
SUBSTITUTE SENATE BILL 6341

State of Washington

55th Legislature

1998 Regular Session

By Senate Committee on Natural Resources & Parks (originally sponsored by Senator Snyder)

Read first time 02/06/98.

1 AN ACT Relating to alternate operator licenses; amending RCW
2 75.28.010, 75.28.030, 75.28.046, 75.28.047, and 75.28.048; and
3 declaring an emergency.

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

5 **Sec. 1.** RCW 75.28.010 and 1997 c 58 s 883 are each amended to read
6 as follows:

7 (1) Except as otherwise provided by this title, it is unlawful to
8 engage in any of the following activities without a license or permit
9 issued by the director:

10 (a) Commercially fish for or take food fish or shellfish;

11 (b) Deliver food fish or shellfish taken in offshore waters;

12 (c) Operate a charter boat or commercial fishing vessel engaged in
13 a fishery. However, no license or permit is required for the operation
14 of a licensed charter boat by an alternate operator specified by the
15 licensee;

16 (d) Engage in processing or wholesaling food fish or shellfish; or

17 (e) Act as a guide for salmon for personal use in freshwater rivers
18 and streams, other than that part of the Columbia river below the
19 bridge at Longview.

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

6 (3) A valid Oregon license that is equivalent to a license under
7 this title is valid in the concurrent waters of the Columbia river if
8 the state of Oregon recognizes as valid the equivalent Washington
9 license. The director may identify by rule what Oregon licenses are
10 equivalent.

11 (4) No license or permit is required for the production or
12 harvesting of private sector cultured aquatic products as defined in
13 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
14 aquatic products. However, if a means of identifying such products is
15 required by rules adopted under RCW 15.85.060, the exemption from
16 licensing or permit requirements established by this subsection applies
17 only if the aquatic products are identified in conformance with those
18 rules.

19 **Sec. 2.** RCW 75.28.030 and 1993 sp.s. c 17 s 44 are each amended to
20 read as follows:

21 (1) Except as otherwise provided in this title, the director shall
22 issue commercial licenses and permits to a qualified person upon
23 receiving a completed application accompanied by the required fee.

24 (2) An application submitted to the department under this chapter
25 shall contain the name and address of the applicant and any other
26 information required by the department or this title. An applicant for
27 a commercial fishery license(~~(7)~~) or delivery license(~~(7~~~~-or~~~~-charter~~
28 ~~license))~~) may designate a vessel to be used with the license (~~(and))~~).
29 An applicant for a commercial fishery license or delivery license may
30 also designate up to two alternate operators.

31 (3) An application submitted to the department under this chapter
32 shall contain the applicant's declaration under penalty of perjury that
33 the information on the application is true and correct.

34 (4) Upon issuing a commercial license under this chapter, the
35 director shall assign the license a unique number that the license
36 shall retain upon renewal. The department shall use the number to
37 record any commercial catch under the license. This does not preclude
38 the department from using other, additional, catch record methods.

1 (5) The fee to replace a license that has been lost or destroyed is
2 twenty dollars.

3 **Sec. 3.** RCW 75.28.046 and 1994 c 260 s 12 are each amended to read
4 as follows:

5 This section applies to all commercial fishery licenses(~~(7)~~) and
6 delivery licenses(~~(7, and charter licenses)~~), except for whiting«Puget
7 Sound fishery licenses and emergency salmon delivery licenses.

8 (1) The license holder may engage in the activity authorized by a
9 license subject to this section. With the exception of Dungeness crab«
10 coastal fishery class B licensees licensed under RCW 75.30.350(~~(+3)~~)
11 (4), the holder of a license subject to this section may also designate
12 up to two alternate operators for the license. Dungeness crab«coastal
13 fishery class B licensees may not designate alternate operators. A
14 person designated as an alternate operator must possess an alternate
15 operator license issued under (~~section 23 of this act and~~) RCW
16 75.28.048.

17 (2) The fee to change the alternate operator designation is twenty-
18 two dollars.

19 **Sec. 4.** RCW 75.28.047 and 1993 c 340 s 10 are each amended to read
20 as follows:

21 (1) Only the license holder and any alternate operators designated
22 on the license may sell or deliver food fish or shellfish under a
23 commercial fishery license or delivery license. A commercial fishery
24 license or delivery license authorizes no taking or delivery of food
25 fish or shellfish unless the license holder or an alternate operator
26 designated on the license is present or aboard the vessel.

27 (2) (~~Only the license holder and any alternate operators~~
28 ~~designated on the license may~~) Notwithstanding RCW 75.28.010(1)(c), an
29 alternate operator license is not required for an individual to operate
30 a vessel as a charter boat.

31 **Sec. 5.** RCW 75.28.048 and 1997 c 233 s 2 are each amended to read
32 as follows:

33 (1) A person who holds a commercial fishery license(~~(7)~~) or a
34 delivery license(~~(7, or charter license)~~) may operate the vessel
35 designated on the license. A person who is not the license holder may
36 operate the vessel designated on the license only if:

1 (a) The person holds an alternate operator license issued by the
2 director; and

3 (b) The person is designated as an alternate operator on the
4 underlying commercial fishery license(~~(7)~~) or delivery license(~~(7~~~~or~~
5 ~~charter license)~~) under RCW 75.28.046.

6 (2) Only an individual at least sixteen years of age may hold an
7 alternate operator license.

8 (3) No individual may hold more than one alternate operator
9 license. An individual who holds an alternate operator license may be
10 designated as an alternate operator on an unlimited number of
11 commercial fishery licenses(~~(7)~~) or delivery licenses(~~(7~~~~and charter~~
12 ~~licenses)~~) under RCW 75.28.046.

13 (4) An individual who holds two Dungeness crab--Puget Sound fishery
14 licenses may operate the licenses on one vessel if the vessel owner or
15 alternate operator is on the vessel. The department shall allow a
16 license holder to operate up to one hundred crab pots for each license.

17 (5) As used in this section, to "operate" means to control the
18 deployment or removal of fishing gear from state waters while aboard a
19 vessel(~~(7~~~~to operate a vessel as a charter boat,~~) or to operate a
20 vessel delivering food fish or shellfish taken in offshore waters to a
21 port within the state.

22 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of the
24 state government and its existing public institutions, and takes effect
25 immediately.

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