S-5491.2

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**SUBSTITUTE SENATE BILL 6317**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, King, Rivers, Takko, Hasegawa, and Saldaña; by request of Department of Fish and Wildlife)

AN ACT Relating to increasing commercial fishing license fees for nonresidents; amending RCW 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, 77.65.480, 77.65.510, and 77.12.453; and providing an effective date.

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

**Sec.**  RCW 77.65.150 and 2017 3rd sp.s. c 8 s 21 are each amended to read as follows:

(1) The licenses and permits and their annual license fees, application fees, and surcharges are:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | LicenseorPermit | Annual Fee(RCW 77.95.090 Surcharge)(RCW 77.12.702 Surcharge) | Appli-cation Fee | GoverningSection |
|  |  | Resident | Nonresident |  |  |
| (a) | Non-salmon charter | $375(plus $35 for RCW 77.12.702 Surcharge) | ((~~$450~~)) $760(plus $35 for RCW 77.12.702 Surcharge) | $ 70 |  |
| (b) | Salmon charter | $460(plus $100)(plus $35 for RCW 77.12.702 Surcharge) | ((~~$535~~)) $845(plus $100)(plus $35 for RCW 77.12.702 Surcharge) | $105 | RCW 77.70.050 |
| (c) | Salmon angler | $ 0 | $ 0 | $ 0 | RCW 77.70.060 |

(2) A salmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for salmon, other fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 77.70.050.

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat from which persons may, for a fee, fish for shellfish and fish other than salmon or albacore tuna.

(4)(a) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use in those state waters set forth in (b) of this subsection. "Charter boat" also means a vessel from which persons may, for a fee, fish for fish or shellfish for personal use in offshore waters or in the waters of other states. The director may specify by rule when a vessel is a "charter boat" within this definition.

(b) A person may not operate a vessel from which persons may, for a fee, fish for food fish or shellfish in Puget Sound, Grays Harbor, Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia river below the bridge at Longview unless the vessel is designated on a charter boat license.

(5) A charter boat licensed in Oregon may fish without a Washington charter license under the same rules as Washington charter boat operators in ocean waters within the jurisdiction of Washington state from the southern border of the state of Washington to Leadbetter Point, as long as the Oregon vessel does not take on or discharge passengers for any purpose from any Washington port, the Washington shore, or a dock, landing, or other point in Washington. The provisions of this subsection shall be in effect as long as the state of Oregon has reciprocal laws and regulations.

(6) A salmon charter license under subsection (1)(b) of this section may be renewed if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred dollar enhancement surcharge, a thirty-five dollar surcharge to be deposited in the rockfish research account created in RCW 77.12.702, plus a one hundred five dollar application fee, in order to be considered a valid renewal and eligible to renew the license the following year.

**Sec.**  RCW 77.65.160 and 2017 3rd sp.s. c 8 s 22 are each amended to read as follows:

(1) The following commercial salmon fishery licenses are required for the license holder to use the specified gear to fish for salmon in state waters. Only a person who meets the qualifications of RCW 77.70.090 may hold a license listed in this subsection. The licenses and their annual license fees, application fees, and surcharges under RCW 77.95.090 are:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | FisheryLicense | ResidentFee | NonresidentFee | Surcharge | Application Fee |
| (a) | Salmon Gill Net—Grays Harbor-Columbia river | $380 | ((~~$455~~)) $765 | plus $100 | $105 |
| (b) | Salmon Gill Net—Puget Sound | $380 | ((~~$455~~)) $765 | plus $100 | $105 |
| (c) | Salmon Gill Net—Willapa Bay-Columbia river | $380 | ((~~$455~~)) $765 | plus $100 | $105 |
| (d) | Salmon purse seine | $545 | ((~~$620~~)) $930 | plus $100 | $105 |
| (e) | Salmon reef net | $380 | ((~~$455~~)) $765 | plus $100 | $105 |
| (f) | Salmon troll | $380 | ((~~$455~~)) $765 | plus $100 | $105 |

(2) A license issued under this section authorizes no taking or delivery of salmon or other food fish unless a vessel is designated under RCW 77.65.100.

(3) Holders of commercial salmon fishery licenses may retain incidentally caught food fish other than salmon, subject to rules of the department.

(4) A salmon troll license includes a salmon delivery license.

(5) A salmon gill net license authorizes the taking of salmon only in the geographical area for which the license is issued. The geographical designations in subsection (1) of this section have the following meanings:

(a) "Puget Sound" includes waters of the Strait of Juan de Fuca, Georgia Strait, Puget Sound and all bays, inlets, canals, coves, sounds, and estuaries lying easterly and southerly of the international boundary line and a line at the entrance to the Strait of Juan de Fuca projected northerly from Cape Flattery to the lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver Island.

(b) "Grays Harbor-Columbia river" includes waters of Grays Harbor and tributary estuaries lying easterly of a line projected northerly from Point Chehalis Light to Point Brown and those waters of the Columbia river and tributary sloughs and estuaries easterly of a line at the entrance to the Columbia river projected southerly from the most westerly point of the North jetty to the most westerly point of the South jetty.

(c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and tributary estuaries and easterly of a line projected northerly from Leadbetter Point to the Cape Shoalwater tower and those waters of the Columbia river and tributary sloughs described in (b) of this subsection.

(6) A commercial salmon troll fishery license may be renewed under this section if the license holder notifies the department by May 1st of that year that he or she will not participate in the fishery during that calendar year. A commercial salmon gill net, reef net, or seine fishery license may be renewed under this section if the license holder notifies the department before the third Monday in September of that year that he or she will not participate in the fishery during that calendar year. The license holder must pay the one hundred dollar enhancement surcharge, plus a one hundred five dollar application fee before the third Monday in September, in order to be considered a valid renewal and eligible to renew the license the following year.

(7) Notwithstanding the annual license fees and surcharges established in subsection (1) of this section, a person who holds a resident commercial salmon fishery license shall pay an annual license fee of one hundred dollars plus the surcharge and application fee if all of the following conditions are met:

(a) The license holder is at least seventy-five years of age;

(b) The license holder owns a fishing vessel and has fished with a resident commercial salmon fishery license for at least thirty years; and

(c) The commercial salmon fishery license is for a geographical area other than the Puget Sound.

An alternate operator may not be designated for a license renewed at the one hundred dollar annual fee under this subsection (7).

**Sec.**  RCW 77.65.170 and 2017 3rd sp.s. c 8 s 23 are each amended to read as follows:

(1) A salmon delivery license is required for a commercial fishing vessel to deliver salmon taken for commercial purposes in offshore waters to a place or port in the state. As used in this section, "deliver" and "delivery" mean arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters. The annual fee for a salmon delivery license is four hundred thirty dollars for residents and ((~~five hundred five~~)) eight hundred fifteen dollars for nonresidents. The application fee for a salmon delivery license is one hundred five dollars. The annual surcharge under RCW 77.95.090 is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 77.65.210 may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 77.70.090 may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

**Sec.**  RCW 77.65.190 and 2017 3rd sp.s. c 8 s 24 are each amended to read as follows:

A person who does not qualify for a license under RCW 77.70.090 shall obtain a nontransferable emergency salmon delivery license to make one delivery from a commercial fishing vessel of salmon taken for commercial purposes in offshore waters. As used in this section, "delivery" means arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred seventy-five dollars for residents and ((~~three hundred fifty~~)) six hundred sixty dollars for nonresidents. The application fee is one hundred five dollars. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

**Sec.**  RCW 77.65.200 and 2017 3rd sp.s. c 8 s 25 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fishery(Governing section(s)) | Annual Fee | Application Fee | VesselRequired? | LimitedEntry? |
|  | Resident | Nonresident |  |  |  |
| (a) Baitfish Lampara | $335 | ((~~$410~~)) $720 | $ 70 | Yes | No |
| (b) Baitfish purse seine | $380 | ((~~$655~~)) $765 | $ 70 | Yes | No |
| (c) Bottom fish jig | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (d) Bottom fish pot | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (e) Bottom fish troll | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (f) Carp | $180 | ((~~$255~~)) $565 | $ 70 | No | No |
| (g) Columbia river smelt | $430 | ((~~$505~~)) $815 | $ 70 | No | No |
| (h) Emerging commercial fishery (RCW 77.70.160 and 77.65.400) | $335 | ((~~$410~~)) $720 | $105 | Determined by rule | Determined by rule |
| (i) Food fish drag seine | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (j) Food fish set line | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (k) Herring dip bag net | $325 | ((~~$400~~)) $710 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| (l) Herring drag seine | $325 | ((~~$400~~)) $710 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| (m) Herring gill net | $325 | ((~~$400~~)) $710 | $105 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| (n) Herring Lampara | $325 | ((~~$400~~)) $710 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| (o) Herring purse seine | $325 | ((~~$400~~)) $710 | $105 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| (p) Herring spawn-on-kelp (RCW 77.70.210) | N/A | N/A | N/A | Yes | Yes |
| (q) Sardine purse seine (RCW 77.70.480) | $335 | ((~~$410~~)) $720 | $105 | Yes | Yes |
| (r) Sardine purse seine temporary (RCW 77.70.480) | $335 | ((~~$410~~)) $720 | $105 | Yes | No |
| (s) Smelt dip bag net | $180 | ((~~$255~~)) $565 | $ 70 | No | No |
| (t) Smelt gill net | $430 | ((~~$505~~)) $815 | $ 70 | Yes | No |
| (u) Whiting-Puget Sound (RCW 77.70.130) | $345 | ((~~$420~~)) $730 | $105 | Yes | Yes |

(2) The director may by rule determine the species of food fish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take food fish in that fishery.

**Sec.**  RCW 77.65.210 and 2017 3rd sp.s. c 8 s 26 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, a person may not use a commercial fishing vessel to deliver food fish or shellfish taken for commercial purposes in offshore waters to a port in the state without a nonlimited entry delivery license. As used in this section, "deliver" and "delivery" mean arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals ashore from offshore waters. As used in this section, "food fish" does not include salmon. As used in this section, "shellfish" does not include ocean pink shrimp, coastal crab, coastal spot shrimp, or fish or shellfish taken under an emerging commercial fisheries license if taken from offshore waters. The annual license fee for a nonlimited entry delivery license is two hundred sixty dollars for residents and ((~~three hundred thirty-five~~)) six hundred forty-five dollars for nonresidents, and an additional thirty-five dollar surcharge for both residents and nonresidents to be deposited in the rockfish research account created in RCW 77.12.702. The application fee for a nonlimited entry delivery license is one hundred five dollars.

(2) Holders of the following licenses may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license: Salmon troll fishery licenses issued under RCW 77.65.160; salmon delivery licenses issued under RCW 77.65.170; crab pot fishery licenses issued under RCW 77.65.220; food fish trawl—Non-Puget Sound fishery licenses, and emerging commercial fishery licenses issued under RCW 77.65.200; Dungeness crab—coastal fishery licenses; ocean pink shrimp delivery licenses; Washington coastal spot shrimp pot fishery licenses issued under chapter 77.70 RCW; and emerging commercial fishery licenses issued under RCW 77.65.220.

(3) A nonlimited entry delivery license authorizes no taking of fish or shellfish from state waters.

**Sec.**  RCW 77.65.220 and 2017 3rd sp.s. c 8 s 27 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fishery(Governing section(s)) | Annual Fee | Application Fee | VesselRequired? | LimitedEntry? |
|  | Resident | Nonresident |  |  |  |
| (a) Burrowing shrimp | $235 | ((~~$310~~)) $620 | $105 | Yes | No |
| (b) Crab ring net- | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| Puget Sound |  |  |  |  |  |
| (c) Dungeness crab-coastal (RCW 77.70.280) | $345 | ((~~$420~~)) $730 | $105 | Yes | Yes |
| (d) Dungeness crab- | $180 | ((~~$255~~)) $565 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.110) |  |  |  |  |  |
| (e) Emerging commercial fishery (RCW 77.70.160 and 77.65.400) | $335 | ((~~$410~~)) $720 | $105 | Determinedby rule | Determinedby rule |
| (f) Geoduck (RCW | $ 0 | $ 0 | $ 70 | Yes | Yes |
| 77.70.220) |  |  |  |  |  |
| (g) Hardshell clam | $580 | ((~~$655~~)) $965 | $ 70 | Yes | No |
| mechanicalharvester |  |  |  |  |  |
| (RCW 77.65.250) |  |  |  |  |  |
| (h) Oyster reserve | $180 | ((~~$255~~)) $565 | $ 70 | No | No |
| (RCW 77.65.260) |  |  |  |  |  |
| (i) Razor clam | $180 | ((~~$255~~)) $565 | $105 | No | No |
| (j) Sea cucumber dive | $280 | ((~~$355~~)) $665 | $105 | Yes | Yes |
| (RCW 77.70.190) |  |  |  |  |  |
| (k) Sea urchin dive | $280 | ((~~$355~~)) $665 | $105 | Yes | Yes |
| (RCW 77.70.150) |  |  |  |  |  |
| (l) Shellfish dive | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (m) Shellfish pot | $180 | ((~~$255~~)) $565 | $ 70 | Yes | No |
| (n) Shrimp pot- | $335 | ((~~$410~~)) $720 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.410) |  |  |  |  |  |
| (o) Shrimp trawl- | $335 | ((~~$410~~)) $720 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.420) |  |  |  |  |  |
| (p) Spot shrimp-coastal | $335 | ((~~$410~~)) $720 | $ 70 | Yes | Yes |
| (q) Squid | $335 | ((~~$410~~)) $720 | $ 70 | Yes | No |

(2) The director may by rule determine the species of shellfish that may be taken with the commercial fishery licenses established in this section, the gear that may be used with the licenses, and the areas or waters in which the licenses may be used. Where a fishery license has been established for a particular species, gear, geographical area, or combination thereof, a more general fishery license may not be used to take shellfish in that fishery.

**Sec.**  RCW 77.65.280 and 2017 3rd sp.s. c 8 s 29 are each amended to read as follows:

(1) A fish dealer license is required for a person in the state who:

(a) Takes possession of raw or frozen fish or shellfish, in whole or in parts, to prepare, repackage, process, or preserve. This includes, but is not limited to:

(i) Canning or processing of fish or shellfish for payment, whether the fish or shellfish is commercially harvested or taken for personal use; and

(ii) The commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or any other by-products from fish or shellfish;

(b) Engages in the wholesale selling, buying, or brokering of raw or frozen fish or shellfish. Certain buyers may be additionally required to obtain a wholesale fish buyer endorsement as specified in RCW 77.65.340.

(2) A fish dealer license is not required for:

(a) Licensed commercial fish or shellfish harvesters who either sell only to licensed wholesale fish buyers or who possess a limited fish seller endorsement;

(b) Retail businesses that purchase exclusively from Washington licensed wholesale fish buyers or from limited fish sellers for sale to end consumers.

(3) A business engaged in any activity requiring a fish dealer license only needs to purchase one fish dealer license to cover the actions of all employees.

(4) The annual license fee for a resident fish dealer is four hundred dollars. The fee for a nonresident fish dealer license is ((~~four hundred seventy-five~~)) seven hundred eighty-five dollars. The application fee for both resident and nonresident licenses is one hundred five dollars.

**Sec.**  RCW 77.65.340 and 2017 3rd sp.s. c 8 s 33 are each amended to read as follows:

(1) A wholesale fish buyer endorsement is required for a licensed fish dealer:

(a) To take first possession or ownership of fish or shellfish directly from a commercial fisher that is landed into the state of Washington;

(b) To take first possession or ownership of raw or frozen fish or shellfish in the state of Washington from interstate or foreign commerce; or

(c) To engage in the wholesale buying or selling of fish or shellfish harvested by Indian fishers lawfully exercising fishing rights reserved by federal statute, treaty, or executive order, and the dealer is also responsible for documenting the commercial harvest and sales according to the rules of the department.

(2) A business licensed as a fish dealer must purchase at least one wholesale fish buyer endorsement to engage in the activities in subsection (1) of this section, which allows the business to buy or sell on its premises and which allows one named employee to buy and sell off premises. A business must obtain an additional wholesale fish buyer endorsement for each additional employee who buys and sells fish or shellfish off premises.

(3) The annual fee for a resident wholesale fish buyer's endorsement for business operations with only one fish buyer is fifty dollars. The annual fee for a resident wholesale fish buyer's endorsement for business operations with two or more employees is two hundred forty-five dollars. The annual fee for a nonresident wholesale fish buyer's endorsement is ((~~three hundred twenty~~)) six hundred thirty dollars. The application fee for both resident and nonresident endorsements is one hundred five dollars.

**Sec.**  RCW 77.65.390 and 2017 3rd sp.s. c 8 s 36 are each amended to read as follows:

An ocean pink shrimp delivery license is required for a commercial fishing vessel to deliver ocean pink shrimp taken for commercial purposes in offshore waters and delivered to a port in the state. As used in this section, "deliver" and "delivery" mean arrival at a place or port, and include arrivals from offshore waters to waters within the state and arrivals from state or offshore waters. The annual license fee is three hundred dollars for residents and ((~~three hundred seventy-five~~)) six hundred eighty-five dollars for nonresidents. The application fee is one hundred five dollars. Ocean pink shrimp delivery licenses are transferable.

**Sec.**  RCW 77.65.440 and 2017 3rd sp.s. c 8 s 37 are each amended to read as follows:

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

|  |  |  |  |
| --- | --- | --- | --- |
| PersonalLicense | Annual Fee(RCW 77.95.090 Surcharge) | Applica-tion Fee | GoverningSection |
|  | Resident | Nonresident |  |  |
| (1) AlternateOperator | $185 | ((~~$260~~)) $570 | $ 70 | RCW 77.65.130 |
| (2) Geoduck Diver | $355 | ((~~$410~~)) $740 | $ 70 | RCW 77.65.410 |
| (3) Food Fish Guide | ((~~$280~~)) $210 | ((~~$355~~)) $595 | $ 70 | RCW 77.65.370 |
|  |  | (plus $20) | (plus$100) |  |  |

**Sec.**  RCW 77.65.480 and 2017 3rd sp.s. c 8 s 38 are each amended to read as follows:

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

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(3)(a) A game fish guide license allows the holder to offer or perform the services of a game fish guide in the taking of game fish. The fee for this license is ((~~four hundred ten~~)) three hundred five dollars for a resident and ((~~four hundred eighty-five~~)) six hundred ninety dollars for a nonresident. The application fee is seventy dollars. An application for a game fish guide license must include the information required in RCW 77.65.560.

(b) A game fish guide license purchased by a person, firm, or business on behalf of an employee is subject to RCW 77.65.600.

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

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

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

**Sec.**  RCW 77.65.510 and 2017 3rd sp.s. c 8 s 41 are each amended to read as follows:

(1) The limited fish seller endorsement permits a license holder or alternate operator to clean, dress, and sell his or her commercially harvested catch directly to consumers at retail. The limited ((~~[fish]~~)) fish seller endorsement may be issued as an optional addition to all holders of a commercial fishing license issued by the department and may be purchased at the time of the underlying license sale or any time thereafter.

(2) The holder of a limited fish seller endorsement selling their own catch directly to consumers is exempt from the permitting requirements of chapter 246-215 WAC. To ensure food safety for consumers, the holder of a limited fish seller endorsement must follow these requirements: (a) Only sell fresh, whole fish or fresh fish that has been cleaned and dressed; (b) use ice from a commercial source to hold the fish; and (c) provide the buyer with a receipt stating the date of purchase, Washington fish-receiving ticket number documenting the original delivery, name, address, and phone number of the holder of the limited fish seller endorsement from whom the fish or shellfish was purchased, and the species and weight or number of fish or shellfish sold. Failure to satisfy these food safety requirements is punishable as an infraction under RCW 77.15.160. A licensed commercial fisher holding a limited fish seller endorsement may allow a designated alternate to sell under the authority of that endorsement.

(3) An individual need only add one limited fish seller endorsement to his or her license portfolio. If a limited fish seller endorsement is selected by an individual holding more than one commercial fishing license issued by the department, an endorsement is considered to be added to all commercial fishing licenses held by that individual, and is the only endorsement required for the individual to sell at retail any species permitted by any of the underlying endorsed licenses.

(4) The fee for a resident limited fish seller endorsement is seventy dollars. The fee for a nonresident limited fish seller endorsement is ((~~one hundred forty-five~~)) four hundred fifty-five dollars. The application fee for both a resident and nonresident endorsement is one hundred five dollars.

(5) The holder of a limited fish seller endorsement is responsible for documenting the commercial harvest and sales according to the rules of the department.

(6) The limited fish seller endorsement is to be held by a natural person and is not transferable or assignable. If the endorsed license is transferred, the limited fish seller endorsement immediately becomes void, and the transferor is not eligible for a full or prorated reimbursement of the annual fee paid for the limited fish seller endorsement. Upon becoming void, the holder of a limited fish seller endorsement must surrender the physical endorsement to the department.

(7) The holder of a qualifying commercial fishing license or an alternate operator designated on such a license, must either possess a limited fish seller endorsement or a wholesale fish buyer endorsement provided for in RCW 77.65.340 in order to lawfully sell their catch or harvest in the state to anyone other than a licensed wholesale fish buyer.

**Sec.**  RCW 77.12.453 and 1983 1st ex.s. c 46 s 27 are each amended to read as follows:

The director may issue permits to members of the Wanapum band of Indians to take salmon and other freshwater food fish for ceremonial and subsistence purposes. The department shall establish the areas in which the permits are valid and shall regulate the times for and manner of taking the salmon and other freshwater food fish. This section does not create a right to fish commercially.

NEW SECTION. **Sec.**  Sections 1 through 8 and 10 through 13 of this act take effect January 1, 2019.

**--- END ---**