
SENATE BILL 5923

State of Washington

60th Legislature

2007 Regular Session

By Senators Swecker, Jacobsen and Sheldon

Read first time 02/07/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to aquatic invasive species enforcement and
2 control; amending RCW 43.43.400, 77.12.879, 77.15.253, and 77.15.290;
3 adding a new section to chapter 77.15 RCW; and prescribing penalties.

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

5 **Sec. 1.** RCW 43.43.400 and 2005 c 464 s 5 are each amended to read
6 as follows:

7 (1) The aquatic invasive species enforcement account is created in
8 the state treasury. Moneys directed to the account from RCW 88.02.050
9 must be deposited in the account. Expenditures from the account may
10 only be used as provided in this section. Moneys in the account may be
11 spent only after appropriation.

12 (2) Funds in the aquatic invasive species enforcement account may
13 be appropriated to the Washington state patrol and the department of
14 fish and wildlife to develop an aquatic invasive species enforcement
15 program for recreational and commercial watercraft. Funds must be
16 expended as follows:

17 (a) By the Washington state patrol, to inspect recreational and
18 commercial watercraft that are required to stop at port of entry weigh

1 stations managed by the Washington state patrol. The watercraft must
2 be inspected for the presence of zebra mussels and other aquatic
3 invasive species; and

4 (b) By the department of fish and wildlife, to establish random
5 check stations, (~~in conjunction with the department of fish and~~
6 ~~wildlife,~~) to inspect recreational and commercial watercraft in areas
7 of high boating activity as provided for in RCW 77.12.879(3).

8 (3) The Washington state patrol and the department of fish and
9 wildlife shall submit a biennial report to the appropriate legislative
10 committees describing the actions taken to implement this section along
11 with suggestions on how to better fulfill the intent of chapter 464,
12 Laws of 2005. The first report is due December 1, 2007.

13 **Sec. 2.** RCW 77.12.879 and 2005 c 464 s 3 are each amended to read
14 as follows:

15 (1) The aquatic invasive species prevention account is created in
16 the state treasury. Moneys directed to the account from RCW 88.02.050
17 must be deposited in the account. Expenditures from the account may
18 only be used as provided in this section. Moneys in the account may be
19 spent only after appropriation.

20 (2) Funds in the aquatic invasive species prevention account may be
21 appropriated to the department to develop an aquatic invasive species
22 prevention program for recreational and commercial watercraft. Funds
23 must be expended as follows:

24 (a) To inspect recreational and commercial watercraft, watercraft
25 (~~trailers~~) transportation equipment, and outboard motors at selected
26 boat launching sites;

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

30 (c) To evaluate and survey the risk posed by marine recreational
31 and commercial watercraft in spreading aquatic invasive species into
32 Washington state waters;

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

35 (e) To implement an aquatic invasive species early detection and
36 rapid response plan.

1 (3) Funds in the aquatic invasive species enforcement account
2 created in RCW 43.43.400 may be appropriated to the department and
3 Washington state patrol to develop an aquatic invasive species
4 enforcement program for recreational and commercial watercraft. The
5 department shall provide training to Washington state patrol employees
6 working at port of entry weigh stations on how to inspect recreational
7 and commercial watercraft for the presence of zebra mussels and other
8 aquatic invasive species. The department (~~shall also cooperatively~~
9 ~~work with the Washington state patrol to set up random check stations~~
10 ~~to inspect watercraft at~~) is authorized to require persons
11 transporting recreational and commercial watercraft to stop at check
12 stations set up in areas of high boating activity. Check stations must
13 be plainly marked by signs, operated by at least one uniformed fish and
14 wildlife officer, and operated in a safe manner. Any person stopped at
15 a check station who possesses watercraft or equipment that is
16 contaminated with aquatic invasive species is exempt from the criminal
17 penalties found in RCW 77.15.253 and 77.15.290 if that person complies
18 with all department directives for the proper decontamination of the
19 watercraft and equipment.

20 (4) The department shall submit a biennial report to the
21 appropriate legislative committees describing the actions taken to
22 implement this section along with suggestions on how to better fulfill
23 the intent of chapter 464, Laws of 2005. The first report is due
24 December 1, 2007.

25 **Sec. 3.** RCW 77.15.253 and 2002 c 281 s 4 are each amended to read
26 as follows:

27 (1) A person is guilty of unlawful use of a prohibited aquatic
28 animal species if he or she possesses, imports, purchases, sells,
29 propagates, transports, or releases a prohibited aquatic animal species
30 within the state, except as provided in this section.

31 (2) Unless otherwise prohibited by law, a person may:

32 (a) Transport prohibited aquatic animal species to the department,
33 or to another destination designated by the director, in a manner
34 designated by the director, for purposes of identifying a species or
35 reporting the presence of a species;

36 (b) Possess a prohibited aquatic animal species if he or she is in

1 the process of removing it from watercraft or equipment in a manner
2 specified by the department;

3 (c) Release a prohibited aquatic animal species if the species was
4 caught while fishing and it is being immediately returned to the water
5 from which it came; or

6 (d) Possess, transport, or release a prohibited aquatic animal
7 species as the commission may otherwise prescribe.

8 (3) Unlawful use of a prohibited aquatic animal species is a gross
9 misdemeanor. A subsequent violation of subsection (1) of this section
10 within five years is a class C felony.

11 (4) A person is guilty of unlawful release of a regulated aquatic
12 animal species if he or she releases a regulated aquatic animal species
13 into state waters, unless allowed by the commission.

14 (5) Unlawful release of a regulated aquatic animal species is a
15 gross misdemeanor.

16 (6) A person is guilty of unlawful release of an unlisted aquatic
17 animal species if he or she releases an unlisted aquatic animal species
18 into state waters without requesting a commission designation under RCW
19 77.12.020.

20 (7) Unlawful release of an unlisted aquatic animal species is a
21 gross misdemeanor.

22 (8) This section does not apply to:

23 (a) The transportation or release of organisms in ballast water; or

24 (b) A person stopped at an aquatic invasive species check station
25 who possesses watercraft or equipment that is contaminated with aquatic
26 invasive species if that person complies with all department directives
27 for the proper decontamination of the watercraft and equipment.

28 **Sec. 4.** RCW 77.15.290 and 2002 c 281 s 7 are each amended to read
29 as follows:

30 (1) A person is guilty of unlawful transportation of fish or
31 wildlife in the second degree if the person:

32 (a) Knowingly imports, moves within the state, or exports fish,
33 shellfish, or wildlife in violation of any rule of the commission or
34 the director governing the transportation or movement of fish,
35 shellfish, or wildlife and the transportation does not involve big
36 game, endangered fish or wildlife, deleterious exotic wildlife, or

1 fish, shellfish, or wildlife having a value greater than two hundred
2 fifty dollars; or

3 (b) Possesses but fails to affix or notch a big game transport tag
4 as required by rule of the commission or director.

5 (2) A person is guilty of unlawful transportation of fish or
6 wildlife in the first degree if the person:

7 (a) Knowingly imports, moves within the state, or exports fish,
8 shellfish, or wildlife in violation of any rule of the commission or
9 the director governing the transportation or movement of fish,
10 shellfish, or wildlife and the transportation involves big game,
11 endangered fish or wildlife, deleterious exotic wildlife, or fish,
12 shellfish, or wildlife with a value of two hundred fifty dollars or
13 more; or

14 (b) Knowingly transports shellfish, shellstock, or equipment used
15 in commercial culturing, taking, handling, or processing shellfish
16 without a permit required by authority of this title.

17 (3)(a) Unlawful transportation of fish or wildlife in the second
18 degree is a misdemeanor.

19 (b) Unlawful transportation of fish or wildlife in the first degree
20 is a gross misdemeanor.

21 (4) A person is guilty of unlawful transport of aquatic plants if
22 the person transports aquatic plants on any state or public road,
23 including forest roads, except as provided in this section.

24 (5) Unless otherwise prohibited by law, a person may transport
25 aquatic plants:

26 (a) To the department, or to another destination designated by the
27 director, in a manner designated by the department, for purposes of
28 identifying a species or reporting the presence of a species;

29 (b) When legally obtained for aquarium use, wetland or lakeshore
30 restoration, or ornamental purposes;

31 (c) When transporting a commercial aquatic plant harvester to a
32 suitable location for purposes of removing aquatic plants;

33 (d) In a manner that prevents their unintentional dispersal, to a
34 suitable location for disposal, research, or educational purposes; or

35 (e) As the commission may otherwise prescribe.

36 (6) Unlawful transport of aquatic plants is a misdemeanor.

37 (7) This section does not apply to any person stopped at an aquatic
38 invasive species check station who possesses watercraft or equipment

1 that is contaminated with aquatic invasive species if that person
2 complies with all department directives for the proper decontamination
3 of the watercraft and equipment.

4 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.15 RCW
5 to read as follows:

6 (1) A person is guilty of unlawfully avoiding aquatic invasive
7 species check stations if the person fails to:

8 (a) Obey check station signs; or

9 (b) Stop and report at a check station if directed to do so by a
10 uniformed fish and wildlife officer.

11 (2) Unlawfully avoiding aquatic invasive species check stations is
12 a gross misdemeanor.

--- END ---