
SUBSTITUTE HOUSE BILL 2028

State of Washington

55th Legislature

1997 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Regala, Anderson, Doumit, Alexander, Cooper, Morris, Blalock and Costa)

Read first time 03/05/97.

1 AN ACT Relating to fish dealers' and sellers' licenses; amending
2 RCW 75.28.300, 75.28.315, 75.28.323, 75.28.328, and 75.28.335; and
3 adding a new section to chapter 75.28 RCW.

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

5 **Sec. 1.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended to
6 read as follows:

7 A wholesale fish dealer's license is required for:

8 (1) A business in the state to engage in the commercial processing
9 of food fish or shellfish, including custom canning or processing of
10 personal use food fish or shellfish.

11 (2) A business in the state to engage in the wholesale selling,
12 buying, or brokering of food fish or shellfish. A wholesale fish
13 dealer's license is not required of those businesses which buy
14 exclusively from Washington licensed wholesale dealers and sell solely
15 at retail.

16 ~~(3) ((Fishermen who land and sell their catch or harvest in the~~
17 ~~state to anyone other than a licensed wholesale dealer within or~~
18 ~~outside the state.~~

1 ~~(4))~~) A business to engage in the commercial manufacture or
2 preparation of fertilizer, oil, meal, caviar, fish bait, or other
3 byproducts from food fish or shellfish.

4 ~~((+5))~~) (4) A business employing a fish buyer as defined under RCW
5 75.28.340.

6 The annual license fee for a wholesale dealer is two hundred fifty
7 dollars. A wholesale fish dealer's license is not required for persons
8 engaged in the processing, wholesale selling, buying, or brokering of
9 private sector cultured aquatic products as defined in RCW 15.85.020.
10 However, if a means of identifying such products is required by rules
11 adopted under RCW 15.85.060, the exemption from licensing requirements
12 established by this subsection applies only if the aquatic products are
13 identified in conformance with those rules.

14 **Sec. 2.** RCW 75.28.315 and 1996 c 267 s 29 are each amended to read
15 as follows:

16 Wholesale fish dealers and fish sellers are responsible for
17 documenting the commercial harvest of food fish and shellfish according
18 to the rules of the department. The director may allow only wholesale
19 fish dealers or their designees and fish sellers to receive the forms
20 necessary for the accounting of the commercial harvest of food fish and
21 shellfish.

22 **Sec. 3.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to read
23 as follows:

24 (1) The department shall not issue a wholesale fish dealer (~~((shall~~
25 ~~not take possession of food fish or shellfish until))~~) or fish seller
26 license unless the dealer or seller has deposited with the department
27 an acceptable performance bond on forms prescribed and furnished by the
28 department. This performance bond shall be a corporate surety bond
29 executed in favor of the department by a corporation authorized to do
30 business in the state of Washington under chapter 48.28 RCW and
31 approved by the department. The bond shall be filed and maintained in
32 an amount equal to one thousand dollars for each buyer engaged by the
33 wholesale dealer. In no case shall the bond be less than two thousand
34 dollars nor more than fifty thousand dollars.

35 (2) A wholesale dealer shall, within seven days of engaging
36 additional fish buyers, notify the department and increase the amount
37 of the bonding required in subsection (1) of this section.

1 (3) The director may suspend and refuse to reissue a wholesale fish
2 dealer's or fish seller's license of a dealer or seller who has taken
3 possession of food fish or shellfish without an acceptable performance
4 bond on deposit with the department.

5 (4) The bond shall be conditioned upon the compliance with the
6 requirements of this chapter and rules of the department relating to
7 the payment of fines for violations of rules for the accounting of the
8 commercial harvest of food fish or shellfish. In lieu of the surety
9 bond required by this section the wholesale fish dealer or fish seller
10 may file with the department a cash deposit, negotiable securities
11 acceptable to the department, or an assignment of a savings account or
12 of a savings certificate in a Washington bank on an assignment form
13 prescribed by the department.

14 (5) Liability under the bond shall be maintained as long as the
15 wholesale fish dealer or fish seller engages in activities under RCW
16 75.28.300 unless released. Liability under the bond may be released
17 only upon written notification from the department. Notification shall
18 be given upon acceptance by the department of a substitute bond or
19 forty-five days after the expiration of the wholesale fish dealer's or
20 fish seller's annual license. In no event shall the liability of the
21 surety exceed the amount of the surety bond required under this
22 chapter.

23 **Sec. 4.** RCW 75.28.328 and 1985 c 248 s 7 are each amended to read
24 as follows:

25 The director shall promptly notify by order a wholesale dealer or
26 fish seller and the appropriate surety when a violation of rules
27 relating to the accounting of commercial harvest has occurred. The
28 notification shall specify the type of violation, the liability to be
29 imposed for damages caused by the violation, and a notice that the
30 amount of liability is due and payable to the department by the
31 wholesale fish dealer or fish seller and the surety.

32 If the amount specified in the order is not paid within thirty days
33 after receipt of the notice, the prosecuting attorney for any county in
34 which the persons to whom the order is directed do business, or the
35 attorney general upon request of the department, may bring an action on
36 behalf of the state in the superior court for Thurston county or any
37 county in which the persons to whom the order is directed do business

1 to recover the amount specified in the final order of the department.
2 The surety shall be liable to the state to the extent of the bond.

3 **Sec. 5.** RCW 75.28.335 and 1985 c 248 s 8 are each amended to read
4 as follows:

5 The liabilities imposed upon a wholesale fish dealer or fish seller
6 by this chapter shall be in addition to the penalties authorized in
7 chapter 75.10 RCW.

8 NEW SECTION. **Sec. 6.** A new section is added to chapter 75.28 RCW
9 to read as follows:

10 A fish seller's license is required for any person who lands and
11 sells his or her catch or harvest in the state to anyone other than a
12 licensed wholesale dealer within or outside the state. For the
13 purposes of this section "person" means an individual listed as the
14 operator or alternate operator on the commercial fishery license. The
15 annual fee for a fish seller's license is seventy-five dollars.

--- END ---