

SENATE BILL REPORT

SB 5824

As Reported by Senate Committee On:
Natural Resources & Parks, February 19, 2015

Title: An act relating to certain recreational guides.

Brief Description: Concerning certain recreational guides.

Sponsors: Senator Parlette.

Brief History:

Committee Activity: Natural Resources & Parks: 2/12/15, 2/19/15 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 5824 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Hatfield, Ranking Minority Member; Chase, Hewitt, McAuliffe and Warnick.

Staff: Bonnie Kim (786-7316)

Background: Commercial Fishing License. Generally, a person must have a license or permit issued by the director to engage in any of the following activities:

- commercially fish for or take food fish or shellfish;
- deliver from a commercial fishing vessel food fish or shellfish taken for commercial purposes in offshore waters;
- operate a charter boat or commercial fishing vessel engaged in a fishery;
- engage in processing or wholesaling food fish or shellfish; or
- act as a food fish guide for personal use in freshwater rivers and streams, except that a charter boat license is required to operate a vessel from which a person may, for a fee, fish for food fish in certain state waters.

Food Fish and Game Fish License Application. Any application for a food fish guide or game fish guide license must include the following:

- a driver's license or other government-issued identification card number and the jurisdiction of issuance;
- a unified business identifier number under a master license;
- proof of current certification in first aid and cardiopulmonary resuscitation;

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- a certificate of insurance demonstrating the applicant has commercial liability coverage of at least \$300,000; and
- if applicable, an original or notarized copy of a valid license issued by the U.S. Coast Guard authorizing the holder to carry passengers for hire.

Fish Guide or Chartering Without a License. A person is guilty of acting as a food fish guide, game fish guide, or chartering without a license – a gross misdemeanor – if the person:

- operates a charter boat and does not hold the charter boat license required for the food fish taken;
- acts as a food fish guide and does not hold a food fish guide license; or
- acts as a game fish guide and does not hold a game fish guide license.

Summary of Bill (Recommended Substitute): Fish Guide and Game Fish Guide License. Applications must also include a sworn declaration requiring the applicant to certify whether the area of operations includes federally recognized navigable waters with a motorized vessel.

Fish Guide or Chartering Without a License. Upon conviction, WDFW may deny applications submitted by the person for a game fish guide license, food fish guide license, or charter boat license for up to one year from the date of conviction.

License Suspension. WDFW may suspend a charter boat license, food fish guide license, or game fish guide license if, within a 12-month period, a person is convicted of two or more violations of any rule of the commission or director regarding seasons, bag limits, species, size, sex, or other possession restrictions while engaged in charter boat, food fish guide, or game fish guide activities. WDFW may suspend only the specific type of license or licenses related to the activity or activities for which the person is convicted. License suspensions are appealable under the Administrative Procedure Act.

Commercial Fishing License. A commercial license is required for game fish guides. Food fish and game fish guide licenses are required for all waters, not just in freshwater rivers and streams. Technical changes place statutes relevant to both food fish and game fish guides together.

Decal. WDFW must issue an identifying decal to all licensed food fish guides, game fish guides, and charter boat operators. The identifying decal must display the license number prominently. Any person who acts or offers to act as a food fish guide, game fish guide, or charter boat operator must display the identifying decal on vessels in a location easily visible to customers and adjacent vessels.

Combination License. WDFW must create and offer combination licenses allowing holders to act either as (1) a food fish guide, game fish guide, salmon charter boat operator, and non-salmon charter boat operator; or (2) a food fish guide and game fish guide.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute): WDFW must create and offer combination licenses allowing holders to act either as (1) a food fish guide, game fish guide, salmon

charter boat operator, and non-salmon charter boat operator; or (2) a food fish guide and game fish guide.

Appropriation: None.

Fiscal Note: Requested on March 3, 2015.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: This bill addresses an issue raised by a constituent frustrated by unlicensed persons posing as fish guides and charter boat operators. This bill requires vessel decals to be displayed in such a way that neighboring boats can identify the guide. This bill has grown from the original decal issue with input from a veteran WDFW enforcement officer. Safety is our primary concern and guides and charter boat operators should be held to the highest standards. This bill will allow WDFW to enforce licensure limitations on bad actors. WDFW receives several complaints each year from frustrated licensed guides and charter boat operators about illegal operators. This bill will allow us to help protect the public.

Persons Testifying: PRO: Senator Parlette, prime sponsor; Mark Cedergreen, Westport Charterboat Assn., Ilwaco Charter Assn.; Eric Holson, WDFW Enforcement Officer.