

Chapter 220-220 WAC GENERAL RECREATIONAL LICENSING RULES

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WAC

RECREATIONAL LICENSES AND VEHICLE USE PERMITS

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220-220-210 Columbia River endorsement. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-210, filed 2/15/17, effective 3/18/17; WSR 16-14-038 (Order 16-158), § 220-55-230, filed 6/28/16, effective 7/29/16; WSR 15-13-081 (Order 15-177), § 220-55-230, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 220-55-230, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-55-230, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-55-230, filed 3/19/10, effective 5/1/10.] Repealed by WSR 19-20-074 (Order 19-240), filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090 and 77.32.470.

220-220-240 Harvesting of shellfish, food fish or game fish by persons with a disability. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-240, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-065, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-065, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-065, filed 4/2/91, effective 5/3/91; WSR 88-05-002 (Order 88-03), § 220-55-065, filed 2/4/88; WSR 87-09-066 (Order 87-16), § 220-55-065, filed 4/21/87; WSR 80-13-064 (Order 80-123), § 220-55-065, filed 9/17/80; WSR 79-09-021 (Order 79-58), § 220-55-065, filed 8/10/79.] Amended and decodified by WSR 17-17-109, filed 8/21/17, effective 9/21/17. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. Recodified as § 220-305-120.

RECREATIONAL LICENSES AND VEHICLE USE PERMITS

WAC 220-220-010 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.

(4) "Veteran" means a veteran of the United States Armed Forces.

(5) "Display" of a fish and wildlife lands vehicle use permit means either:

(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or

(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-16-070 (Order 02-182), § 220-55-001, filed 8/6/02, effective 9/6/02. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-001, filed 1/13/99, effective 2/13/99.]

WAC 220-220-020 Recreational license. A recreational license is a valid internet or telephone transaction number issued by the department or a valid license.

With the exception of razor clam licenses and one-day charter boat or guide operator stamp licenses, to be valid, a license must be signed by the licensee, must contain the licensee's personal identification information, and, if a catch record card is required, must be accompanied by a valid catch record card.

To be valid, a razor clam license must be signed by the licensee.

When a catch record card is not required for use with a one-day charter boat or guide operator stamp license, the stamp license is valid only if the issue date is written in ink on the stamp and the stamp is signed by the licensee. When a catch record card is required for use with a one-day charter boat or guide operator stamp license, the license is valid only if the issue date is written in ink on the stamp, the stamp is affixed to the catch record card, the catch record card is signed by the licensee, and the catch record card contains the licensee's completed personal identification information.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-21-059 (Order 18-285), § 220-220-020, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-005, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-005, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-55-005, filed 2/9/96, effective 3/11/96; WSR 94-01-001, § 220-55-005, filed 12/1/93, effective 1/1/94.]

WAC 220-220-030 Valid recreational license required. It is unlawful for any person required to have a recreational license to take or possess fish, shellfish, seaweed, or wildlife for personal use without having in physical possession a valid license or a valid internet or telephone authorization number.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-015, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-015, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-23-059 (Order 94-162), § 220-55-015, filed 11/14/94, effective 12/15/94; WSR 94-01-001, § 220-55-015, filed 12/1/93, effective 1/1/94; WSR 89-07-071 (Order 89-05), § 220-55-015, filed 3/20/89; WSR 79-09-021 (Order 79-58), § 220-55-015, filed 8/10/79.]

WAC 220-220-040 Age of purchaser. (1) The age at the time of purchase determines the license necessary for the recreational activity.

(2) Youth hunters who turn sixteen years of age during the license year may use a previously purchased youth hunting license during the remainder of the license year, but are required to have a state migratory bird stamp affixed to the license on and after their sixteenth birthday, if they are hunting migratory birds.

(3) Youth fishers who turn fifteen years of age during the license year are required to purchase a youth fishing license.

(4) Youth fishers who turn sixteen years of age during the license year may use a previously purchased youth fishing license during the remainder of the license year.

(5) Resident seniors who turn seventy years of age during the license year may use a previously purchased saltwater or freshwater fishing license during the remainder of the license year.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-040, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-055, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-55-055, filed 2/9/96,

effective 3/11/96; WSR 94-01-001, § 220-55-055, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-055, filed 4/2/91, effective 5/3/91; WSR 79-09-021 (Order 79-58), § 220-55-055, filed 8/10/79.]

WAC 220-220-050 Residency of purchaser. (1) A purchaser of a resident fishing or hunting license is required to be a resident of the state of Washington, and pursuant to RCW 77.08.010(38), must have maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and must establish by formal proof an intent to continue residing in the state. This also applies to persons whose primary residence is Washington but who maintain a residence elsewhere.

(2) The primary method of establishing that the purchaser has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and establishing by formal evidence an intent to continue residing in the state is possession of a Washington state driver's license issued at least ninety days prior to application for a resident fishing or hunting license. Any licensed driver who does not have a Washington driver's license, issued at least ninety days prior to application for a resident fishing or hunting license, will be presumed to have not maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license, and will be presumed not to intend to be a Washington resident.

(3) Persons who are not licensed to drive may use a Washington state identification card, issued at least ninety days prior to application for a resident fishing or hunting license, to establish that the person has maintained a permanent place of abode within the state for at least ninety days immediately preceding application for a license and to establish by formal evidence an intent to continue residing in the state.

(4) Persons who are too young to obtain a Washington state driver's license may use a Washington state identification card or a school identification card to establish residency and to establish by formal evidence an intent to continue residing in the state.

(5) Persons who cannot establish having a permanent place of abode within Washington for ninety days preceding license application and cannot establish by formal evidence an intent to continue residing in the state by means of subsection (2), (3), or (4) of this section may submit evidence of residency and intent to continue residing in the state to the department's license office in Olympia, and, upon determination of sufficiency of proof, the licensing office will issue authorization to allow purchase of a resident license. Such evidence shall include, but is not limited to, one or more of the following:

- (a) Becoming a registered voter in this state;
- (b) Receiving benefits under one of the Washington public assistance programs;
- (c) Paying higher education tuition fees at resident rates;
- (d) Maintaining an abode within Washington, as shown by utility bills, a lease agreement, a contract or deed to real property, or a county tax assessment; or
- (e) Documenting use of a residence address in Washington for federal tax purposes.

(6) Notwithstanding the provisions of subsections (2) and (3) of this section, a member of the armed forces stationed at a military in-

stallation in this state (other than on temporary duty), is eligible to purchase a resident fishing or hunting license after presenting a valid military identification card and evidence that the member is stationed within the state, including, but not limited to, official orders or billeting documents.

(7) Notwithstanding the provisions of this section, proof of residency and intent to continue residing within the state are satisfied by presentation of a resident fishing or hunting license issued to the license applicant during the previous licensing year, showing the purchaser's Washington Interactive License Document (WILD) number, and verbal confirmation by the purchaser that all personal information on the previously issued license remains valid. If the applicant requests a change of any of the personal information on the license, proof of intent to continue residing in the state must be presented as provided for in subsection (2), (3), or (5) of this section.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-08-063 (Order 04-72), § 220-55-061, filed 4/5/04, effective 5/6/04.]

WAC 220-220-060 Reduced rate annual fish Washington license, and license upgrades.

(1) There is hereby created an annual fish Washington license for residents that combines recreational freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The fee for the annual fish Washington license is \$60.50 and applicable fees as of July 1, 2019, and will not be priced higher than the sum of the individual items. The fish Washington license also includes the following:

- (a) A Puget Sound Dungeness Crab endorsement; and
- (b) A two-pole endorsement.

(2) The director is authorized to allow any Washington state resident who has purchased an annual freshwater, saltwater, or shellfish/seaweed license to upgrade to a combination license for the cost difference between his or her current annual fishing license(s) and the cost of the combination license, plus transaction and dealer fees. The director may limit the times of the year that this upgrade is made available for sale.

(3) There is hereby created an annual senior combination recreation fishing license which includes freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The state fee for the annual senior combination fishing license will not be priced higher than the sum of the individual items and is available to any senior residents.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090 and 77.32.470. WSR 19-20-074 (Order 19-240), § 220-220-060, filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 16-17-105 (Order 16-216), § 220-55-165, filed 8/19/16, effective 9/19/16.]

WAC 220-220-070 Reduced rate combination temporary fishing and shellfish license. There is hereby created a combination temporary fishing and shellfish license that is valid for two consecutive days and allows the holder to fish for and possess fish and shellfish taken from state and offshore waters. The fee for this license is six dollars for both residents and nonresidents. This license is not valid for game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.470(5). WSR 00-11-177 (Order 00-82), § 220-55-170, filed 5/24/00, effective 6/24/00; WSR 00-02-050 (Order 99-233), § 220-55-170, filed 12/30/99, effective 4/1/00.]

WAC 220-220-080 Reduced rate combination deer hunting licenses.

(1) There is hereby created combination deer hunting licenses that allow the holder to hunt deer for the purposes described below. A person purchasing any big game license that includes deer may purchase a reduced rate combination license as follows:

(a) If a hunter is drawn for a multiseason deer permit, consistent with the rules of the commission and conditions of the department, they may purchase a multiseason deer permit. The fee for this combined license is thirty-nine dollars less than the sum of the big game license containing deer and the multiseason deer permit.

(b) If a hunter is drawn for a special deer permit in the second deer category, they may purchase a second deer tag and utilize their special hunting permit authorizing and conditioning the harvest of a second deer. The fee for this combined license is twenty-one dollars less than the sum of the big game license containing deer and the second deer tag.

(c) If a hunter is drawn for a special permit in the master hunter deer category, they must purchase a master hunter deer tag as authorized and conditioned by the commission to harvest a second deer. A master hunter in good standing must also purchase a master hunter deer tag in order to utilize a damage prevention or kill permit authorized and conditioned by the department. The fee for this combined license is forty dollars less than the sum of the big game license containing deer and the master hunter second deer tag.

(d) If a hunter is issued a damage prevention or kill permit authorized by the department, the hunter must purchase a damage deer tag. The fee for this combined license is forty dollars less than the sum of the big game license containing deer and the damage deer second tag.

(2)(a) It is unlawful to possess a multiseason or second deer transport tag except as authorized by this section.

(b) Violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 220-55-172, filed 4/25/14, effective 5/26/14.]

WAC 220-220-090 Reduced rate combination elk general licenses.

(1) There is hereby created combination elk hunting licenses that allow the holder to hunt elk for the purposes described below. A person purchasing any big game license that includes elk may purchase a reduced rate combination as follows:

(a) Master hunters must purchase a master hunter second elk transport tag to participate in a master hunter special permit hunt. Master hunters must purchase a master hunter elk area 3911 second elk transport tag to participate in the early elk area 3911 master hunter general season hunt. A master hunter in good standing must also purchase a master hunter elk tag in order to utilize a damage prevention or kill permit authorized and conditioned by the department. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the master hunter second elk tag.

(b) If a hunter is issued a damage prevention or kill permit authorized and conditioned by the department, the hunter must purchase a damage elk tag. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the damage elk second tag.

(2)(a) It is unlawful to possess a second elk transport tag except as authorized by this section.

(b) Violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-061 (Order 15-100), § 220-55-174, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 220-55-174, filed 4/25/14, effective 5/26/14.]

WAC 220-220-093 Combination hunting and fishing packages. There is hereby created an annual Get Outdoors license for residents that combines fishing, shellfishing, and hunting privileges. The fee for the annual Get Outdoors license will not be priced higher than the sum of the individual items. The fee for this license is \$208.80 and applicable fees as of December 1, 2019.

The Get Outdoors license includes the following:

(1) Annual combination recreational freshwater, saltwater, and shellfish license as described in WAC 220-220-060;

(2) Two-pole endorsement as described in WAC 220-220-160;

(3) Puget Sound Dungeness crab endorsement as described in WAC 220-310-020;

(4) Annual combination hunting license for deer, elk, bear, and cougar as described in RCW 77.32.450;

(5) Small game license as described in RCW 77.32.460;

(6) Migratory bird permit and migratory bird authorization as described in RCW 77.32.350 and WAC 220-412-100; and

(7) Two turkey tags as described in RCW 77.32.460.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 19-20-073 (Order 19-239), § 220-220-093, filed 9/27/19, effective 10/28/19.]

WAC 220-220-095 Discount distribution. When a recreational license is sold at a discount or when it is part of a package of licenses created after January 1, 2017, and sold at a price less than the total value of each individual license product, the funds from the sale of a license or package of licenses are distributed to multiple department accounts. The amount of the funds distributed to each of the accounts shall be reduced by the same percentage as the total discount for the purchase of a license or package commencing with license year 2020 products.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, and 77.32.470. WSR 19-20-072 (Order 19-238), § 220-220-095, filed 9/27/19, effective 10/28/19.]

WAC 220-220-100 Recreational license, tag, permit, and stamp refunds, replacements, and exchanges. (1) For purposes of this section:

(a) "Refund" means the return of money received for a license, stamp, tag, or permit purchase. Refunds may be made by license dealers or the Olympia office of the department.

(b) "Replacement" means reissuing the same species and weapon type of transport tag.

(c) "Exchange" means the surrendering of a transport tag (such as archery deer or Eastern Washington elk archery) and the reissuing of a different transport tag (such as muzzleloader deer or Western Washington muzzleloader elk).

(2) Refunds will be made for the following:

(a) A license purchaser can obtain a refund from a license dealer within sixty minutes after the purchase of the license if a dealer error is made or the dealer issues the wrong license. License dealers can correct dealer errors after sixty minutes, but may not refund license purchases.

(b) A license purchaser can obtain a refund from the Olympia office of the department at any time during the licensing year if an incorrect document has been issued due to a department, a dealer, or licensing system error, as verified by the department.

(c) A license purchaser can obtain a refund from the Olympia office of the department if the purchaser received more than one of the same licenses in the same license year.

(d) A license purchaser can obtain a refund from the Olympia office of the department if the licensee qualifies for a reduced fee license, as verified by the department. The refund amount will be the difference between the license purchased and the reduced fee license.

(e) A license purchaser who is transferred out-of-state by the military or their business and unable to use a license can obtain a refund from the Olympia office of the department after providing verifying documentation, provided that the request for refund is made within the license year.

(f) A license purchaser who is hospitalized or severely injured and provides a physician's statement that the person was incapable of participating in hunting can obtain a refund or exchange from the Olympia office of the department after providing verifying documentation, provided that the request for refund is made within the license year.

(g) The personal representative of a deceased license purchaser, who dies prior to the opening of the applicable general hunting sea-

son, can obtain a refund from Olympia after providing documentation of the death of the purchaser.

(3) Replacement tags will be provided when a hunter has killed an animal that is unfit for human consumption and the department has authorized issuance of a replacement tag.

(4) Except as otherwise provided, refunds will not be made for the following:

(a) The department will not refund any recreational license or permit purchase for which a season or hunt has been scheduled, and the licensee could have participated in the season or hunt, regardless of whether the licensee did in fact participate.

(b) The department will not refund purchases of raffle tickets or special hunt permit applications unless an error has occurred and the error was not caused by the person purchasing the tickets or applications as verified by the department.

(5) Transport tag exchanges will be allowed for the following:

(a) The season for which the tag was issued has not opened, and the hunter wishes to exchange the tag for a different area or a different weapon type. In these instances archery tag holders must request a tag exchange before September 1st, muzzleloader tag holders must request a tag exchange before September 20th, and modern firearm tag holders must request a tag exchange before October 10th, as verified by the department.

(b) The tag was issued in error and the error was not caused by the person applying for the tag, as verified by the department.

(6) Except as otherwise provided, transport tag exchanges will not be allowed for the following: If a special hunt permit application was submitted by the tag holder and that application required a big game transport tag, it is unlawful to exchange the transport tag after the application submission deadline date has passed. However, if the tag holder's request for a tag exchange was made prior to the application submission deadline date, as verified by the department, an exchange can be made. Special permit applications for ghost hunts, regardless of the submission method, are not applicable to this subsection.

(7)(a) Except as otherwise provided, it is unlawful to possess a big game transport tag that was exchanged after the opening of the season for which the original tag was valid.

(b) Violation of this subsection is punishable under RCW 77.15.410 Unlawful hunting of big game.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 220-55-040, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. WSR 11-22-002 (Order 11-282), § 220-55-040, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047. WSR 06-09-024 (Order 06-73), § 220-55-040, filed 4/11/06, effective 5/12/06. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-040, filed 1/13/99, effective 2/13/99. Statutory Au-

thority: RCW 75.08.080. WSR 94-01-001, § 220-55-040, filed 12/1/93, effective 1/1/94; WSR 89-07-071 (Order 89-05), § 220-55-040, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-040, filed 2/4/88; WSR 86-24-047 (Order 86-191), § 220-55-040, filed 11/26/86; WSR 79-09-021 (Order 79-58), § 220-55-040, filed 8/10/79.]

WAC 220-220-110 Temporary fishing or hunting license validation date. On a temporary fishing or hunting license, the validation date is the first date on which a licensee may hunt or fish and the temporary license expires at midnight of the day after the validation date for temporary fishing licenses and at midnight of the second day after the validation date for three-consecutive-day small game licenses.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-110, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-050, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-55-050, filed 2/9/96, effective 3/11/96; WSR 94-01-001, § 220-55-050, filed 12/1/93, effective 1/1/94; WSR 79-09-021 (Order 79-58), § 220-55-050, filed 8/10/79.]

WAC 220-220-120 Duplicate licenses, tags, etc.—Rules for issuance. Request for replacement of licenses, permits, tags, stamps or catch record cards required by chapter 77.32 RCW, which have been lost, mutilated, or stolen, must be made by the licensee.

Duplicate licenses, permits, tags, stamps and catch record cards may be issued at department offices or by recreational license dealers.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-120, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-189, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.32.256. WSR 86-03-054 (Order 267), § 232-12-189, filed 1/15/86. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-189, filed 10/22/81.]

WAC 220-220-130 Duplicate license fees. (1) The cost of a duplicate license document is seven dollars, plus the automated licensing system processing fee and dealer fee, unless the cost of all licenses on the original license document was less than seven dollars, then the license document cost is the same as the original cost, plus the automated licensing system processing fee and dealer fee. The duplicate license document shall contain all licenses purchased at the time the original license document was issued, including a migratory waterfowl permit if such permit was purchased, but shall not include any game tags issued with the original license.

(2) The cost of a duplicate game tag is seven dollars per game tag, plus the automated licensing system processing fee and the dealer fee.

(3) The department will not issue duplicate one-day fishing licenses issued as a charter stamp, duplicate special hunt applications, or duplicate game raffle tickets.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. WSR 11-22-002 (Order 11-282), § 220-55-200, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047, 2002 c 222. WSR 02-15-038 (Order 02-153), § 220-55-200, filed 7/11/02, effective 8/11/02.]

WAC 220-220-140 License sales—Dishonored check and credit card transaction penalties. All license sales by the department, and by department contract vendors in the case of nonsalmon delivery licenses, are subject to the following provisions.

(1) Definitions. The following definitions apply to this section:

(a) "Collection procedures" means sending a payment on demand notice thirty, sixty, and ninety days after the notice of dishonored instrument has been sent, during which period the person who issued the check or used the credit card will accrue a one percent per month interest fee in addition to the dishonored instrument fee. If the accrued fees have not been paid within thirty days after the mailing of the ninety-day notice, the account will be turned over for collection.

(b) "Dishonored instrument" means a check issued to the department for purchase of a license that has been returned for any reason, including, but not limited to, insufficient funds or closed account, or a credit card transaction with the department for purchase of a license that is not approved by the entity that issued the credit card.

(c) "Dishonored instrument fee" means the additional fee required to be paid for a license that was paid for with a dishonored instrument. The dishonored instrument fee is thirty dollars.

(d) "Notice of dishonored instrument" means the notice sent to a person who attempted purchase of a license with a dishonored instrument. This notice will be mailed to the person at the address given at the time of the license transaction.

(2) Commercial license sales:

(a) All commercial license sales will be made through the Olympia licensing office, except for nonsalmon delivery licenses, which will also be sold through department-approved contract vendors at selected ports.

(b) Commercial licensees who tender a dishonored instrument to the department will not be issued another commercial license of any kind until the license fee, dishonored instrument fee, and, if applicable, interest and collection fees, have been paid.

(c) Commercial licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and any future license purchases, by cash, certified

check or money order for the subsequent two licensing years after the licensing year in which the dishonored instrument was issued.

(d) Except for commercial fishing licenses which require annual renewal in order to purchase subsequent year licenses, commercial licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any deliveries that have been made under the license will be treated as deliveries without a valid license.

(e) Commercial fishing licensees who are renewing a license which requires annual renewal in order to be renewed in a subsequent year, and who tender a dishonored instrument, must pay the license fee and the dishonored instrument fee by December 31st in order to have a valid license for purposes of subsequent renewal.

(f) Commercial licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

(g) Fishers who deliver shellfish or food fish other than salmon on a nonsalmon delivery license, which license has been paid for with a dishonored check from the contract vendor, are not subject to the penalties of this section.

(3) Recreational license sales:

(a) Recreational licensees who have tendered a dishonored instrument have fifteen days from the mailing date of the notice of dishonored instrument to pay the license and dishonored instrument fee, during which period the license will remain valid if the payment is received by the department by 5:00 p.m. on the fifteenth day, or by 5:00 p.m. on the next working day if the fifteenth day falls on a weekend or holiday. If the fees are not presented within fifteen days, the license will be voided as of the date of issuance, and any recreational activities that occurred within the fifteen days will be treated as having occurred without having a valid license, tag or permit.

(b) Recreational licensees who have tendered a dishonored instrument may only replace the dishonored instrument and pay the dishonored instrument fee, and, if applicable, interest, by cash, certified check or money order.

(c) Recreational licensees who do not replace a dishonored instrument within fifteen days from the mailing date of the notice of dishonored instrument are subject to collection procedures.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-05-046 (Order 02-32), § 220-20-075, filed 2/14/02, effective 3/17/02.]

WAC 220-220-150 Oregon license reciprocity. (1) A person may, from a vessel or other floating device, fish for game fish, food fish, unclassified fish, and shellfish, unless otherwise prohibited, from Pacific Ocean waters within three miles of the Washington coast from Leadbetter Point to the Washington-Oregon boundary, and from the concurrent waters of the Columbia River where the river forms the boun-

dary between Oregon and Washington if the person possesses a valid Oregon resident angling license or a valid Oregon resident shellfish license, but only if Oregon recognizes as valid a comparable Washington personal use license in Pacific Ocean waters within three miles of the Oregon coast from the Oregon-Washington boundary to Cape Falcon and the concurrent waters of the Columbia River.

(2) This reciprocity applies only to fishing from a vessel or other floating device. Fishing from the Washington shore requires a Washington personal use license.

(3) This reciprocity applies only to Oregon residents, and residents of other states must possess either a valid Washington license or a valid Oregon license to take game fish, food fish, unclassified fish, and shellfish from the waters of the respective states.

(4) Any game fish, food fish, unclassified fish, or shellfish landed into Washington must conform with current rules in effect for the point of landing including, but not limited to, daily limits, possession limits, annual limits, size restrictions, and sex restrictions.

[Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047 and C.F.R. Title 50, Part 660. WSR 19-16-001 (Order 19-150), § 220-220-150, filed 7/24/19, effective 8/24/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-07-046 (Order 06-40), § 220-55-210, filed 3/9/06, effective 4/9/06.]

WAC 220-220-160 Two-pole endorsement. Anglers who possess a valid two-pole endorsement may fish with two lines in all lakes and ponds open to fishing, with the following exceptions:

Water Body	County	
Para-juvenile Lake	Adams	
Headgate Pond	Asotin	
Columbia Park Pond	Benton	
Blackbird Island Pond	Chelan	
Aldwell Lake	Clallam	
Beaver Lake	Clallam	
Carrie Blake Pond	Clallam	
Dickey Lake	Clallam	
Lake Pleasant	Clallam	
Lincoln Pond	Clallam	
Sutherland Lake	Clallam	
Vancouver Lake	Clark	Includes all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River.
Big Four Lake	Columbia	
Dayton Pond	Columbia	
Blue Lake	Cowlitz	
Castle Lake	Cowlitz	
Coldwater Lake	Cowlitz	
Lewis River Power Canal	Cowlitz	Includes old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse.

Water Body	County	
Merrill Lake	Cowlitz	
Silver Lake	Cowlitz	
Pit Lake	Douglas	
Ping Pond	Grant	
Mill Creek Pond	Grays Harbor	
Quigg Lake	Grays Harbor	Located at Friends Landing near Montesano.
Vance Creek Pond #1	Grays Harbor	
Gibbs Lake	Jefferson	
Horseshoe Lake	Jefferson	
Teal Lake	Jefferson	
Lake Sammamish	King	
Lake Union	King	
Lake Washington	King	Including that portion of Sammamish River from 68th Ave. NE bridge downstream.
Lake Washington Ship Canal	King	(Including Lake Union, Portage Bay, and Salmon Bay) Waters east of a north-south line 400' west of the Chittenden Locks to the Montlake Bridge.
Mill Pond	King	Auburn.
Old Fishing Hole Pond	King	Kent.
Portage Bay	King	
Salmon Bay	King	
Swans Mill Pond	King	
Koeneman Lake	Kitsap	Formerly Fern Lake.
Kachess Lake	Kittitas	
Keechelus Lake	Kittitas	
Kiwanis Pond	Kittitas	
Naneum Pond	Kittitas	
Cowlitz Falls Reservoir	Lewis	
Mayfield Lake	Lewis	Mayfield Dam to Mossyrock Dam.
Packwood Lake	Lewis	
Scanewa Lake	Lewis	Cowlitz Falls Reservoir.
Walupt Lake	Lewis	
Willame Lake	Lewis	
Cady Lake	Mason	
Cushman Reservoir	Mason	
Prices Lake	Mason	
Stump Lake	Mason	
Silvernail Lake	Okanogan	
Cases Pond	Pacific	
South Bend Mill Pond	Pacific	
Bradley Lake	Pierce	
De Coursey Pond	Pierce	
Ohop Lake	Pierce	
Tanwax Lake	Pierce	
Wapato Lake	Pierce	
Granite Lakes	Skagit	Near Marblemount.
Northern State Hospital Pond	Skagit	
Vogler Lake	Skagit	

Water Body	County	
Drano Lake	Skamania	January 1 through April 30 and July 1 through September 30.
Swift Reservoir	Skamania	From dam to Eagle Cliff Bridge.
Fortson Mill Pond #2	Snohomish	
Jennings Park Pond	Snohomish	
Monte Cristo Lake	Snohomish	
North Gissburg Pond	Snohomish	
Spada Lake	Snohomish	
Bear Lake	Spokane	
North Silver Lake	Spokane	
Lucky Duck Pond	Stevens	
Long's Pond	Thurston	
Munn Lake	Thurston	
Jefferson Park Pond	Walla Walla	
Lions Park Pond	Walla Walla	College Place.
Diablo Lake	Whatcom	
Gorge Lake	Whatcom	
Lake Whatcom	Whatcom	
Ross Lake	Whatcom	
Squalicum Lake	Whatcom	
Garfield Juvenile Pond	Whitman	
Clear Lake	Yakima	
Leech Lake	Yakima	White Pass area.
Mud Lake	Yakima	
Myron Lake	Yakima	
Sarge Hubbard Park Pond	Yakima	
Yakima Sportsmen's Park Ponds	Yakima	

Anglers who possess a valid two-pole endorsement may fish with two lines in the following river sections:

River	County	Section
Chehalis	Grays Harbor	From Highway 101 Bridge in Aberdeen to South Elma Bridge (Wakefield Road): August 1 through December 31.
Columbia		Camas Slough: August 1 through December 31. From Highway 730 at Washington/Oregon to Old Hanford townsite powerline crossing: Year-round, except for sturgeon. From powerline crossing to Vernita Bridge: February 1 through October 15, except for sturgeon. From Vernita Bridge to Priest Rapids Dam: Year-round, except for sturgeon. From Priest Rapids Dam to Wanapum Dam: July 1 through October 15. From Wanapum Dam to Wells Dam: July 1 through October 15.

River	County	Section
		From Wells Dam to Highway 173 Bridge at Brewster: July 16 through September 15.
		From Highway 173 Bridge at Brewster to Chief Joseph Dam: July 16 through September 15.
Cowlitz	Lewis	From the boundary markers at the mouth upstream to 400' or posted markers below the Barrier Dam.
Lewis	Clark/Cowlitz	From a straight line running from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the Lewis River to a fishing boundary marker near the south shore upstream to the mouth of Johnson Creek.
Naselle	Pacific/Wahkiakum	From Highway 101 Bridge to the mouth of the South Fork: August 1 through January 31.
Okanogan	Okanogan	From the mouth to Highway 97 Bridge immediately upstream of the mouth: July 1 through August 31.
Pend Oreille	Pend Oreille	
Palouse	Whitman	Mouth to base of Palouse Falls: June 16 through August 31.
Spokane	Spokane and Stevens	Lower Spokane River from mouth (SR 25 bridge) to 400' below Little Falls Dam.
Willapa	Pacific	From the city of South Bend boat launch to the 2nd bridge on Camp One Road: August 1 through January 31.
Wind	Skamania	Salmon and steelhead: Mouth (boundary line/markers) to the Highway 14 Bridge: March 16 through June 30.
Yakima	Yakima	From Highway 240 Bridge to 400' below Prosser Dam: March 1 through October 31.

Anglers who possess a valid two-pole endorsement may fish for salmon with two lines in the following marine areas:

Description	Marine Area
Willapa	2-1. When permissible in WAC 220-313-070.
Port Susan and Port Gardner	Tulalip Terminal Area: May 1 through September 30.
Seattle/Bremerton Area	Sinclair Inlet: July 1 through September 30.
Hood Canal	12: South of Ayock only, excluding Hoodsport Hatchery zone: July 1 through September 30.
South Puget Sound	13.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047. WSR 20-14-052 (Order 20-97), § 220-220-160, filed 6/25/20, effective 7/26/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 18-15-065 (Order 18-163), § 220-220-160, filed 7/16/18, effective 8/16/18; WSR 17-16-109 (Order 17-147), § 220-220-160, filed 7/28/17, effective 8/28/17; WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-160, filed 2/15/17, effective 3/18/17; WSR 16-17-008 (Order 16-201), § 220-55-220, filed 8/4/16, effective 9/4/16; WSR 16-14-038 (Order 16-158), § 220-55-220, filed 6/28/16, effective 7/29/16. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-55-220, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-55-220, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-55-220, filed 3/4/15 and 2/20/15, effective 7/1/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 14-16-027 (Order 14-185), § 220-55-220, filed 7/25/14, effective 8/25/14; WSR 13-20-021 (Order 13-210), § 220-55-220, filed 9/23/13, effective 10/24/13. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-11-125 (Order 13-105), § 220-55-220, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-18-006 (Order 12-190), § 220-55-220, filed 8/23/12, effective 9/23/12. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 12-05-082 (Order 12-17), § 220-55-220, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-55-220, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 10-07-105 (Order 10-64), § 220-55-220, filed 3/19/10, effective 5/1/10.]

WAC 220-220-170 Fish and wildlife lands vehicle use permit.

Recreational license dealers are to issue a fish and wildlife lands vehicle use permit with the first annual recreational or trapping license sold, except for shellfish-seaweed licenses. If the fish and wildlife lands vehicle use permit is not issued because the license is voided or canceled, it is to be returned to the department with the department's copy of the license, and is due by the 10th of the month following the sale of the license.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-170, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-16-070 (Order 02-182), § 220-55-100, filed 8/6/02, effective 9/6/02. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-100, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-100, filed 12/1/93, effective 1/1/94; WSR 80-03-064 (Order 80-12), § 220-55-100, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-040.]

WAC 220-220-180 Watchable wildlife program. (1) There is established a watchable wildlife program. The minimum amount to participate in the watchable wildlife program is \$30.00 per license year, which

includes both the license dealer cost and the automated transaction fee.

(2) Applications to participate in the watchable wildlife program must be made through department license dealers. Each person participating in the watchable wildlife program will receive a vehicle use permit from the license dealer.

(3) Each person participating in the watchable wildlife program will receive a watchable wildlife decal and promotional and informational materials from the department throughout the license year. Persons who contribute more than the minimum amount may receive additional materials or consideration.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-01-052 (Order 03-305), § 220-20-115, filed 12/11/03, effective 1/11/04.]

WAC 220-220-190 Waters in which either a personal use freshwater or personal use saltwater fishing license is valid. In the following described waters, it is lawful to fish for food fish and gamefish with a personal use freshwater license, saltwater license, or combination license:

(1) Those waters of the Columbia River downstream from a line between Rocky Point on the Washington shore and Tongue Point on the Oregon shore.

(2) Those waters of Grays Harbor described as Catch Record Card Area 2-2 in WAC 220-311-010, and seaward of any river mouth as defined in WAC 220-400-010(16) and 220-416-120(18).

(3) Those waters of Willapa Bay described as Catch Record Card Area 2-1 in WAC 220-311-010, and seaward of any river mouth as defined in WAC 220-400-010(16) and 220-416-120(18).

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-190, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-830, filed 1/13/99, effective 2/13/99.]

WAC 220-220-200 Valid catch record card. For a catch record card to be valid:

(1) The angler must have in physical possession the appropriate license and catch record card for the area in which the angler is participating, if a license and/or a catch record card is required.

(2) The catch record card must contain the personal information required under WAC 220-310-010.

(3) The license issuance date must be legible and not altered, and the license must not be mutilated.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-21-059 (Order 18-285), § 220-220-200, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-200, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-05-051 (Order

07-22), § 220-55-070, filed 2/16/07, effective 3/19/07. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-070, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-070, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-070, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-070, filed 4/2/91, effective 5/3/91; WSR 89-07-071 (Order 89-05), § 220-55-070, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-070, filed 2/4/88; WSR 80-03-064 (Order 80-12), § 220-55-070, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-010.]

WAC 220-220-220 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by July 1 of each year for contests that are to take place the following calendar year. After July 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.65.480. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year.

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, wild steelhead, Dolly Varden or bull trout.

(c) During fishing contests, where anglers target tiger muskies, no retention of caught fish is allowed. Tiger muskies may be caught, measured for length, photographed and all fish must be immediately released alive.

(4) Prize value: Total prize value per contest will not exceed \$5,000 when trout, steelhead, char, whitefish, grayling, tiger muskie, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than four consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	BOATS PER CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	75
6,001 - 10,000	2	120
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Aquatic invasive species decontamination. Prior to launching into any Washington state body of water:

(a) All contest participants are required to sign an aquatic invasive species decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters outside of Washington state for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters, the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and

(ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and

(iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. WSR 11-22-002 (Order 11-282), § 232-12-168, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047. WSR 09-06-042 (Order 09-27), § 232-12-168, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 232-12-168, filed 3/5/08, effective 4/5/08; WSR 06-05-085 (Order 06-23), § 232-12-168, filed 2/14/06, effective 5/1/06; WSR 04-07-009 (Order 04-39), § 232-12-168, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 232-12-168, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 232-12-168, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 96-15-096 (Order 96-80), § 232-12-168, filed 7/19/96, effective 8/19/96. Statutory Authority: RCW 77.12.040. WSR 96-11-079, § 232-12-168, filed 5/13/96, effective 7/1/96; WSR 94-06-014 (Order 629), § 232-12-168, filed 2/18/94, effective 3/21/94; WSR 92-22-015 (Order 577), § 232-12-168, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 77.12.040 and 77.04.055. WSR 90-22-057 (Order 464), § 232-12-168, filed 11/5/90, effective 12/6/90. Statutory Authority: RCW 77.12.040 and 77.16.010. WSR 86-21-017 (Order 280), § 232-12-168, filed 10/6/86.]

WAC 220-220-230 Free fishing weekend. The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or

possess fish and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession. Anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement. During free fishing weekend only the license, endorsements, and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090 and 77.32.470. WSR 19-20-074 (Order 19-240), § 220-220-230, filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-55-160, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 06-13-023 (Order 06-135), § 220-55-160, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-55-160, filed 3/30/99, effective 5/1/99.]

WAC 220-220-250 Donation program for resident disabled veterans.

(1) The department is authorized to create a special donation program for resident disabled veterans who meet the eligibility criteria set forth in RCW 77.32.480 (1)(a) or (b).

(2) Funds donated by the public will be deposited into a disabled veterans donation fund account. On a first-come, first-served basis, qualifying resident disabled veteran will have the opportunity to purchase certain recreational hunting and fishing licenses at the prices set forth below using funds in the disabled veterans donation fund account, as available. Donation account funds may also be applied to dealer and transaction fees associated with each qualifying license purchase.

(3) Qualifying resident disabled veterans are eligible to purchase the following licenses using available funds from the disabled veterans donation fund account:

(a) **Hunting Licenses:**

- (i) Deer;
- (ii) Deer and elk;
- (iii) Deer, elk, bear, cougar;
- (iv) Elk;
- (v) Small game;
- (vi) Deer and elk with small game;
- (vii) Deer with small game;
- (viii) Deer, elk, bear, cougar with small game;
- (ix) Elk with small game;
- (x) Bear with small game;
- (xi) Cougar with small game;
- (xii) Bear;
- (xiii) Cougar.

(b) **Fishing Licenses:**

- (i) Annual combination fishing;
- (ii) Three-day razor clam.

(4) Per RCW 77.32.480(1), qualifying resident disabled veterans will be issued hunting licenses at the reduced rate of a youth hunting license.

(5) Qualifying resident disabled veterans will be issued annual combination fishing licenses at the rate of eight dollars and fifty cents, which includes the reduced license rate of five dollars set forth in RCW 77.32.480(1) and the rockfish and biotoxin surcharges set forth in RCW 77.32.470 (2) (a) and 77.32.555(1).

(6) Qualifying resident disabled veterans will be issued three-day razor clam licenses at the rate of seven dollars, which includes the license rate of five dollars set forth in RCW 77.32.520(5) and the biotoxin surcharge set forth in RCW 77.32.555(1).

[Statutory Authority: RCW 77.32.590. WSR 18-20-022 (Order 18-255), § 220-220-250, filed 9/24/18, effective 10/25/18.]

RECREATIONAL LICENSE DEALERS

WAC 220-220-300 Requirements of recreational license dealers.

(1) The director may contract with persons, firms or corporations as license dealers in such numbers as deemed necessary for the purpose of issuing licenses, permits, tags, stamps and catch record cards.

(2) License dealers must have a permanent place of business with regular business hours, and have a type of business that supports hunting and fishing activities. Exceptions to this rule may be granted by the director.

(3) An internet or Interactive Voice Response (IVR) telephone firm or corporation may be designated by the director as a license dealer. Internet or IVR dealers are not required to have a type of business that supports hunting and fishing activities.

(4) All moneys collected from the sale of hand processed licenses, stamps, and other department property must be received in the department by the 10th day of the following month in which they were sold. High volume license dealers or dealers with a history of late payments may be required to remit moneys on a more frequent basis.

(5) All moneys collected from the sale of automated licenses, and other automated department property must be deposited into an electronic funds transfer account (EFT) of a type approved by the state treasurer's office where they shall be collected on a weekly basis on a schedule set by the department and the state treasurer's office.

(6) All records held pursuant to the statutes and regulations dealing with license dealers must be open to inspection by a fish and wildlife officer or department designee at reasonable times.

(7) License dealers who remit payments for hand processed licenses and other documents after the 10th of the month on more than two occasions in one year will be required to obtain a bond equal to the value of their license stock or make electronic fund transfer payment arrangements. "One year" is defined as beginning on the first month in which the license dealer is late making a payment due by the 10th of that month. A dealer who is late a third time, or sporadically thereafter, may lose their license dealership. No license dealer may receive additional license inventory if they are in arrears on license payments.

(8) For licenses sold via an automated system, license dealers must have sufficient funds in their EFT account to cover all licenses

and other department property sold during the previous business week (12:01 a.m. Sunday until 11:59 p.m. Saturday) when funds are collected electronically per the announced schedule. If the amount due has not been paid on the date of the next scheduled collection from the account, the automated license terminal will be disabled and authorization to sell licenses will be withheld until all balances due have been paid. If there are insufficient funds in the account on more than three occasions in one license year, the dealer may lose their license dealership. "One license year" is defined as beginning on April 1 and ending on March 31 of the following year.

(9) License dealers using an automated licensing system are required to maintain and deposit license revenue into accounts established in banks designated as public depositories by the Public Deposit Protection Commission.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-300, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-105, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-105, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-105, filed 12/1/93, effective 1/1/94; WSR 89-07-071 (Order 89-05), § 220-55-105, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-105, filed 2/4/88; WSR 80-03-064 (Order 80-12), § 220-55-105, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-045.]

WAC 220-220-310 Temporary fish-shellfish-seaweed license and temporary hunting license—License dealer issuance duties. A recreational license dealer must, at the time of sale of a two-consecutive-day combination fishing or three-consecutive-day small game license, write the validation date in ink on the license document, or for automated licenses, attach the validation sticker containing the validation date(s) onto the license document. The validation date is the first day on which a licensee may fish for, harvest or possess fish, shellfish, seaweed, or wildlife.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-310, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-110, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-110, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-55-110, filed 2/9/96, effective 3/11/96; WSR 94-01-001, § 220-55-110, filed 12/1/93, effective 1/1/94; WSR 89-07-071 (Order 89-05), § 220-55-110, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-110, filed 2/4/88; WSR 80-03-064 (Order 80-12), § 220-55-110, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-046.]

WAC 220-220-320 Recreational license dealer's fees. The department and license dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A one-, two-, or three-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.
- (d) A hunter education deferral for a big game license.
- (e) A hunter education deferral for a small game license.
- (f) A second animal license.
- (g) A special hunt license for mountain goat, bighorn sheep, or moose.
- (h) A Western Washington pheasant license.
- (i) A three-day Western Washington pheasant license.

(3) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle access pass is issued with any recreational license, the license issuance fee for the document is two dollars. Tags or other endorsements are additive to the two dollar license issuance fee.

(4) Two dollars for the issuance of an annual discover pass.

(5) Two dollars for the issuance of an aquatic invasive species prevention permit.

(6) Fifty cents for the issuance of any of the following:

- (a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.
- (b) An application for a special permit hunt.
- (c) Migratory bird harvest report cards issued with a hunt authorization.
- (d) A replacement of substitute special hunting season permit.
- (e) A migratory bird permit.
- (f) Additional fishing catch record cards.
- (g) A Puget Sound crab endorsement.
- (h) A temporary Puget Sound crab endorsement.
- (i) A two-pole endorsement.
- (j) A one-day discover pass.
- (k) Raffle tickets.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090 and 77.32.470. WSR 20-01-124 (Order 19-307), § 220-220-320, filed 12/16/19, effective 1/16/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.65.370, 77.65.440, and 77.65.480. WSR 18-19-021 (Order 18-233), § 220-220-320, filed 9/11/18, effective 10/12/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-320, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080,

77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. WSR 11-22-002 (Order 11-282), § 220-55-115, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. WSR 10-10-061 (Order 10-94), § 220-55-115, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. WSR 09-15-122, § 220-55-115, filed 7/17/09, effective 8/17/09. Statutory Authority: RCW 77.12.047. WSR 04-17-097 (Order 04-216), § 220-55-115, filed 8/17/04, effective 9/17/04; WSR 01-10-030 (Order 01-62), § 220-55-115, filed 4/24/01, effective 5/25/01. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-115, filed 5/24/00, effective 6/24/00. Statutory Authority: SB 5020 and RCW 75.08.090. WSR 99-17-095 (Order 99-129), § 220-55-115, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-115, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-115, filed 12/1/93, effective 1/1/94; WSR 89-07-071 (Order 89-05), § 220-55-115, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-115, filed 2/4/88; WSR 80-03-064 (Order 80-12), § 220-55-115, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-047.]

WAC 220-220-330 Point-of-sale transaction fee. The point-of-sale transaction fee shall be used to operate an automated licensing system or for other uses that support providing fish and wildlife related opportunities, customer service, and enhanced experiences for department license holders. This fee shall be applied to all automated licensing system purchases of recreational and commercial documents. The transaction fee shall be ten percent of the value of the document transaction, excluding any applicable dealer fees.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-330, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.050. WSR 16-01-094 (Order 15-446), § 220-55-180, filed 12/15/15, effective 1/15/16. Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. WSR 11-22-002 (Order 11-282), § 220-55-180, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047. WSR 06-01-012 (Order 05-273), § 220-55-180, filed 12/9/05, effective 1/9/06. Statutory Authority: RCW 77.12.047 and 2003 c 389. WSR 04-01-095 (Order 03-311), § 220-55-180, filed 12/16/03, effective 1/16/04. Statutory Authority: RCW 77.32.050. WSR 00-11-176 (Order 00-81), § 220-55-180, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 77.12.040 and 77.32.050. WSR 00-02-049 (Order 99-234), § 220-55-180, filed 12/30/99, effective 1/30/00.]

WAC 220-220-340 Catch record cards—Accountability and inventory return. A recreational license dealer issuing catch record cards for

salmon, sturgeon, halibut, and steelhead is subject to the following rules:

(1) Catch record card books may not be transferred from one dealer to another without written permission from the department.

(2) All catch record card books from which all cards have been issued, and any catch record card returned to a dealer by a fisher, must be returned to the department within ten days after the end of each calendar month.

(3) Any dealer terminating business or closing for the license year prior to March 31st must return any unused or partially used catch record card books within thirty days of terminating business or closing for the year.

(4) All partially used catch record card books must be returned to the department by April 30th of the license year following the year printed on the catch record cards. All complete unused catch record card books, and any catch record cards that are void, lost, destroyed or otherwise missing from a dealership, must be accounted for in writing to the department by April 30th of the year following the year printed on the catch record cards.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-340, filed 2/15/17, effective 3/18/17. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-125, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-55-125, filed 12/1/93, effective 1/1/94; WSR 91-08-054 (Order 91-13), § 220-55-125, filed 4/2/91, effective 5/3/91; WSR 89-07-071 (Order 89-05), § 220-55-125, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-55-125, filed 2/4/88; WSR 80-03-064 (Order 80-12), § 220-55-125, filed 2/27/80, effective 4/1/80. Formerly WAC 220-105-055.]

LICENSE REVOCATION AND PRIVILEGE SUSPENSION

WAC 220-220-400 Scope of rules—Definitions. The provisions of this chapter apply to the department's authority under chapter 77.15 RCW to issue orders that revoke licenses, tags, or permits issued by the department, or to suspend privileges administered by the department.

(1) "Revoke" and "revocation" mean issuance of a department order under chapter 77.15 RCW that takes away a license, tag, or permit. A revocation order nullifies all privileges represented by the license, tag, or permit, regardless of whether a revoked license is physically returned to the department, unless that order is withdrawn or reversed.

(2) "Suspend" and "suspension" mean issuance of a department order under chapter 77.15 RCW that prohibits a person from enjoying or exercising a privilege that is regulated by any licenses, tags, or permits issued by the department. When a person is subject to an order suspending privileges, then any license obtained in violation of the suspension is void.

(3) For purposes of suspending hunting privileges because of a person shooting another person or domestic livestock while hunting pursuant to RCW 77.15.720, a person is "hunting" if the person is in

transit to or from engaging in hunting activities, or the person is in the field engaging in hunting activities.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-400, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-05-026 (Order 04-22), § 220-125-010, filed 2/10/04, effective 3/12/04. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-010, filed 12/16/99, effective 1/16/00.]

WAC 220-220-410 Issuing orders of revocation or suspension.

Upon a determination that there are grounds for an order of revocation or suspension provided by statute, the director, or the director's authorized designee, is authorized to issue a revocation or suspension order.

(1) Time limit for orders. An order shall be issued no later than two years from the last conviction or other event that provides the grounds for the order.

(2) Effective date of orders. An order shall not be effective until the 21st calendar day following the mailing date of the order and shall remain in effect through the entire period of suspension, or the remaining period of the revoked license, unless the order is withdrawn, or unless recipient files a timely request for an adjudicative proceeding under WAC 220-220-430 to contest the order. When there is a timely request for an adjudicative proceeding, the effective date, if any, shall be set by the final order that results from the adjudicative proceeding.

(3) Exception for orders that take effect immediately. If the director makes a finding that public health, safety, or welfare requires emergency action, the order may provide that revocation or suspension take effect immediately, or at any time prior to an adjudicative proceeding. A person subject to such an order may seek an adjudicative proceeding and that proceeding shall include an opportunity to seek expedited review of the determination that the order take effect immediately.

(4) Finality of orders. If there is no timely request for an adjudicative proceeding, then the order shall be final. An order contested in an adjudicative proceeding is final when that proceeding ends in a final order pursuant to the Administrative Procedure Act, or is otherwise dismissed. There shall be no collateral attack nor relitigation of any final order.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-410, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-020, filed 12/16/99, effective 1/16/00.]

WAC 220-220-420 Content of order. An order of revocation or suspension shall include the information required by this section.

(1) A statement of material facts, such as the fact of conviction or other material facts set by statute or rule, and a statement of the legal authority that authorizes the order.

(2) A statement identifying what license, tag, or permit, or licensing privileges are revoked and/or suspended.

(3) A statement describing the beginning and end of the period of revocation and/or suspension.

(4) A statement describing rights to request an adjudicative proceeding to contest the order.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-420, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-040, filed 12/16/99, effective 1/16/00.]

WAC 220-220-430 Adjudicative proceedings to contest an order of revocation or suspension. A person who is subject to an order of revocation or suspension shall have the rights provided by this section to request an adjudicative proceeding to contest the order. No person other than the recipient of the order or the recipient's legal representative shall have standing to request an adjudicative proceeding. The adjudicative proceeding shall be in compliance with provisions of the Administrative Procedure Act, except as modified by applicable rules of the department.

(1) Service by department. Service of the order by the department is valid if done in any of the following manners:

(a) Personal service on the recipient in the manner allowed by the civil rules for service of a complaint and summons;

(b) Service by mail to the last mailing address of a licensee; or

(c) Service by mail to the mailing address of a person convicted of a violation of chapter 77.15 RCW as shown by court records of the conviction.

When service is by mail, the date of service shall be shown on the department order as the date of department mailing, and may be proved by a certificate of mailing.

(2) Timing for request. An adjudicative proceeding to contest an order of revocation or suspension must be requested no later than twenty days from the date of service of the order. To be timely, the request must be physically received by the office of the director in Olympia, Washington, during normal business hours on or before the 20th day following the date of service of the order, except that if the 20th day falls on a Saturday, Sunday, or state holiday, then the request for hearing shall be timely if received on the next business day. The person requesting an adjudicative proceeding may prove that it was timely requested by obtaining a written receipt of service from the office of the director, or by providing an affidavit showing personal service on the office of the director, or by a United States mail return receipt requested service showing receipt by the department on or before the last day set by this rule.

(3) Manner and content of request. Each request for adjudicative proceeding shall substantially comply with this subsection.

(a) The request shall be in writing;

(b) The request shall identify the order that the person seeks to contest. This can be done by reference to the number of the order, by reference to the subject and date of the order, or by reference to a copy of the order attached to the request;

(c) The request shall state the grounds upon which the person contests the order. If the person contests the factual basis for the

order, the person shall allege the facts that the person contends are relevant to the appeal; and

(d) The request shall identify the relief that the person seeks from the adjudicative proceeding by specifying whether the person asks to have the order vacated, or provisions of the order corrected.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-430, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-050, filed 12/16/99, effective 1/16/00.]

WAC 220-220-440 Grounds for reversing or modifying an order of suspension or revocation. An adjudicative proceeding to review a department order of revocation or suspension shall reverse or modify an order only when the order was not authorized by law, or as otherwise provided in this section. Where an issue of fact is material to determining the validity of an order, then the department shall be required to prove the fact by a preponderance of evidence, except that a person contesting the order shall have the burden to prove any fact that is in the nature of an affirmative defense.

(1) Adjudicative proceedings to contest an order shall be limited to the following issues:

(a) Whether the person was in fact convicted of the relevant offenses or committed any conduct or actions that are material to the order;

(b) Whether the law authorizes the order of revocation or suspension of the particular license(s) or privilege(s);

(c) Whether the period of revocation or suspension is consistent with the period required or allowed by law; and

(d) Any other issue that the presiding officer determines is necessary to review of the order or review of the discretion exercised by the director.

(2) The presiding officer may, after appropriate conference with the person seeking review and a representative of the department, enter a prehearing order to identify the issues that will be reviewed at the adjudicative proceeding, and to set the time, place, and manner of the proceeding. A prehearing order shall control all future proceedings and issues shall not be raised except as allowed by that order, except when the presiding officer determines that there is good cause. If no prehearing order is entered, then the adjudicative proceeding may occur and review the grounds stated in the request at a time, place, and manner set by the presiding officer. When there is no substantial prejudice to the appellant's ability to contest a department order, an adjudicative proceeding under this subsection may be conducted based on written submissions.

(3) Discovery and subpoenas. Discovery is not allowed except as provided in this rule. A party wishing to engage in discovery, or to compel the attendance of witnesses at the hearing or in discovery, must file a motion with the presiding officer to obtain permission. Such motion shall be served on all parties to the proceeding, and all parties shall have at least five days to respond to the motion before the presiding officer rules, unless the presiding officer shortens time for such a motion based upon a showing of good cause. In addition to the criteria set by RCW 34.05.446(3) for such motions, the moving party shall demonstrate that he or she has attempted in writing to

seek a stipulation to the fact or facts that the person seeks to prove using discovery. The presiding officer has discretion to condition or deny discovery.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-440, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-060, filed 12/16/99, effective 1/16/00.]

WAC 220-220-450 Orders upon adjudication. (1) The presiding officer shall enter findings, conclusions, and an order that affirms, modifies, or vacates the original order revoking or suspending. If the presiding officer enters an order that includes any period of revocation or suspension, then the order shall expressly state the beginning and ending period of any period of revocation or suspension, and shall identify the licenses or privileges that are revoked or suspended.

(2) If the revocation or suspension was imposed with a finding of immediate effect pursuant to WAC 220-220-410, then the period shall include such time that the person has been suspended or revoked under WAC 220-220-410. However, if the revocation or suspension did not take effect due to the initiation of the adjudicative proceeding, then the period of revocation or suspension shall begin on the twenty-first day after service of the final order and continue through the period set by statute or applicable rule.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-220-450, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-070, filed 12/16/99, effective 1/16/00.]

WAC 220-220-460 Reinstatement. There shall be no reinstatement petitions authorized for any order of revocation or suspension except as provided by this section.

(1) A person under an indefinite order of suspension or an order that prohibits issuance of licenses for an indefinite period, based on statutes in existence prior to June 11, 1998, may petition the director for reinstatement of privileges by showing that:

(a) The person has complied with an analogous period of suspension that would be imposed under chapter 77.15 RCW; and

(b) The person has not been convicted of violating any fish or wildlife laws of the state of Washington, or any laws in Title 75 or 77 RCW, since the person was suspended or subject to an order prohibiting issuance of licenses to the person.

(2) Notwithstanding subsection (1) of this section, any such indefinite order issued by the former departments of fisheries or game or wildlife, or fish and wildlife, shall expire after ten full years from the initial date of such order.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-460, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-101 (Order 99-209), § 220-125-080, filed 12/16/99, effective 1/16/00.]