

CERTIFICATION OF ENROLLMENT

SENATE BILL 5356

61st Legislature
2009 Regular Session

Passed by the Senate March 3, 2009
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 9, 2009
YEAS 98 NAYS 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5356** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5356

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Senators Haugen and Jacobsen

Read first time 01/20/09. Referred to Committee on Natural Resources,
Ocean & Recreation.

1 AN ACT Relating to direct retail endorsements issued by the
2 department of fish and wildlife; and amending RCW 77.65.510.

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

4 **Sec. 1.** RCW 77.65.510 and 2003 c 387 s 2 are each amended to read
5 as follows:

6 (1) The department must establish and administer a direct retail
7 endorsement to serve as a single license that permits (~~the holder of~~)
8 a Washington license holder or alternate operator to commercially
9 harvest retail-eligible species and to clean, dress, and sell his or
10 her catch directly to consumers at retail, including over the internet.
11 The direct retail endorsement must be issued as an optional addition to
12 all holders of: (a) A commercial fishing license for retail-eligible
13 species that the department offers under this chapter; and (b) an
14 alternate operator license who are designated as an alternate operator
15 on a commercial fishing license for retail eligible species.

16 (2) The direct retail endorsement must be offered at the time of
17 application for the qualifying commercial fishing license. Individuals
18 in possession of a qualifying commercial fishing license issued under
19 this chapter, and alternate operators designated on such a license, may

1 add a direct retail endorsement to their current license at any time.
2 Individuals who do not have a commercial fishing license for retail-
3 eligible species issued under this chapter, and who are not designated
4 as alternate operators on such a license, may not receive a direct
5 retail endorsement. The costs, conditions, responsibilities, and
6 privileges associated with the endorsed commercial fishing license is
7 not affected or altered in any way by the addition of a direct retail
8 endorsement. These costs include the base cost of the license and any
9 revenue and excise taxes.

10 (3) An individual need only add one direct retail endorsement to
11 his or her license portfolio. If a direct retail endorsement is
12 selected by an individual holding more than one commercial fishing
13 license issued under this chapter, a single direct retail endorsement
14 is considered to be added to all qualifying commercial fishing licenses
15 held by that individual, and is the only license required for the
16 individual to sell at retail any retail-eligible species permitted by
17 all of the underlying endorsed licenses. (~~The direct retail~~
18 ~~endorsement applies only to the person named on the endorsed license,~~
19 ~~and may not be used by an alternate operator named on the endorsed~~
20 ~~license.)) If a direct retail endorsement is selected by an individual
21 designated as an alternate operator on more than one commercial license
22 issued under this chapter, a single direct retail endorsement is the
23 only license required for the individual to sell at retail any retail-
24 eligible species permitted by all of the underlying endorsed licenses
25 on which the individual is designated as an alternate operator. The
26 direct retail endorsement applies only to the Washington license holder
27 or alternate operator obtaining the endorsement.~~

28 (4) In addition to any fees charged for the endorsed licenses and
29 harvest documentation as required by this chapter or the rules of the
30 department, the department may set a reasonable annual fee not to
31 exceed the administrative costs to the department for a direct retail
32 endorsement.

33 (5) The holder of a direct retail endorsement is responsible for
34 documenting the commercial harvest of salmon and crab according to the
35 provisions of this chapter, the rules of the department for a wholesale
36 fish dealer, and the reporting requirements of the endorsed license.
37 Any retail-eligible species caught by the holder of a direct retail
38 endorsement must be documented on fish tickets.

1 (6) The direct retail endorsement must be displayed in a readily
2 visible manner by the seller wherever and whenever a sale to someone
3 other than a licensed wholesale dealer occurs. The commission may
4 require that the holder of a direct retail endorsement notify the
5 department up to eighteen hours before conducting an in-person sale of
6 retail-eligible species, except for in-person sales that have a
7 cumulative retail sales value of less than one hundred fifty dollars in
8 a twenty-four hour period that are sold directly from the vessel. For
9 sales occurring in a venue other than in person, such as over the
10 internet, through a catalog, or on the phone, the direct retail
11 endorsement number of the seller must be provided to the buyer both at
12 the time of sale and the time of delivery. All internet sales must be
13 conducted in accordance with federal laws and regulations.

14 (7) The direct retail endorsement is to be held by a natural person
15 and is not transferrable or assignable. If the endorsed license is
16 transferred, the direct retail endorsement immediately becomes void,
17 and the transferor is not eligible for a full or prorated reimbursement
18 of the annual fee paid for the direct retail endorsement. Upon
19 becoming void, the holder of a direct retail endorsement must surrender
20 the physical endorsement to the department.

21 (8) The holder of a direct retail endorsement must abide by the
22 provisions of Title 69 RCW as they apply to the processing and retail
23 sale of seafood. The department must distribute a pamphlet, provided
24 by the department of agriculture, with the direct retail endorsement
25 generally describing the labeling requirements set forth in chapter
26 69.04 RCW as they apply to seafood.

27 (9) The holder of a qualifying commercial fishing license issued
28 under this chapter, or an alternate operator designated on such a
29 license, must either possess a direct retail endorsement or a wholesale
30 dealer license provided for in RCW 77.65.280 in order to lawfully sell
31 their catch or harvest in the state to anyone other than a licensed
32 wholesale dealer.

33 (10) The direct retail endorsement entitles the holder to sell a
34 retail-eligible species only at a temporary food service establishment
35 as that term is defined in RCW 69.06.045, or directly to a restaurant
36 or other similar food service business.

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