AN ACT Relating to commercial whale watching licenses; amending RCW 77.65.615; and declaring an emergency.

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

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

(1) A commercial whale watching business license is required for commercial whale watching (operators) businesses. The annual fee for a commercial whale watching business license is two hundred dollars in addition to the annual application fee of seventy-five dollars.

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

(a) One to twenty-four passengers, three hundred twenty-five dollars;
(b) Twenty-five to fifty passengers, five hundred twenty-five dollars;
(c) Fifty-one to one hundred passengers, eight hundred twenty-five dollars;
(d) One hundred one to one hundred fifty passengers, one thousand eight hundred twenty-five dollars; and
One hundred fifty-one passengers or greater, two thousand
dollars.

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

(a) One to ten kayaks, one hundred twenty-five dollars;
(b) Eleven to twenty kayaks, two hundred twenty-five dollars;
(c) Twenty-one to thirty kayaks, four hundred twenty-five
dollars; and
(d) Thirty-one or more kayaks, six hundred twenty-five dollars.

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

(a) Surrenders the previously issued license to the department;
(b) Submits to the department an application that identifies the
currently designated vessel, the vessel proposed to be designated,
and any other information required by the department; and
(c) Pays to the department a fee of thirty-five dollars and an
application fee of one hundred five dollars.

(4)) (4) Unless the business license holder owns all vessels
identified on the application described in subsection (4)) (3)(b)
of this section, the department may not change the vessel designation
on the license more than once per calendar year.

(6)) (5) A commercial whale watching operator license is
required for commercial whale watching operators. A person (who is
not the license holder) may operate a motorized or sailing
commercial whale watching vessel designated on (the) a commercial
whale watching business license only if:

(a) The person holds (an alternate) a commercial whale watching
operator license issued by the director; and
(b) The person is designated as an (alternate) operator on the
underlying commercial whale watching business license.

(6) No individual may hold more than one (alternate)
commercial whale watching operator license. An individual who holds
an (alternate) operator license may be designated as an
(alternate) operator on an unlimited number of commercial whale
watching business licenses.
The annual fee for a commercial whale watching operator license is one hundred dollars in addition to an annual application fee of seventy-five dollars.

A person may conduct commercial whale watching via guided kayak tours only if:

(a) The person holds a kayak guide license issued by the director; and

(b) The person is designated as a kayak guide on the underlying commercial whale watching business license.

No individual may hold more than one kayak guide license. An individual who holds a kayak guide license may be designated on an unlimited number of commercial whale watching business licenses.

The annual fee for a kayak guide license is $25 in addition to an annual application fee of $25.

The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Commercial whale watching" means the act of taking, or offering to take, passengers aboard a vessel or guided kayak tour in order to view marine mammals in their natural habitat for a fee.

(b) "Commercial whale watching operators" includes commercial vessels and kayak rentals that are engaged in the business of whale watching.

(c)) "Commercial whale watching business" means a business that engages in the activity of commercial whale watching.

(c) "Commercial whale watching business license" means a department-issued license to operate a commercial whale watching business.

(d) "Commercial whale watching license" means a commercial whale watching business license, a commercial whale watching operator license, or a kayak guide license as defined in this section.

(e) "Commercial whale watching operator" means a person who operates a motorized or sailing vessel engaged in the business of whale watching.

(f) "Commercial whale watching operator license" means a department-issued license to operate a commercial motorized or sailing vessel on behalf of a commercial whale watching business.

(g) "Commercial whale watching vessel" means any vessel that is being used as a means of transportation for individuals to engage in commercial whale watching.
(h) "Kayak guide" means a person who conducts guided kayak tours on behalf of a commercial whale watching business.

(i) "Kayak guide license" means a department-issued license to conduct commercial guided kayak tours on behalf of a commercial whale watching business.

(12) The residency and business requirements of RCW 77.65.040 (2) and (3) do not apply to Canadian individuals or corporations applying for and holding Washington commercial whale watching licenses defined in this section.

(13) The license and application fees in this section are waived for calendar years 2021 and 2022.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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