
SUBSTITUTE SENATE BILL 5702

State of Washington

63rd Legislature

2013 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senators Honeyford, Pearson, and Ranker)

READ FIRST TIME 02/22/13.

1 AN ACT Relating to aquatic invasive species; amending RCW
2 77.15.160; reenacting and amending RCW 77.12.879; repealing RCW
3 77.60.130; and prescribing penalties.

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

5 **Sec. 1.** RCW 77.12.879 and 2011 c 171 s 113 and 2011 c 169 s 4 are
6 each reenacted and amended to read as follows:

7 (1) The aquatic invasive species prevention account is created in
8 the state treasury. Moneys directed to the account from RCW
9 88.02.640(3)(a)(i) must be deposited in the account. Expenditures from
10 the account may only be used as provided in this section. Moneys in
11 the account may be spent only after appropriation.

12 (2) Funds in the aquatic invasive species prevention account may be
13 appropriated to the department to develop an aquatic invasive species
14 prevention program for recreational and commercial watercraft. Funds
15 must be expended as follows:

16 (a) To inspect recreational and commercial watercraft;

17 (b) To educate general law enforcement officers on how to enforce
18 state laws relating to preventing the spread of aquatic invasive
19 species;

1 (c) To evaluate and survey the risk posed by recreational and
2 commercial watercraft in spreading aquatic invasive species into
3 Washington state waters;

4 (d) To evaluate the risk posed by float planes in spreading aquatic
5 invasive species into Washington state waters; and

6 (e) To implement an aquatic invasive species early detection and
7 rapid response plan. The plan must address the treatment and immediate
8 response to the introduction to Washington waters of aquatic invasive
9 species. Agency and public review of the plan must be conducted under
10 chapter 43.21C RCW, the state environmental policy act. If the
11 implementation measures or actions would have a probable significant
12 adverse environmental impact, a detailed statement under chapter 43.21C
13 RCW must be prepared on the plan.

14 (3) Funds in the aquatic invasive species enforcement account
15 created in RCW 43.43.400 may be appropriated to the department and
16 Washington state patrol to develop an aquatic invasive species
17 enforcement program for recreational and commercial watercraft.

18 (a) The department shall provide training to Washington state
19 patrol employees working at port of entry weigh stations, and other
20 local law enforcement employees, on how to inspect recreational and
21 commercial watercraft for the presence of aquatic invasive species.

22 (b) A person who enters Washington by road transporting any
23 commercial or recreational watercraft that has been used (~~in any~~
24 ~~designated aquatic invasive species state or foreign country as defined~~
25 ~~by rule of the department~~) outside of Washington must have in his or
26 her possession (~~valid~~) documentation that the watercraft (~~has been~~
27 ~~inspected and found~~) is free of aquatic invasive species. The
28 department must develop and maintain rules to implement this subsection
29 (3)(b), including specifying allowable forms of documentation.

30 (c) The department is authorized to require persons transporting
31 recreational and commercial watercraft to stop at check stations.
32 Check stations must be plainly marked by signs, operated by at least
33 one uniformed fish and wildlife officer, and operated in a safe manner.

34 (d) Any person stopped at a check station who possesses a
35 recreational or commercial watercraft that (~~has been used in any~~
36 ~~designated aquatic invasive species state or foreign country as defined~~
37 ~~by rule of the department, or that~~) is contaminated with aquatic

1 invasive species, must bear the expense for any necessary impoundment,
2 transportation, cleaning, and decontamination of the watercraft.

3 (e) Any person stopped at a check station who possesses a
4 recreational or commercial watercraft that (~~has been used in any~~
5 ~~designated aquatic invasive species state or foreign country as defined~~
6 ~~by rule of the department, or that~~) is contaminated with aquatic
7 invasive species, is exempt from the criminal penalties found in RCW
8 77.15.253 and 77.15.290, and forfeiture under RCW 77.15.070, if that
9 person complies with all department directives for the proper
10 decontamination of the watercraft (~~and equipment~~).

11 (4) The department shall submit a biennial report to the
12 appropriate legislative committees describing the actions taken to
13 implement this section along with suggestions on how to better fulfill
14 the intent of chapter 464, Laws of 2005.

15 **Sec. 2.** RCW 77.15.160 and 2012 c 176 s 15 are each amended to read
16 as follows:

17 The following acts are infractions and must be cited and punished
18 as provided under chapter 7.84 RCW:

19 (1) Fishing and shellfishing infractions:

20 (a) Barbed hooks: Fishing for personal use with barbed hooks in
21 violation of any department rule.

22 (b) Catch recording: Failing to immediately record a catch of fish
23 or shellfish on a catch record card as required by RCW 77.32.430 or
24 department rule.

25 (c) Catch reporting: Failing to return a catch record card to the
26 department for other than Puget Sound Dungeness crab, as required by
27 department rule.

28 (d) Recreational fishing: Fishing for fish or shellfish and,
29 without yet possessing fish or shellfish, the person:

30 (i) Owns, but fails to have in the person's possession the license
31 or the catch record card required by chapter 77.32 RCW for such an
32 activity; or

33 (ii) Violates any department rule regarding seasons, closed areas,
34 closed times, or any other rule addressing the manner or method of
35 fishing for fish or shellfish. This subsection does not apply to use
36 of a net to take fish under RCW 77.15.580 or the unlawful use of
37 shellfish gear for personal use under RCW 77.15.382.

1 (e) Seaweed: Taking, possessing, or harvesting less than two times
2 the daily possession limit of seaweed:

3 (i) While owning, but not having in the person's possession, the
4 license required by chapter 77.32 RCW; or

5 (ii) In violation of any rule of the department or the department
6 of natural resources regarding seasons, closed areas, closed times, or
7 any other rule addressing the manner or method of taking, possessing,
8 or harvesting of seaweed.

9 (f) Unclassified fish or shellfish: Taking unclassified fish or
10 shellfish in violation of any department rule by killing, fishing,
11 taking, holding, possessing, or maliciously injuring or harming fish or
12 shellfish that is not classified as game fish, food fish, shellfish,
13 protected fish, or endangered fish.

14 (g) Wasting fish or shellfish: Killing, taking, or possessing fish
15 or shellfish having a value of less than two hundred fifty dollars and
16 allowing the fish or shellfish to be wasted.

17 (2) Hunting infractions:

18 (a) Eggs or nests: Maliciously, and without permit authorization,
19 destroying, taking, or harming the eggs or active nests of a wild bird
20 not classified as endangered or protected. For purposes of this
21 subsection, "active nests" means nests that contain eggs or fledglings.

22 (b) Unclassified wildlife: Taking unclassified wildlife in
23 violation of any department rule by killing, hunting, taking, holding,
24 possessing, or maliciously injuring or harming wildlife that is not
25 classified as big game, game animals, game birds, protected wildlife,
26 or endangered wildlife.

27 (c) Wasting wildlife: Killing, taking, or possessing wildlife that
28 is not classified as big game and has a value of less than two hundred
29 fifty dollars, and allowing the wildlife to be wasted.

30 (d) Wild animals: Hunting for wild animals not classified as big
31 game and, without yet possessing the wild animals, the person owns, but
32 fails to have in the person's possession, all licenses, tags, or
33 permits required by this title.

34 (e) Wild birds: Hunting for and, without yet possessing a wild
35 bird or birds, the person:

36 (i) Owns, but fails to have in the person's possession, all
37 licenses, tags, stamps, and permits required under this title; or

1 (ii) Violates any department rule regarding seasons, closed areas,
2 closed times, or any other rule addressing the manner or method of
3 hunting wild birds.

4 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
5 infractions:

6 (a) Recordkeeping and reporting: If a person is a taxidermist, fur
7 dealer, or wildlife meat cutter who is processing, holding, or storing
8 wildlife for commercial purposes, failing to:

9 (i) Maintain records as required by department rule; or

10 (ii) Report information from these records as required by
11 department rule.

12 (b) Trapper's report: Failing to report trapping activity as
13 required by department rule.

14 (4) Aquatic invasive species infraction: Entering Washington by
15 road and transporting a recreational or commercial watercraft that has
16 been used outside of Washington without meeting documentation
17 requirements as provided under RCW 77.12.879.

18 (5) Other infractions:

19 (a) Contests: Conducting, holding, or sponsoring a hunting
20 contest, a fishing contest involving game fish, or a competitive field
21 trial using live wildlife.

22 (b) Other rules: Violating any other department rule that is
23 designated by rule as an infraction.

24 (c) Posting signs: Posting signs preventing hunting or fishing on
25 any land not owned or leased by the person doing the posting, or
26 without the permission of the person who owns, leases, or controls the
27 land posted.

28 (d) Scientific permits: Using a scientific permit issued by the
29 director for fish, shellfish, or wildlife, but not including big game
30 or big game parts, and the person:

31 (i) Violates any terms or conditions of the scientific permit; or

32 (ii) Violates any department rule applicable to the issuance or use
33 of scientific permits.

34 (e) Transporting aquatic plants: Transporting aquatic plants on
35 any state or public road, including forest roads. However:

36 (i) This subsection does not apply to plants that are:

37 (A) Being transported to the department or to another destination

1 designated by the director, in a manner designated by the department,
2 for purposes of identifying a species or reporting the presence of a
3 species;

4 (B) Legally obtained for aquarium use, wetland or lakeshore
5 restoration, or ornamental purposes;

6 (C) Located within or on a commercial aquatic plant harvester that
7 is being transported to a suitable location to remove aquatic plants;

8 (D) Being transported in a manner that prevents their unintentional
9 dispersal, to a suitable location for disposal, research, or
10 educational purposes; or

11 (E) Being transported in such a way as the commission may otherwise
12 prescribe; and

13 (ii) This subsection does not apply to a person who:

14 (A) Is stopped at an aquatic invasive species check station and
15 possesses a recreational or commercial watercraft that is contaminated
16 with an aquatic invasive plant species if that person complies with all
17 department directives for the proper decontamination of the watercraft
18 and equipment; or

19 (B) Has voluntarily submitted a recreational or commercial
20 watercraft for inspection by the department or its designee and has
21 received a receipt verifying that the watercraft has not been
22 contaminated since its last use.

23 NEW SECTION. **Sec. 3.** RCW 77.60.130 (Aquatic nuisance species
24 committee) and 2007 c 341 s 59 & 2000 c 149 s 1 are each repealed.

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