophyta, and Rhodophyta.

11 (24) "Fish" includes all species classified as game fish or food
12 fish by statute or rule, as well as all fin fish not currently
13 classified as food fish or game fish if such species exist in state
14 waters. The term "fish" includes all stages of development and the
15 bodily parts of fish species.

16 **Sec. 71.** RCW 75.08.160 and 1983 1st ex.s. c 46 s 19 are each
17 amended to read as follows:

18 The director, (~~(fisheries patrol)~~) fish and wildlife officers, ex
19 officio (~~(fisheries patrol)~~) fish and wildlife officers, and department
20 employees may enter upon any land or waters and remain there while
21 performing their duties without liability for trespass.

22 It is lawful for aircraft operated by the department to land and
23 take off from the beaches or waters of the state. (~~(It is unlawful for~~
24 ~~a person to interfere with the operation of these aircraft.)~~)

25 **Sec. 72.** RCW 75.08.274 and 1995 1st sp.s. c 2 s 15 are each
26 amended to read as follows:

27 (~~(Except by permit of)~~) The commission((~~, it is unlawful to~~)) may
28 adopt rules to authorize issuance of permits to take food fish or
29 shellfish for propagation or scientific purposes within state waters.

30 **Sec. 73.** RCW 75.08.295 and 1995 1st sp.s. c 2 s 17 are each
31 amended to read as follows:

32 (~~(Except by permit of)~~) The commission((~~, it is unlawful to~~)) may
33 adopt rules to authorize issuance of permits to release, plant, or
34 place food fish or shellfish in state waters.

1 **Sec. 74.** RCW 75.08.300 and 1985 c 457 s 12 are each amended to
2 read as follows:

3 (~~((1) It is unlawful for any))~~ A person other than the United
4 States, an Indian tribe recognized as such by the federal government,
5 the state, a subdivision of the state, or a municipal corporation or an
6 agency of such a unit of government (~~((to))~~) shall not release salmon or
7 steelhead trout into the public waters of the state and subsequently to
8 recapture and commercially harvest such salmon or trout. This section
9 shall not prevent any person from rearing salmon or steelhead trout in
10 pens or in a confined area under circumstances where the salmon or
11 steelhead trout are confined and never permitted to swim freely in open
12 water.

13 (~~((2) A violation of this section constitutes a gross
14 misdemeanor.))~~)

15 **Sec. 75.** RCW 75.12.010 and 1995 1st sp.s. c 2 s 25 are each
16 amended to read as follows:

17 (1) (~~((Except as provided in this section, it is unlawful to fish
18 commercially for salmon within the waters described in subsection (2)
19 of this section.))~~) The commission may authorize commercial fishing for
20 sockeye salmon within the waters described in subsection (2) of this
21 section only during the period June 10th to July 25th and for other
22 salmon only from the second Monday of September through November 30th,
23 except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of
24 the following Sunday.

25 (2) All waters east and south of a line commencing at a concrete
26 monument on Angeles Point in Clallam county near the mouth of the Elwha
27 River on which is inscribed "Angeles Point Monument" (latitude 48½ 9'
28 3"north, longitude 123½ 33' 01" west of Greenwich Meridian); thence
29 running east on a line 81½ 30' true across the flashlight and bell buoy
30 off Partridge Point and thence continued to longitude 122½ 40' west;
31 thence north to the southerly shore of Sinclair Island; thence along
32 the southerly shore of the island to the most easterly point of the
33 island; thence 46½ true to Carter Point, the most southerly point of
34 Lummi Island; thence northwesterly along the westerly shore line of
35 Lummi Island to where the shore line intersects line of longitude 122½
36 40' west; thence north to the mainland, including: The southerly
37 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,
38 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes

1 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and
2 their inlets, passages, waters, waterways, and tributaries.

3 ~~(3) ((The commission may authorize commercial fishing for sockeye~~
4 ~~salmon within the waters described in subsection (2) of this section~~
5 ~~during the period June 10 to July 25 and for other salmon from the~~
6 ~~second Monday of September through November 30, except during the hours~~
7 ~~between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.~~

8 ~~(4))~~ The commission may authorize commercial fishing for salmon
9 with gill net gear prior to the second Monday in September within the
10 waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay,
11 Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those
12 waters northerly and easterly of a line commencing at Stanwood, thence
13 along the south shore of Skagit Bay to Rocky Point on Camano Island;
14 thence northerly to Polnell Point on Whidbey Island.

15 ~~((+5))~~ (4) Whenever the commission determines that a stock or run
16 of salmon cannot be harvested in the usual manner, and that the stock
17 or run of salmon may be in danger of being wasted and surplus to
18 natural or artificial spawning requirements, the commission may
19 authorize units of gill net and purse seine gear in any number or
20 equivalents, by time and area, to fully utilize the harvestable
21 portions of these salmon runs for the economic well being of the
22 citizens of this state. Gill net and purse seine gear other than
23 emergency and test gear authorized by the director shall not be used in
24 Lake Washington.

25 ~~((+6))~~ (5) The commission may authorize commercial fishing for
26 pink salmon in each odd-numbered year from August 1st through September
27 1st in the waters lying inside of a line commencing at the most
28 easterly point of Dungeness Spit and thence projected to Point
29 Partridge on Whidbey Island and a line commencing at Olele Point and
30 thence projected easterly to Bush Point on Whidbey Island.

31 **Sec. 76.** RCW 75.12.015 and 1995 1st sp.s. c 2 s 26 are each
32 amended to read as follows:

33 ~~((Except as provided in this section, it is unlawful to fish~~
34 ~~commercially for chinook or coho salmon in the Pacific Ocean and the~~
35 ~~Straits of Juan de Fuca.))~~

36 (1) The commission may authorize commercial fishing for coho salmon
37 in the Pacific Ocean and the Straits of Juan de Fuca only from June
38 16th through October 31st.

1 (2) The commission may authorize commercial fishing for chinook
2 salmon in the Pacific Ocean and the Straits of Juan de Fuca only from
3 March 15th through October 31st.

4 **Sec. 77.** RCW 75.12.040 and 1993 sp.s. c 2 s 27 are each amended to
5 read as follows:

6 (1) (~~It is unlawful to~~) A person shall not use, operate, or
7 maintain a gill net which exceeds (~~250 fathoms~~) 1500 feet in length
8 or a drag seine in the waters of the Columbia river for catching
9 salmon.

10 (2) (~~It is unlawful to~~) A person shall not construct, install,
11 use, operate, or maintain within state waters a pound net, round haul
12 net, lampara net, fish trap, fish wheel, scow fish wheel, set net,
13 weir, or fixed appliance for catching salmon or steelhead. The
14 director may authorize the use of this gear for scientific
15 investigations.

16 (3) The department, in coordination with the Oregon department of
17 fish and wildlife, shall adopt rules to regulate the use of
18 monofilament in gill net webbing on the Columbia river.

19 **Sec. 78.** RCW 75.12.132 and 1984 c 80 s 5 are each amended to read
20 as follows:

21 (1) (~~It is unlawful to fish for or take salmon commercially with~~
22 ~~a net within the waters of the tributaries and sloughs described in~~
23 ~~subsection (2) of this section which flow into or are connected with~~
24 ~~the Columbia river.~~

25 (~~2~~)) The (~~director~~) commission shall adopt rules defining
26 geographical boundaries of the following Columbia river tributaries and
27 sloughs:

- 28 (a) Washougal river;
- 29 (b) Camas slough;
- 30 (c) Lewis river;
- 31 (d) Kalama river;
- 32 (e) Cowlitz river;
- 33 (f) Elokommin river;
- 34 (g) Elokommin sloughs;
- 35 (h) Skamokawa sloughs;
- 36 (i) Grays river;
- 37 (j) Deep river;

1 (k) Grays bay.

2 ~~((+3))~~ (2) The ~~((director))~~ commission may authorize commercial
3 net fishing for salmon in the tributaries and sloughs from September
4 1st to November 30th only, if the time, areas, and level of effort are
5 regulated in order to maximize the recreational fishing opportunity
6 while minimizing excess returns of fish to hatcheries. The
7 ~~((director))~~ commission shall not authorize commercial net fishing if
8 a significant catch of steelhead would occur.

9 **Sec. 79.** RCW 75.12.140 and 1983 1st ex.s. c 46 s 59 are each
10 amended to read as follows:

11 ~~((It is unlawful to fish for salmon with))~~ The commission shall not
12 authorize use of reef net fishing gear ~~((in state waters,))~~ except in
13 the reef net areas described in this section.

14 (1) Point Roberts reef net fishing area includes those waters
15 within 250 feet on each side of a line projected 129½ true from a point
16 at longitude 123½ 01' 15" W. latitude 48½ 58' 38" N. to a point one
17 mile distant, as such description is shown upon the United States Coast
18 and Geodetic Survey map numbered 6300, published September, 1941, in
19 Washington, D.C., eleventh edition.

20 (2) Cherry Point reef net fishing area includes those waters inland
21 and inside the 10-fathom line between lines projected 205½ true from
22 points on the mainland at longitude 122½ 44' 54" latitude 48½ 51' 48"
23 and longitude 122½ 44' 18" latitude 48½ 51' 33", a [as] such
24 descriptions are shown upon the United States Coast and Geodetic Survey
25 map numbered 6380, published March, 1947, in Washington, D.C., eighth
26 edition.

27 (3) Lummi Island reef net fishing area includes those waters inland
28 and inside a line projected from Village Point 208½ true to a point 900
29 yards distant, thence 129½ true to the point of intersection with a
30 line projected 259½ true from the shore of Lummi Island 122½ 40' 42"
31 latitude 48½ 41' 32", as such descriptions are shown upon the United
32 States Coast and Geodetic Survey map numbered 6380, published March,
33 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and
34 except that there shall be excluded therefrom all waters lying inside
35 of a line projected 259½ true from a point at 122½ 40' 42" latitude 48½
36 41' 32" to a point 300 yards distant from high tide, thence in a
37 northerly direction to the United States Coast and Geodetic Survey
38 reference mark number 2, 1941-1950, located on that point on Lummi

1 Island known as Lovers Point, as such descriptions are shown upon the
2 United States Coast and Geodetic Survey map number 6380 as aforesaid.
3 The term "Village Point" as used herein shall be construed to mean a
4 point of location on Village Point, Lummi Island, at the mean high tide
5 line on a true bearing of 43½ 53' a distance of 457 feet to the center
6 of the chimney of a wood frame house on the east side of the county
7 road. Said chimney and house being described as Village Point Chimney
8 on page 612 of the United States Coast and Geodetic Survey list of
9 geographic positions No. G-5455, Rosario Strait.

10 (4) Sinclair Island reef net fishing area includes those waters
11 inland and inside a line projected from the northern point of Sinclair
12 Island to Boulder reef, thence 200½ true to the northwesterly point of
13 Sinclair Island, as such descriptions are shown upon the United States
14 Coast and Geodetic Survey map numbered 6380, published March, 1947, in
15 Washington, D.C., eighth edition.

16 (5) Flat Point reef net fishing area includes those waters within
17 a radius of 175 feet of a point off Lopez Island located at longitude
18 122½ 55' 24" latitude 48½ 32' 33", as such description is shown upon
19 the United States Coast and Geodetic Survey map numbered 6380,
20 published March, 1947, in Washington, D.C., eighth edition.

21 (6) Lopez Island reef net fishing area includes those waters within
22 400 yards of shore between lines projected true west from points on the
23 shore of Lopez Island at longitude 122½ 55' 04" latitude 48½ 31' 59"
24 and longitude 122½ 55' 54" latitude 48½ 30' 55", as such descriptions
25 are shown upon the United States Coast and Geodetic Survey map numbered
26 6380, published March, 1947, in Washington, D.C., eighth edition.

27 (7) Iceberg Point reef net fishing area includes those waters
28 inland and inside a line projected from Davis Point on Lopez Island to
29 the west point of Long Island, thence to the southern point of Hall
30 Island, thence to the eastern point at the entrance to Jones Bay, and
31 thence to the southern point at the entrance to Mackaye Harbor on Lopez
32 Island; and those waters inland and inside a line projected 320½ from
33 Iceberg Point light on Lopez Island, a distance of 400 feet, thence
34 easterly to the point on Lopez Island at longitude 122½ 53' 00"
35 latitude 48½ 25' 39", as such descriptions are shown upon the United
36 States Coast and Geodetic Survey map numbered 6380, published March,
37 1947, in Washington, D.C., eighth edition.

38 (8) Aleck Bay reef net fishing area includes those waters inland
39 and inside a line projected from the southwestern point at the entrance

1 to Aleck Bay on Lopez Island at longitude 122½ 51' 11" latitude 48½ 25'
2 14" southeasterly 800 yards to the submerged rock shown on U.S.G.S. map
3 number 6380, thence northerly to the cove on Lopez Island at longitude
4 122½ 50' 49" latitude 48½ 25' 42", as such descriptions are shown upon
5 the United States Coast and Geodetic Survey map numbered 6380,
6 published March, 1947, in Washington, D.C., eighth edition.

7 (9) Shaw Island reef net fishing area number 1 includes those
8 waters within 300 yards of shore between lines projected true south
9 from points on Shaw Island at longitude 122½ 56' 14" latitude 48½ 33'
10 28" and longitude 122½ 57' 29" latitude 48½ 32' 58", as such
11 descriptions are shown upon the United States Coast and Geodetic Survey
12 map numbered 6380, published March, 1947, in Washington, D.C., eighth
13 edition.

14 (10) Shaw Island reef net fishing area number 2 includes those
15 waters inland and inside a line projected from Point George on Shaw
16 Island to the westerly point of Neck Point on Shaw Island, as such
17 description is shown upon the United States Coast and Geodetic Survey
18 map numbered 6380, published March, 1947, in Washington, D.C., eighth
19 edition.

20 (11) Stuart Island reef net fishing area number 1 includes those
21 waters within 600 feet of the shore of Stuart Island between lines
22 projected true east from points at longitude 123½ 10' 47" latitude 48½
23 39' 47" and longitude 123½ 10' 47" latitude 48½ 39' 33", as such
24 descriptions are shown upon the United States Coast and Geodetic Survey
25 map numbered 6380, published March, 1947, in Washington, D.C., eighth
26 edition.

27 (12) Stuart Island reef net fishing area number 2 includes those
28 waters within 250 feet of Gossip Island, also known as Happy Island, as
29 such description is shown upon the United States Coast and Geodetic
30 Survey map numbered 6380, published March, 1947, in Washington, D.C.,
31 eighth edition.

32 (13) Johns Island reef net fishing area includes those waters
33 inland and inside a line projected from the eastern point of Johns
34 Island to the northwestern point of Little Cactus Island, thence
35 northwesterly to a point on Johns Island at longitude 123½ 09' 24"
36 latitude 48½ 39' 59", as such descriptions are shown upon the United
37 States Coast and Geodetic Survey map numbered 6380, published March,
38 1947, in Washington, D.C., eighth edition.

1 (14) Battleship Island reef net fishing area includes those waters
2 lying within 350 feet of Battleship Island, as such description is
3 shown upon the United States Coast and Geodetic Survey map numbered
4 6380, published March, 1947, in Washington, D.C., eighth edition.

5 (15) Open Bay reef net fishing area includes those waters lying
6 within 150 feet of shore between lines projected true east from a point
7 on Henry Island at longitude $123\frac{1}{2}$ 11' 34 1/2" latitude $48\frac{1}{2}$ 35' 27 1/2"
8 at a point 250 feet south, as such descriptions are shown upon the
9 United States Coast and Geodetic Survey map numbered 6380, published
10 March, 1947, in Washington, D.C., eighth edition.

11 (16) Mitchell Reef net fishing area includes those waters within a
12 line beginning at the rock shown on U.S.G.S. map number 6380 at
13 longitude $123\frac{1}{2}$ 10' 56" latitude $48\frac{1}{2}$ 34' 49 1/2", and projected 50 feet
14 northwesterly, thence southwesterly 250 feet, thence southeasterly 300
15 feet, thence northeasterly 250 feet, thence to the point of beginning,
16 as such descriptions are shown upon the United States Coast and
17 Geodetic Survey map numbered 6380, published March, 1947, in
18 Washington, D.C., eighth edition.

19 (17) Smugglers Cove reef fishing area includes those waters within
20 200 feet of shore between lines projected true west from points on the
21 shore of San Juan Island at longitude $123\frac{1}{2}$ 10' 29" latitude $48\frac{1}{2}$ 33' 50"
22 and longitude $123\frac{1}{2}$ 10' 31" latitude $48\frac{1}{2}$ 33' 45", as such descriptions
23 are shown upon the United States Coast and Geodetic Survey map numbered
24 6380, published March, 1947, in Washington, D.C., eighth edition.

25 (18) Andrews Bay reef net fishing area includes those waters lying
26 within 300 feet of the shore of San Juan Island between a line
27 projected true south from a point at the northern entrance of Andrews
28 Bay at longitude $123\frac{1}{2}$ 09' 53 1/2" latitude $48\frac{1}{2}$ 33' 00" and the cable
29 crossing sign in Andrews Bay, at longitude $123\frac{1}{2}$ 09' 45" latitude $48\frac{1}{2}$
30 33' 04", as such descriptions are shown upon the United States Coast
31 and Geodetic Survey map numbered 6380, published March, 1947, in
32 Washington, D.C., eighth edition.

33 (19) Orcas Island reef net fishing area includes those waters
34 inland and inside a line projected true west a distance of 1,000 yards
35 from the shore of Orcas Island at longitude $122\frac{1}{2}$ 57' 40" latitude $48\frac{1}{2}$
36 41' 06" thence northeasterly to a point 500 feet true west of Point
37 Doughty, then true east to Point Doughty, as such descriptions are
38 shown upon the United States Coast and Geodetic Survey map numbered
39 6380, published March, 1947, in Washington, D.C., eighth edition.

1 **Sec. 80.** RCW 75.12.210 and 1993 c 20 s 2 are each amended to read
2 as follows:

3 (1) Except as provided in subsection (2) of this section, (~~it is~~
4 ~~unlawful to fish for or take salmon with~~) the commission shall not
5 authorize gear other than troll gear or angling gear for taking salmon
6 within the offshore waters or the waters of the Pacific Ocean over
7 which the state has jurisdiction lying west of the following line:
8 Commencing at the point of intersection of the international boundary
9 line in the Strait of Juan de Fuca and a line drawn between the
10 lighthouse on Tatoosh Island in Clallam County and Bonilla Point on
11 Vancouver Island; thence southerly to the lighthouse on Tatoosh Island;
12 thence southerly to the most westerly point of Cape Flattery; thence
13 southerly along the state shoreline of the Pacific Ocean, crossing any
14 river mouths at their most westerly points of land, to Point Brown at
15 the entrance to Grays Harbor; thence southerly to Point Chehalis Light
16 on Point Chehalis; thence southerly from Point Chehalis along the state
17 shoreline of the Pacific Ocean to the Cape Shoalwater tower at the
18 entrance to Willapa Bay; thence southerly to Leadbetter Point; thence
19 southerly along the state shoreline of the Pacific Ocean to the inshore
20 end of the North jetty at the entrance to the Columbia River; thence
21 southerly to the knuckle of the South jetty at the entrance to said
22 river.

23 (2) The (~~director~~) commission may authorize the use of nets for
24 taking salmon in the waters described in subsection (1) of this section
25 for scientific investigations.

26 **Sec. 81.** RCW 75.12.230 and 1983 1st ex.s. c 46 s 61 are each
27 amended to read as follows:

28 Within the waters described in RCW 75.12.210, (~~it is unlawful to~~)
29 a person shall not transport or possess salmon on board a vessel
30 carrying fishing gear of a type other than troll lines or angling gear,
31 unless accompanied by a certificate issued by a state or country
32 showing that the salmon have been lawfully taken within the territorial
33 waters of the state or country.

34 **Sec. 82.** RCW 75.12.390 and 1989 c 172 s 1 are each amended to read
35 as follows:

36 The commission shall not authorize commercial bottom trawling for
37 food fish and shellfish (~~is unlawful~~) in all areas of Hood Canal

1 south of a line projected from Tala Point to Foulweather Bluff and in
2 Puget Sound south of a line projected from Foulweather Bluff to Double
3 Bluff and including all marine waters east of Whidbey Island and Camano
4 Island.

5 **Sec. 83.** RCW 75.12.440 and 1993 c 340 s 50 are each amended to
6 read as follows:

7 ~~((It is unlawful to use))~~ The commission shall not authorize any
8 commercial fisher to use more than fifty shrimp pots while commercially
9 fishing for shrimp in that portion of Hood Canal lying south of the
10 Hood Canal floating bridge.

11 **Sec. 84.** RCW 75.12.650 and 1996 c 267 s 24 are each amended to
12 read as follows:

13 ~~((It is unlawful to fish commercially for salmon using fishing gear~~
14 ~~not authorized for commercial salmon fishing by rule of the~~
15 ~~department.))~~ The commission shall not authorize angling gear or other
16 personal use gear for commercial salmon fishing.

17 **Sec. 85.** RCW 75.20.040 and 1983 1st ex.s. c 46 s 70 are each
18 amended to read as follows:

19 A diversion device used for conducting water from a lake, river, or
20 stream for any purpose shall be equipped with a fish guard approved by
21 the director to prevent the passage of fish into the diversion device.
22 The fish guard shall be maintained at all times when water is taken
23 into the diversion device. The fish guards shall be installed at
24 places and times prescribed by the director upon thirty days' notice to
25 the owner of the diversion device. ~~((It is unlawful for the owner of~~
26 ~~a diversion device to fail to comply with this section.))~~

27 Each day the diversion device is not equipped with an approved fish
28 guard is a separate offense. If within thirty days after notice to
29 equip a diversion device the owner fails to do so, the director may
30 take possession of the diversion device and close the device until it
31 is properly equipped. Expenses incurred by the department constitute
32 the value of a lien upon the diversion device and upon the real and
33 personal property of the owner. Notice of the lien shall be filed and
34 recorded in the office of the county auditor of the county in which the
35 action is taken.

1 **Sec. 86.** RCW 75.20.060 and 1983 1st ex.s. c 46 s 72 are each
2 amended to read as follows:

3 A dam or other obstruction across or in a stream shall be provided
4 with a durable and efficient fishway approved by the director. Plans
5 and specifications shall be provided to the department prior to the
6 director's approval. The fishway shall be maintained in an effective
7 condition and continuously supplied with sufficient water to freely
8 pass fish. ~~((It is unlawful for the owner, manager, agent, or person
9 in charge of the dam or obstruction to fail to comply with this
10 section.))~~

11 If a person fails to construct and maintain a fishway or to remove
12 the dam or obstruction in a manner satisfactory to the director, then
13 within thirty days after written notice to comply has been served upon
14 the owner, his agent, or the person in charge, the director may
15 construct a fishway or remove the dam or obstruction. Expenses
16 incurred by the department constitute the value of a lien upon the dam
17 and upon the personal property of the person owning the dam. Notice of
18 the lien shall be filed and recorded in the office of the county
19 auditor of the county in which the dam or obstruction is situated. The
20 lien may be foreclosed in an action brought in the name of the state.

21 If, within thirty days after notice to construct a fishway or
22 remove a dam or obstruction, the owner, his agent, or the person in
23 charge fails to do so, the dam or obstruction is a public nuisance and
24 the director may take possession of the dam or obstruction and destroy
25 it. No liability shall attach for the destruction.

26 **Sec. 87.** RCW 75.20.100 and 1997 c 385 s 1 and 1997 c 290 s 4 are
27 each reenacted and amended to read as follows:

28 (1) In the event that any person or government agency desires to
29 construct any form of hydraulic project or perform other work that will
30 use, divert, obstruct, or change the natural flow or bed of any of the
31 salt or fresh waters of the state, such person or government agency
32 shall, before commencing construction or work thereon and to ensure the
33 proper protection of fish life, secure the approval of the department
34 as to the adequacy of the means proposed for the protection of fish
35 life. This approval shall not be unreasonably withheld.

36 (2)(a) Except as provided in RCW 75.20.1001, the department shall
37 grant or deny approval of a standard permit within forty-five calendar
38 days of the receipt of a complete application and notice of compliance

1 with any applicable requirements of the state environmental policy act,
2 made in the manner prescribed in this section.

3 (b) The applicant may document receipt of application by filing in
4 person or by registered mail. A complete application for approval
5 shall contain general plans for the overall project, complete plans and
6 specifications of the proposed construction or work within the mean
7 higher high water line in salt water or within the ordinary high water
8 line in fresh water, and complete plans and specifications for the
9 proper protection of fish life.

10 (c) The forty-five day requirement shall be suspended if:

11 (i) After ten working days of receipt of the application, the
12 applicant remains unavailable or unable to arrange for a timely field
13 evaluation of the proposed project;

14 (ii) The site is physically inaccessible for inspection; or

15 (iii) The applicant requests delay. Immediately upon determination
16 that the forty-five day period is suspended, the department shall
17 notify the applicant in writing of the reasons for the delay.

18 (d) For purposes of this section, "standard permit" means a written
19 permit issued by the department when the conditions under subsections
20 (3) and ~~((6+))~~(5)(b) of this section are not met.

21 (3)(a) The department may issue an expedited written permit in
22 those instances where normal permit processing would result in
23 significant hardship for the applicant or unacceptable damage to the
24 environment. In cases of imminent danger, the department shall issue
25 an expedited written permit, upon request, for work to repair existing
26 structures, move obstructions, restore banks, protect property, or
27 protect fish resources. Expedited permit requests require a complete
28 written application as provided in subsection (2)(b) of this section
29 and shall be issued within fifteen calendar days of the receipt of a
30 complete written application. Approval of an expedited permit is valid
31 for up to sixty days from the date of issuance.

32 (b) For the purposes of this subsection, "imminent danger" means a
33 threat by weather, water flow, or other natural conditions that is
34 likely to occur within sixty days of a request for a permit
35 application.

36 (c) The department may not require the provisions of the state
37 environmental policy act, chapter 43.21C RCW, to be met as a condition
38 of issuing a permit under this subsection.

1 (d) The department or the county legislative authority may
2 determine if an imminent danger exists. The county legislative
3 authority shall notify the department, in writing, if it determines
4 that an imminent danger exists.

5 (4) Approval of a standard permit is valid for a period of up to
6 five years from date of issuance. The permittee must demonstrate
7 substantial progress on construction of that portion of the project
8 relating to the approval within two years of the date of issuance. If
9 the department denies approval, the department shall provide the
10 applicant, in writing, a statement of the specific reasons why and how
11 the proposed project would adversely affect fish life. Protection of
12 fish life shall be the only ground upon which approval may be denied or
13 conditioned. Chapter 34.05 RCW applies to any denial of project
14 approval, conditional approval, or requirements for project
15 modification upon which approval may be contingent.

16 ~~(5) ((If any person or government agency commences construction on
17 any hydraulic works or projects subject to this section without first
18 having obtained approval of the department as to the adequacy of the
19 means proposed for the protection of fish life, or if any person or
20 government agency fails to follow or carry out any of the requirements
21 or conditions as are made a part of such approval, the person or
22 director of the agency is guilty of a gross misdemeanor. If any such
23 person or government agency is convicted of violating any of the
24 provisions of this section and continues construction on any such works
25 or projects without fully complying with the provisions hereof, such
26 works or projects are hereby declared a public nuisance and shall be
27 subject to abatement as such.~~

28 (6)))(a) In case of an emergency arising from weather or stream
29 flow conditions or other natural conditions, the department, through
30 its authorized representatives, shall issue immediately, upon request,
31 oral approval for removing any obstructions, repairing existing
32 structures, restoring stream banks, or to protect property threatened
33 by the stream or a change in the stream flow without the necessity of
34 obtaining a written approval prior to commencing work. Conditions of
35 an oral approval to protect fish life shall be established by the
36 department and reduced to writing within thirty days and complied with
37 as provided for in this section. Oral approval shall be granted
38 immediately, upon request, for a stream crossing during an emergency
39 situation.

1 (b) For purposes of this section and RCW 75.20.103, "emergency"
2 means an immediate threat to life, the public, property, or of
3 environmental degradation.

4 (c) The department or the county legislative authority may declare
5 and continue an emergency when one or more of the criteria under (b) of
6 this subsection are met. The county legislative authority shall
7 immediately notify the department if it declares an emergency under
8 this subsection.

9 ~~((+7))~~ (6) The department shall, at the request of a county,
10 develop five-year maintenance approval agreements, consistent with
11 comprehensive flood control management plans adopted under the
12 authority of RCW 86.12.200, or other watershed plan approved by a
13 county legislative authority, to allow for work on public and private
14 property for bank stabilization, bridge repair, removal of sand bars
15 and debris, channel maintenance, and other flood damage repair and
16 reduction activity under agreed-upon conditions and times without
17 obtaining permits for specific projects.

18 ~~((+8))~~ (7) This section shall not apply to the construction of any
19 form of hydraulic project or other work which diverts water for
20 agricultural irrigation or stock watering purposes authorized under or
21 recognized as being valid by the state's water codes, or when such
22 hydraulic project or other work is associated with streambank
23 stabilization to protect farm and agricultural land as defined in RCW
24 84.34.020. These irrigation or stock watering diversion and streambank
25 stabilization projects shall be governed by RCW 75.20.103.

26 A landscape management plan approved by the department and the
27 department of natural resources under RCW 76.09.350(2), shall serve as
28 a hydraulic project approval for the life of the plan if fish are
29 selected as one of the public resources for coverage under such a plan.

30 ~~((+9))~~ (8) For the purposes of this section and RCW 75.20.103,
31 "bed" means the land below the ordinary high water lines of state
32 waters. This definition does not include irrigation ditches, canals,
33 storm water run-off devices, or other artificial watercourses except
34 where they exist in a natural watercourse that has been altered by man.

35 ~~((+10))~~ (9) The phrase "to construct any form of hydraulic project
36 or perform other work" does not include the act of driving across an
37 established ford. Driving across streams or on wetted stream beds at
38 areas other than established fords requires approval. Work within the

1 ordinary high water line of state waters to construct or repair a ford
2 or crossing requires approval.

3 **Sec. 88.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to
4 read as follows:

5 In the event that any person or government agency desires to
6 construct any form of hydraulic project or other work that diverts
7 water for agricultural irrigation or stock watering purposes, or when
8 such hydraulic project or other work is associated with streambank
9 stabilization to protect farm and agricultural land as defined in RCW
10 84.34.020, and when such diversion or streambank stabilization will
11 use, divert, obstruct, or change the natural flow or bed of any river
12 or stream or will utilize any waters of the state or materials from the
13 stream beds, the person or government agency shall, before commencing
14 construction or work thereon and to ensure the proper protection of
15 fish life, secure a written approval from the department as to the
16 adequacy of the means proposed for the protection of fish life. This
17 approval shall not be unreasonably withheld. Except as provided in RCW
18 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the
19 approval within forty-five calendar days of the receipt of a complete
20 application and notice of compliance with any applicable requirements
21 of the state environmental policy act, made in the manner prescribed in
22 this section. The applicant may document receipt of application by
23 filing in person or by registered mail. A complete application for an
24 approval shall contain general plans for the overall project, complete
25 plans and specifications of the proposed construction or work within
26 ordinary high water line, and complete plans and specifications for the
27 proper protection of fish life. The forty-five day requirement shall
28 be suspended if (1) after ten working days of receipt of the
29 application, the applicant remains unavailable or unable to arrange for
30 a timely field evaluation of the proposed project; (2) the site is
31 physically inaccessible for inspection; or (3) the applicant requests
32 delay.

33 Immediately upon determination that the forty-five day period is
34 suspended, the department shall notify the applicant in writing of the
35 reasons for the delay.

36 An approval shall remain in effect without need for periodic
37 renewal for projects that divert water for agricultural irrigation or
38 stock watering purposes and that involve seasonal construction or other

1 work. Approval for streambank stabilization projects shall remain in
2 effect without need for periodic renewal if the problem causing the
3 need for the streambank stabilization occurs on an annual or more
4 frequent basis. The permittee must notify the appropriate agency
5 before commencing the construction or other work within the area
6 covered by the approval.

7 The permittee must demonstrate substantial progress on construction
8 of that portion of the project relating to the approval within two
9 years of the date of issuance. If the department denies approval, the
10 department shall provide the applicant, in writing, a statement of the
11 specific reasons why and how the proposed project would adversely
12 affect fish life. Protection of fish life shall be the only ground
13 upon which approval may be denied or conditioned. Issuance, denial,
14 conditioning, or modification shall be appealable to the hydraulic
15 appeals board established in RCW 43.21B.005 within thirty days of the
16 notice of decision. The burden shall be upon the department to show
17 that the denial or conditioning of an approval is solely aimed at the
18 protection of fish life.

19 The department may, after consultation with the permittee, modify
20 an approval due to changed conditions. The modifications shall become
21 effective unless appealed to the hydraulic appeals board within thirty
22 days from the notice of the proposed modification. The burden is on
23 the department to show that changed conditions warrant the modification
24 in order to protect fish life.

25 A permittee may request modification of an approval due to changed
26 conditions. The request shall be processed within forty-five calendar
27 days of receipt of the written request. A decision by the department
28 may be appealed to the hydraulic appeals board within thirty days of
29 the notice of the decision. The burden is on the permittee to show
30 that changed conditions warrant the requested modification and that
31 such modification will not impair fish life.

32 ~~((If any person or government agency commences construction on any
33 hydraulic works or projects subject to this section without first
34 having obtained written approval of the department as to the adequacy
35 of the means proposed for the protection of fish life, or if any person
36 or government agency fails to follow or carry out any of the
37 requirements or conditions as are made a part of such approval, the
38 person or director of the agency is guilty of a gross misdemeanor. If
39 any such person or government agency is convicted of violating any of~~

1 the provisions of this section and continues construction on any such
2 works or projects without fully complying with the provisions hereof,
3 such works or projects are hereby declared a public nuisance and shall
4 be subject to abatement as such.))

5 In case of an emergency arising from weather or stream flow
6 conditions or other natural conditions, the department, through its
7 authorized representatives, shall issue immediately upon request oral
8 approval for removing any obstructions, repairing existing structures,
9 restoring stream banks, or to protect property threatened by the stream
10 or a change in the stream flow without the necessity of obtaining a
11 written approval prior to commencing work. Conditions of an oral
12 approval shall be reduced to writing within thirty days and complied
13 with as provided for in this section.

14 For purposes of this chapter, "streambank stabilization" shall
15 include but not be limited to log and debris removal, bank protection
16 (including riprap, jetties, and groins), gravel removal and erosion
17 control.

18 **Sec. 89.** RCW 75.20.110 and 1995 1st sp.s. c 2 s 27 are each
19 amended to read as follows:

20 (1) Except for the north fork of the Lewis river and the White
21 Salmon river, all streams and rivers tributary to the Columbia river
22 downstream from McNary dam are established as an anadromous fish
23 sanctuary. This sanctuary is created to preserve and develop the food
24 fish and game fish resources in these streams and rivers and to protect
25 them against undue industrial encroachment.

26 (2) Within the sanctuary area:

27 (a) ~~((It is unlawful))~~ The department shall not issue hydraulic
28 project approval to construct a dam greater than twenty-five feet high
29 within the migration range of anadromous fish as determined by the
30 ~~((commission))~~ department.

31 (b) ~~((Except by order of the commission, it is unlawful to))~~ A
32 person shall not divert water from rivers and streams in quantities
33 that will reduce the respective stream flow below the annual average
34 low flow, based upon data published in United States geological survey
35 reports.

36 (3) The commission may acquire and abate a dam or other
37 obstruction, or acquire any water right vested on a sanctuary stream or

1 river, which is in conflict with the provisions of subsection (2) of
2 this section.

3 (4) Subsection (2)(a) of this section does not apply to the
4 sediment retention structure to be built on the North Fork Toutle river
5 by the United States army corps of engineers.

6 **Sec. 90.** RCW 75.24.080 and 1983 1st ex.s. c 46 s 83 are each
7 amended to read as follows:

8 The director may designate as "restricted shellfish areas" those
9 areas in which infection or infestation of shellfish is present.
10 ~~((Except by))~~ A permit ~~((of))~~ issued by the director~~((, it))~~ is
11 ~~((unlawful))~~ required to transplant or transport into or out of a
12 restricted area shellfish or equipment used in culturing, taking,
13 handling, or processing shellfish.

14 **Sec. 91.** RCW 75.24.100 and 1995 1st sp.s. c 2 s 29 are each
15 amended to read as follows:

16 (1) ~~((It is unlawful))~~ The department may not authorize a person to
17 take geoduck clams for commercial purposes outside the harvest area
18 designated in a current department of natural resources geoduck
19 harvesting agreement issued under RCW 79.96.080. ~~((It is unlawful to~~
20 ~~commercially))~~ The department may not authorize commercial harvest of
21 geoduck clams from bottoms that are shallower than eighteen feet below
22 mean lower low water (0.0. ft.), or that lie in an area bounded by the
23 line of ordinary high tide (mean high tide) and a line two hundred
24 yards seaward from and parallel to the line of ordinary high tide.
25 This section does not apply to the harvest of private sector cultured
26 aquatic products as defined in RCW 15.85.020.

27 (2) Commercial geoduck harvesting shall be done with a hand-held,
28 manually operated water jet or suction device guided and controlled
29 from under water by a diver. Periodically, the commission shall
30 determine the effect of each type or unit of gear upon the geoduck
31 population or the substrate they inhabit. The commission may require
32 modification of the gear or stop its use if it is being operated in a
33 wasteful or destructive manner or if its operation may cause permanent
34 damage to the bottom or adjacent shellfish populations.

35 **Sec. 92.** RCW 75.24.110 and 1983 1st ex.s. c 46 s 87 are each
36 amended to read as follows:

1 (~~It is unlawful for~~) The department may not authorize a person to
2 import oysters or oyster seed into this state for the purpose of
3 planting them in state waters without a permit from the director. The
4 director shall issue a permit only after an adequate inspection has
5 been made and the oysters or oyster seed are found to be free of
6 disease, pests, and other substances which might endanger oysters in
7 state waters.

8 **Sec. 93.** RCW 75.28.010 and 1997 c 58 s 883 are each amended to
9 read as follows:

10 (1) Except as otherwise provided by this title, (~~it is unlawful~~
11 ~~to~~) a person may not engage in any of the following activities without
12 a license or permit issued by the director:

- 13 (a) Commercially fish for or take food fish or shellfish;
- 14 (b) Deliver food fish or shellfish taken in offshore waters;
- 15 (c) Operate a charter boat or commercial fishing vessel engaged in
16 a fishery;
- 17 (d) Engage in processing or wholesaling food fish or shellfish; or
- 18 (e) Act as a guide for salmon for personal use in freshwater rivers
19 and streams, other than that part of the Columbia river below the
20 bridge at Longview.

21 (2) No person may engage in the activities described in subsection
22 (1) of this section unless the licenses or permits required by this
23 title are in the person's possession, and the person is the named
24 license holder or an alternate operator designated on the license and
25 the person's license is not suspended.

26 (3) A valid Oregon license that is equivalent to a license under
27 this title is valid in the concurrent waters of the Columbia river if
28 the state of Oregon recognizes as valid the equivalent Washington
29 license. The director may identify by rule what Oregon licenses are
30 equivalent.

31 (4) No license or permit is required for the production or
32 harvesting of private sector cultured aquatic products as defined in
33 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
34 aquatic products. However, if a means of identifying such products is
35 required by rules adopted under RCW 15.85.060, the exemption from
36 licensing or permit requirements established by this subsection applies
37 only if the aquatic products are identified in conformance with those
38 rules.

1 **Sec. 94.** RCW 75.28.045 and 1993 c 340 s 7 are each amended to read
2 as follows:

3 This section applies to all commercial fishery licenses, delivery
4 licenses, and charter licenses.

5 (1) An applicant for a license subject to this section may
6 designate a vessel to be used with the license. Except for emergency
7 salmon delivery licenses, the director may issue a license regardless
8 of whether the applicant designates a vessel. An applicant may
9 designate no more than one vessel on a license subject to this section.

10 (2) A license for a fishery that requires a vessel authorizes no
11 taking or delivery of food fish or shellfish unless a vessel is
12 designated on the license. A delivery license authorizes no delivery
13 of food fish or shellfish unless a vessel is designated on the license.

14 (3) ~~((It is unlawful to take food fish or shellfish in a fishery
15 that requires a vessel except from a vessel designated on a commercial
16 fishery license for that fishery.~~

17 (4) ~~It is unlawful to operate a vessel as a charter boat unless the
18 vessel is designated on a charter license.~~

19 (5)) No vessel may be designated on more than one commercial
20 fishery license unless the licenses are for different fisheries. No
21 vessel may be designated on more than one delivery license, on more
22 than one salmon charter license, or on more than one nonsalmon charter
23 license.

24 **Sec. 95.** RCW 75.28.095 and 1997 c 76 s 2 are each amended to read
25 as follows:

26 (1) The director shall issue the charter licenses and angler
27 permits listed in this section according to the requirements of this
28 title. The licenses and permits and their annual fees and surcharges
29 are:

License or Permit	Annual Fee		Governing Section
	(RCW 75.50.100 Surcharge)		
	Resident	Nonresident	
(a) Nonsalmon charter	\$225	\$375	
(b) Salmon charter	\$380	\$685	RCW 75.30.065
	(plus \$100)	(plus \$100)	
(c) Salmon angler	\$ 0	\$ 0	RCW 75.30.070
(d) Salmon roe	\$ 95	\$ 95	RCW 75.28.690

1 (2) (~~Except as provided in subsection (5) of this section, it is~~
2 ~~unlawful to operate a vessel as a charter boat from which salmon or~~
3 ~~salmon and other food fish or shellfish are taken without a salmon~~
4 ~~charter license designating the vessel~~) A salmon charter license
5 designating a vessel is required to operate a charter boat to take
6 salmon, other food fish, and shellfish. The director may issue a
7 salmon charter license only to a person who meets the qualifications of
8 RCW 75.30.065.

9 (3) (~~Except as provided in subsections (2) and (5) of this~~
10 ~~section, it is unlawful to operate a vessel as a charter boat from~~
11 ~~which food fish or shellfish are taken without a nonsalmon charter~~
12 ~~license~~) A nonsalmon charter license designating a vessel is required
13 to operate a charter boat to take food fish other than salmon and
14 shellfish. As used in this subsection, "food fish" does not include
15 salmon.

16 (4) "Charter boat" means a vessel from which persons may, for a
17 fee, fish for food fish or shellfish for personal use, and that brings
18 food fish or shellfish into state ports or brings food fish or
19 shellfish taken from state waters into United States ports. The
20 director may specify by rule when a vessel is a "charter boat" within
21 this definition. "Charter boat" does not mean a vessel used by a guide
22 for clients fishing for food fish for personal use in freshwater
23 rivers, streams, and lakes, other than Lake Washington or that part of
24 the Columbia River below the bridge at Longview.

25 (5) A charter boat licensed in Oregon may fish without a Washington
26 charter license under the same rules as Washington charter boat
27 operators in ocean waters within the jurisdiction of Washington state
28 from the southern border of the state of Washington to Leadbetter
29 Point, as long as the Oregon vessel does not land at any Washington
30 port with the purpose of taking on or discharging passengers. The
31 provisions of this subsection shall be in effect as long as the state
32 of Oregon has reciprocal laws and regulations.

33 (6) A salmon charter license under subsection (1)(b) of this
34 section may be renewed if the license holder notifies the department by
35 May 1st of that year that he or she will not participate in the fishery
36 during that calendar year. The license holder must pay the one
37 hundred-dollar enhancement surcharge, plus a fifteen-dollar handling
38 charge, in order to be considered a valid renewal and eligible to renew
39 the license the following year.

1 **Sec. 96.** RCW 75.28.113 and 1994 c 260 s 22 are each amended to
2 read as follows:

3 (1) ~~((It is unlawful to deliver salmon taken in offshore waters to~~
4 ~~a place or port in the state without))~~ A salmon delivery license ~~((from~~
5 ~~the director))~~ is required to deliver salmon taken in offshore waters
6 to a place or port in the state. The annual fee for a salmon delivery
7 license is three hundred eighty dollars for residents and six hundred
8 eighty-five dollars for nonresidents. The annual surcharge under RCW
9 75.50.100 is one hundred dollars for each license. Holders of
10 nonlimited entry delivery licenses issued under RCW 75.28.125 may apply
11 the nonlimited entry delivery license fee against the salmon delivery
12 license fee.

13 (2) Only a person who meets the qualifications established in RCW
14 75.30.120 may hold a salmon delivery license issued under this section.

15 (3) A salmon delivery license authorizes no taking of salmon or
16 other food fish or shellfish from the waters of the state.

17 (4) If the director determines that the operation of a vessel under
18 a salmon delivery license results in the depletion or destruction of
19 the state's salmon resource or the delivery into this state of salmon
20 products prohibited by law, the director may revoke the license under
21 the procedures of chapter 34.05 RCW.

22 **Sec. 97.** RCW 75.28.125 and 1994 c 260 s 21 are each amended to
23 read as follows:

24 (1) Except as provided in subsection (2) of this section, ~~((it is~~
25 ~~unlawful to deliver with))~~ a person may not use a commercial fishing
26 vessel to deliver food fish or shellfish taken in offshore waters to a
27 port in the state without a nonlimited entry delivery license. As used
28 in this section, "food fish" does not include salmon. As used in this
29 section, "shellfish" does not include ocean pink shrimp or coastal
30 crab. The annual license fee for a nonlimited entry delivery license
31 is one hundred ten dollars for residents and two hundred dollars for
32 nonresidents.

33 (2) Holders of salmon troll fishery licenses issued under RCW
34 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
35 pot fishery licenses issued under RCW 75.28.130, food fish trawl«Non-
36 Puget Sound fishery licenses issued under RCW 75.28.120, Dungeness
37 crab«coastal fishery licenses, ocean pink shrimp delivery licenses, and
38 shrimp trawl«Non-Puget Sound fishery licenses issued under RCW

1 75.28.130 may deliver food fish or shellfish taken in offshore waters
2 without a nonlimited entry delivery license.

3 (3) A nonlimited entry delivery license authorizes no taking of
4 food fish or shellfish from state waters.

5 **Sec. 98.** RCW 75.28.710 and 1993 c 340 s 26 are each amended to
6 read as follows:

7 (1) (~~(It is unlawful to)~~) A person shall not offer or perform the
8 services of a professional salmon guide in the taking of salmon for
9 personal use in freshwater rivers and streams, other than in that part
10 of the Columbia river below the bridge at Longview, without a
11 professional salmon guide license.

12 (2) Only an individual at least sixteen years of age may hold a
13 professional salmon guide license. No individual may hold more than
14 one professional salmon guide license.

15 **Sec. 99.** RCW 75.28.740 and 1993 c 340 s 18 are each amended to
16 read as follows:

17 (1) The director may by rule designate a fishery as an emerging
18 commercial fishery. The director shall include in the designation
19 whether the fishery is one that requires a vessel.

20 (2) "Emerging commercial fishery" means the commercial taking of a
21 newly classified species of food fish or shellfish, the commercial
22 taking of a classified species with gear not previously used for that
23 species, or the commercial taking of a classified species in an area
24 from which that species has not previously been commercially taken.
25 Any species of food fish or shellfish commercially harvested in
26 Washington state as of June 7, 1990, may be designated as a species in
27 an emerging commercial fishery, except that no fishery subject to a
28 license limitation program in chapter 75.30 RCW may be designated as an
29 emerging commercial fishery.

30 (3) (~~(It is unlawful to)~~) A person shall not take food fish or
31 shellfish in a fishery designated as an emerging commercial fishery
32 without an emerging commercial fishery license and a permit from the
33 director. The director shall issue two types of permits to accompany
34 emerging commercial fishery licenses: Trial fishery permits and
35 experimental fishery permits. Trial fishery permits are governed by
36 subsection (4) of this section. Experimental fishery permits are
37 governed by RCW 75.30.220.

1 (4) The director shall issue trial fishery permits for a fishery
2 designated as an emerging commercial fishery unless the director
3 determines there is a need to limit the number of participants under
4 RCW 75.30.220. A person who meets the qualifications of RCW 75.28.020
5 may hold a trial fishery permit. The holder of a trial fishery permit
6 shall comply with the terms of the permit. Trial fishery permits are
7 not transferable from the permit holder to any other person.

8 **Sec. 100.** RCW 75.30.070 and 1993 c 340 s 29 are each amended to
9 read as follows:

10 (1) Except as provided in subsection (3) of this section, (~~it is~~
11 ~~unlawful to~~) a person shall not operate a vessel as a charter boat
12 from which salmon are taken in salt water without an angler permit.
13 The angler permit shall specify the maximum number of persons that may
14 fish from the charter boat per trip. The angler permit expires if the
15 salmon charter license is not renewed.

16 (2) Only a person who holds a salmon charter license issued under
17 RCW 75.28.095 and 75.30.065 may hold an angler permit.

18 (3) An angler permit shall not be required for charter boats
19 licensed in Oregon and fishing in ocean waters within the jurisdiction
20 of Washington state from the southern border of the state of Washington
21 to Leadbetter Point under the same regulations as Washington charter
22 boat operators, as long as the Oregon vessel does not land at any
23 Washington port with the purpose of taking on or discharging
24 passengers. The provisions of this subsection shall be in effect as
25 long as the state of Oregon has reciprocal laws and regulations.

26 **Sec. 101.** RCW 75.30.130 and 1997 c 233 s 1 and 1997 c 115 s 1 are
27 each reenacted and amended to read as follows:

28 (1) (~~It is unlawful to~~) A person shall not commercially take
29 Dungeness crab (Cancer magister) in Puget Sound without first obtaining
30 a Dungeness crab--Puget Sound fishery license. As used in this
31 section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a).
32 A Dungeness crab--Puget Sound fishery license is not required to take
33 other species of crab, including red rock crab (*Cancer productus*).

34 (2) Except as provided in subsections (3) and (6) of this section,
35 after January 1, 1982, the director shall issue no new Dungeness crab--
36 Puget Sound fishery licenses. Only a person who meets the following
37 qualification may renew an existing license: The person shall have

1 held the Dungeness crab--Puget Sound fishery license sought to be
2 renewed during the previous year or acquired the license by transfer
3 from someone who held it during the previous year, and shall not have
4 subsequently transferred the license to another person.

5 (3) Where the person failed to obtain the license during the
6 previous year because of a license suspension, the person may qualify
7 for a license by establishing that the person held such a license
8 during the last year in which the license was not suspended.

9 (4) This section does not restrict the issuance of commercial crab
10 licenses for areas other than Puget Sound or for species other than
11 Dungeness crab.

12 (5) Dungeness crab--Puget Sound fishery licenses are transferable
13 from one license holder to another.

14 (6) If fewer than one hundred twenty-five persons are eligible for
15 Dungeness crab--Puget Sound fishery licenses, the director may accept
16 applications for new licenses. The director shall determine by random
17 selection the successful applicants for the additional licenses. The
18 number of additional licenses issued shall be sufficient to maintain
19 one hundred twenty-five licenses in the Puget Sound Dungeness crab
20 fishery. The director shall adopt rules governing the application,
21 selection, and issuance procedures for new Dungeness crab--Puget Sound
22 fishery licenses, based upon recommendations of a board of review
23 established under RCW 75.30.050.

24 **Sec. 102.** RCW 75.30.140 and 1993 c 340 s 35 are each amended to
25 read as follows:

26 (1) (~~It is unlawful to~~) A person shall not fish commercially for
27 herring in state waters without a herring fishery license. As used in
28 this section, "herring fishery license" means any of the following
29 commercial fishery licenses issued under RCW 75.28.120: Herring dip
30 bag net; herring drag seine; herring gill net; herring lampara; herring
31 purse seine.

32 (2) Except as provided in this section, a herring fishery license
33 may be issued only to a person who(~~+~~

34 ~~(a) Established initial eligibility for a herring fishery license~~
35 ~~as provided in subsection (3) of this section or acquired such a~~
36 ~~license by transfer;~~

37 ~~(b) Held a herring fishery license during the previous year or~~
38 ~~acquired such a license by transfer; and~~

1 ~~(c) Has not subsequently transferred the license to another person.~~
2 ~~(3) A person may establish initial eligibility for a herring~~
3 ~~fishery license by:~~
4 ~~(a) Documenting to the department that the person landed herring~~
5 ~~during the period January 1, 1971, through April 15, 1973;~~
6 ~~(b) Documenting to the department that the person landed herring~~
7 ~~during the period January 1, 1969, through December 31, 1970, if the~~
8 ~~person was in the armed forces of the United States during the period~~
9 ~~January 1, 1971, through April 15, 1973; or~~
10 ~~(c) Applying to the department and qualifying for a herring fishery~~
11 ~~license under hardship criteria established by rule of the director.~~
12 ~~Landings may be documented only by a department fish receiving~~
13 ~~ticket.~~
14 ~~(4) A herring fishery license may be issued only for the type of~~
15 ~~fishing gear used to establish initial eligibility for the license.~~
16 ~~(5) The director may establish rules governing the administration~~
17 ~~of this section based upon recommendations of a board of review~~
18 ~~established under RCW 75.30.050.~~
19 ~~(6) Except as provided in subsection (8) of this section, after~~
20 ~~January 1, 1995, the director shall issue no new herring fishery~~
21 ~~licenses. After January 1, 1995, a person may renew an existing~~
22 ~~license only if the person)) held the license sought to be renewed~~
23 ~~during the previous year or acquired the license by transfer from~~
24 ~~someone who held it during the previous year, and if the person has not~~
25 ~~subsequently transferred the license to another person.~~
26 ~~((7)) (3) Herring fishery licenses may be renewed each year. A~~
27 ~~herring fishery license that is not renewed each year shall not be~~
28 ~~renewed further.~~
29 ~~((8)) (4) The department may issue additional herring fishery~~
30 ~~licenses if the stocks of herring will not be jeopardized by granting~~
31 ~~additional licenses.~~
32 ~~((9)) (5) Subject to the restrictions of ((section 11 of this~~
33 ~~aet)) RCW 75.28.011, herring fishery licenses are transferable from one~~
34 ~~license holder to another.~~

35 **Sec. 103.** RCW 75.30.160 and 1993 c 340 s 38 are each amended to
36 read as follows:

1 (~~It is unlawful to~~) A person shall not commercially take whiting
2 from areas that the department designates within the waters described
3 in RCW 75.28.110(5)(a) without a whiting--Puget Sound fishery license.

4 **Sec. 104.** RCW 75.30.210 and 1993 c 340 s 41 are each amended to
5 read as follows:

6 (1) (~~It is unlawful to~~) A person shall not commercially take any
7 species of sea urchin using shellfish diver gear without first
8 obtaining a sea urchin dive fishery license.

9 (2) Except as provided in subsections (3) and (6) of this section,
10 after December 31, 1991, the director shall issue no new sea urchin
11 dive fishery licenses. Only a person who meets the following
12 qualifications may renew an existing license:

13 (a) The person shall have held the sea urchin dive fishery license
14 sought to be renewed during the previous year or acquired the license
15 by transfer from someone who held it during the previous year; and

16 (b) The person shall document, by valid shellfish receiving tickets
17 issued by the department, that twenty thousand pounds of sea urchins
18 were caught and sold under the license sought to be renewed during the
19 two-year period ending March 31 of the most recent odd-numbered year.

20 (3) Where the person failed to obtain the license during the
21 previous year because of a license suspension or revocation by the
22 department or the court, the person may qualify for a license by
23 establishing that the person held such a license during the last year
24 in which the person was eligible.

25 (4) The director may reduce or waive the poundage requirement of
26 subsection (2)(b) of this section upon the recommendation of a board of
27 review established under RCW 75.30.050. The board of review may
28 recommend a reduction or waiver of the poundage requirement in
29 individual cases if, in the board's judgment, extenuating circumstances
30 prevent achievement of the poundage requirement. The director shall
31 adopt rules governing the operation of the board of review and defining
32 "extenuating circumstances."

33 (5) Sea urchin dive fishery licenses are not transferable from one
34 license holder to another, except from parent to child, or from spouse
35 to spouse during marriage or as a result of marriage dissolution, or
36 upon the death of the license holder.

37 (6) If fewer than forty-five persons are eligible for sea urchin
38 dive fishery licenses, the director may accept applications for new

1 licenses. The director shall determine by random selection the
2 successful applicants for the additional licenses. The number of
3 additional licenses issued shall be sufficient to maintain up to forty-
4 five licenses in the sea urchin dive fishery. The director shall adopt
5 rules governing the application, selection, and issuance procedure for
6 new sea urchin dive fishery licenses, based upon recommendations of a
7 board of review established under RCW 75.30.050.

8 **Sec. 105.** RCW 75.30.250 and 1993 c 340 s 44 are each amended to
9 read as follows:

10 (1) (~~It is unlawful to~~) A person shall not commercially take
11 while using shellfish diver gear any species of sea cucumber without
12 first obtaining a sea cucumber dive fishery license.

13 (2) Except as provided in subsection (6) of this section, after
14 December 31, 1991, the director shall issue no new sea cucumber dive
15 fishery licenses. Only a person who meets the following qualifications
16 may renew an existing license:

17 (a) The person shall have held the sea cucumber dive fishery
18 license sought to be renewed during the previous two years or acquired
19 the license by transfer from someone who held it during the previous
20 year; and

21 (b) The person shall establish, by means of dated shellfish
22 receiving documents issued by the department, that thirty landings of
23 sea cucumbers totaling at least ten thousand pounds were made under the
24 license during the previous two-year period ending December 31 of the
25 odd-numbered year.

26 (3) Where the person failed to obtain the license during either of
27 the previous two years because of a license suspension by the
28 department or the court, the person may qualify for a license by
29 establishing that the person held such a license during the last year
30 in which the person was eligible.

31 (4) The director may reduce or waive any landing or poundage
32 requirement established under this section upon the recommendation of
33 a board of review established under RCW 75.30.050. The board of review
34 may recommend a reduction or waiver of any landing or poundage
35 requirement in individual cases if, in the board's judgment,
36 extenuating circumstances prevent achievement of the landing or
37 poundage requirement. The director shall adopt rules governing the

1 operation of the board of review and defining "extenuating
2 circumstances."

3 (5) Sea cucumber dive fishery licenses are not transferable from
4 one license holder to another except from parent to child, from spouse
5 to spouse during marriage or as a result of marriage dissolution, or
6 upon death of the license holder.

7 (6) If fewer than fifty persons are eligible for sea cucumber dive
8 fishery licenses, the director may accept applications for new licenses
9 from those persons who can demonstrate two years' experience in the
10 Washington state sea cucumber dive fishery. The director shall
11 determine by random selection the successful applicants for the
12 additional licenses. The number of additional licenses issued shall be
13 sufficient to maintain up to fifty licenses in the sea cucumber dive
14 fishery. The director shall adopt rules governing the application,
15 selection, and issuance procedure for new sea cucumber dive fishery
16 licenses, based upon recommendations of a board of review established
17 under RCW 75.30.050.

18 **Sec. 106.** RCW 75.30.280 and 1993 c 340 s 46 are each amended to
19 read as follows:

20 (1) (~~It is unlawful to~~) A person shall not harvest geoduck clams
21 commercially without a geoduck fishery license. This section does not
22 apply to the harvest of private sector cultured aquatic products as
23 defined in RCW 15.85.020.

24 (2) Only a person who has entered into a geoduck harvesting
25 agreement with the department of natural resources under RCW 79.96.080
26 may hold a geoduck fishery license.

27 (3) A geoduck fishery license authorizes no taking of geoducks
28 outside the boundaries of the public lands designated in the underlying
29 harvesting agreement, or beyond the harvest ceiling set in the
30 underlying harvesting agreement.

31 (4) A geoduck fishery license expires when the underlying geoduck
32 harvesting agreement terminates.

33 (5) The director shall determine the number of geoduck fishery
34 licenses that may be issued for each geoduck harvesting agreement, the
35 number of units of gear whose use the license authorizes, and the type
36 of gear that may be used, subject to RCW 75.24.100. In making those
37 determinations, the director shall seek to conserve the geoduck
38 resource and prevent damage to its habitat.

1 (6) The holder of a geoduck fishery license and the holder's agents
2 and representatives shall comply with all applicable commercial diving
3 safety regulations adopted by the federal occupational safety and
4 health administration established under the federal occupational safety
5 and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590
6 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations
7 is a violation of this subsection. For the purposes of this section,
8 persons who dive for geoducks are "employees" as defined by the federal
9 occupational safety and health act. A violation of this subsection is
10 grounds for suspension or revocation of a geoduck fishery license
11 following a hearing under the procedures of chapter 34.05 RCW. The
12 department shall not suspend or revoke a geoduck fishery license if the
13 violation has been corrected within ten days of the date the license
14 holder receives written notice of the violation. If there is a
15 substantial probability that a violation of the commercial diving
16 standards could result in death or serious physical harm to a person
17 engaged in harvesting geoduck clams, the department shall suspend the
18 license immediately until the violation has been corrected. If the
19 license holder is not the operator of the harvest vessel and has
20 contracted with another person for the harvesting of geoducks, the
21 department shall not suspend or revoke the license if the license
22 holder terminates its business relationship with that person until
23 compliance with this subsection is secured.

24 **Sec. 107.** RCW 75.30.290 and 1993 c 376 s 5 are each amended to
25 read as follows:

26 (~~(After December 31, 1993, it is unlawful to)~~) A person shall not
27 commercially deliver into any Washington state port ocean pink shrimp
28 caught in offshore waters without an ocean pink shrimp delivery license
29 issued under RCW 75.28.730, or an ocean pink shrimp single delivery
30 license issued under RCW 75.30.320. An ocean pink shrimp delivery
31 license shall be issued to a vessel that:

32 (1) Landed a total of at least five thousand pounds of ocean pink
33 shrimp in Washington in any single calendar year between January 1,
34 1983, and December 31, 1992, as documented by a valid shellfish
35 receiving ticket; and

36 (2) Can show continuous participation in the Washington, Oregon, or
37 California ocean pink shrimp fishery by being eligible to land ocean
38 pink shrimp in either Washington, Oregon, or California each year since

1 the landing made under subsection (1) of this section. Evidence of
2 such eligibility shall be a certified statement from the relevant state
3 licensing agency that the applicant for a Washington ocean pink shrimp
4 delivery license held at least one of the following permits:

5 (a) For Washington: Possession of a delivery permit or delivery
6 license issued under RCW 75.28.125 or a trawl license (other than Puget
7 Sound) issued under RCW 75.28.140;

8 (b) For Oregon: Possession of a vessel permit issued under Oregon
9 Revised Statute 508.880; or

10 (c) For California: A trawl permit issued under California Fish
11 and Game Code sec. 8842.

12 **Sec. 108.** RCW 75.30.350 and 1995 c 252 s 1 are each amended to
13 read as follows:

14 (1) (~~Effective January 1, 1995, it is unlawful to~~) A person shall
15 not commercially fish for coastal crab in Washington state waters
16 without a Dungeness crab«coastal or a Dungeness crab«coastal class B
17 fishery license. Gear used must consist of one buoy attached to each
18 crab pot. Each crab pot must be fished individually.

19 (2) A Dungeness crab«coastal fishery license is transferable.
20 Except as provided in subsection (3) of this section, such a license
21 shall only be issued to a person who proved active historical
22 participation in the coastal crab fishery by having designated, after
23 December 31, 1993, a vessel or a replacement vessel on the qualifying
24 license that singly or in combination meets the following criteria:

25 (a) Made a minimum of eight coastal crab landings totaling a
26 minimum of five thousand pounds per season in at least two of the four
27 qualifying seasons identified in subsection (5) of this section, as
28 documented by valid Washington state shellfish receiving tickets; and
29 showed historical and continuous participation in the coastal crab
30 fishery by having held one of the following licenses or their
31 equivalents each calendar year beginning 1990 through 1993, and was
32 designated on the qualifying license of the person who held one of the
33 following licenses in 1994:

34 (i) Crab pot«Non-Puget Sound license, issued under RCW
35 75.28.130(1)(b);

36 (ii) Nonsalmon delivery license, issued under RCW 75.28.125;

37 (iii) Salmon troll license, issued under RCW 75.28.110;

38 (iv) Salmon delivery license, issued under RCW 75.28.113;

1 (v) Food fish trawl license, issued under RCW 75.28.120; or
2 (vi) Shrimp trawl license, issued under RCW 75.28.130; or
3 (b) Made a minimum of four Washington landings of coastal crab
4 totaling two thousand pounds during the period from December 1, 1991,
5 to March 20, 1992, and made a minimum of eight crab landings totaling
6 a minimum of five thousand pounds of coastal crab during each of the
7 following periods: December 1, 1991, to September 15, 1992; December
8 1, 1992, to September 15, 1993; and December 1, 1993, to September 15,
9 1994. For landings made after December 31, 1993, the vessel shall
10 have been designated on the qualifying license of the person making the
11 landings; or
12 (c) Made any number of coastal crab landings totaling a minimum of
13 twenty thousand pounds per season in at least two of the four
14 qualifying seasons identified in subsection (5) of this section, as
15 documented by valid Washington state shellfish receiving tickets,
16 showed historical and continuous participation in the coastal crab
17 fishery by having held one of the qualifying licenses each calendar
18 year beginning 1990 through 1993, and the vessel was designated on the
19 qualifying license of the person who held that license in 1994.
20 (3) A Dungeness crab-coastal fishery license shall be issued to a
21 person who had a new vessel under construction between December 1,
22 1988, and September 15, 1992, if the vessel made coastal crab landings
23 totaling a minimum of five thousand pounds by September 15, 1993, and
24 the new vessel was designated on the qualifying license of the person
25 who held that license in 1994. All landings shall be documented by
26 valid Washington state shellfish receiving tickets. License
27 applications under this subsection may be subject to review by the
28 advisory review board in accordance with RCW 75.30.050. For purposes
29 of this subsection, "under construction" means either:
30 (a)(i) A contract for any part of the work was signed before
31 September 15, 1992; and
32 (ii) The contract for the vessel under construction was not
33 transferred or otherwise alienated from the contract holder between the
34 date of the contract and the issuance of the Dungeness crab-coastal
35 fishery license; and
36 (iii) Construction had not been completed before December 1, 1988;
37 or
38 (b)(i) The keel was laid before September 15, 1992; and

1 (ii) Vessel ownership was not transferred or otherwise alienated
2 from the owner between the time the keel was laid and the issuance of
3 the Dungeness crab-coastal fishery license; and

4 (iii) Construction had not been completed before December 1, 1988.

5 (4) A Dungeness crab-coastal class B fishery license is not
6 transferable. Such a license shall be issued to persons who do not
7 meet the qualification criteria for a Dungeness crab-coastal fishery
8 license, if the person has designated on a qualifying license after
9 December 31, 1993, a vessel or replacement vessel that, singly or in
10 combination, made a minimum of four landings totaling a minimum of two
11 thousand pounds of coastal crab, documented by valid Washington state
12 shellfish receiving tickets, during at least one of the four qualifying
13 seasons, and if the person has participated continuously in the coastal
14 crab fishery by having held or by having owned a vessel that held one
15 or more of the licenses listed in subsection (2) of this section in
16 each calendar year subsequent to the qualifying season in which
17 qualifying landings were made through 1994. Dungeness crab-coastal
18 class B fishery licenses cease to exist after December 31, 1999, and
19 the continuing license provisions of RCW 34.05.422(3) are not
20 applicable.

21 (5) The four qualifying seasons for purposes of this section are:

22 (a) December 1, 1988, through September 15, 1989;

23 (b) December 1, 1989, through September 15, 1990;

24 (c) December 1, 1990, through September 15, 1991; and

25 (d) December 1, 1991, through September 15, 1992.

26 (6) For purposes of this section and RCW 75.30.420, "coastal crab"
27 means Dungeness crab (cancer magister) taken in all Washington
28 territorial and offshore waters south of the United States-Canada
29 boundary and west of the Bonilla-Tatoosh line (a line from the western
30 end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy
31 adjacent to Duntz Rock, then in a straight line to Bonilla Point of
32 Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

33 (7) For purposes of this section, "replacement vessel" means a
34 vessel used in the coastal crab fishery in 1994, and that replaces a
35 vessel used in the coastal crab fishery during any period from 1988
36 through 1993, and which vessel's licensing and catch history, together
37 with the licensing and catch history of the vessel it replaces,
38 qualifies a single applicant for a Dungeness crab-coastal or Dungeness
39 crab-coastal class B fishery license. A Dungeness crab-coastal or

1 Dungeness crab coastal class B fishery license may only be issued to a
2 person who designated a vessel in the 1994 coastal crab fishery and who
3 designated the same vessel in 1995.

4 **Sec. 109.** RCW 75.30.450 and 1994 c 260 s 16 are each amended to
5 read as follows:

6 (1) (~~It is unlawful for~~) A Dungeness crab coastal fishery
7 (~~licensees to~~) licensee shall not take Dungeness crab in the waters
8 of the exclusive economic zone westward of the states of Oregon or
9 California and land crab taken in those waters into Washington state
10 unless the licensee also holds the licenses, permits, or endorsements,
11 required by Oregon or California to land crab into Oregon or
12 California, respectively.

13 (2) This section becomes effective only upon reciprocal legislation
14 being enacted by both the states of Oregon and California. For
15 purposes of this section, "exclusive economic zone" means that zone
16 defined in the federal fishery conservation and management act (16
17 U.S.C. Sec. 1802) as of January 1, 1995, or as of a subsequent date
18 adopted by rule of the director.

19 **Sec. 110.** RCW 75.58.010 and 1993 sp.s. c 2 s 55 are each amended
20 to read as follows:

21 (1) The director of agriculture and the director shall jointly
22 develop a program of disease inspection and control for aquatic farmers
23 as defined in RCW 15.85.020. The program shall be administered by the
24 department under rules established under this section. The purpose of
25 the program is to protect the aquaculture industry and wildstock
26 fisheries from a loss of productivity due to aquatic diseases or
27 maladies. As used in this section "diseases" means, in addition to its
28 ordinary meaning, infestations of parasites or pests. The disease
29 program may include, but is not limited to, the following elements:

- 30 (a) Disease diagnosis;
- 31 (b) Import and transfer requirements;
- 32 (c) Provision for certification of stocks;
- 33 (d) Classification of diseases by severity;
- 34 (e) Provision for treatment of selected high-risk diseases;
- 35 (f) Provision for containment and eradication of high-risk
36 diseases;

1 (g) Provision for destruction of diseased cultured aquatic
2 products;

3 (h) Provision for quarantine of diseased cultured aquatic products;

4 (i) Provision for coordination with state and federal agencies;

5 (j) Provision for development of preventative or control measures;

6 (k) Provision for cooperative consultation service to aquatic
7 farmers; and

8 (l) Provision for disease history records.

9 (2) The (~~director~~) commission shall adopt rules implementing this
10 section. However, such rules shall have the prior approval of the
11 director of agriculture and shall provide therein that the director of
12 agriculture has provided such approval. The director of agriculture or
13 the director's designee shall attend the rule-making hearings conducted
14 under chapter 34.05 RCW and shall assist in conducting those hearings.
15 The authorities granted the department by these rules and by RCW
16 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030,
17 and 75.58.040 constitute the only authorities of the department to
18 regulate private sector cultured aquatic products and aquatic farmers
19 as defined in RCW 15.85.020. Except as provided in subsection (3) of
20 this section, no action may be taken against any person to enforce
21 these rules unless the department has first provided the person an
22 opportunity for a hearing. In such a case, if the hearing is
23 requested, no enforcement action may be taken before the conclusion of
24 that hearing.

25 (3) The rules adopted under this section shall specify the
26 emergency enforcement actions that may be taken by the department, and
27 the circumstances under which they may be taken, without first
28 providing the affected party with an opportunity for a hearing.
29 Neither the provisions of this subsection nor the provisions of
30 subsection (2) of this section shall preclude the department from
31 requesting the initiation of criminal proceedings for violations of the
32 disease inspection and control rules.

33 (4) (~~It is unlawful for any person to~~) A person shall not violate
34 the rules adopted under subsection (2) or (3) of this section or (~~to~~)
35 violate RCW 75.58.040.

36 (5) In administering the program established under this section,
37 the department shall use the services of a pathologist licensed to
38 practice veterinary medicine.

1 (6) The director in administering the program shall not place
2 constraints on or take enforcement actions in respect to the
3 aquaculture industry that are more rigorous than those placed on the
4 department or other fish-rearing entities.

5 **Sec. 111.** RCW 77.08.010 and 1996 c 207 s 2 are each amended to
6 read as follows:

7 As used in this title or Title 75 RCW or rules adopted pursuant to
8 ~~((this))~~ those titles, unless the context clearly requires otherwise:

9 (1) "Director" means the director of fish and wildlife.

10 (2) "Department" means the department of fish and wildlife.

11 (3) "Commission" means the state fish and wildlife commission.

12 (4) "Person" means and includes an individual, a corporation, or a
13 group of two or more individuals acting with a common purpose whether
14 acting in an individual, representative, or official capacity.

15 (5) "Fish and wildlife ~~((agent))~~ officer" means a person appointed
16 and commissioned by the director, with authority to enforce laws and
17 rules adopted pursuant to this title, and other statutes as prescribed
18 by the legislature. Fish and wildlife officer includes a person
19 commissioned before the effective date of this section as a wildlife
20 agent.

21 (6) "Ex officio fish and wildlife ~~((agent))~~ officer" means a
22 commissioned officer of a municipal, county, state, or federal agency
23 having as its primary function the enforcement of criminal laws in
24 general, while the officer is in the appropriate jurisdiction. The
25 term "ex officio fish and wildlife ~~((agent))~~ officer" includes
26 ~~((fisheries patrol officers,))~~ special agents of the national marine
27 fisheries service, state parks commissioned officers, United States
28 fish and wildlife special agents, department of natural resources
29 enforcement officers, and United States forest service officers, while
30 the agents and officers are within their respective jurisdictions.

31 (7) "To hunt" and its derivatives means an effort to kill, injure,
32 capture, or harass a wild animal or wild bird.

33 (8) "To trap" and its derivatives means a method of hunting using
34 devices to capture wild animals or wild birds.

35 (9) "To fish" and its derivatives means an effort to kill, injure,
36 harass, or catch a ~~((game))~~ fish.

37 (10) "Open season" means those times, manners of taking, and places
38 or waters established by rule of the commission for the lawful hunting,

1 fishing, or possession of game animals, game birds, or game fish that
2 conform to the special restrictions or physical descriptions
3 established by rule of the commission or that have otherwise been
4 deemed legal to hunt, fish, or possess by rule of the commission.
5 "Open season" includes the first and last days of the established time.

6 (11) "Closed season" means all times, manners of taking, and places
7 or waters other than those established by rule of the commission as an
8 open season. "Closed season" also means all hunting, fishing, or
9 possession of game animals, game birds, or game fish that do not
10 conform to the special restrictions or physical descriptions
11 established by rule of the commission as an open season or that have
12 not otherwise been deemed legal to hunt, fish, or possess by rule of
13 the commission as an open season.

14 (12) "Closed area" means a place where the hunting of some species
15 of wild animals or wild birds is prohibited.

16 (13) "Closed waters" means all or part of a lake, river, stream, or
17 other body of water, where fishing for game fish is prohibited.

18 (14) "Game reserve" means a closed area where hunting for all wild
19 animals and wild birds is prohibited.

20 (15) "Bag limit" means the maximum number of game animals, game
21 birds, or game fish which may be taken, caught, killed, or possessed by
22 a person, as specified by rule of the commission for a particular
23 period of time, or as to size, sex, or species.

24 (16) "Wildlife" means all species of the animal kingdom whose
25 members exist in Washington in a wild state. This includes but is not
26 limited to mammals, birds, reptiles, amphibians, fish, and
27 invertebrates. The term "wildlife" does not include feral domestic
28 mammals, the family Muridae of the order Rodentia (old world rats and
29 mice), or those fish, shellfish, and marine invertebrates classified as
30 food fish or shellfish by the director. The term "wildlife" includes
31 all stages of development and the bodily parts of wildlife members.

32 (17) "Wild animals" means those species of the class Mammalia whose
33 members exist in Washington in a wild state and the species *Rana*
34 *catesbeiana* (bullfrog). The term "wild animal" does not include feral
35 domestic mammals or the family Muridae of the order Rodentia (old world
36 rats and mice).

37 (18) "Wild birds" means those species of the class Aves whose
38 members exist in Washington in a wild state.

1 (19) "Protected wildlife" means wildlife designated by the
2 commission that shall not be hunted or fished.

3 (20) "Endangered species" means wildlife designated by the
4 commission as seriously threatened with extinction.

5 (21) "Game animals" means wild animals that shall not be hunted
6 except as authorized by the commission.

7 (22) "Fur-bearing animals" means game animals that shall not be
8 trapped except as authorized by the commission.

9 (23) "Game birds" means wild birds that shall not be hunted except
10 as authorized by the commission.

11 (24) "Predatory birds" means wild birds that may be hunted
12 throughout the year as authorized by the commission.

13 (25) "Deleterious exotic wildlife" means species of the animal
14 kingdom not native to Washington and designated as dangerous to the
15 environment or wildlife of the state.

16 (26) "Game farm" means property on which wildlife is held or raised
17 for commercial purposes, trade, or gift. The term "game farm" does not
18 include publicly owned facilities.

19 (27) "Person of disability" means a permanently disabled person who
20 is not ambulatory without the assistance of a wheelchair, crutches, or
21 similar devices.

22 (28) "Fish" includes all species classified as game fish or food
23 fish by statute or rule, as well as all fin fish not currently
24 classified as food fish or game fish if such species exist in state
25 waters. The term "fish" includes all stages of development and the
26 bodily parts of fish species.

27 **Sec. 112.** RCW 77.12.055 and 1993 sp.s. c 2 s 67 are each amended
28 to read as follows:

29 (1) (~~Jurisdiction and authority granted under RCW 77.12.060,~~
30 ~~77.12.070, and 77.12.080 to the director, wildlife agents,~~) Fish and
31 wildlife officers and ex officio (~~wildlife agents is limited to the~~
32 ~~laws and rules adopted pursuant to this title pertaining to wildlife or~~
33 ~~to the management, operation, maintenance, or use of or conduct on real~~
34 ~~property used, owned, leased, or controlled by the department~~) fish
35 and wildlife officers shall enforce this title, Title 75 RCW, rules of
36 the department, and other statutes as prescribed by the legislature.
37 However, when acting within the scope of these duties and when an
38 offense occurs in the presence of the (~~wildlife agent~~) fish and

1 wildlife officer who is not an ex officio (~~wildlife agent, the~~
2 ~~wildlife agent~~) fish and wildlife officer, the fish and wildlife
3 officer may enforce all criminal laws of the state. The (~~wildlife~~
4 ~~agent~~) fish and wildlife officer must have successfully completed the
5 basic law enforcement academy course sponsored by the criminal justice
6 training commission, or a (~~supplemental~~) course (~~in criminal law~~
7 ~~enforcement as~~) approved by the department and the criminal justice
8 training commission and provided by the department or the criminal
9 justice training commission, prior to enforcing the criminal laws of
10 the state.

11 (2) (~~Wildlife agents~~) Fish and wildlife officers are peace
12 officers.

13 (3) Any liability or claim of liability (~~which~~) under chapter
14 4.92 RCW that arises out of the exercise or alleged exercise of
15 authority by a (~~wildlife agent~~) fish and wildlife officer rests with
16 the department unless the (~~wildlife agent~~) fish and wildlife officer
17 acts under the direction and control of another agency or unless the
18 liability is otherwise assumed under (~~a written~~) an agreement between
19 the department and another agency.

20 (4) (~~Wildlife agents~~) Fish and wildlife officers may serve and
21 execute warrants and processes issued by the courts.

22 (5) Fish and wildlife officers may enforce RCW 79.01.805 and
23 79.01.810.

24 (6) To enforce the laws of this title and Title 75 RCW, fish and
25 wildlife officers may call to their aid any ex officio fish and
26 wildlife officer or citizen and that person shall render aid.

27 **NEW SECTION. Sec. 113.** Based upon articulable facts that a person
28 is engaged in fishing or hunting activities, fish and wildlife officers
29 have the authority to temporarily stop the person and check for valid
30 licenses, tags, permits, stamps, or catch record cards, and to inspect
31 all fish and wildlife in possession as well as the equipment being used
32 to ensure compliance with the requirements of this title and Title 75
33 RCW.

34 **Sec. 114.** RCW 77.12.080 and 1987 c 506 s 19 are each amended to
35 read as follows:

36 (~~Wildlife agents~~) Fish and wildlife officers and ex officio
37 (~~wildlife agents~~) fish and wildlife officers may arrest without

1 warrant persons found violating the law or rules adopted pursuant to
2 this title and Title 75 RCW.

3 **Sec. 115.** RCW 77.12.090 and 1987 c 506 s 20 are each amended to
4 read as follows:

5 ~~((Wildlife agents,))~~ Fish and wildlife officers and ex officio
6 ~~((wildlife agents))~~ fish and wildlife officers may make a reasonable
7 search without warrant of a vessel, container, or conveyances,
8 vehicles, packages, game baskets, game coats, or other receptacles for
9 fish and wildlife, or tents, camps, or similar places which they have
10 reason to believe contain evidence of a violation of law or rules
11 adopted pursuant to this title or Title 75 RCW and seize evidence as
12 needed for law enforcement. This does not preclude seizure of property
13 if authorized for forfeiture as authorized by law.

14 **Sec. 116.** RCW 77.12.095 and 1982 c 152 s 1 are each amended to
15 read as follows:

16 ~~((Wildlife agents))~~ Fish and wildlife officers may inspect without
17 warrant at reasonable times and in a reasonable manner the premises,
18 containers, fishing equipment, fish, and wildlife, and records required
19 by the department of any ~~((commercial enterprise operating under the~~
20 authority of a license or permit issued by the department or any
21 commercial business that sells, stores, transports, or possesses
22 wildlife)) commercial fisher, wholesale dealer or fish buyer, shipping
23 agent, or of any other person placing or attempting to place fish or
24 wildlife into interstate commerce, or any cold storage plant that the
25 department has probable cause to believe contains fish or wildlife, or
26 of any taxidermist or fur buyer. Fish and wildlife officers may
27 inspect without warrant the records required by the department of any
28 retail outlet selling fish or wildlife or both, and, if the officers
29 have probable cause to believe a violation of this title or rules of
30 the commission has occurred, they may inspect without warrant the
31 premises, containers, and fish and wildlife of any retail outlet
32 selling fish or wildlife or both.

33 **Sec. 117.** RCW 77.12.120 and 1980 c 78 s 26 are each amended to
34 read as follows:

35 ~~((Upon complaint showing probable cause for believing that wildlife~~
36 unlawfully caught, taken, killed, controlled, possessed, or

1 transported, is concealed or kept in a game basket, game coat, package,
2 or other receptacle for wildlife, or at a business place, vehicle, or
3 other place, the)) On a showing of probable cause that there has been
4 a violation of any fish or wildlife law of the state of Washington, or
5 upon a showing of probable cause to believe that evidence of such
6 violation may be found at a place, a court shall issue a search warrant
7 ((and have the place searched for wildlife)) or arrest warrant. Fish
8 and wildlife officers may execute any such arrest or search warrant
9 reasonably necessary to their duties under this title or Title 75 RCW
10 and may seize fish and wildlife or any evidence of a crime and the
11 fruits or instrumentalities of a crime as provided by warrant. The
12 court may have a building, enclosure, vehicle, vessel, container, or
13 receptacle opened or entered and the contents examined.

14 **Sec. 118.** RCW 77.16.010 and 1987 c 506 s 58 are each amended to
15 read as follows:

16 ~~((It is unlawful to))~~ A person shall not promote, conduct, hold, or
17 sponsor a contest for the hunting or fishing of wildlife or a
18 competitive field trial involving live wildlife for hunting dogs
19 without first obtaining a hunting or fishing contest permit. Contests
20 and field trials shall be held in accordance with established rules.

21 **Sec. 119.** RCW 77.16.020 and 1996 c 207 s 3 are each amended to
22 read as follows:

23 ~~((1) It is unlawful to hunt, fish, or possess a game animal, game~~
24 ~~bird, or game fish during closed season for that game animal, game~~
25 ~~bird, or game fish except as provided in RCW 77.12.105 or 77.12.265.~~

26 ~~(2) It is unlawful to kill, take, catch, possess, or control a~~
27 ~~game animal, game bird, or game fish in excess of the number fixed as~~
28 ~~the bag limit for that game animal, game bird, or game fish.~~

29 ~~(3) It is unlawful to hunt within a game reserve or to fish for~~
30 ~~game fish within closed waters.~~

31 ~~(4) It is unlawful to hunt wild birds or wild animals within a~~
32 ~~closed area except as authorized by rule of the commission.~~

33 ~~(5) It is unlawful to hunt or fish for wildlife, practice taxidermy~~
34 ~~for profit, deal in raw furs for profit, act as a fishing guide, or~~
35 ~~operate a game farm, stock game fish, or collect wildlife for research~~
36 ~~or display, without having in possession the license, permit, tag,~~
37 ~~stamp, or catch record card required by chapter 77.32 RCW or rule of~~

1 the department. The activities described in this subsection shall be
2 conducted in accordance with rules adopted pursuant to this title.

3 ~~(6))~~ For the purposes of ~~((this section))~~ establishing a season or
4 bag limit restriction on Canada goose hunting, the department shall not
5 consider leg length or bill length of dusky Canada geese (*Branta*
6 *canadensis occidentalis*).

7 **Sec. 120.** RCW 77.16.095 and 1987 c 506 s 63 are each amended to
8 read as follows:

9 ~~((It is unlawful to mutilate))~~ The commission may adopt rules
10 governing the possession of fish and wildlife so that the size,
11 species, or sex ~~((cannot))~~ can be determined visually in the field or
12 while being transported. ~~((The director may prescribe specific~~
13 ~~criteria for field identification to satisfy this section.))~~

14 **Sec. 121.** RCW 77.16.170 and 1993 sp.s. c 2 s 75 are each amended
15 to read as follows:

16 ~~((It is unlawful to take a wild animal from another person's trap~~
17 ~~without permission, or to spring, pull up, damage, possess, or destroy~~
18 ~~the trap; however, it is not unlawful for))~~ A property owner, lessee,
19 or tenant ~~((to))~~ may remove a trap placed on the owner's, lessee's, or
20 tenant's posted or fenced property by a trapper.

21 Trappers shall attach to the chain of their traps or devices a
22 legible metal tag with either the department identification number of
23 the trapper or the name and address of the trapper in English letters
24 not less than one-eighth inch in height.

25 When ~~((an individual))~~ a property owner, lessee, or tenant presents
26 a trapper identification number to the department for a trap found upon
27 the property of the owner, lessee, or tenant and requests
28 identification of the trapper, the department shall provide the
29 ~~((individual))~~ requestor with the name and address of the trapper.
30 Prior to disclosure of the trapper's name and address, the department
31 shall obtain the name and address of the requesting individual in
32 writing and after disclosing the trapper's name and address to the
33 requesting individual, the requesting individual's name and address
34 shall be disclosed in writing to the trapper whose name and address was
35 disclosed.

1 **Sec. 122.** RCW 77.16.220 and 1980 c 78 s 89 are each amended to
2 read as follows:

3 (~~It is unlawful to~~) A person shall not divert water from a lake,
4 river, or stream containing game fish unless the water diversion device
5 is equipped at or near its intake with a fish guard or screen to
6 prevent the passage of game fish into the device and, if necessary,
7 with a means of returning game fish from immediately in front of the
8 fish guard or screen to the waters of origin. A person who is now
9 otherwise lawfully diverting water from a lake, river or stream shall
10 not be deemed guilty of a violation of this section.

11 Plans for the fish guard, screen, and bypass shall be approved by
12 the director prior to construction. The installation shall be approved
13 by the director prior to the diversion of water.

14 The director may close a water diversion device operated in
15 violation of this section and keep it closed until it is properly
16 equipped with a fish guard, screen, or bypass.

17 **Sec. 123.** RCW 77.32.350 and 1992 c 41 s 1 are each amended to read
18 as follows:

19 In addition to a basic hunting license, a supplemental license,
20 permit, or stamp is required to hunt for quail, partridge, pheasant, or
21 migratory waterfowl, to hunt with a raptor, or to hunt wild animals
22 with a dog.

23 (1) A hound permit is required to hunt wild animals, except rabbits
24 and hares, with a dog. The fee for this permit is twelve dollars.

25 (2) An eastern Washington upland game bird permit is required to
26 hunt for quail, partridge, and pheasant in eastern Washington. The fee
27 for this permit is ten dollars.

28 (3) A western Washington upland game bird permit is required to
29 hunt for quail, partridge, and pheasant in western Washington. The fee
30 for this permit is thirty-five dollars. Western Washington upland game
31 bird permits must contain numbered spaces for recording the location
32 and date of harvest of each western Washington pheasant. (~~It is~~
33 ~~unlawful to~~) A person shall not harvest a western Washington pheasant
34 without immediately recording this information on the permit.

35 (4) Effective January 1, 1993, the permit shall be available as a
36 season option, a juvenile full season option, or a two-day option. The
37 fee for this permit is:

38 (a) For the full season option, thirty-five dollars;

1 (b) For the juvenile full season or the two-day option, twenty
2 dollars.

3 For the purposes of this subsection a juvenile is defined as a
4 person under fifteen years of age upon the opening date of the western
5 Washington pheasant season.

6 (5) Western Washington upland game permits are valid for the
7 following number of pheasants and harvesting pheasants in excess of
8 these numbers requires another permit:

9 (a) A full season permit is valid for no more than ten pheasants;

10 (b) A juvenile full season permit is valid for no more than six
11 pheasants;

12 (c) A two-day permit is valid for no more than four pheasants.

13 (6) A falconry license is required to possess or hunt with a
14 raptor, including seasons established exclusively for hunting in that
15 manner. The fee for this license is thirty-six dollars.

16 (7) A migratory waterfowl stamp affixed to a basic hunting license
17 is required for all persons sixteen years of age or older to hunt
18 migratory waterfowl. The fee for the stamp is six dollars.

19 (8) The migratory waterfowl stamp shall be validated by the
20 signature of the licensee written across the face of the stamp.

21 (9) The migratory waterfowl stamps required by this section expire
22 on March 31st following the date of issuance.

23 NEW SECTION. **Sec. 124.** REPEALER. The following acts or parts of
24 acts are each repealed:

25 (1) RCW 75.10.010 and 1996 c 267 s 4;

26 (2) RCW 75.10.020 and 1996 c 267 s 5, 1983 1st ex.s. c 46 s 33, &
27 1955 c 12 s 75.08.170;

28 (3) RCW 75.10.030 and 1996 c 267 s 6, 1990 c 144 s 5, 1983 1st
29 ex.s. c 46 s 34, & 1955 c 12 s 75.36.010;

30 (4) RCW 75.10.040 and 1996 c 267 s 7, 1983 1st ex.s. c 46 s 35,
31 1980 c 78 s 134, & 1955 c 12 s 75.08.200;

32 (5) RCW 75.10.050 and 1996 c 267 s 8, 1983 1st ex.s. c 46 s 36, &
33 1955 c 12 s 75.08.280;

34 (6) RCW 75.10.060 and 1983 1st ex.s. c 46 s 37 & 1955 c 12 s
35 75.36.040;

36 (7) RCW 75.10.080 and 1983 1st ex.s. c 46 s 39 & 1955 c 12 s
37 75.36.050;

1 (8) RCW 75.10.090 and 1983 1st ex.s. c 46 s 40 & 1955 c 12 s
2 75.08.180;

3 (9) RCW 75.10.110 and 1996 c 267 s 10, 1990 c 144 s 6, 1987 c 380
4 s 16, 1983 1st ex.s. c 46 s 42, 1979 ex.s. c 99 s 1, & 1955 c 12 s
5 75.08.260;

6 (10) RCW 75.10.120 and 1996 c 267 s 11, 1990 c 144 s 7, 1983 1st
7 ex.s. c 46 s 43, 1979 ex.s. c 99 s 2, 1957 c 171 s 5, & 1955 c 12 s
8 75.28.380;

9 (11) RCW 75.10.130 and 1996 c 267 s 12, 1983 1st ex.s. c 46 s 44,
10 & 1979 ex.s. c 99 s 3;

11 (12) RCW 75.10.140 and 1996 c 267 s 13, 1990 c 163 s 7, 1984 c 80
12 s 4, 1983 1st ex.s. c 46 s 45, & 1979 ex.s. c 141 s 7;

13 (13) RCW 75.10.170 and 1996 c 267 s 15 & 1990 c 63 s 5;

14 (14) RCW 75.10.180 and 1996 c 267 s 16 & 1990 c 144 s 1;

15 (15) RCW 75.10.190 and 1996 c 267 s 17 & 1990 c 144 s 2;

16 (16) RCW 75.10.200 and 1996 c 267 s 18, 1993 sp.s. c 2 s 26, & 1990
17 c 144 s 3;

18 (17) RCW 75.10.210 and 1990 c 144 s 4;

19 (18) RCW 75.12.020 and 1996 c 267 s 19, 1983 1st ex.s. c 46 s 49,
20 & 1955 c 12 s 75.12.020;

21 (19) RCW 75.12.031 and 1983 1st ex.s. c 46 s 51 & 1955 c 12 s
22 75.20.070;

23 (20) RCW 75.12.070 and 1996 c 267 s 20, 1983 1st ex.s. c 46 s 53,
24 & 1955 c 12 s 75.12.070;

25 (21) RCW 75.12.090 and 1990 c 144 s 8, 1983 1st ex.s. c 46 s 54,
26 1982 c 14 s 1, & 1955 c 12 s 75.12.090;

27 (22) RCW 75.12.100 and 1996 c 267 s 21, 1983 1st ex.s. c 46 s 55,
28 & 1955 c 12 s 75.12.100;

29 (23) RCW 75.12.115 and 1996 c 267 s 22, 1983 1st ex.s. c 46 s 56,
30 & 1971 ex.s. c 106 s 1;

31 (24) RCW 75.12.120 and 1985 c 51 s 7, 1983 1st ex.s. c 46 s 57, &
32 1955 c 12 s 75.12.120;

33 (25) RCW 75.12.125 and 1983 1st ex.s. c 46 s 58;

34 (26) RCW 75.12.127 and 1993 c 340 s 49;

35 (27) RCW 75.12.400 and 1983 1st ex.s. c 46 s 64 & 1982 c 14 s 2;

36 (28) RCW 75.12.410 and 1983 1st ex.s. c 46 s 66 & 1955 c 12 s
37 75.08.130;

38 (29) RCW 75.12.420 and 1996 c 267 s 23, 1983 1st ex.s. c 46 s 67,
39 & 1955 c 12 s 75.08.210;

1 (30) RCW 75.12.430 and 1983 1st ex.s. c 46 s 68 & 1955 c 12 s
2 75.08.220;

3 (31) RCW 75.24.050 and 1996 c 267 s 25, 1983 1st ex.s. c 46 s 80,
4 & 1955 c 12 s 75.24.050;

5 (32) RCW 75.24.090 and 1996 c 267 s 26, 1983 1st ex.s c 46 s 84,
6 1955 c 212 s 7, & 1955 c 12 s 75.24.090;

7 (33) RCW 75.25.150 and 1994 c 255 s 7, 1993 sp.s. c 17 s 9, 1989 c
8 305 s 13, 1984 c 80 s 9, & 1983 1st ex.s. c 46 s 99;

9 (34) RCW 77.12.060 and 1987 c 506 s 17, 1980 c 78 s 18, 1961 c 68
10 s 1, & 1955 c 36 s 77.12.060;

11 (35) RCW 77.12.070 and 1987 c 506 s 18, 1980 c 78 s 19, 1971 ex.s.
12 c 173 s 1, 1961 c 68 s 2, & 1955 c 36 s 77.12.070;

13 (36) RCW 77.16.040 and 1987 c 506 s 60, 1980 c 78 s 72, 1971 ex.s.
14 c 166 s 4, 1961 c 75 s 1, & 1955 c 36 s 77.16.040;

15 (37) RCW 77.16.050 and 1980 c 78 s 73 & 1955 c 36 s 77.16.050;

16 (38) RCW 77.16.060 and 1993 sp.s. c 2 s 73, 1987 c 506 s 61, 1980
17 c 78 s 74, & 1955 c 36 s 77.16.060;

18 (39) RCW 77.16.080 and 1987 c 506 s 62, 1980 c 78 s 76, & 1955 c 36
19 s 77.16.080;

20 (40) RCW 77.16.090 and 1980 c 78 s 77 & 1955 c 36 s 77.16.090;

21 (41) RCW 77.16.100 and 1980 c 78 s 79, 1977 ex.s. c 275 s 1, & 1955
22 c 36 s 77.16.100;

23 (42) RCW 77.16.110 and 1987 c 506 s 64, 1980 c 78 s 80, & 1955 c 36
24 s 77.16.110;

25 (43) RCW 77.16.120 and 1980 c 78 s 81 & 1955 c 36 s 77.16.120;

26 (44) RCW 77.16.130 and 1987 c 506 s 65, 1980 c 78 s 82, & 1955 c 36
27 s 77.16.130;

28 (45) RCW 77.16.150 and 1987 c 506 s 66, 1980 c 78 s 83, & 1955 c 36
29 s 77.16.150;

30 (46) RCW 77.16.160 and 1980 c 78 s 84 & 1955 c 36 s 77.16.160;

31 (47) RCW 77.16.180 and 1987 c 506 s 67, 1980 c 78 s 86, & 1955 c 36
32 s 77.16.180;

33 (48) RCW 77.16.190 and 1980 c 78 s 87 & 1955 c 36 s 77.16.190;

34 (49) RCW 77.16.250 and 1989 c 297 s 5, 1980 c 78 s 93, & 1955 c 36
35 s 77.16.250;

36 (50) RCW 77.16.260 and 1980 c 78 s 94, 1955 c 85 s 1, & 1955 c 36
37 s 77.16.260;

38 (51) RCW 77.16.310 and 1981 c 310 s 4, 1980 c 78 s 125, & 1979
39 ex.s. c 127 s 1;

1 (52) RCW 77.16.320 and 1987 c 506 s 68, 1981 c 310 s 5, & 1980 c 44
2 s 1;

3 (53) RCW 77.16.330 and 1987 c 506 s 104 & 1985 c 243 s 3;

4 (54) RCW 77.16.610 and 1982 c 155 s 3;

5 (55) RCW 77.21.010 and 1988 c 265 s 3;

6 (56) RCW 77.21.040 and 1989 c 314 s 5, 1987 c 506 s 72, 1980 c 78
7 s 25, & 1955 c 36 s 77.12.110; and

8 (57) RCW 77.21.060 and 1989 c 314 s 6, 1987 c 506 s 73, 1980 c 78
9 s 122, & 1955 c 36 s 77.32.260.

10 NEW SECTION. **Sec. 125.** RECODIFICATION. The following sections
11 are recodified as new sections in the chapter created in section 128 of
12 this act:

13 RCW 75.10.100

14 RCW 75.10.220

15 RCW 75.12.320

16 RCW 77.12.120

17 RCW 77.12.130

18 RCW 77.16.135

19 NEW SECTION. **Sec. 126.** SHORT TITLE. This chapter may be known
20 and cited as the fish and wildlife enforcement code.

21 NEW SECTION. **Sec. 127.** CAPTIONS NOT LAW. Captions used in this
22 chapter are not any part of the law.

23 NEW SECTION. **Sec. 128.** Sections 1 through 48, 50 through 66, 68,
24 69, 113, 126, and 127 of this act constitute a new chapter in Title 77
25 RCW.

26 NEW SECTION. **Sec. 129.** The enactment of chapter . . ., Laws of
27 1998 (this act) does not terminate, or in any way modify, any
28 liability, civil or criminal, that was in existence on the effective
29 date of this section."

1 **ESSB 6328** - H AMD
2 By Representative

3

4 On page 1, line 1 of the title, after "enforcement;" strike the
5 remainder of the title and insert "amending RCW 75.12.320, 77.16.135,
6 75.08.011, 75.08.160, 75.08.274, 75.08.295, 75.08.300, 75.12.010,
7 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.210, 75.12.230,
8 75.12.390, 75.12.440, 75.12.650, 75.20.040, 75.20.060, 75.20.103,
9 75.20.110, 75.24.080, 75.24.100, 75.24.110, 75.28.010, 75.28.045,
10 75.28.095, 75.28.113, 75.28.125, 75.28.710, 75.28.740, 75.30.070,
11 75.30.140, 75.30.160, 75.30.210, 75.30.250, 75.30.280, 75.30.290,
12 75.30.350, 75.30.450, 75.58.010, 77.08.010, 77.12.055, 77.12.080,
13 77.12.090, 77.12.095, 77.12.120, 77.16.010, 77.16.020, 77.16.095,
14 77.16.170, 77.16.220, and 77.32.350; reenacting and amending RCW
15 75.20.100 and 75.30.130; adding a new chapter to Title 77 RCW; creating
16 a new section; recodifying RCW 75.10.100, 75.10.220, 75.12.320,
17 77.12.120, 77.12.130, and 77.16.135; repealing RCW 75.10.010,
18 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.060, 75.10.080,
19 75.10.090, 75.10.110, 75.10.120, 75.10.130, 75.10.140, 75.10.170,
20 75.10.180, 75.10.190, 75.10.200, 75.10.210, 75.12.020, 75.12.031,
21 75.12.070, 75.12.090, 75.12.100, 75.12.115, 75.12.120, 75.12.125,
22 75.12.127, 75.12.400, 75.12.410, 75.12.420, 75.12.430, 75.24.050,
23 75.24.090, 75.25.150, 77.12.060, 77.12.070, 77.16.040, 77.16.050,
24 77.16.060, 77.16.080, 77.16.090, 77.16.100, 77.16.110, 77.16.120,
25 77.16.130, 77.16.150, 77.16.160, 77.16.180, 77.16.190, 77.16.250,
26 77.16.260, 77.16.310, 77.16.320, 77.16.330, 77.16.610, 77.21.010,
27 77.21.040, and 77.21.060; and prescribing penalties."

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