

**RCW 77.15.815 Unlawfully engaging in commercial whale watching—**

**Penalty.** (1) This section applies only to persons and activities defined in RCW 77.65.615, including commercial whale watching and paddle tours.

(2) A person is guilty of unlawfully engaging in commercial whale watching in the second degree if the person conducts commercial whale watching activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding commercial whale watching.

(3) A person is guilty of engaging in commercial whale watching in the first degree if the person commits the act described in subsection (2) of this section and the violation occurs within five years of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of the sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions.

(4) (a) Unlawful commercial whale watching in the second degree is a misdemeanor.

(b) Unlawful commercial whale watching in the first degree is a gross misdemeanor. In addition to the appropriate criminal penalties, the director shall revoke any operator license, business license, or both, and order a suspension of the person's privilege to engage in commercial whale watching for two years.

(5) A person is guilty of unlawfully engaging in a paddle tour in the second degree if the person conducts paddle tour activities and:

(a) Does not have and possess all licenses and permits required under this title; or

(b) Violates any department rule regarding the operation of paddle tours in marine waters.

(6) A person is guilty of unlawfully engaging in a paddle tour in the first degree if the person commits an act described in subsection (5) of this section and the violation occurs within five years of the date of any of the following:

(a) The date of a prior conviction under this section;

(b) The date of a finding of guilt or plea of guilty pursuant to an amended information, criminal complaint or citation, or infraction for any violation that was originally charged as a violation of this section, regardless of whether the imposition of sentence is deferred or the penalty is suspended; or

(c) The date of any disposition of a case arising from an act originally charged as a violation of this section, whereby the offender enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms and conditions.

(7) (a) Unlawful engagement in a paddle tour in the second degree is a misdemeanor.

(b) Unlawful engagement in a paddle tour in the first degree is a gross misdemeanor. In addition to appropriate criminal penalties, the director shall revoke any paddle guide license, business license, or both, and order a suspension of the person's privilege to conduct paddle tours in marine waters for two years. [2023 c 452 § 8; 2019 c 291 § 4.]

**Findings—Intent—2023 c 452:** See note following RCW 77.15.740.