
HOUSE BILL 1770

State of Washington

55th Legislature

1997 Regular Session

By Representatives Alexander, Linville, Hatfield, Anderson, Doumit,
Buck, Chandler and Kessler

Read first time 02/07/97. Referred to Committee on Natural Resources.

1 AN ACT Relating to the Dungeness crab coastal fishery; amending RCW
2 75.28.011, 75.30.360, and 75.30.380; and repealing RCW 75.30.410.

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

4 **Sec. 1.** RCW 75.28.011 and 1995 c 228 s 1 are each amended to read
5 as follows:

6 (1) Unless otherwise provided in this title, a license issued under
7 this chapter is not transferable from the license holder to any other
8 person.

9 (2) The following restrictions apply to transfers of commercial
10 fishery licenses, salmon delivery licenses, and salmon charter licenses
11 that are transferable between license holders:

12 (a) The license holder shall surrender the previously issued
13 license to the department.

14 (b) The department shall complete no more than one transfer of the
15 license in any seven-day period.

16 (c) The fee to transfer a license from one license holder to
17 another is:

18 (i) The same as the resident license renewal fee if the license is
19 not limited under chapter 75.30 RCW;

1 (ii) Three and one-half times the resident renewal fee if the
2 license is not a commercial salmon or a Dungeness crab~~coastal fishery~~
3 license and the license is limited under chapter 75.30 RCW;

4 (iii) Fifty dollars if the license is a commercial salmon or a
5 Dungeness crab~~coastal fishery~~ license and is limited under chapter
6 75.30 RCW; or

7 (iv) If a license is transferred from a resident to a nonresident,
8 the difference between the resident and nonresident license fees at the
9 time of transfer, to be paid by the transferee.

10 (3) A commercial license that is transferable under this title
11 survives the death of the holder. Though such licenses are not
12 personal property, they shall be treated as analogous to personal
13 property for purposes of inheritance and intestacy. Such licenses are
14 subject to state laws governing wills, trusts, estates, intestate
15 succession, and community property, except that such licenses are
16 exempt from claims of creditors of the estate and tax liens. The
17 surviving spouse, estate, or beneficiary of the estate may apply for a
18 renewal of the license. There is no fee for transfer of a license from
19 a license holder to the license holder's surviving spouse or estate, or
20 to a beneficiary of the estate.

21 **Sec. 2.** RCW 75.30.360 and 1994 c 260 s 3 are each amended to read
22 as follows:

23 (1) The director shall allow the landing into Washington state of
24 crab taken in offshore waters only if:

25 (a) The crab are legally caught and landed by fishers with a valid
26 Washington state Dungeness crab~~coastal fishery~~ license or a valid
27 Dungeness crab~~coastal class B fishery~~ license; or

28 ~~(b) ((The crab are legally caught and landed by fishers with a
29 valid Oregon or California commercial crab fishing license during the
30 calendar year between the dates of February 15th and September 15th
31 inclusive, if the crab were caught in offshore waters beyond the
32 jurisdiction of Washington state, if the crab were taken with crab gear
33 that consisted of one buoy attached to each crab pot, if each crab pot
34 was fished individually, and if the fisher landing the crab has
35 obtained a valid delivery license; or~~

36 ~~(c))~~ (i) The director determines that the landing of offshore
37 Dungeness crab by fishers without a Washington state Dungeness crab~~coastal fishery~~
38 coastal fishery license or a valid Dungeness crab~~coastal class B~~

1 fishery license is in the best interest of the coastal crab processing
2 industry ~~((and))~~; (ii) the director has been requested to allow such
3 landings by at least three Dungeness crab processors ~~((, and if))~~; (iii)
4 the landings are permitted only between the dates of December 1st to
5 February 15th inclusively ~~((, if))~~; (iv) only crab fishers commercially
6 licensed to fish by Oregon or California are permitted to land ~~((, if~~
7 ~~the crab was taken with gear that consisted of one buoy attached to~~
8 ~~each crab pot, if each crab pot was fished individually, if))~~; (v) the
9 fisher landing the crab has obtained a valid delivery license ~~((,))~~; and
10 ~~((if))~~ (vi) the decision is made on a case-by-case basis for the sole
11 reason of improving the economic stability of the commercial crab
12 fishery.

13 (2) Nothing in this section allows the commercial fishing of
14 Dungeness crab in waters within three miles of Washington state by
15 fishers who do not possess a valid Dungeness crab coastal fishery
16 license or a valid Dungeness crab coastal class B fishery license.
17 Landings of offshore Dungeness crab by fishers without a valid
18 Dungeness crab coastal fishery license or a valid Dungeness crab
19 coastal class B ~~((fishery))~~ fishery license do not qualify the fisher
20 for such licenses.

21 **Sec. 3.** RCW 75.30.380 and 1994 c 260 s 5 are each amended to read
22 as follows:

23 Dungeness crab coastal fishery licenses are freely transferable on
24 a willing seller-willing buyer basis ~~((, if upon each sale of a~~
25 ~~Dungeness crab coastal fishery license, twenty percent of the sale~~
26 ~~proceeds are remitted to the department and deposited in the coastal~~
27 ~~crab account. Funds shall be used for license purchase as provided in~~
28 ~~RCW 75.30.400 or for coastal crab management activities as provided in~~
29 ~~RCW 75.30.410))~~ after paying the transfer fee in RCW 75.28.011.

30 For any license transfer that includes the transfer of the
31 designated vessel and associated business, the seller must sign a
32 notarized affidavit that the value of the vessel and associated
33 business was not inflated. A marine survey documenting the value of
34 the vessel and associated business shall be filed with the department
35 along with the affidavit and the application to transfer the Dungeness
36 crab coastal fishery license. The cost of the survey shall be paid by
37 the purchaser.

1 NEW SECTION. **Sec. 4.** RCW 75.30.410 and 1994 c 260 s 8 are each
2 repealed.

--- END ---