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SENATE BILL 5824

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State of Washington

64th Legislature

2015 Regular Session

By Senator Parlette

Read first time 02/04/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to certain recreational guides; amending RCW  
2 77.15.510, 77.65.010, 77.65.370, 77.65.440, 77.65.480, 77.65.500, and  
3 77.65.560; and adding new sections to chapter 77.65 RCW.

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

5 **Sec. 1.** RCW 77.15.510 and 2009 c 333 s 10 are each amended to  
6 read as follows:

7 (1) A person is guilty of acting as a game fish guide, food fish  
8 guide, or chartering without a license if:

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

11 (b) The person acts as a food fish guide and does not hold a food  
12 fish guide license; or

13 (c) The person acts as a game fish guide and does not hold a game  
14 fish guide license.

15 (2) Acting without a game fish guide license, food fish guide  
16 license, or charter license is a gross misdemeanor. Upon conviction,  
17 the department may deny applications submitted by the person for a  
18 game fish guide license, food fish guide license, or charter boat  
19 license for up to one year from the date of conviction.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 77.65  
2    RCW to read as follows:

3        (1) In addition to other license suspension provisions provided  
4    in this title, the department may suspend a charter boat license,  
5    food fish guide license, or game fish guide license if, within a  
6    twelve-month period, a person is convicted of two or more violations  
7    of any rule of the commission or director regarding seasons, bag  
8    limits, species, size, sex, or other possession restrictions while  
9    engaged in charter boat, food fish guide, or game fish guide  
10   activities. The department may suspend only the specific type of  
11   license or licenses related to the activity or activities for which  
12   the person is convicted.

13        (2) A person who has a food fish guide or game fish guide license  
14   suspended under this section may file an appeal with the department  
15   pursuant to chapter 34.05 RCW. An appeal must be filed within twenty  
16   days of notice of license suspension. If a timely appeal is filed,  
17   the suspension issued by the department does not take effect until  
18   twenty-one days after the department has delivered an opinion  
19   affirming the suspension. If no appeal is filed within twenty days of  
20   notice of license suspension, the right to an appeal is waived, and  
21   the suspension takes effect twenty-one days following the notice of  
22   suspension.

23        (3) License suspension under this section is in addition to any  
24   statutory penalties assigned to the underlying violation.

25        **Sec. 3.**    RCW 77.65.010 and 2009 c 333 s 7 are each amended to  
26   read as follows:

27        (1) Except as otherwise provided by this title, a person must  
28   have a license or permit issued by the director in order to engage in  
29   any of the following activities:

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

31        (b) Deliver from a commercial fishing vessel food fish or  
32   shellfish taken for commercial purposes in offshore waters. As used  
33   in this subsection, "deliver" means arrival at a place or port, and  
34   includes arrivals from offshore waters to waters within the state and  
35   arrivals from state or offshore waters;

36        (c) Operate a charter boat or commercial fishing vessel engaged  
37   in a fishery;

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

39    or

1 (e) Act as a food fish guide or game fish guide for personal use  
2 (~~in freshwater rivers and streams~~), except that a charter boat  
3 license is required to operate a vessel from which a person may for a  
4 fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

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

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

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

23 **Sec. 4.** RCW 77.65.370 and 2013 c 314 s 3 are each amended to  
24 read as follows:

25 (1) A person shall not offer or perform the services of a food  
26 fish guide without a food fish guide license in the taking of food  
27 fish for personal use (~~in freshwater rivers and streams~~), except  
28 that a charter boat license is required to operate a vessel from  
29 which a person may for a fee fish for food fish in state waters  
30 listed in RCW 77.65.150(4)(b).

31 (2) A person shall not offer or perform the services of a game  
32 fish guide without a game fish guide license in the taking of game  
33 fish for personal use.

34 (3) Only an individual at least sixteen years of age may hold a  
35 food fish guide license. No individual may hold more than one food  
36 fish guide license.

37 (~~(3)~~) (4) An application for a food fish guide license must  
38 include the information required in RCW 77.65.560.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.65  
2 RCW to read as follows:

3 (1) The department must issue an identifying decal to all food  
4 fish guides, game fish guides, and charter boat operators licensed  
5 under RCW 77.65.010. The identifying decal must display the license  
6 number prominently.

7 (2) Any person who acts or offers to act as a food fish guide,  
8 game fish guide, or charter boat operator must display the  
9 identifying decal on vessels in a location easily visible to  
10 customers and adjacent vessels.

11 **Sec. 6.** RCW 77.65.440 and 2011 c 339 s 28 are each amended to  
12 read as follows:

13 The director shall issue the personal licenses listed in this  
14 section according to the requirements of this title. The licenses and  
15 their annual fees are:

| Personal License           | Annual Fee   |              | Applica- tion Fee | Governing Section    |
|----------------------------|--------------|--------------|-------------------|----------------------|
|                            | Surcharge)   |              |                   |                      |
|                            | Resident     | Nonresident  |                   |                      |
| (1) Alternate Operator     | \$ 35        | \$ 35        | \$ 70             | RCW 77.65.130        |
| (2) Geoduck Diver          | \$185        | \$295        | \$ 70             | RCW 77.65.410        |
| (3) Food Fish Guide        | \$130        | \$630        | \$ 70             | RCW 77.65.370        |
|                            | (plus \$20)  | (plus \$100) |                   |                      |
| (4) <u>Game Fish Guide</u> | <u>\$180</u> | <u>\$600</u> | <u>\$70</u>       | <u>RCW 77.65.370</u> |

28 **Sec. 7.** RCW 77.65.480 and 2013 c 314 s 2 are each amended to  
29 read as follows:

30 (1) A taxidermy license allows the holder to practice taxidermy  
31 for commercial purposes, as that term is defined in RCW 77.15.110.  
32 The fee for this license is one hundred eighty dollars. The  
33 application fee is seventy dollars.

34 (2) A fur dealer's license allows the holder to purchase,  
35 receive, or resell raw furs for commercial purposes, as that term is

1 defined in RCW 77.15.110. The fee for this license is one hundred  
2 eighty dollars. The application fee is seventy dollars.

3 ~~(3) ((A game fish guide license allows the holder to offer or  
4 perform the services of a game fish guide in the taking of game fish.  
5 The fee for this license is one hundred eighty dollars for a resident  
6 and six hundred dollars for a nonresident. The application fee is  
7 seventy dollars. An application for a game fish guide license must  
8 include the information required in RCW 77.65.560.~~

9 ~~(4))~~ A game farm license allows the holder to operate a game  
10 farm to acquire, breed, grow, keep, and sell wildlife under  
11 conditions prescribed by the rules adopted pursuant to this title.  
12 The fee for this license is seventy-two dollars for the first year  
13 and forty-eight dollars for each following year. The application fee  
14 is seventy dollars.

15 ~~((+5))~~ (4) A game fish stocking permit allows the holder to  
16 release game fish into the waters of the state as prescribed by rule  
17 of the commission. The fee for this permit is twenty-four dollars.  
18 The application fee is seventy dollars.

19 ~~((+6))~~ (5) A fishing or field trial permit allows the holder to  
20 promote, conduct, hold, or sponsor a fishing or field trial contest  
21 in accordance with rules of the commission. The fee for a fishing  
22 contest permit is twenty-four dollars. The fee for a field trial  
23 contest permit is twenty-four dollars. The application fee is seventy  
24 dollars.

25 ~~((+7))~~ (6)(a) An anadromous game fish buyer's license allows the  
26 holder to purchase or sell steelhead trout and other anadromous game  
27 fish harvested by Indian fishers lawfully exercising fishing rights  
28 reserved by federal statute, treaty, or executive order, under  
29 conditions prescribed by rule of the director. The fee for this  
30 license is one hundred eighty dollars. The application fee is one  
31 hundred five dollars.

32 (b) An anadromous game fish buyer's license is not required for  
33 those businesses that buy steelhead trout and other anadromous game  
34 fish from Washington licensed game fish dealers and sell solely at  
35 retail.

36 **Sec. 8.** RCW 77.65.500 and 1987 c 506 s 84 are each amended to  
37 read as follows:

38 Licensed taxidermists, fur dealers, anadromous game fish buyers,  
39 ~~((fishing guides,))~~ game farmers, and persons stocking game fish or

1 conducting a hunting, fishing, or field trial contest shall make  
2 reports as required by rules of the director.

3 **Sec. 9.** RCW 77.65.560 and 2013 c 314 s 1 are each amended to  
4 read as follows:

5 (1) Any application for a food fish guide license (~~(under RCW~~  
6 ~~77.65.370))~~ or game fish guide license under RCW 77.65.480 must  
7 include:

8 (a) The applicant's driver's license or other government-issued  
9 identification card number and the jurisdiction of issuance;

10 (b) The applicant's unified business identifier number under a  
11 (~~master~~) business license issued under RCW 19.02.070;

12 (c) Proof of current certification in first aid and  
13 cardiopulmonary resuscitation;

14 (d) A certificate of insurance demonstrating that the applicant  
15 has commercial liability coverage of at least three hundred thousand  
16 dollars; (~~and~~)

17 (e) If applicable, an original or notarized copy of a valid  
18 license issued by the United States coast guard to the applicant that  
19 authorizes the holder to carry passengers for hire; and

20 (f) A sworn declaration requiring the applicant to certify  
21 whether the area of operations will include federally recognized  
22 navigable waters with a motorized vessel.

23 (2) The requirements of this section related to licensure by the  
24 United States coast guard apply only to applicants intending to carry  
25 passengers for hire with a motorized vessel on federally recognized  
26 navigable waters. The license issued by the United States coast guard  
27 must be valid in the waters where the game fish guide or food fish  
28 guide license applicant will be carrying passengers for hire in a  
29 motorized vessel.

30 (3) The requirements in this section are in addition to the  
31 requirements of RCW 77.65.050.

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