
SENATE BILL 5330

State of Washington

67th Legislature

2021 Regular Session

By Senators Van De Wege, Salomon, Warnick, and Wilson, C.

Read first time 01/22/21. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to commercial whale watching licenses; and
2 amending RCW 77.65.615.

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

4 **Sec. 1.** RCW 77.65.615 and 2019 c 291 s 2 are each amended to
5 read as follows:

6 (1) A commercial whale watching license is required for
7 commercial whale watching operators viewing southern resident orca
8 whales. The annual fee is two hundred dollars in addition to the
9 annual application fee of seventy-five dollars.

10 (2) The annual fees for a commercial whale watching license as
11 described in subsection (1) of this section must include fees for
12 each motorized or sailing vessel or vessels as follows:

13 (a) One to twenty-four passengers, three hundred twenty-five
14 dollars;

15 (b) Twenty-five to fifty passengers, five hundred twenty-five
16 dollars;

17 (c) Fifty-one to one hundred passengers, eight hundred twenty-
18 five dollars;

19 (d) One hundred one to one hundred fifty passengers, one thousand
20 eight hundred twenty-five dollars; and

1 (e) One hundred fifty-one passengers or greater, two thousand
2 dollars.

3 (3) The annual fees for a commercial whale watching license as
4 described in subsection (1) of this section must include fees for
5 each kayak as follows:

6 (a) One to ten kayaks, one hundred twenty-five dollars;
7 (b) Eleven to twenty kayaks, two hundred twenty-five dollars;
8 (c) Twenty-one to thirty kayaks, four hundred twenty-five
9 dollars; and

10 (d) Thirty-one or more kayaks, six hundred twenty-five dollars.

11 (4) The holder of a commercial whale watching license for
12 motorized or sailing vessels required under subsection (2) of this
13 section may substitute the vessel designated on the license, or
14 designate a vessel if none has previously been designated, if the
15 license holder:

16 (a) Surrenders the previously issued license to the department;
17 (b) Submits to the department an application that identifies the
18 currently designated vessel, the vessel proposed to be designated,
19 and any other information required by the department; and

20 (c) Pays to the department a fee of thirty-five dollars and an
21 application fee of one hundred five dollars.

22 (5) Unless the license holder owns all vessels identified on the
23 application described in subsection (4)(b) of this section, the
24 department may not change the vessel designation on the license more
25 than once per calendar year.

26 (6) A person who is not the license holder may operate a
27 motorized or sailing commercial whale watching vessel designated on
28 the license only if:

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

31 (b) The person is designated as an alternate operator on the
32 underlying commercial whale watching license.

33 (7) No individual may hold more than one alternate operator
34 license. An individual who holds an alternate operator license may be
35 designated as an alternate operator on an unlimited number of
36 commercial whale watching licenses.

37 (8) The annual fee for an alternate operator license is two
38 hundred dollars in addition to an annual application fee of seventy-
39 five dollars.

1 (9) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Commercial whale watching" means the act of taking, or
4 offering to take, passengers aboard a vessel in order to view
5 (~~marine mammals~~) southern resident orca whales in their natural
6 habitat for a fee. Commercial whale watching does not mean the act of
7 taking, or offering to take, passengers aboard a vessel in order to
8 view other marine mammals.

9 (b) "Commercial whale watching operators" includes commercial
10 vessels and kayak rentals that are engaged in the business of
11 southern resident orca whale watching.

12 (c) "Commercial whale watching vessel" means any vessel that is
13 being used as a means of transportation for individuals to engage in
14 commercial southern resident orca whale watching.

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