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ENGROSSED SENATE BILL 5330

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State of Washington

67th Legislature

2021 Regular Session

By Senators Van De Wege, Salomon, Warnick, and Wilson, C.

Read first time 01/22/21. Referred to Committee on Agriculture,  
Water, Natural Resources & Parks.

1 AN ACT Relating to commercial whale watching licenses; amending  
2 RCW 77.65.615; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~(4))~~ The holder of a commercial whale watching business license  
12 for motorized or sailing vessels required under subsection (2) of  
13 this section may substitute the vessel designated on the license, or  
14 designate a vessel if none has previously been designated, if the  
15 license holder:

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

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

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

22 ~~((5))~~ (4) Unless the business license holder owns all vessels  
23 identified on the application described in subsection ~~((4))~~ (3)(b)  
24 of this section, the department may not change the vessel designation  
25 on the license more than once per calendar year.

26 ~~((6))~~ (5) A commercial whale watching operator license is  
27 required for commercial whale watching operators. A person ~~((who is~~  
28 ~~not the license holder))~~ may operate a motorized or sailing  
29 commercial whale watching vessel designated on ~~((the))~~ a commercial  
30 whale watching business license only if:

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

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

35 ~~((7))~~ (6) No individual may hold more than one ~~((alternate))~~  
36 commercial whale watching operator license. An individual who holds  
37 an ~~((alternate))~~ operator license may be designated as an  
38 ~~((alternate))~~ operator on an unlimited number of commercial whale  
39 watching business licenses.

1       ~~((8))~~ (7) The annual fee for (an alternate) a commercial  
2 whale watching operator license is (two) one hundred dollars in  
3 addition to an annual application fee of seventy-five dollars.

4       ~~((9))~~ (8) A person may conduct commercial whale watching via  
5 guided kayak tours only if:

6       (a) The person holds a kayak guide license issued by the  
7 director; and

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

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

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

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

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

20       ~~(b) ("Commercial whale watching operators" includes commercial~~  
21 ~~vessels and kayak rentals that are engaged in the business of whale~~  
22 ~~watching.~~

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

25       (c) "Commercial whale watching business license" means a  
26 department-issued license to operate a commercial whale watching  
27 business.

28       (d) "Commercial whale watching license" means a commercial whale  
29 watching business license, a commercial whale watching operator  
30 license, or a kayak guide license as defined in this section.

31       (e) "Commercial whale watching operator" means a person who  
32 operates a motorized or sailing vessel engaged in the business of  
33 whale watching.

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

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

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

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

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

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

12 NEW SECTION. Sec. 2. This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of  
14 the state government and its existing public institutions, and takes  
15 effect immediately.

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