

CERTIFICATION OF ENROLLMENT
SUBSTITUTE SENATE BILL 5824

Chapter 97, Laws of 2015
(partial veto)

64th Legislature
2015 Regular Session

RECREATIONAL GUIDES

EFFECTIVE DATE: 7/24/2015

Passed by the Senate March 4, 2015
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Passed by the House April 9, 2015
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Approved April 24, 2015 3:50 PM, with
the exception of Sections 6 and 8 which
are vetoed.

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of
the Senate of the State of
Washington, do hereby certify that
the attached is **SUBSTITUTE SENATE
BILL 5824** as passed by Senate and
the House of Representatives on the
dates hereon set forth.

HUNTER G. GOODMAN

Secretary

FILED

April 25, 2015

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5824

Passed Legislature - 2015 Regular Session

State of Washington

64th Legislature

2015 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senator Parlette)

READ FIRST TIME 02/20/15.

1 AN ACT Relating to certain recreational guides; amending RCW
2 77.15.510, 77.65.010, 77.65.370, 77.65.440, 77.65.480, 77.65.500, and
3 77.65.560; and adding new sections to chapter 77.65 RCW.

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

5 **Sec. 1.** RCW 77.15.510 and 2009 c 333 s 10 are each amended to
6 read as follows:

7 (1) A person is guilty of acting as a game fish guide, food fish
8 guide, or chartering without a license if:

9 (a) The person operates a charter boat and does not hold the
10 charter boat license required for the food fish taken;

11 (b) The person acts as a food fish guide and does not hold a food
12 fish guide license; or

13 (c) The person acts as a game fish guide and does not hold a game
14 fish guide license.

15 (2) Acting without a game fish guide license, food fish guide
16 license, or charter license is a gross misdemeanor. Upon conviction,
17 the department may deny applications submitted by the person for a
18 game fish guide license, food fish guide license, or charter boat
19 license for up to one year from the date of conviction.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.65
2 RCW to read as follows:

3 (1) In addition to other license suspension provisions provided
4 in this title, the department may suspend a charter boat license,
5 food fish guide license, or game fish guide license if, within a
6 twelve-month period, a person is convicted of two or more violations
7 of any rule of the commission or director regarding seasons, bag
8 limits, species, size, sex, or other possession restrictions while
9 engaged in charter boat, food fish guide, or game fish guide
10 activities. The department may suspend only the specific type of
11 license or licenses related to the activity or activities for which
12 the person is convicted.

13 (2) A person who has a food fish guide or game fish guide license
14 suspended under this section may file an appeal with the department
15 pursuant to chapter 34.05 RCW. An appeal must be filed within twenty
16 days of notice of license suspension. If a timely appeal is filed,
17 the suspension issued by the department does not take effect until
18 twenty-one days after the department has delivered an opinion
19 affirming the suspension. If no appeal is filed within twenty days of
20 notice of license suspension, the right to an appeal is waived, and
21 the suspension takes effect twenty-one days following the notice of
22 suspension.

23 (3) License suspension under this section is in addition to any
24 statutory penalties assigned to the underlying violation.

25 **Sec. 3.** RCW 77.65.010 and 2009 c 333 s 7 are each amended to
26 read as follows:

27 (1) Except as otherwise provided by this title, a person must
28 have a license or permit issued by the director in order to engage in
29 any of the following activities:

30 (a) Commercially fish for or take food fish or shellfish;

31 (b) Deliver from a commercial fishing vessel food fish or
32 shellfish taken for commercial purposes in offshore waters. As used
33 in this subsection, "deliver" means arrival at a place or port, and
34 includes arrivals from offshore waters to waters within the state and
35 arrivals from state or offshore waters;

36 (c) Operate a charter boat or commercial fishing vessel engaged
37 in a fishery;

38 (d) Engage in processing or wholesaling food fish or shellfish;

39 or

1 (e) Act as a food fish guide or game fish guide for personal use
2 (~~in freshwater rivers and streams~~), except that a charter boat
3 license is required to operate a vessel from which a person may for a
4 fee fish for food fish in state waters listed in RCW 77.65.150(4)(b).

5 (2) No person may engage in the activities described in
6 subsection (1) of this section unless the licenses or permits
7 required by this title are in the person's possession, and the person
8 is the named license holder or an alternate operator designated on
9 the license and the person's license is not suspended.

10 (3) A valid Oregon license that is equivalent to a license under
11 this title is valid in the concurrent waters of the Columbia river if
12 the state of Oregon recognizes as valid the equivalent Washington
13 license. The director may identify by rule what Oregon licenses are
14 equivalent.

15 (4) No license or permit is required for the production or
16 harvesting of private sector cultured aquatic products as defined in
17 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
18 aquatic products. However, if a means of identifying such products is
19 required by rules adopted under RCW 15.85.060, the exemption from
20 licensing or permit requirements established by this subsection
21 applies only if the aquatic products are identified in conformance
22 with those rules.

23 **Sec. 4.** RCW 77.65.370 and 2013 c 314 s 3 are each amended to
24 read as follows:

25 (1) A person shall not offer or perform the services of a food
26 fish guide without a food fish guide license in the taking of food
27 fish for personal use (~~in freshwater rivers and streams~~), except
28 that a charter boat license is required to operate a vessel from
29 which a person may for a fee fish for food fish in state waters
30 listed in RCW 77.65.150(4)(b).

31 (2) A person shall not offer or perform the services of a game
32 fish guide without a game fish guide license in the taking of game
33 fish for personal use.

34 (3) Only an individual at least sixteen years of age may hold a
35 food fish guide or game fish guide license. No individual may hold
36 more than one food fish guide or game fish guide license.

37 (~~(3)~~) (4) An application for a food fish guide or game fish
38 guide license must include the information required in RCW 77.65.560.

1 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.65
2 RCW to read as follows:

3 (1) The department must issue an identifying decal to all food
4 fish guides, game fish guides, and charter boat operators licensed
5 under RCW 77.65.010. The identifying decal must display the license
6 number prominently.

7 (2) Any person who acts or offers to act as a food fish guide,
8 game fish guide, or charter boat operator must display the
9 identifying decal on vessels in a location easily visible to
10 customers and adjacent vessels.

11 ***Sec. 6. RCW 77.65.440 and 2011 c 339 s 28 are each amended to**
12 **read as follows:**

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

	<i>Personal</i>	<i>Annual Fee</i>	<i>Applica-</i>	<i>Governing</i>
	<i>License</i>	<i>(RCW 77.95.090</i>	<i>tion Fee</i>	<i>Section</i>
		<i>Surcharge)</i>		
		<i>Resident</i>	<i>Nonresident</i>	
16				
17				
18				
19				
20	<i>(1) Alternate</i>	<i>\$ 35</i>	<i>\$ 35</i>	<i>\$ 70 RCW 77.65.130</i>
21	<i>Operator</i>			
22	<i>(2) Geoduck Diver</i>	<i>\$185</i>	<i>\$295</i>	<i>\$ 70 RCW 77.65.410</i>
23	<i>(3) Food Fish Guide</i>	<i>\$130</i>	<i>\$630</i>	<i>\$ 70 RCW 77.65.370</i>
24		<i>(plus</i>	<i>(plus</i>	
25		<i>\$ 20)</i>	<i>\$100)</i>	
26	<i>(4) Game Fish</i>	<i>\$180</i>	<i>\$600</i>	<i>\$ 70 RCW 77.65.370</i>
27	<i>Guide</i>			

***Sec. 6 was vetoed. See message at end of chapter.**

28 NEW SECTION. **Sec. 7.** A new section is added to chapter 77.65
29 RCW to read as follows:

30 (1) A fish guide combination license allows the holder to offer
31 or perform the services of a food fish guide, game fish guide, salmon
32 charter boat operator, and nonsalmon charter boat operator.

33 (2) The commission must adopt rules to create and sell a fish
34 guide combination license. The commission may adopt rules to create
35 and sell separate combination licenses, one for food fish and game

1 fish guide activities only and another combination license for all
2 food fish guide, game fish guide, salmon charter boat operator, and
3 nonsalmon charter boat operator activities. The cost of the fish
4 guide combination license or licenses must be below a fee equal to
5 the total cost of the individual licenses contained within the
6 combination.

7 *Sec. 8. RCW 77.65.480 and 2013 c 314 s 2 are each amended to
8 read as follows:

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

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

17 ~~(3) ((A game fish guide license allows the holder to offer or~~
18 ~~perform the services of a game fish guide in the taking of game fish.~~
19 ~~The fee for this license is one hundred eighty dollars for a resident~~
20 ~~and six hundred dollars for a nonresident. The application fee is~~
21 ~~seventy dollars. An application for a game fish guide license must~~
22 ~~include the information required in RCW 77.65.560.~~

23 ~~(4))~~ (4) A game farm license allows the holder to operate a game
24 farm to acquire, breed, grow, keep, and sell wildlife under
25 conditions prescribed by the rules adopted pursuant to this title.
26 The fee for this license is seventy-two dollars for the first year
27 and forty-eight dollars for each following year. The application fee
28 is seventy dollars.

29 ~~((5))~~ (4) A game fish stocking permit allows the holder to
30 release game fish into the waters of the state as prescribed by rule
31 of the commission. The fee for this permit is twenty-four dollars.
32 The application fee is seventy dollars.

33 ~~((6))~~ (5) A fishing or field trial permit allows the holder to
34 promote, conduct, hold, or sponsor a fishing or field trial contest
35 in accordance with rules of the commission. The fee for a fishing
36 contest permit is twenty-four dollars. The fee for a field trial
37 contest permit is twenty-four dollars. The application fee is seventy
38 dollars.

1 ~~((7))~~ (6)(a) An anadromous game fish buyer's license allows the
2 holder to purchase or sell steelhead trout and other anadromous game
3 fish harvested by Indian fishers lawfully exercising fishing rights
4 reserved by federal statute, treaty, or executive order, under
5 conditions prescribed by rule of the director. The fee for this
6 license is one hundred eighty dollars. The application fee is one
7 hundred five dollars.

8 (b) An anadromous game fish buyer's license is not required for
9 those businesses that buy steelhead trout and other anadromous game
10 fish from Washington licensed game fish dealers and sell solely at
11 retail.

*Sec. 8 was vetoed. See message at end of chapter.

12 **Sec. 9.** RCW 77.65.500 and 1987 c 506 s 84 are each amended to
13 read as follows:

14 Licensed taxidermists, fur dealers, anadromous game fish buyers,
15 ~~((fishing guides,))~~ game farmers, and persons stocking game fish or
16 conducting a hunting, fishing, or field trial contest shall make
17 reports as required by rules of the director.

18 **Sec. 10.** RCW 77.65.560 and 2013 c 314 s 1 are each amended to
19 read as follows:

20 (1) Any application for a food fish guide license (~~under RCW~~
21 ~~77.65.370~~) or game fish guide license under RCW 77.65.480 must
22 include:

23 (a) The applicant's driver's license or other government-issued
24 identification card number and the jurisdiction of issuance;

25 (b) The applicant's unified business identifier number under a
26 ~~((master))~~ business license issued under RCW 19.02.070;

27 (c) Proof of current certification in first aid and
28 cardiopulmonary resuscitation;

29 (d) A certificate of insurance demonstrating that the applicant
30 has commercial liability coverage of at least three hundred thousand
31 dollars; ~~((and))~~

32 (e) If applicable, an original or notarized copy of a valid
33 license issued by the United States coast guard to the applicant that
34 authorizes the holder to carry passengers for hire; and

35 (f) A sworn declaration requiring the applicant to certify
36 whether the area of operations will include federally recognized
37 navigable waters with a motorized vessel.

1 (2) The requirements of this section related to licensure by the
2 United States coast guard apply only to applicants intending to carry
3 passengers for hire with a motorized vessel on federally recognized
4 navigable waters. The license issued by the United States coast guard
5 must be valid in the waters where the game fish guide or food fish
6 guide license applicant will be carrying passengers for hire in a
7 motorized vessel.

8 (3) The requirements in this section are in addition to the
9 requirements of RCW 77.65.050.

Passed by the Senate March 4, 2015.

Passed by the House April 9, 2015.

Approved by the Governor April 24, 2015, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State April 25, 2015.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Sections 6,
and 8, Substitute Senate Bill 5824 entitled:

"AN ACT Relating to certain recreational guides."

Sections 6 and 8 of this bill are technical changes that are
meant to simplify this chapter by placing game fish guide license
fees in the same section as food fish guide license fees (RCW
77.64.440). However, House Bill 1232 and Senate Bill 5464 both
contain a reference to the original location of the game fish guide
license (RCW 77.65.480). To avoid creating a reference error, I am
vetoing sections 6 and 8.

For these reasons I have vetoed Sections 6, and 8 of Substitute
Senate Bill No. 5824.

With the exception of Sections 6, and 8, Substitute Senate Bill
No. 5824 is approved."