

SB 5330 - S AMD 410

By Senator Van De Wege

ADOPTED 04/03/2021

1 Strike everything after the enacting clause and insert the
2 following:

3 **"Sec. 1.** RCW 77.65.615 and 2019 c 291 s 2 are each amended to
4 read as follows:

5 (1) A commercial whale watching business license is required for
6 commercial whale watching (~~operators~~) businesses. The annual fee
7 for a commercial whale watching business license is two hundred
8 dollars in addition to the annual application fee of seventy-five
9 dollars.

10 (2) The annual fees for a commercial whale watching business
11 license as described in subsection (1) of this section must include
12 fees for each motorized or sailing vessel or vessels as follows:

13 (a) One to twenty-four passengers, three hundred twenty-five
14 dollars;

15 (b) Twenty-five to fifty passengers, five hundred twenty-five
16 dollars;

17 (c) Fifty-one to one hundred passengers, eight hundred twenty-
18 five dollars;

19 (d) One hundred one to one hundred fifty passengers, one thousand
20 eight hundred twenty-five dollars; and

21 (e) One hundred fifty-one passengers or greater, two thousand
22 dollars.

23 ~~(3) ((The annual fees for a commercial whale watching license as
24 described in subsection (1) of this section must include fees for
25 each kayak as follows:~~

26 ~~(a) One to ten kayaks, one hundred twenty-five dollars;~~

27 ~~(b) Eleven to twenty kayaks, two hundred twenty-five dollars;~~

28 ~~(c) Twenty-one to thirty kayaks, four hundred twenty-five
29 dollars; and~~

30 ~~(d) Thirty-one or more kayaks, six hundred twenty-five dollars.~~

31 ~~(4))~~ The holder of a commercial whale watching business license
32 for motorized or sailing vessels required under subsection (2) of

1 this section may substitute the vessel designated on the license, or
2 designate a vessel if none has previously been designated, if the
3 license holder:

4 (a) Surrenders the previously issued license to the department;

5 (b) Submits to the department an application that identifies the
6 currently designated vessel, the vessel proposed to be designated,
7 and any other information required by the department; and

8 (c) Pays to the department a fee of thirty-five dollars and an
9 application fee of one hundred five dollars.

10 ~~((+5))~~ (4) Unless the business license holder owns all vessels
11 identified on the application described in subsection ~~((+4))~~ (3)(b)
12 of this section, the department may not change the vessel designation
13 on the license more than once per calendar year.

14 ~~((+6))~~ (5) A commercial whale watching operator license is
15 required for commercial whale watching operators. A person ~~((who is~~
16 ~~not the license holder))~~ may operate a motorized or sailing
17 commercial whale watching vessel designated on ~~((the))~~ a commercial
18 whale watching business license only if:

19 (a) The person holds ~~((an alternate))~~ a commercial whale watching
20 operator license issued by the director; and

21 (b) The person is designated as an ~~((alternate))~~ operator on the
22 underlying commercial whale watching business license.

23 ~~((+7))~~ (6) No individual may hold more than one ~~((alternate))~~
24 commercial whale watching operator license. An individual who holds
25 an ~~((alternate))~~ operator license may be designated as an
26 ~~((alternate))~~ operator on an unlimited number of commercial whale
27 watching business licenses.

28 ~~((+8))~~ (7) The annual fee for ~~((an alternate))~~ a commercial
29 whale watching operator license is ~~((two))~~ one hundred dollars in
30 addition to an annual application fee of seventy-five dollars.

31 ~~((+9))~~ (8) A person may conduct commercial whale watching via
32 guided kayak tours only if:

33 (a) The person holds a kayak guide license issued by the
34 director; and

35 (b) The person is designated as a kayak guide on the underlying
36 commercial whale watching business license.

37 (9) No individual may hold more than one kayak guide license. An
38 individual who holds a kayak guide license may be designated on an
39 unlimited number of commercial whale watching business licenses.

1 (10) The annual fee for a kayak guide license is \$25 in addition
2 to an annual application fee of \$25.

3 (11) The definitions in this subsection apply throughout this
4 section unless the context clearly requires otherwise.

5 (a) "Commercial whale watching" means the act of taking, or
6 offering to take, passengers aboard a vessel or guided kayak tour in
7 order to view marine mammals in their natural habitat for a fee.

8 ~~(b) ("Commercial whale watching operators" includes commercial~~
9 ~~vessels and kayak rentals that are engaged in the business of whale~~
10 ~~watching.~~

11 ~~(e))~~ "Commercial whale watching business" means a business that
12 engages in the activity of commercial whale watching.

13 (c) "Commercial whale watching business license" means a
14 department-issued license to operate a commercial whale watching
15 business.

16 (d) "Commercial whale watching license" means a commercial whale
17 watching business license, a commercial whale watching operator
18 license, or a kayak guide license as defined in this section.

19 (e) "Commercial whale watching operator" means a person who
20 operates a motorized or sailing vessel engaged in the business of
21 whale watching.

22 (f) "Commercial whale watching operator license" means a
23 department-issued license to operate a commercial motorized or
24 sailing vessel on behalf of a commercial whale watching business.

25 (g) "Commercial whale watching vessel" means any vessel that is
26 being used as a means of transportation for individuals to engage in
27 commercial whale watching.

28 (h) "Kayak guide" means a person who conducts guided kayak tours
29 on behalf of a commercial whale watching business.

30 (i) "Kayak guide license" means a department-issued license to
31 conduct commercial guided kayak tours on behalf of a commercial whale
32 watching business.

33 (12) The residency and business requirements of RCW 77.65.040 (2)
34 and (3) do not apply to Canadian individuals or corporations applying
35 for and holding Washington commercial whale watching licenses defined
36 in this section.

37 (13) The license and application fees in this section are waived
38 for calendar years 2021 and 2022.

1 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
2 preservation of the public peace, health, or safety, or support of
3 the state government and its existing public institutions, and takes
4 effect immediately."

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5 On page 1, line 1 of the title, after "licenses;" strike the
6 remainder of the title and insert "amending RCW 77.65.615; and
7 declaring an emergency."

EFFECT: Waives all license and application fees for commercial whale watching businesses for calendar years 2021 and 2022. Clarifies that a commercial whale watching operation must obtain a commercial whale watching business license. Establishes a commercial whale watching operator license. Removes fees for each kayak operated by a commercial whale watching licensee. Establishes a kayak guide license. Establishes that residency and business requirements do not apply to Canadian individuals or corporations applying for and holding commercial whale watching licenses.

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