
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0454.4/13 4th draft

ATTY/TYPIST: ML:akl

BRIEF DESCRIPTION: Concerning invasive species.

1 AN ACT Relating to invasive species; amending RCW 82.49.030,
2 77.15.160, 77.12.020, 77.12.047, 77.15.080, 77.15.290, 43.06.010,
3 43.43.400, 10.31.100, 88.02.560, and 88.02.640; reenacting and amending
4 RCW 77.08.010; adding new sections to chapter 77.15 RCW; adding a new
5 chapter to Title 77 RCW; creating new sections; repealing RCW
6 77.12.875, 77.12.878, 77.12.879, 77.12.882, 77.15.253, 77.15.293,
7 77.60.110, and 77.60.120; and prescribing penalties.

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

9 **PART 1**

10 **INVASIVE SPECIES--MANAGEMENT**

11 NEW SECTION. **Sec. 101.** The legislature finds that:

12 (1) The state's fish, wildlife, and habitat are exceptionally
13 valuable environmental resources for the state's citizens.

14 (2) The state's fish, wildlife, and habitat also provide
15 exceptionally valuable economic, cultural, and recreational resources.
16 These include hydroelectric power, agriculture, forests, water
17 supplies, commercial and recreational fisheries, aquaculture, and
18 public access to outdoor recreational opportunities.

1 (3) Invasive species pose a grave threat to these environmental and
2 economic resources, especially to salmon recovery and state and
3 federally listed threatened and endangered species. Because of the
4 significant harm invasive species can cause, invasive species
5 constitute a public nuisance.

6 (4) If allowed to become established, invasive species can threaten
7 human health and cause environmental and economic disasters affecting
8 not only our state, but other states and nations.

9 (5) The risk of invasive species spreading into Washington
10 increases as travel and commerce grows in volume and efficiency. The
11 risk of the invasive species becoming established and causing harm
12 increases as climate change makes Washington more hospitable to
13 invasive species.

14 (6) Prevention of invasive species is a cost-effective, successful,
15 and proven management strategy. Prevention is the state's highest
16 management priority with an emphasis on education and outreach,
17 inspections, and rapid response.

18 (7) The integrated management of invasive species through pathways
19 regulated by the department is critical to preventing the introduction
20 and spread of a broad range of such species, including plants,
21 diseases, and parasites.

22 (8) Washington's citizens must work together to protect the state
23 from invasive species.

24 (9) Public and private partnerships, cooperative agreements, and
25 compacts are important for preventing new arrivals and managing
26 existing populations of invasive species, and coordinating these
27 actions on local, state, national, and international levels.

28 (10) The department requires authority for this mission to
29 effectively counter the unpredictable nature of invasive species'
30 introductions and spread, enable the utilization of new advances in
31 invasive ecology science, and implement applicable techniques and
32 technology to address invasive species.

33 (11) An integrated management approach provides the best way for
34 the state to manage invasive species and includes opportunities for
35 creating an informed public, encouraging public involvement, and
36 striving for local, regional, national, and international cooperation
37 and consistency on management standards. An integrated management

1 approach also applies sound science to minimize the chance that
2 invasive species used for beneficial purposes will result in
3 environmental harm.

4 (12) This chapter provides authority for the department to
5 effectively address invasive species using an integrated management
6 approach.

7 NEW SECTION. **Sec. 102.** The definitions in this section apply
8 throughout this chapter unless the context clearly requires otherwise.

9 (1) "Aquatic conveyance" means personal property used or placed in
10 an aquatic environment and having the potential to transport an aquatic
11 invasive species from one place to another. Aquatic conveyances
12 include but are not limited to watercraft and associated equipment,
13 float planes, construction equipment, fish tanker trucks, hydroelectric
14 and irrigation equipment, personal fishing and hunting gear, and
15 materials used for aquatic habitat mitigation or restoration.

16 (2) "Aquatic invasive species" means an invasive species of the
17 animal kingdom with a life cycle that is at least partly dependent upon
18 fresh, brackish, or marine waters. Examples include nutria, waterfowl,
19 amphibians, fish, and shellfish.

20 (3) "Certificate of inspection" means a department-approved
21 document that declares, to the extent technically or measurably
22 possible, that an aquatic conveyance does not carry or contain an
23 invasive species. Certification may be in the form of a decal, label,
24 rubber stamp imprint, tag, permit, locking seal, or written statement.

25 (4) "Clean and drain" means to remove the following from areas on
26 or within an aquatic conveyance to the extent technically and
27 measurably possible:

28 (a) Visible native and nonnative aquatic animals, plants, or other
29 organisms; and

30 (b) Raw water.

31 (5) "Commercial watercraft" means a management category of aquatic
32 conveyances:

33 (a) Required to have valid marine documentation as a vessel of the
34 United States or similar required documentation for a country other
35 than the United States; and

36 (b) Not subject to watercraft registration requirements under

1 chapter 88.02 RCW or ballast water requirements under chapter 77.120
2 RCW.

3 (6) "Cryptogenic species" means a species that scientists cannot
4 commonly agree are native or nonnative or are part of the animal
5 kingdom.

6 (7) "Decontaminate" means, to the extent technically and measurably
7 possible, the application of a treatment to kill, destroy, remove, or
8 otherwise eliminate all known or suspected invasive species carried on
9 or contained within an aquatic conveyance or structural property by use
10 of physical, chemical, or other methods. Decontamination treatments
11 may include drying an aquatic conveyance for a time sufficient to kill
12 aquatic invasive species through desiccation.

13 (8) "Detect" means the verification of invasive species' presence
14 as defined by the department.

15 (9) "Eradicate" means, to the extent technically and measurably
16 possible, to kill, destroy, remove, or otherwise eliminate an invasive
17 species from a water body or property using physical, chemical, or
18 other methods.

19 (10) "Introduce" means to intentionally or unintentionally release,
20 place, or allow the escape, dissemination, or establishment of an
21 invasive species on or into a water body or property as a result of
22 human activity or a failure to act.

23 (11) "Invasive species" means nonnative species of the animal
24 kingdom that are not naturally occurring in Washington for purposes of
25 breeding, resting, or foraging, and that pose an invasive risk of
26 harming or threatening the state's environmental, economic, or human
27 resources. Invasive species include all stages of species development
28 and body parts. They may also include genetically modified or
29 cryptogenic species.

30 (12) "Invasive species council" means the Washington invasive
31 species council established in RCW 79A.25.310 or a similar
32 collaborative state agency forum. The term includes the council and
33 all of its officers, employees, agents, and contractors.

34 (13) "Mandatory check station" means a location where a person
35 transporting an aquatic conveyance must stop and allow the conveyance
36 to be inspected for aquatic invasive species.

37 (14)(a) "Possess" means to have authority over the use of a water
38 body or property and includes actual and constructive possession.

1 (i) "Actual possession" is when a person has physical control and
2 authority over the use of a water body or property that may carry or
3 contain an invasive species.

4 (ii) "Constructive possession" is when a person does not have
5 physical control of a water body or property that may carry or contain
6 an invasive species but has authority over the use of that water body
7 or property.

8 (b) For the purposes of this subsection, "authority over" includes
9 the ability to import, export, transport, purchase, sell, barter,
10 distribute, propagate, or destroy any item of property.

11 (15) "Prohibited species" means a classification category of
12 nonnative species as provided in section 104 of this act.

13 (16) "Property" means both real and personal property.

14 (17) "Rapid response" means expedited management actions triggered
15 when invasive species are detected, for the time-sensitive purpose of
16 containing or eradicating the species before it spreads or becomes
17 further established.

18 (18) "Raw water" means water from a water body and held on or
19 within property. "Raw water" does not include water from precipitation
20 that is captured in a conveyance, structure, or depression that is not
21 otherwise intended to function as a water body, or water from a potable
22 water supply system, unless the water contains visible aquatic
23 organisms.

24 (19) "Regulated species" means a classification category of
25 nonnative species as provided in section 104 of this act.

26 (20) "Registered watercraft" means a management category of aquatic
27 conveyances required to register as vessels under RCW 88.02.550 or
28 similar requirements for a state other than Washington or a country
29 other than the United States.

30 (21) "Seaplane" means a management category of aquatic conveyances
31 capable of landing on or taking off from water and required to register
32 as an aircraft under RCW 47.68.250 or similar registration in a state
33 other than Washington or a country other than the United States.

34 (22) "Small watercraft" means a management category of aquatic
35 conveyances:

36 (a) Including inflatable and hard-shell watercraft used or capable
37 of being used as a means of transportation on the water, such as
38 kayaks, canoes, sailboats, and rafts that:

1 (i) Do not meet watercraft registration requirements under chapter
2 88.02 RCW; and

3 (ii) Are ten feet or more in length with or without mechanical
4 propulsion or less than ten feet in length and fitted with mechanical
5 propulsion.

6 (b) Excluding nonmotorized aquatic conveyances of any size not
7 designed or modified to be used as a means of transportation on the
8 water, such as inflatable air mattresses and tubes, beach and water
9 toys, surf boards, and paddle boards.

10 (23) "Water body" means an area that carries or contains a
11 collection of water, regardless of whether the feature carrying or
12 containing the water is natural or nonnatural. Examples include
13 basins, bays, coves, streams, rivers, springs, lakes, wetlands,
14 reservoirs, ponds, tanks, irrigation canals, and ditches.

15 NEW SECTION. **Sec. 103.** (1) The department is the lead agency for
16 managing invasive species of the animal kingdom statewide. This lead
17 responsibility excludes pests, domesticated animals, or livestock
18 managed by the department of agriculture under Titles 15, 16, and 17
19 RCW, forest invasive insect and disease species managed by the
20 department of natural resources under Title 76 RCW, and mosquito and
21 algae control and shellfish sanitation managed by the department of
22 health under Titles 69, 70, and 90 RCW.

23 (2) Subject to the availability of funding for these specific
24 purposes, the department may:

25 (a) Develop and implement integrated invasive species management
26 actions and programs authorized by this chapter, including rapid
27 response, early detection and monitoring, prevention, containment,
28 control, eradication, and enforcement;

29 (b) Establish and maintain an invasive species outreach and
30 education program, in coordination with the Washington invasive species
31 council, that covers public, commercial, and professional pathways and
32 interests;

33 (c) Align management classifications, standards, and enforcement
34 provisions by rule with regional, national, and international standards
35 and enforcement provisions;

36 (d) Manage invasive species to support the preservation of native

1 species, salmon recovery, and the overall protection of threatened or
2 endangered species;

3 (e) Participate in local, state, regional, national, and
4 international efforts regarding invasive species to support the intent
5 of this chapter;

6 (f) Provide technical assistance or other support to tribes,
7 federal agencies, local governments, and private groups to promote an
8 informed public and assist the department in meeting the intent of this
9 chapter;

10 (g) Enter upon any public or private water body, property, or
11 aquatic conveyance, for the purpose of inspecting and decontaminating
12 aquatic conveyances, surveying, collecting samples, containing,
13 controlling, or eradicating invasive species;

14 (h) Enter into partnerships, cooperative agreements, and state or
15 interstate compacts as necessary to accomplish the intent of this
16 chapter;

17 (i) Research and develop invasive species management tools,
18 including standard methods for decontaminating aquatic conveyances and
19 controlling or eradicating invasive species from water bodies and
20 properties; and

21 (j) Adopt rules as needed to implement the provisions of this
22 chapter.

23 (3) The department may delegate selected and clearly identified
24 elements of its authorities and duties to another agency of the state
25 with appropriate expertise or administrative capacity upon cooperative
26 agreement with that agency. This delegation may include provisions of
27 funding for implementation of the delegations. The department retains
28 primary authority and responsibility for all requirements of this
29 chapter unless otherwise directed in this chapter.

30 (4) This chapter does not apply to the possession or introduction
31 of aquatic invasive species by ballast water where managed by the
32 department under chapter 77.120 RCW, unless the introduction is in
33 violation of ballast water discharge requirements and the aquatic
34 invasive species are classified as prohibited level 1 or level 2
35 species.

36 (5) This chapter does not preempt or replace other department
37 species classification systems or other management requirements under

1 this title. However, the department must streamline invasive species
2 requirements under this chapter into existing permits and cooperative
3 agreements as possible.

4 NEW SECTION. **Sec. 104.** (1) The department, in consultation with
5 the invasive species council, may classify or reclassify and list by
6 rule nonnative aquatic animal species as prohibited level 1, level 2,
7 or level 3, based on the degree of invasive risk, the type of
8 management action required, and resources available to conduct the
9 management action.

10 (a) Species classified as prohibited level 1 pose a high invasive
11 risk and are a priority for prevention and expedited rapid response
12 management actions.

13 (b) Species classified as prohibited level 2 pose a high invasive
14 risk and are a priority for long-term infested site management actions.

15 (c) Species classified as prohibited level 3 pose a moderate to
16 high invasive risk and may be appropriate for prevention, rapid
17 response, or other prohibited species management plan actions by the
18 department, another agency, a local government, tribes, or the public.

19 (2) The department, in consultation with the invasive species
20 council, may classify and list by rule regulated type A species. This
21 classification is used for nonnative aquatic animal species that pose
22 a low to moderate invasive risk that can be managed based on intended
23 use or geographic scope of introduction, have a beneficial use, and are
24 a priority for department-led or department-approved management of the
25 species' beneficial use and invasive risks.

26 (3) Nonnative aquatic animal species not classified as prohibited
27 level 1, level 2, or level 3 under subsection (1) of this section, or
28 as regulated type A species under subsection (2) of this section, are
29 automatically managed statewide as regulated type B species or
30 regulated type C species and do not require listing by rule.

31 (a) Species managed as regulated type B pose a low or unknown
32 invasive risk and are possessed for personal or commercial purposes,
33 such as for aquariums, live food markets, or as nondomesticated pets.

34 (b) Species managed as regulated type C pose a low or unknown
35 invasive risk and include all other species that do not meet the
36 criteria for management as a regulated type B invasive species.

37 (4) Classification of prohibited and regulated species:

1 (a) May be by individual species or larger taxonomic groups up to
2 the family name;

3 (b) Must align, as practical and appropriate, with regional and
4 national classification levels;

5 (c) Must be statewide unless otherwise designated by a water body,
6 property, or other geographic region or area; and

7 (d) May define general possession and introduction conditions
8 acceptable under department authorization, a permit, or as otherwise
9 provided by rule.

10 (5) Prior to or at the time of classifying species by rule as
11 prohibited or regulated under subsections (1) and (2) of this section,
12 the department, in consultation with the invasive species council, must
13 adopt rules establishing standards for determining invasive risk levels
14 and criteria for determining beneficial use that take into
15 consideration environmental impacts, and especially effects on the
16 preservation of native species, salmon recovery, and threatened or
17 endangered species.

18 NEW SECTION. **Sec. 105.** (1) Until the department adopts rules
19 classifying species pursuant to chapter 77.--- RCW (the new chapter
20 created in section 128 of this act), species and classifications
21 identified in this section are automatically managed as follows:

22 (a) Zebra mussels (*Dreissena polymorpha*), quagga mussels (*Dreissena*
23 *rostriformis bugensis*), European green crab (*Carcinus maenas*), and all
24 members of the genus *Eriocheir* (including Chinese mitten crab), all
25 members of the walking catfish family (*Clariidae*), all members of the
26 snakehead family (*Channidae*), silver carp (*Hypophthalmichthys*
27 *molitrix*), largescale silver carp (*Hypophthalmichthys harmandi*), black
28 carp (*Mylopharyngodon piceus*), and bighead carp (*Hypophthalmichthys*
29 *nobilis*) are prohibited level 1 species statewide;

30 (b) Prohibited aquatic animal species classified under WAC 220-12-
31 090(1), in effect on July 1, 2014, except those as noted in this
32 subsection are prohibited level 3 species statewide;

33 (c) Regulated aquatic animal species classified under WAC 220-12-
34 090(2), in effect on July 1, 2014, are regulated type A species
35 statewide; and

36 (d) Nonnative aquatic animal species classified as game fish under

1 WAC 232-12-019, in effect on July 1, 2014, or food fish under WAC 220-
2 12-010, in effect on July 1, 2014, are regulated type A species
3 statewide.

4 (2) The department, in consultation with the invasive species
5 council, may change these classifications by rule.

6 NEW SECTION. **Sec. 106.** (1) Prohibited level 1, level 2, and level
7 3 species may not be possessed, introduced on or into a water body or
8 property, or trafficked, without department authorization, a permit, or
9 as otherwise provided by rule.

10 (2) Regulated type A, type B, and type C species may not be
11 introduced on or into a water body or property without department
12 authorization, a permit, or as otherwise provided by rule.

13 (3) Regulated type B species, when being actively used for
14 commercial purposes, must be readily and clearly identified in writing
15 by taxonomic species name or subspecies name to distinguish the
16 subspecies from another prohibited species or a regulated type A
17 species. Nothing in this section precludes using additional
18 descriptive language or trade names to describe regulated type B
19 species as long as the labeling requirements of this section are met.

20 NEW SECTION. **Sec. 107.** (1) If the department determines it is
21 necessary to protect the environmental, economic, or human health
22 interests of the state from the threat of a prohibited level 1 or level
23 2 species, the department may declare a quarantine against a water
24 body, property, or region within the state. The department may
25 prohibit or condition the movement of aquatic conveyances and waters
26 from such a quarantined place or area that are likely to contain a
27 prohibited species.

28 (2) A quarantine declaration under this section may be implemented
29 through rapid response management actions under section 108 of this act
30 and infested site management actions under section 109 of this act in
31 a manner and for a duration necessary to protect the interests of the
32 state from the threat of a prohibited level 1 or level 2 species. A
33 quarantine declaration must include:

34 (a) The reasons for the action including the prohibited level 1 or
35 level 2 species triggering the quarantine;

36 (b) The boundaries of the area affected;

- 1 (c) The action timeline;
- 2 (d) Types of aquatic conveyances and waters affected by the
- 3 quarantine and any prohibition or conditions on the movement of those
- 4 aquatic conveyances and waters from the quarantine area; and
- 5 (e) Inspection and decontamination requirements for aquatic
- 6 conveyances.

7 NEW SECTION. **Sec. 108.** (1) The department may implement rapid
8 response management actions where a prohibited level 1 species is
9 detected in or on a water body or property. Rapid response management
10 actions may include a quarantine declaration and expedited actions to
11 contain, control, or eradicate the prohibited species. Rapid response
12 management actions must be terminated by the department when it
13 determines that the targeted prohibited level 1 species are:

- 14 (a) Eradicated;
- 15 (b) Contained or controlled without need for further management
- 16 actions;
- 17 (c) Reclassified for that water body; or
- 18 (d) Being managed under infested site management actions pursuant
- 19 to section 109 of this act.

20 (2) If a rapid response management action exceeds seven days, the
21 department may implement an incident command system for rapid response
22 management including scope, duration, and types of actions and to
23 support mutual assistance and cooperation between the department and
24 other affected state and federal agencies, tribes, local governments,
25 and private water body or property owners. The purpose of this system
26 is to coordinate a rapid, effective, and efficient response to contain,
27 control, and eradicate if feasible, a prohibited level 1 species.
28 Mutual assistance and coordination by other state agencies is
29 especially important to assist the department in expediting necessary
30 state and federal environmental permits.

31 (3) The department may enter into cooperative agreements with
32 national, regional, state, and local rapid response management action
33 partners to establish incident command system structures, secure or
34 prepare submission-ready environmental permits, and identify mutual
35 assistance commitments in preparation for potential future actions.

36 (4) The department may perform simulated rapid response exercises,

1 testing, or other training activities to prepare for future rapid
2 response management actions.

3 NEW SECTION. **Sec. 109.** (1) The department may implement infested
4 site management actions where a prohibited level 2 species is detected
5 in or on a water body or property. Infested site management actions
6 may include a quarantine declaration and long-term actions to contain,
7 control, or eradicate the prohibited species. Infested site management
8 actions must be terminated by the department when it determines that
9 the targeted prohibited level 2 species are:

10 (a) Eradicated;

11 (b) Contained or controlled without need for further management
12 actions; or

13 (c) Reclassified for that water body.

14 (2) The department must consult with affected state and federal
15 agencies, tribes, local governments, and private water body or property
16 owners prior to implementing infested site management actions. The
17 purpose of the consultation is to support mutual assistance and
18 cooperation in providing an effective and efficient response to
19 contain, control, and eradicate, if feasible, a prohibited level 2
20 species.

21 (3) The department may enter into cooperative agreements with
22 national, regional, state, and local infested site management action
23 partners to establish management responsibilities, secure or prepare
24 submission-ready environmental permits, and identify mutual assistance
25 commitments.

26 (4) The department, in consultation with the invasive species
27 council, may establish rules governing when the department may require
28 the owners of a water body or property with a prohibited level 2
29 species to develop and implement infested site management actions.

30 NEW SECTION. **Sec. 110.** (1) To the extent possible, the
31 department's rapid response management actions under section 108 of
32 this act and infested site management actions under section 109 of this
33 act must be implemented in a manner best suited to contain, control,
34 and eradicate prohibited level 1 and level 2 species while protecting
35 human safety, minimizing adverse environmental impacts to a water body

1 or property, and minimizing adverse economic impacts to owners of an
2 affected water body or property.

3 (2) The department is the lead agency for rapid response and
4 infested site management actions. Where the department does not have
5 jurisdiction or jurisdiction for a water body is shared, the
6 department:

7 (a) Must consult with appropriate federal agencies, tribal
8 governments, other states, and Canadian government entities to develop
9 and implement coordinated management actions on affected water bodies
10 under shared jurisdiction;

11 (b) May assist in infested site management actions on affected
12 water bodies fully under tribal or federal jurisdiction where these
13 actions may prevent the spread of prohibited species into water bodies
14 under state jurisdiction; and

15 (c) May assist other states and Canadian government entities, in
16 the Columbia river basin, in management actions where these actions may
17 prevent the spread of the species into Washington.

18 (3) The department must provide notice of rapid response and
19 infested site management actions to owners of an affected water body or
20 property where the actions last longer than seven days. Notice may be
21 served in person or through regular mail to the owners' addresses as
22 shown on the property records of the county assessor. The department
23 must provide updates to owners of an affected water body or property
24 based on management action type as follows: Every seven days for rapid
25 response management actions; on an annual basis for the duration of an
26 infested site management action; and a final update at the conclusion
27 of either management action. Updates may be provided by any reasonable
28 means, such as in person, by United States postal service, by
29 publication in a local newspaper, by electronic publication including
30 social media or postings on the department's public web site, or by
31 posting signs at the water body.

32 (4) The department must publicly list those water bodies or
33 portions of water bodies in which a prohibited level 1 or level 2
34 species has been detected. The department may list those areas in
35 which a prohibited level 3 species has been detected.

36 (5) When posting signs at a water body or property where a
37 prohibited species has been detected, the department must consult with

1 owners of the affected water body or property regarding placement of
2 those signs.

3 NEW SECTION. **Sec. 111.** (1) If the director finds that there
4 exists an imminent danger of a prohibited level 1 or level 2 species
5 detection that seriously endangers or threatens the environment,
6 economy, human health, or well-being of the state of Washington, the
7 director must ask the governor to order, under RCW 43.06.010(14),
8 emergency measures to prevent or abate the prohibited species. The
9 director's findings must contain an evaluation of the effect of the
10 emergency measures on environmental factors such as fish listed under
11 the endangered species act, economic factors such as public and private
12 access, human health factors such as water quality, or well-being
13 factors such as cultural resources.

14 (2) If an emergency is declared pursuant to RCW 43.06.010(14), the
15 director may consult with the invasive species council to advise the
16 governor on emergency measures necessary under RCW 43.06.010(14) and
17 this section, and make subsequent recommendations to the governor. The
18 invasive species council must involve owners of the affected water body
19 or property, state and local governments, federal agencies, tribes,
20 public health interests, technical service providers, and environmental
21 organizations, as appropriate.

22 (3) Upon the governor's approval of emergency measures, the
23 director may implement these measures to prevent, contain, control, or
24 eradicate invasive species that are the subject of the emergency order,
25 notwithstanding the provisions of chapter 15.58 or 17.21 RCW or any
26 other statute. These measures, after evaluation of all other
27 alternatives, may include the surface and aerial application of
28 pesticides.

29 (4) The director must continually evaluate the effects of the
30 emergency measures and report these to the governor at intervals of not
31 less than ten days. The director must immediately advise the governor
32 if the director finds that the emergency no longer exists or if certain
33 emergency measures should be discontinued.

34 NEW SECTION. **Sec. 112.** (1) A person in possession of an aquatic
35 conveyance who enters Washington by road, air, or water is required to

1 have a certificate of inspection. A person must provide this
2 certificate of inspection upon request by a fish and wildlife officer
3 or ex officio fish and wildlife officer.

4 (2) The department must adopt rules to implement this section
5 including:

6 (a) Types of aquatic conveyances required to have a certificate of
7 inspection;

8 (b) Allowable certificate of inspection forms including passport
9 type systems and integration with existing similar permits;

10 (c) Situations when authorization can be obtained for transporting
11 an aquatic conveyance not meeting inspection requirements to a
12 specified location within the state where certificate of inspection
13 requirements can be provided; and

14 (d) Situations where aquatic conveyances are using shared waters of
15 the state, such as portions of the Columbia river, lake Osoyoos, and
16 the Puget Sound.

17 NEW SECTION. **Sec. 113.** (1) A person in possession of an aquatic
18 conveyance must meet clean and drain requirements after the
19 conveyance's use in or on a water body or property. A certificate of
20 inspection is not needed to meet clean and drain requirements.

21 (2) A fish and wildlife officer or ex officio fish and wildlife
22 officer may order a person transporting an aquatic conveyance not
23 meeting clean and drain requirements to:

24 (a) Clean and drain the conveyance at the discovery site, if the
25 department determines there are sufficient resources available; or

26 (b) Transport the conveyance to a reasonably close location where
27 resources are sufficient to meet the clean and drain requirements.

28 (3) The department must adopt rules to implement this section,
29 including:

30 (a) Types of aquatic conveyances subject to this requirement;

31 (b) When transport of an aquatic conveyance is authorized if clean
32 and drain services are not readily available at the last water body
33 used; and

34 (c) Exemptions to clean and drain requirements where the department
35 determines there is minimal risk of spreading invasive species.

36 (4) Additional management actions may be required under rapid

1 response management actions pursuant to section 108 of this act,
2 infested site management actions pursuant to section 109 of this act,
3 or emergency measures pursuant to section 111 of this act.

4 NEW SECTION. **Sec. 114.** (1) The department may establish mandatory
5 check stations to inspect aquatic conveyances for clean and drain
6 requirements and aquatic invasive species. The check stations must be
7 operated by at least one fish and wildlife officer, an ex officio fish
8 and wildlife officer in coordination with the department, or
9 department-authorized representative, and must be plainly marked by
10 signs and operated in a safe manner.

11 (2) Aquatic conveyances required to stop at mandatory check
12 stations include registered watercraft, commercial watercraft, and
13 small watercraft. The department may establish rules governing other
14 types of aquatic conveyances that must stop at mandatory check
15 stations. The rules must provide sufficient guidance so that a person
16 transporting the aquatic conveyance readily understands that he or she
17 is required to stop.

18 (3) A person who encounters a mandatory check station while
19 transporting an aquatic conveyance must:

20 (a) Stop at the mandatory check station;

21 (b) Allow the aquatic conveyance to be inspected for clean and
22 drain requirements and aquatic invasive species;

23 (c) Follow clean and drain orders if clean and drain requirements
24 are not met pursuant to section 113 of this act; and

25 (d) Follow decontamination orders pursuant to section 115 of this
26 act if an aquatic invasive species is found.

27 (4) A person who complies with the department directives under this
28 section is exempt from criminal penalties under sections 205 and 206 of
29 this act, civil penalties under RCW 77.15.160(4), and civil forfeiture
30 under RCW 77.15.070, unless the person has a prior conviction for an
31 invasive species violation within the past five years.

32 NEW SECTION. **Sec. 115.** (1) Upon discovery of an aquatic
33 conveyance that carries or contains an aquatic invasive species without
34 department authorization, a permit, or as otherwise provided by rule,
35 a fish and wildlife officer or ex officio fish and wildlife officer
36 may:

1 (a) Order decontamination at the discovery site, if the situation
2 presents a low risk of aquatic invasive species introduction, and
3 sufficient department resources are available at the discovery site;

4 (b) Order prohibition on the launch of the aquatic conveyance in a
5 water body until decontamination is completed and certified, if the
6 situation presents a low risk of aquatic invasive species introduction,
7 and sufficient department resources are not available at the discovery
8 site;

9 (c) Order immediate transport of the conveyance to an approved
10 decontamination station, and prohibit the launch of the conveyance in
11 a water body until decontamination is completed and certified, if the
12 situation presents a moderate risk of aquatic invasive species
13 introduction, and sufficient department resources are not available at
14 the discovery site; or

15 (d) Seize and transport the aquatic conveyance to an approved
16 decontamination station until decontamination is completed and
17 certified, if the situation presents a high risk of aquatic invasive
18 species introduction, and sufficient department resources are not
19 available at the discovery site.

20 (2) The person possessing the aquatic conveyance that is subject to
21 orders issued under subsection (1)(b) through (d) of this section must
22 bear any costs for seizure, transportation, or decontamination.

23 (3) Orders issued under subsection (1)(b) through (d) of this
24 section must be in writing and must include notice of the opportunity
25 for a hearing pursuant to section 116 of this act to determine the
26 validity of the orders.

27 (4) If a decontamination order is issued under subsection (1)(d) of
28 this section, the department may seize the aquatic conveyance for two
29 working days or a reasonable additional period of time thereafter as
30 needed to meet decontamination requirements. The decontamination
31 period must be based on factors including conveyance size and
32 complexity, type and number of aquatic invasive species present, and
33 decontamination station resource capacity.

34 (5) If an aquatic conveyance is subject to forfeiture under RCW
35 77.15.070, the timelines and other provisions under that section apply
36 to the seizure.

37 (6) Upon decontamination and issuing a certificate of inspection,

1 an aquatic conveyance must be released to the person in possession of
2 the aquatic conveyance at the time the decontamination order was
3 issued, or to the owner of the aquatic conveyance.

4 NEW SECTION. **Sec. 116.** (1) A person subject to a rapid response
5 management action under section 108 of this act, an infested site
6 management action under section 109 of this act, or a decontamination
7 order under section 115 of this act may contest the validity of the
8 department's actions by requesting a hearing in writing within twenty
9 days of the department's actions. Hearings must be conducted pursuant
10 to chapter 34.05 RCW and the burden of demonstrating the invalidity of
11 agency action is on the party asserting invalidity. The hearing may be
12 conducted by the director or the director's designee and may occur
13 telephonically.

14 (2) A hearing on a decontamination order is limited to the issues
15 of whether decontamination was necessary and the reasonableness of
16 costs assessed for any seizure, transportation, and decontamination.
17 If the person in possession of the aquatic conveyance that was
18 decontaminated prevails at the hearing, the person is entitled to
19 reimbursement by the department for any costs assessed by the
20 department or decontamination station operator for the seizure,
21 transportation, and decontamination. If the department prevails at the
22 hearing, the department is not responsible for and may not reimburse
23 any costs.

24 NEW SECTION. **Sec. 117.** (1) The department may operate aquatic
25 conveyance inspection and decontamination stations statewide for
26 voluntary use by the public or for mandatory use where directed by the
27 department to meet inspection and decontamination requirements of this
28 chapter. Decontamination stations can be part of or separate from
29 inspection stations. Inspection and decontamination stations are
30 separate from commercial vehicle weigh stations operated by the
31 Washington state patrol.

32 (2) Inspection station staff must inspect aquatic conveyances to
33 determine whether the conveyances carry or contain aquatic invasive
34 species. If an aquatic conveyance is free of aquatic invasive species,
35 then inspection station staff must issue a certificate of inspection.

1 A certificate of inspection is valid until the conveyance's next use in
2 a water body.

3 (3) If a conveyance carries or contains aquatic invasive species,
4 then inspection station staff must require the conveyance's
5 decontamination before issuing a certificate of inspection. The
6 certificate of inspection is valid until the conveyance's next use in
7 a water body.

8 (4) The department must identify, in a way that is readily
9 available to the public, the location and contact information for
10 inspection and decontamination stations.

11 (5) The department must adopt by rule standards for inspection and
12 decontamination that, where practical and appropriate, align with
13 regional, national, and international standards.

14 NEW SECTION. **Sec. 118.** (1) The department may authorize
15 representatives to operate its inspection and decontamination stations
16 and mandatory check stations. Department-authorized representatives
17 may be department volunteers, other law enforcement agencies, or
18 independent businesses.

19 (2) The department must adopt rules governing the types of services
20 that department-authorized representatives may perform under this
21 chapter.

22 (3) Department-authorized representatives must have official
23 identification, training, and administrative capacity to fulfill their
24 responsibilities under this section.

25 (4) Within two years of the effective date of this section, the
26 department must provide the legislature with recommendations for a fee
27 schedule that department-authorized representatives may charge for
28 inspection and decontamination services.

29 NEW SECTION. **Sec. 119.** (1) The aquatic invasive species
30 management account is created in the state treasury. All receipts
31 directed to the account from fees collected under section 125 of this
32 act and RCW 88.02.640, and revenues collected under RCW 82.49.030, as
33 well as legislative appropriations, gifts, donations, fees, and
34 penalties for aquatic invasive species management received under this
35 chapter must be deposited into the account.

1 (2) Expenditures from the account may only be used to implement the
2 provisions of this chapter.

3 (3) Moneys in the account may be spent only after appropriation.

4 NEW SECTION. **Sec. 120.** All moneys in the aquatic invasive species
5 enforcement account created in RCW 43.43.400 are transferred to the
6 aquatic invasive species enforcement account created in section 121 of
7 this act.

8 NEW SECTION. **Sec. 121.** (1) The aquatic invasive species
9 enforcement account is created in the state treasury. All receipts
10 directed to the account from fees collected under RCW 88.02.640, fees
11 collected under section 125 of this act, and revenues collected under
12 RCW 82.49.030, as well as legislative appropriations, gifts, donations,
13 fees, and penalties for aquatic invasive species enforcement received
14 under this chapter must be deposited into the account.

15 (2) Expenditures from the account may be used for training fish and
16 wildlife officers and ex officio fish and wildlife officers, and other
17 actions as necessary, to implement the enforcement program provisions
18 of this chapter.

19 (3) Moneys in the account may be spent only after appropriation.

20 NEW SECTION. **Sec. 122.** (1) Money in the aquatic invasive species
21 management account created in section 119 of this act may be
22 appropriated to the department to establish an aquatic invasive species
23 local management grant program. Up to one million dollars of revenues
24 collected under RCW 82.49.030 may be expended annually as competitive
25 grants to state agencies, cities, counties, tribes, special purpose
26 districts, academic institutions, and nonprofit groups to:

27 (a) Manage prohibited level 1 or level 2 aquatic species at a local
28 level;

29 (b) Develop rapid response management cooperative agreements for
30 local water bodies;

31 (c) Develop or implement prohibited species management cooperative
32 agreements for local water bodies; and

33 (d) Conduct innovative applied research that directly supports on
34 the ground prevention, control, and eradication efforts.

1 (2) The department may give preference to projects that have
2 matching funds, provide in-kind services, or maintain or enhance
3 outdoor recreational opportunities.

4 NEW SECTION. **Sec. 123.** (1) A person may not place or operate a
5 resident small watercraft, commercial watercraft of the United States,
6 or seaplane on water bodies of the state without first obtaining a
7 resident aquatic conveyance permit as provided under section 125 of
8 this act.

9 (2) A person required to have a resident aquatic conveyance permit
10 under subsection (1) of this section must present their permit for
11 inspection upon request by a fish and wildlife officer or ex officio
12 fish and wildlife officer.

13 (3) Resident aquatic conveyance permits for small watercraft are
14 further conditioned as follows:

15 (a) The permit is transferrable so that the name on the permit does
16 not need to match the name of the person operating the small watercraft
17 and persons may purchase multiple permits for use by others;

18 (b) Resident businesses, clubs, or organizations that possess or
19 own multiple small watercraft for rent or lease, communal use by
20 members, participants, racing teams, or for public educational
21 purposes, may purchase resident aquatic conveyance permits at a
22 discounted rate as provided under section 125 of this act and under the
23 following conditions:

24 (i) The discount is calculated based on the maximum number of small
25 watercraft intended to be used on water bodies of the state at any
26 given time;

27 (ii) The business, club, or organization provides legal proof that
28 they qualify for this discount;

29 (iii) All small watercraft must be clearly labeled with the
30 business, club, or organization name;

31 (iv) The permit is held by the business, event organizer, coach, or
32 other designated person at the business or event site; and

33 (v) The permit is readily available for inspection by a fish and
34 wildlife officer or ex officio fish and wildlife officer.

35 (4) For the purposes of this section "resident" means a person,
36 business, club, or organization meeting resident qualifications under
37 RCW 77.08.075.

1 NEW SECTION. **Sec. 124.** (1) A person may not place or operate a
2 nonresident registered watercraft, small watercraft, commercial
3 watercraft of another country, or seaplane on water bodies of the state
4 without first obtaining a nonresident aquatic conveyance permit as
5 provided under section 125 of this act.

6 (2) A person required to have a nonresident aquatic conveyance
7 permit under subsection (1) of this section must present their permit
8 for inspection upon request by a fish and wildlife officer or ex
9 officio fish and wildlife officer.

10 (3) Nonresident aquatic conveyance permits for small watercraft are
11 further conditioned as follows:

12 (a) The permit is transferrable so that the name on the permit does
13 not need to match the name of the person operating the small watercraft
14 and persons may purchase multiple permits for use by others;

15 (b) Nonresident businesses, clubs, or organizations that possess or
16 own multiple small watercraft for rent or lease, communal use by
17 members, participants, racing teams, or for public educational
18 purposes, may purchase nonresident aquatic conveyance permits at a
19 discounted rate as provided under section 125 of this act and under the
20 following conditions:

21 (i) The discount is calculated based on the maximum number of small
22 watercraft intended to be used on water bodies of the state at any
23 given time;

24 (ii) The business, club, or organization provides legal proof that
25 they qualify for this discount;

26 (iii) All small watercraft must be clearly labeled with the
27 business, club, or organization name;

28 (iv) The permit is held by the business, event organizer, coach, or
29 other designated person at the Washington state event site; and

30 (v) The permit is readily available for inspection by a fish and
31 wildlife officer or ex officio fish and wildlife officer.

32 (4) For the purposes of this section "nonresident" means a person,
33 business, club, or organization that does not meet resident
34 qualifications under RCW 77.08.075.

35 (5) The department may adopt a regional reciprocity or passport
36 system by rule to replace the nonresident aquatic conveyance permit in
37 part or whole. A reciprocity or passport system may be implemented to
38 exempt a person from another state or country from requiring the

1 purchase of a nonresident aquatic conveyance permit where the
2 participating state or country does not require a Washington resident
3 to purchase an equivalent nonresident aquatic conveyance permit. To
4 qualify, a person must have a valid resident aquatic conveyance permit
5 or similar system from their state of origin.

6 NEW SECTION. **Sec. 125.** (1) Resident and nonresident aquatic
7 conveyance permits are valid for one year beginning from the date that
8 the permit is marked for activation. The activation date may differ
9 from the purchase date pursuant to any policies developed by the
10 department. The permits must be made available for purchase throughout
11 the year through the department's automated licensing system consistent
12 with RCW 77.32.050.

13 (2) The fee for a resident aquatic conveyance permit required under
14 section 123 of this act is as follows:

15 (a) Ten dollars for small watercraft, commercial watercraft, and
16 seaplanes; and

17 (b) A resident business, club, or organization may purchase a
18 resident aquatic conveyance permit for small watercraft at a discounted
19 rate based on the maximum number of small watercraft intended to be
20 used on water bodies of the state at any given time:

21 (i) Four to ten small watercraft is thirty dollars;

22 (ii) Eleven to twenty small watercraft is fifty dollars; or

23 (iii) Twenty-one or more small watercraft is one hundred dollars.

24 (3) The fee for a nonresident aquatic conveyance permit required
25 under section 124 of this act is as follows:

26 (a) Twenty-five dollars for nonresident watercraft, nonresident
27 small watercraft, nonresident commercial watercraft, and nonresident
28 seaplanes; and

29 (b) A nonresident business, club, or organization may purchase a
30 nonresident aquatic conveyance permit for small watercraft at a
31 discounted rate based on the maximum number of small watercraft
32 intended to be used on water bodies of the state at any given time:

33 (i) Three to ten small watercraft is fifty dollars;

34 (ii) Eleven to twenty small watercraft is seventy-five dollars;

35 (c) Twenty-one or more small watercraft is two hundred dollars.

36 (4) Fees collected under this section must be distributed as
37 follows:

1 (a) Sixty percent of the permit fees must be deposited into the
2 aquatic invasive species management account created in section 119 of
3 this act; and

4 (b) Forty percent of the permit fees must be deposited into the
5 aquatic invasive species enforcement account created in section 121 of
6 this act.

7 (5) If a resident or nonresident aquatic conveyance permit is lost,
8 stolen, or destroyed, any permit remnants must be returned to the
9 dealer along with the fee for a duplicate permit.

10 (6) Exemptions for a resident aquatic conveyance and nonresident
11 aquatic conveyance permit include:

12 (a) A military vessel owned by the United States government;

13 (b) A public vessel owned by the United States government, unless
14 the vessel is a type used for recreation;

15 (c) A vessel clearly identified as being:

16 (i) Owned by a state, county, or city; and

17 (ii) Used primarily for governmental purposes; and

18 (d) Registered watercraft, small watercraft, commercial watercraft,
19 or seaplanes having valid state of Idaho or Oregon registration,
20 numbering, or a resident aquatic conveyance or similar permit while
21 placed or operated on shared waters of the state.

22 **Sec. 126.** RCW 82.49.030 and 2010 c 161 s 1045 are each amended to
23 read as follows:

24 (1) The excise tax imposed under this chapter is due and payable to
25 the department of licensing, county auditor or other agent, or subagent
26 appointed by the director of the department of licensing at the time of
27 registration of a vessel. The department of licensing shall not issue
28 or renew a registration for a vessel until the tax is paid in full.

29 (2) Eighty percent of the excise tax collected under this chapter
30 must be deposited in the general fund.

31 (3) Twenty percent of the excise tax collected under this chapter
32 must be distributed as follows:

33 (a) Sixty percent must be deposited into the aquatic invasive
34 species management account created in section 119 of this act; and

35 (b) Forty percent must be deposited into the aquatic invasive
36 species enforcement account created in section 121 of this act.

1 violation may be found at a place, a court must issue a search warrant
2 or arrest warrant. Fish and wildlife officers or ex officio fish and
3 wildlife officers may execute any such search or arrest warrant
4 reasonably necessary to carry out their duties under this title with
5 regard to an invasive species law and may seize invasive species or any
6 evidence of a crime and the fruits or instrumentalities of a crime as
7 provided by warrant. The court may have property opened or entered and
8 the contents examined.

9 (2) Seizure of property as evidence of a crime does not preclude
10 seizure of the property for forfeiture as authorized by law.

11 NEW SECTION. **Sec. 203.** A new section is added to chapter 77.15
12 RCW to read as follows:

13 (1) Upon a showing of probable cause that a water body or property
14 has an invasive species in or on it, and the owner refuses permission
15 to allow inspection of the water body or property, a court in the
16 county in which the water body or property is located may, upon the
17 request of the director or the director's designee, issue a warrant to
18 the director or the director's designee authorizing the taking of
19 specimens of invasive species, general inspection of the property or
20 water body, and the performance of containment, eradication, or control
21 work.

22 (2) Application for issuance, execution, and return of the warrant
23 authorized by this section must be in accordance with the applicable
24 rules of the superior courts or the district courts.

25 (3) Any person who improperly prevents or threatens to prevent
26 inspection of a water body or property as authorized in this section is
27 guilty of unlawful interfering in department operations under RCW
28 77.15.360.

29 **Sec. 204.** RCW 77.15.160 and 2013 C 307 S 2 are each amended to
30 read as follows:

31 The following acts are infractions and must be cited and punished
32 as provided under chapter 7.84 RCW:

- 33 (1) Fishing and shellfishing infractions:
34 (a) Barbed hooks: Fishing for personal use with barbed hooks in
35 violation of any department rule.

1 (b) Catch recording: Failing to immediately record a catch of fish
2 or shellfish on a catch record card as required by RCW 77.32.430 or
3 department rule.

4 (c) Catch reporting: Failing to return a catch record card to the
5 department for other than Puget Sound Dungeness crab, as required by
6 department rule.

7 (d) Recreational fishing: Fishing for fish or shellfish and,
8 without yet possessing fish or shellfish, the person:

9 (i) Owns, but fails to have in the person's possession the license
10 or the catch record card required by chapter 77.32 RCW for such an
11 activity; or

12 (ii) Violates any department rule regarding seasons, closed areas,
13 closed times, or any other rule addressing the manner or method of
14 fishing for fish or shellfish. This subsection does not apply to use
15 of a net to take fish under RCW 77.15.580 or the unlawful use of
16 shellfish gear for personal use under RCW 77.15.382.

17 (e) Seaweed: Taking, possessing, or harvesting less than two times
18 the daily possession limit of seaweed:

19 (i) While owning, but not having in the person's possession, the
20 license required by chapter 77.32 RCW; or

21 (ii) In violation of any rule of the department or the department
22 of natural resources regarding seasons, closed areas, closed times, or
23 any other rule addressing the manner or method of taking, possessing,
24 or harvesting of seaweed.

25 (f) Unclassified fish or shellfish: Taking unclassified fish or
26 shellfish in violation of any department rule by killing, fishing,
27 taking, holding, possessing, or maliciously injuring or harming fish or
28 shellfish that is not classified as game fish, food fish, shellfish,
29 protected fish, or endangered fish.

30 (g) Wasting fish or shellfish: Killing, taking, or possessing fish
31 or shellfish having a value of less than two hundred fifty dollars and
32 allowing the fish or shellfish to be wasted.

33 (2) Hunting infractions:

34 (a) Eggs or nests: Maliciously, and without permit authorization,
35 destroying, taking, or harming the eggs or active nests of a wild bird
36 not classified as endangered or protected. For purposes of this
37 subsection, "active nests" means nests that contain eggs or fledglings.

1 (b) Unclassified wildlife: Taking unclassified wildlife in
2 violation of any department rule by killing, hunting, taking, holding,
3 possessing, or maliciously injuring or harming wildlife that is not
4 classified as big game, game animals, game birds, protected wildlife,
5 or endangered wildlife.

6 (c) Wasting wildlife: Killing, taking, or possessing wildlife that
7 is not classified as big game and has a value of less than two hundred
8 fifty dollars, and allowing the wildlife to be wasted.

9 (d) Wild animals: Hunting for wild animals not classified as big
10 game and, without yet possessing the wild animals, the person owns, but
11 fails to have in the person's possession, all licenses, tags, or
12 permits required by this title.

13 (e) Wild birds: Hunting for and, without yet possessing a wild
14 bird or birds, the person:

15 (i) Owns, but fails to have in the person's possession, all
16 licenses, tags, stamps, and permits required under this title; or

17 (ii) Violates any department rule regarding seasons, closed areas,
18 closed times, or any other rule addressing the manner or method of
19 hunting wild birds.

20 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
21 infractions:

22 (a) Recordkeeping and reporting: If a person is a taxidermist, fur
23 dealer, or wildlife meat cutter who is processing, holding, or storing
24 wildlife for commercial purposes, failing to:

25 (i) Maintain records as required by department rule; or

26 (ii) Report information from these records as required by
27 department rule.

28 (b) Trapper's report: Failing to report trapping activity as
29 required by department rule.

30 ~~(4) ((Aquatic invasive species infraction: Entering Washington by~~
31 ~~road and transporting a recreational or commercial watercraft that has~~
32 ~~been used outside of Washington without meeting documentation~~
33 ~~requirements as provided under RCW 77.12.879.)) (a) Invasive species~~
34 ~~management infractions:~~

35 (i) Out-of-state certification: Entering Washington in possession
36 of an aquatic conveyance that does not meet certificate of inspection
37 requirements as provided under section 112 of this act;

1 (ii) Clean and drain requirements: Possessing an aquatic
2 conveyance that does not meet clean and drain requirements under
3 section 113 of this act;

4 (iii) Clean and drain orders: Possessing an aquatic conveyance and
5 failing to obey a clean and drain order under section 113 or 114 of
6 this act; and

7 (iv) Aquatic conveyance permits: Placing or using an aquatic
8 conveyance on a water body of the state and failing to comply with
9 aquatic conveyance permit requirements under section 123 or 124 of this
10 act.

11 (b) Unless the context clearly requires otherwise, the definitions
12 in both RCW 77.08.010 and section 102 of this act apply throughout this
13 subsection (4).

14 (5) Other infractions:

15 (a) Contests: Conducting, holding, or sponsoring a hunting
16 contest, a fishing contest involving game fish, or a competitive field
17 trial using live wildlife.

18 (b) Other rules: Violating any other department rule that is
19 designated by rule as an infraction.

20 (c) Posting signs: Posting signs preventing hunting or fishing on
21 any land not owned or leased by the person doing the posting, or
22 without the permission of the person who owns, leases, or controls the
23 land posted.

24 (d) Scientific permits: Using a scientific permit issued by the
25 director for fish, shellfish, or wildlife, but not including big game
26 or big game parts, and the person:

27 (i) Violates any terms or conditions of the scientific permit; or

28 (ii) Violates any department rule applicable to the issuance or use
29 of scientific permits.

30 ~~((e) Transporting aquatic plants: Transporting aquatic plants on~~
31 ~~any state or public road, including forest roads. However:~~

32 ~~(i) This subsection does not apply to plants that are:~~

33 ~~(A) Being transported to the department or to another destination~~
34 ~~designated by the director, in a manner designated by the department,~~
35 ~~for purposes of identifying a species or reporting the presence of a~~
36 ~~species;~~

37 ~~(B) Legally obtained for aquarium use, wetland or lakeshore~~
38 ~~restoration, or ornamental purposes;~~

1 ~~(C) Located within or on a commercial aquatic plant harvester that~~
2 ~~is being transported to a suitable location to remove aquatic plants;~~

3 ~~(D) Being transported in a manner that prevents their unintentional~~
4 ~~dispersal, to a suitable location for disposal, research, or~~
5 ~~educational purposes; or~~

6 ~~(E) Being transported in such a way as the commission may otherwise~~
7 ~~prescribe; and~~

8 ~~(ii) This subsection does not apply to a person who:~~

9 ~~(A) Is stopped at an aquatic invasive species check station and~~
10 ~~possesses a recreational or commercial watercraft that is contaminated~~
11 ~~with an aquatic invasive plant species if that person complies with all~~
12 ~~department directives for the proper decontamination of the watercraft~~
13 ~~and equipment; or~~

14 ~~(B) Has voluntarily submitted a recreational or commercial~~
15 ~~watercraft for inspection by the department or its designee and has~~
16 ~~received a receipt verifying that the watercraft has not been~~
17 ~~contaminated since its last use.))~~

18 NEW SECTION. **Sec. 205.** A new section is added to chapter 77.15
19 RCW to read as follows:

20 (1) A person is guilty of unlawful use of invasive species in the
21 second degree if the person:

22 (a) Fails to stop if directed to do so by a fish and wildlife
23 officer or ex officio fish and wildlife officer for inspection of an
24 aquatic conveyance if the officer has reasonable suspicion that the
25 aquatic conveyance does not meet clean and drain requirements or
26 carries or contains a prohibited level 1, level 2, or level 3 species
27 or a regulated type A species;

28 (b) Fails to stop at a mandatory check station or to return to the
29 mandatory check station for inspection if directed to do so by a fish
30 and wildlife officer or ex officio fish and wildlife officer;

31 (c) Fails to allow an aquatic conveyance stopped at a mandatory
32 check station to be inspected for clean and drain requirements or
33 aquatic invasive species;

34 (d) Fails to comply with a decontamination order;

35 (e) Possesses, except in the case of trafficking, a prohibited
36 level 1 or level 2 species without department authorization, a permit,
37 or as otherwise provided by rule;

1 (f) Possesses, introduces on or into a water body or property, or
2 traffics in a prohibited level 3 species without department
3 authorization, a permit, or as otherwise provided by rule;

4 (g) Introduces on or into a water body or property a regulated type
5 A, type B, or type C species without department authorization, a
6 permit, or as otherwise provided by rule;

7 (h) Fails to readily and clearly identify in writing by taxonomic
8 species name or subspecies name a regulated type B species used for
9 commercial purposes;

10 (i) Fails to comply with a rapid response management action under
11 section 108 of this act; or

12 (j) Fails to comply with an infested site management action under
13 section 109 of this act.

14 (2) A violation of subsection (1) of this section is a gross
15 misdemeanor. In addition to criminal penalties, a court may order the
16 person to pay all costs in capturing, killing, or controlling the
17 invasive species, including its progeny. This subsection does not
18 affect the authority of the department to bring a separate civil action
19 to recover habitat restoration costs necessitated by the person's
20 unlawful use of invasive species.

21 (3) This section does not apply to:

22 (a) A person who complies with the department directives pursuant
23 to section 114 of this act for mandatory check stations. Such a person
24 is exempt from criminal penalties under this section or section 206 of
25 this act, and forfeiture under this chapter, unless the person has a
26 prior conviction under those sections within the past five years;

27 (b) A person who possesses an aquatic invasive species, if the
28 person is in the process of:

29 (i) Removing it from the aquatic conveyance in a manner specified
30 by the department; or

31 (ii) Releasing it if caught while fishing and immediately returning
32 it to the water body from which it came; or

33 (c) Possessing or introducing aquatic invasive species by ballast
34 water or ballast water discharge where managed by the department under
35 chapter 77.120 RCW.

36 (4) Unless the context clearly requires otherwise, the definitions
37 in both RCW 77.08.010 and section 102 of this act apply throughout this
38 section.

1 The definitions in this section apply throughout this title or
2 rules adopted under this title unless the context clearly requires
3 otherwise.

4 (1) "Anadromous game fish buyer" means a person who purchases or
5 sells steelhead trout and other anadromous game fish harvested by
6 Indian fishers lawfully exercising fishing rights reserved by federal
7 statute, treaty, or executive order, under conditions prescribed by
8 rule of the director.

9 (2) "Angling gear" means a line attached to a rod and reel capable
10 of being held in hand while landing the fish or a hand-held line
11 operated without rod or reel.

12 (~~(3) ("Aquatic invasive species" means any invasive, prohibited,~~
13 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~
14 ~~defined under subsections (4), (34), (49), (53), (70), and (71) of this~~
15 ~~section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),~~
16 ~~and aquatic nuisance species as defined under RCW 77.60.130(1).~~

17 (~~(4) "Aquatic plant species" means an emergent, submersed, partially~~
18 ~~submersed, free floating, or floating leaving plant species that grows~~
19 ~~in or near a body of water or wetland.~~

20 (~~(5)~~) "Bag limit" means the maximum number of game animals, game
21 birds, or game fish which may be taken, caught, killed, or possessed by
22 a person, as specified by rule of the commission for a particular
23 period of time, or as to size, sex, or species.

24 (~~(6)~~) (4) "Building" means a private domicile, garage, barn, or
25 public or commercial building.

26 (~~(7)~~) (5) "Closed area" means a place where the hunting of some
27 or all species of wild animals or wild birds is prohibited.

28 (~~(8)~~) (6) "Closed season" means all times, manners of taking, and
29 places or waters other than those established by rule of the commission
30 as an open season. "Closed season" also means all hunting, fishing,
31 taking, or possession of game animals, game birds, game fish, food
32 fish, or shellfish that do not conform to the special restrictions or
33 physical descriptions established by rule of the commission as an open
34 season or that have not otherwise been deemed legal to hunt, fish,
35 take, harvest, or possess by rule of the commission as an open season.

36 (~~(9)~~) (7) "Closed waters" means all or part of a lake, river,
37 stream, or other body of water, where fishing or harvesting is
38 prohibited.

1 (~~(10)~~) (8) "Commercial" means related to or connected with
2 buying, selling, or bartering.
3 (~~(11)~~) (9) "Commission" means the state fish and wildlife
4 commission.
5 (~~(12)~~) (10) "Concurrent waters of the Columbia river" means those
6 waters of the Columbia river that coincide with the Washington-Oregon
7 state boundary.
8 (~~(13)~~) (11) "Contraband" means any property that is unlawful to
9 produce or possess.
10 (~~(14)~~) (12) "Deleterious exotic wildlife" means species of the
11 animal kingdom not native to Washington and designated as dangerous to
12 the environment or wildlife of the state.
13 (~~(15)~~) (13) "Department" means the department of fish and
14 wildlife.
15 (~~(16)~~) (14) "Director" means the director of fish and wildlife.
16 (~~(17)~~) (15) "Endangered species" means wildlife designated by the
17 commission as seriously threatened with extinction.
18 (~~(18)~~) (16) "Ex officio fish and wildlife officer" means:
19 (a) A commissioned officer of a municipal, county, or state agency
20 having as its primary function the enforcement of criminal laws in
21 general, while the officer is acting in the respective jurisdiction of
22 that agency;
23 (b) An officer or special agent commissioned by one of the
24 following: The national marine fisheries service; the Washington state
25 parks and recreation commission; the United States fish and wildlife
26 service; the Washington state department of natural resources; the
27 United States forest service; or the United States parks service, if
28 the agent or officer is in the respective jurisdiction of the primary
29 commissioning agency and is acting under a mutual law enforcement
30 assistance agreement between the department and the primary
31 commissioning agency;
32 (c) A commissioned fish and wildlife peace officer from another
33 state who meets the training standards set by the Washington state
34 criminal justice training commission pursuant to RCW 10.93.090,
35 43.101.080, and 43.101.200, and who is acting under a mutual law
36 enforcement assistance agreement between the department and the primary
37 commissioning agency; or

1 (d) A Washington state tribal police officer who successfully
2 completes the requirements set forth under RCW 43.101.157, is employed
3 by a tribal nation that has complied with RCW 10.92.020(2) (a) and (b),
4 and is acting under a mutual law enforcement assistance agreement
5 between the department and the tribal government.

6 ((+19+)) (17) "Fish" includes all species classified as game fish
7 or food fish by statute or rule, as well as all fin fish not currently
8 classified as food fish or game fish if such species exist in state
9 waters. The term "fish" includes all stages of development and the
10 bodily parts of fish species.

11 ((+20+)) (18) "Fish and wildlife officer" means a person appointed
12 and commissioned by the director, with authority to enforce this title
13 and rules adopted pursuant to this title, and other statutes as
14 prescribed by the legislature. Fish and wildlife officer includes a
15 person commissioned before June 11, 1998, as a wildlife agent or a
16 fisheries patrol officer.

17 ((+21+)) (19) "Fish broker" means a person whose business it is to
18 bring a seller of fish and shellfish and a purchaser of those fish and
19 shellfish together.

20 ((+22+)) (20) "Fish buyer" means a person engaged by a wholesale
21 fish dealer to purchase food fish or shellfish from a licensed
22 commercial fisher.

23 ((+23+)) (21) "Fishery" means the taking of one or more particular
24 species of fish or shellfish with particular gear in a particular
25 geographical area.

26 ((+24+)) (22) "Food, food waste, or other substance" includes human
27 and pet food or other waste or garbage that could attract large wild
28 carnivores.

29 ((+25+)) (23) "Freshwater" means all waters not defined as
30 saltwater including, but not limited to, rivers upstream of the river
31 mouth, lakes, ponds, and reservoirs.

32 ((+26+)) (24) "Fur-bearing animals" means game animals that shall
33 not be trapped except as authorized by the commission.

34 ((+27+)) (25) "Fur dealer" means a person who purchases, receives,
35 or resells raw furs for commercial purposes.

36 ((+28+)) (26) "Game animals" means wild animals that shall not be
37 hunted except as authorized by the commission.

1 ~~((+29+))~~ (27) "Game birds" means wild birds that shall not be
2 hunted except as authorized by the commission.

3 ~~((+30+))~~ (28) "Game farm" means property on which wildlife is held,
4 confined, propagated, hatched, fed, or otherwise raised for commercial
5 purposes, trade, or gift. The term "game farm" does not include
6 publicly owned facilities.

7 ~~((+31+))~~ (29) "Game reserve" means a closed area where hunting for
8 all wild animals and wild birds is prohibited.

9 ~~((+32+))~~ (30) "Illegal items" means those items unlawful to be
10 possessed.

11 ~~((+33+))~~ (31)(a) "Intentionally feed, attempt to feed, or attract"
12 means to purposefully or knowingly provide, leave, or place in, on, or
13 about any land or building any food, food waste, or other substance
14 that attracts or could attract large wild carnivores to that land or
15 building.

16 (b) "Intentionally feed, attempt to feed, or attract" does not
17 include keeping food, food waste, or other substance in an enclosed
18 garbage receptacle or other enclosed container unless specifically
19 directed by a fish and wildlife officer or animal control authority to
20 secure the receptacle or container in another manner.

21 ~~((+34+))~~ ~~"Invasive species" means a plant species or a nonnative~~
22 ~~animal species that either:~~

23 ~~(a) Causes or may cause displacement of, or otherwise threatens,~~
24 ~~native species in their natural communities;~~

25 ~~(b) Threatens or may threaten natural resources or their use in the~~
26 ~~state;~~

27 ~~(c) Causes or may cause economic damage to commercial or~~
28 ~~recreational activities that are dependent upon state waters; or~~

29 ~~(d) Threatens or harms human health.~~

30 ~~(+35+))~~ (32) "Large wild carnivore" includes wild bear, cougar, and
31 wolf.

32 ~~((+36+))~~ (33) "License year" means the period of time for which a
33 recreational license is valid. The license year begins April 1st, and
34 ends March 31st.

35 ~~((+37+))~~ (34) "Limited-entry license" means a license subject to a
36 license limitation program established in chapter 77.70 RCW.

37 ~~((+38+))~~ (35) "Money" means all currency, script, personal checks,
38 money orders, or other negotiable instruments.

1 (~~(+39+)~~) (36) "Natural person" means a human being.

2 (~~(+40+)~~) (37)(a) "Negligently feed, attempt to feed, or attract"
3 means to provide, leave, or place in, on, or about any land or building
4 any food, food waste, or other substance that attracts or could attract
5 large wild carnivores to that land or building, without the awareness
6 that a reasonable person in the same situation would have with regard
7 to the likelihood that the food, food waste, or other substance could
8 attract large wild carnivores to the land or building.

9 (b) "Negligently feed, attempt to feed, or attract" does not
10 include keeping food, food waste, or other substance in an enclosed
11 garbage receptacle or other enclosed container unless specifically
12 directed by a fish and wildlife officer or animal control authority to
13 secure the receptacle or container in another manner.

14 (~~(+41+)~~) (38) "Nonresident" means a person who has not fulfilled
15 the qualifications of a resident.

16 (~~(+42+)~~) (39) "Offshore waters" means marine waters of the Pacific
17 Ocean outside the territorial boundaries of the state, including the
18 marine waters of other states and countries.

19 (~~(+43+)~~) (40) "Open season" means those times, manners of taking,
20 and places or waters established by rule of the commission for the
21 lawful hunting, fishing, taking, or possession of game animals, game
22 birds, game fish, food fish, or shellfish that conform to the special
23 restrictions or physical descriptions established by rule of the
24 commission or that have otherwise been deemed legal to hunt, fish,
25 take, harvest, or possess by rule of the commission. "Open season"
26 includes the first and last days of the established time.

27 (~~(+44+)~~) (41) "Owner" means the person in whom is vested the
28 ownership dominion, or title of the property.

29 (~~(+45+)~~) (42) "Person" means and includes an individual; a
30 corporation; a public or private entity or organization; a local,
31 state, or federal agency; all business organizations, including
32 corporations and partnerships; or a group of two or more individuals
33 acting with a common purpose whether acting in an individual,
34 representative, or official capacity.

35 (~~(+46+)~~) (43) "Personal property" or "property" includes both
36 corporeal and incorporeal personal property and includes, among other
37 property, contraband and money.

1 ~~((47))~~ (44) "Personal use" means for the private use of the
2 individual taking the fish or shellfish and not for sale or barter.
3 ~~((48))~~ (45) "Predatory birds" means wild birds that may be hunted
4 throughout the year as authorized by the commission.
5 ~~((49) "Prohibited aquatic animal species" means an invasive~~
6 ~~species of the animal kingdom that has been classified as a prohibited~~
7 ~~aquatic animal species by the commission.~~
8 ~~(+50))~~ (46) "Protected wildlife" means wildlife designated by the
9 commission that shall not be hunted or fished.
10 ~~((+51))~~ (47) "Raffle" means an activity in which tickets bearing
11 an individual number are sold for not more than twenty-five dollars
12 each and in which a permit or permits are awarded to hunt or for access
13 to hunt big game animals or wild turkeys on the basis of a drawing from
14 the tickets by the person or persons conducting the raffle.
15 ~~((+52) "Recreational and commercial watercraft" includes the boat,~~
16 ~~as well as equipment used to transport the boat, and any auxiliary~~
17 ~~equipment such as attached or detached outboard motors.~~
18 ~~(+53) "Regulated aquatic animal species" means a potentially~~
19 ~~invasive species of the animal kingdom that has been classified as a~~
20 ~~regulated aquatic animal species by the commission.~~
21 ~~(+54))~~ (48) "Resident" has the same meaning as defined in RCW
22 77.08.075.
23 ~~((+55))~~ (49) "Retail-eligible species" means commercially
24 harvested salmon, crab, and sturgeon.
25 ~~((+56))~~ (50) "Saltwater" means those marine waters seaward of
26 river mouths.
27 ~~((+57))~~ (51) "Seaweed" means marine aquatic plant species that are
28 dependent upon the marine aquatic or tidal environment, and exist in
29 either an attached or free floating form, and includes but is not
30 limited to marine aquatic plants in the classes Chlorophyta,
31 Phaeophyta, and Rhodophyta.
32 ~~((+58))~~ (52) "Senior" means a person seventy years old or older.
33 ~~((+59))~~ (53) "Shark fin" means a raw, dried, or otherwise
34 processed detached fin or tail of a shark.
35 ~~((+60))~~ (54)(a) "Shark fin derivative product" means any product
36 intended for use by humans or animals that is derived in whole or in
37 part from shark fins or shark fin cartilage.

1 (b) "Shark fin derivative product" does not include a drug approved
2 by the United States food and drug administration and available by
3 prescription only or medical device or vaccine approved by the United
4 States food and drug administration.

5 ~~((+61+))~~ (55) "Shellfish" means those species of marine and
6 freshwater invertebrates that have been classified and that shall not
7 be taken except as authorized by rule of the commission. The term
8 "shellfish" includes all stages of development and the bodily parts of
9 shellfish species.

10 ~~((+62+))~~ (56) "State waters" means all marine waters and fresh
11 waters within ordinary high water lines and within the territorial
12 boundaries of the state.

13 ~~((+63+))~~ (57) "Taxidermist" means a person who, for commercial
14 purposes, creates lifelike representations of fish and wildlife using
15 fish and wildlife parts and various supporting structures.

16 ~~((+64+))~~ (58) "To fish," "to harvest," and "to take," and their
17 derivatives means an effort to kill, injure, harass, or catch a fish or
18 shellfish.

19 ~~((+65+))~~ (59) "To hunt" and its derivatives means an effort to
20 kill, injure, capture, or harass a wild animal or wild bird.

21 ~~((+66+))~~ (60) "To process" and its derivatives mean preparing or
22 preserving fish, wildlife, or shellfish.

23 ~~((+67+))~~ (61) "To trap" and its derivatives means a method of
24 hunting using devices to capture wild animals or wild birds.

25 ~~((+68+))~~ (62) "Trafficking" means offering, attempting to engage,
26 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
27 or deleterious exotic wildlife.

28 ~~((+69+))~~ (63) "Unclaimed" means that no owner of the property has
29 been identified or has requested, in writing, the release of the
30 property to themselves nor has the owner of the property designated an
31 individual to receive the property or paid the required postage to
32 effect delivery of the property.

33 ~~((+70+))~~ ~~"Unlisted aquatic animal species" means a nonnative animal~~
34 ~~species that has not been classified as a prohibited aquatic animal~~
35 ~~species, a regulated aquatic animal species, or an unregulated aquatic~~
36 ~~animal species by the commission.~~

37 ~~(+71+)~~ ~~"Unregulated aquatic animal species" means a nonnative animal~~

1 ~~species that has been classified as an unregulated aquatic animal~~
2 ~~species by the commission.~~

3 ~~(+72+))~~ (64) "Wholesale fish dealer" means a person who, acting for
4 commercial purposes, takes possession or ownership of fish or shellfish
5 and sells, barter, or exchanges or attempts to sell, barter, or
6 exchange fish or shellfish that have been landed into the state of
7 Washington or entered the state of Washington in interstate or foreign
8 commerce.

9 ~~((+73+))~~ (65) "Wild animals" means those species of the class
10 Mammalia whose members exist in Washington in a wild state. The term
11 "wild animal" does not include feral domestic mammals or old world rats
12 and mice of the family Muridae of the order Rodentia.

13 ~~((+74+))~~ (66) "Wild birds" means those species of the class Aves
14 whose members exist in Washington in a wild state.

15 ~~((+75+))~~ (67) "Wildlife" means all species of the animal kingdom
16 whose members exist in Washington in a wild state. This includes but
17 is not limited to mammals, birds, reptiles, amphibians, fish, and
18 invertebrates. The term "wildlife" does not include feral domestic
19 mammals, old world rats and mice of the family Muridae of the order
20 Rodentia, or those fish, shellfish, and marine invertebrates classified
21 as food fish or shellfish by the director. The term "wildlife"
22 includes all stages of development and the bodily parts of wildlife
23 members.

24 ~~((+76+))~~ (68) "Wildlife meat cutter" means a person who packs,
25 cuts, processes, or stores wildlife for consumption for another for
26 commercial purposes.

27 ~~((+77+))~~ (69) "Youth" means a person fifteen years old for fishing
28 and under sixteen years old for hunting.

29 **Sec. 302.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to
30 read as follows:

31 (1) The director shall investigate the habits and distribution of
32 the various species of wildlife native to or adaptable to the habitats
33 of the state. The commission shall determine whether a species should
34 be managed by the department and, if so, classify it under this
35 section.

36 (2) The commission may classify by rule wild animals as game
37 animals and game animals as fur-bearing animals.

1 (3) The commission may classify by rule wild birds as game birds or
2 predatory birds. All wild birds not otherwise classified are protected
3 wildlife.

4 (4) In addition to those species listed in RCW 77.08.020, the
5 commission may classify by rule as game fish other species of the class
6 Osteichthyes that are commonly found in freshwater except those
7 classified as food fish by the director.

8 (5) The director may recommend to the commission that a species of
9 wildlife should not be hunted or fished. The commission may designate
10 species of wildlife as protected.

11 (6) If the director determines that a species of wildlife is
12 seriously threatened with extinction in the state of Washington, the
13 director may request its designation as an endangered species. The
14 commission may designate an endangered species.

15 (7) If the director determines that a species of the animal
16 kingdom, not native to Washington, is dangerous to the environment or
17 wildlife of the state, the director may request its designation as
18 deleterious exotic wildlife. The commission may designate deleterious
19 exotic wildlife.

20 (8) (~~Upon recommendation by the director, the commission may~~
21 ~~classify nonnative aquatic animal species according to the following~~
22 ~~categories:~~

23 ~~(a) Prohibited aquatic animal species:—These species are~~
24 ~~considered by the commission to have a high risk of becoming an~~
25 ~~invasive species and may not be possessed, imported, purchased, sold,~~
26 ~~propagated, transported, or released into state waters except as~~
27 ~~provided in RCW 77.15.253;~~

28 ~~(b) Regulated aquatic animal species:—These species are considered~~
29 ~~by the commission to have some beneficial use along with a moderate,~~
30 ~~but manageable risk of becoming an invasive species, and may not be~~
31 ~~released into state waters, except as provided in RCW 77.15.253.—The~~
32 ~~commission shall classify the following commercial aquaculture species~~
33 ~~as regulated aquatic animal species, and allow their release into state~~
34 ~~waters pursuant to rule of the commission: Pacific oyster (*Crassostrea*~~
35 ~~*gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster~~
36 ~~(*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam~~
37 ~~(*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and~~
38 ~~suminoe oyster (*Crassostrea ariankensis*);~~

1 ~~(c) Unregulated aquatic animal species:—These species are~~
2 ~~considered by the commission as having some beneficial use along with~~
3 ~~a low risk of becoming an invasive species, and are not subject to~~
4 ~~regulation under this title;~~

5 ~~(d) Unlisted aquatic animal species:—These species are not~~
6 ~~designated as a prohibited aquatic animal species, regulated aquatic~~
7 ~~animal species, or unregulated aquatic animal species by the~~
8 ~~commission, and may not be released into state waters. Upon request,~~
9 ~~the commission may determine the appropriate category for an unlisted~~
10 ~~aquatic animal species and classify the species accordingly;~~

11 ~~(e) This subsection (8) does not apply to the transportation or~~
12 ~~release of nonnative aquatic animal species by ballast water or ballast~~
13 ~~water discharge.~~

14 (9)) Upon recommendation by the director, the commission may
15 develop a work plan to eradicate native aquatic species that threaten
16 human health. Priority shall be given to water bodies that the
17 department of health has classified as representing a threat to human
18 health based on the presence of a native aquatic species.

19 **Sec. 303.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to
20 read as follows:

21 (1) The commission may adopt, amend, or repeal rules as follows:

22 (a) Specifying the times when the taking of wildlife, fish, or
23 shellfish is lawful or unlawful.

24 (b) Specifying the areas and waters in which the taking and
25 possession of wildlife, fish, or shellfish is lawful or unlawful.

26 (c) Specifying and defining the gear, appliances, or other
27 equipment and methods that may be used to take wildlife, fish, or
28 shellfish, and specifying the times, places, and manner in which the
29 equipment may be used or possessed.

30 (d) Regulating the importation, transportation, possession,
31 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed
32 within the state, whether acquired within or without the state.

33 (e) Regulating the prevention and suppression of diseases and pests
34 affecting wildlife, fish, or shellfish.

35 (f) Regulating the size, sex, species, and quantities of wildlife,
36 fish, or shellfish that may be taken, possessed, sold, or disposed of.

1 (g) Specifying the statistical and biological reports required from
2 fishers, dealers, boathouses, or processors of wildlife, fish, or
3 shellfish.

4 (h) Classifying species of marine and freshwater life as food fish
5 or shellfish.

6 (i) Classifying the species of wildlife, fish, and shellfish that
7 may be used for purposes other than human consumption.

8 (j) Regulating the taking, sale, possession, and distribution of
9 wildlife, fish, shellfish, or deleterious exotic wildlife.

10 (k) Establishing game reserves and closed areas where hunting for
11 wild animals or wild birds may be prohibited.

12 (l) Regulating the harvesting of fish, shellfish, and wildlife in
13 the federal exclusive economic zone by vessels or individuals
14 registered or licensed under the laws of this state.

15 (m) Authorizing issuance of permits to release, plant, or place
16 fish or shellfish in state waters.

17 (n) Governing the possession of fish, shellfish, or wildlife so
18 that the size, species, or sex can be determined visually in the field
19 or while being transported.

20 (o) Regulating and managing invasive species, including possession
21 and introduction of invasive species on or into a water body or
22 property.

23 (p) Other rules necessary to carry out this title and the purposes
24 and duties of the department.

25 (2) Subsection(~~(s)~~) (1)(a), (b), (c), (d), and (f) of this section
26 (~~(d)~~) does not apply to private tideland owners and lessees and the
27 immediate family members of the owners or lessees of state tidelands,
28 when they take or possess oysters, clams, cockles, borers, or mussels,
29 excluding razor clams, produced on their own private tidelands or their
30 leased state tidelands for personal use.

31 "Immediate family member" for the purposes of this section means a
32 spouse, brother, sister, grandparent, parent, child, or grandchild.

33 (3) Except for subsection (1)(g) of this section, this section does
34 not apply to private sector cultured aquatic products as defined in RCW
35 15.85.020. Subsection (1)(g) of this section does apply to such
36 products.

1 **Sec. 304.** RCW 77.15.080 and 2012 c 176 s 9 are each amended to
2 read as follows:

3 ~~((1))~~ Based upon articulable facts that a person is engaged in
4 fishing, harvesting, or hunting activities, fish and wildlife officers
5 and ex officio fish and wildlife officers have the authority to
6 temporarily stop the person and check for valid licenses, tags,
7 permits, stamps, or catch record cards, and to inspect all fish,
8 shellfish, seaweed, and wildlife in possession as well as the equipment
9 being used to ensure compliance with the requirements of this title.
10 Fish and wildlife officers and ex officio fish and wildlife officers
11 also may request that the person write his or her signature for
12 comparison with the signature on his or her fishing, harvesting, or
13 hunting license. Failure to comply with the request is prima facie
14 evidence that the person is not the person named on the license. Fish
15 and wildlife officers may require the person, if age sixteen or older,
16 to exhibit a driver's license or other photo identification.

17 ~~((2) Based upon articulable facts that a person is transporting a
18 prohibited aquatic animal species or any aquatic plant, fish and
19 wildlife officers and ex officio fish and wildlife officers have the
20 authority to temporarily stop the person and inspect the watercraft to
21 ensure that the watercraft and associated equipment are not
22 transporting prohibited aquatic animal species or aquatic plants.))~~

23 **Sec. 305.** RCW 77.15.290 and 2012 c 176 s 21 are each amended to
24 read as follows:

25 (1) A person is guilty of unlawful transportation of fish or
26 wildlife in the second degree if the person:

27 (a) Knowingly imports, moves within the state, or exports fish,
28 shellfish, or wildlife in violation of any department rule governing
29 the transportation or movement of fish, shellfish, or wildlife and the
30 transportation does not involve big game, endangered fish or wildlife,
31 deleterious exotic wildlife, or fish, shellfish, or wildlife having a
32 value greater than two hundred fifty dollars; or

33 (b) Possesses but fails to affix or notch a big game transport tag
34 as required by department rule.

35 (2) A person is guilty of unlawful transportation of fish or
36 wildlife in the first degree if the person:

1 (a) Knowingly imports, moves within the state, or exports fish,
2 shellfish, or wildlife in violation of any department rule governing
3 the transportation or movement of fish, shellfish, or wildlife and the
4 transportation involves big game, endangered fish or wildlife,
5 deleterious exotic wildlife, or fish, shellfish, or wildlife with a
6 value of two hundred fifty dollars or more; or

7 (b) Knowingly transports shellfish, shellstock, or equipment used
8 in commercial culturing, taking, handling, or processing shellfish
9 without a permit required by authority of this title.

10 (3)(a) Unlawful transportation of fish or wildlife in the second
11 degree is a misdemeanor.

12 (b) Unlawful transportation of fish or wildlife in the first degree
13 is a gross misdemeanor.

14 (4) This section does not apply to(~~(a) Any person stopped at an~~
15 ~~aquatic)) invasive species ((check station who possesses a recreational~~
16 ~~or commercial watercraft that is contaminated with an aquatic invasive~~
17 ~~species if that person complies with all department directives for the~~
18 ~~proper decontamination of the watercraft and equipment; or (b) any~~
19 ~~person who has voluntarily submitted a recreational or commercial~~
20 ~~watercraft for inspection by the department or its designee and has~~
21 ~~received a receipt verifying that the watercraft has not been~~
22 ~~contaminated since its last use)).~~

23 **Sec. 306.** RCW 43.06.010 and 1994 c 223 s 3 are each amended to
24 read as follows:

25 In addition to those prescribed by the Constitution, the governor
26 may exercise the powers and perform the duties prescribed in this and
27 the following sections:

28 (1) The governor shall supervise the conduct of all executive and
29 ministerial offices;

30 (2) The governor shall see that all offices are filled, including
31 as provided in RCW 42.12.070, and the duties thereof performed, or in
32 default thereof, apply such remedy as the law allows; and if the remedy
33 is imperfect, acquaint the legislature therewith at its next session;

34 (3) The governor shall make the appointments and supply the
35 vacancies mentioned in this title;

36 (4) The governor is the sole official organ of communication

1 between the government of this state and the government of any other
2 state or territory, or of the United States;

3 (5) Whenever any suit or legal proceeding is pending against this
4 state, or which may affect the title of this state to any property, or
5 which may result in any claim against the state, the governor may
6 direct the attorney general to appear on behalf of the state, and
7 report the same to the governor, or to any grand jury designated by the
8 governor, or to the legislature when next in session;

9 (6) The governor may require the attorney general or any
10 prosecuting attorney to inquire into the affairs or management of any
11 corporation existing under the laws of this state, or doing business in
12 this state, and report the same to the governor, or to any grand jury
13 designated by the governor, or to the legislature when next in session;

14 (7) The governor may require the attorney general to aid any
15 prosecuting attorney in the discharge of the prosecutor's duties;

16 (8) The governor may offer rewards, not exceeding one thousand
17 dollars in each case, payable out of the state treasury, for
18 information leading to the apprehension of any person convicted of a
19 felony who has escaped from a state correctional institution or for
20 information leading to the arrest of any person who has committed or is
21 charged with the commission of a felony;

22 (9) The governor shall perform such duties respecting fugitives
23 from justice as are prescribed by law;

24 (10) The governor shall issue and transmit election proclamations
25 as prescribed by law;

26 (11) The governor may require any officer or board to make, upon
27 demand, special reports to the governor, in writing;

28 (12) The governor may, after finding that a public disorder,
29 disaster, energy emergency, or riot exists within this state or any
30 part thereof which affects life, health, property, or the public peace,
31 proclaim a state of emergency in the area affected, and the powers
32 granted the governor during a state of emergency shall be effective
33 only within the area described in the proclamation;

34 (13) The governor may, after finding that there exists within this
35 state an imminent danger of infestation of plant pests as defined in
36 RCW 17.24.007 or plant diseases which seriously endangers the
37 agricultural or horticultural industries of the state of Washington, or
38 which seriously threatens life, health, or economic well-being, order

1 emergency measures to prevent or abate the infestation or disease
2 situation, which measures, after thorough evaluation of all other
3 alternatives, may include the aerial application of pesticides;

4 (14) The governor, after finding that prohibited level 1 or level
5 2 species as defined in chapter 77.-- RCW (the new chapter created in
6 section 128 of this act) has been detected and after finding that the
7 detected species seriously endangers or threatens the environment,
8 economy, human health, or well-being of the state of Washington, may
9 order emergency measures to prevent or abate the prohibited species,
10 which measures, after thorough evaluation of all other alternatives,
11 may include the surface or aerial application of pesticides;

12 (15) On all compacts forwarded to the governor pursuant to RCW
13 9.46.360(6), the governor is authorized and empowered to execute on
14 behalf of the state compacts with federally recognized Indian tribes in
15 the state of Washington pursuant to the federal Indian Gaming
16 Regulatory Act, 25 U.S.C. Sec. 2701 et seq., for conducting class III
17 gaming, as defined in the Act, on Indian lands.

18 **Sec. 307.** RCW 43.43.400 and 2011 c 171 s 8 are each amended to
19 read as follows:

20 (1) ~~((The definitions in this subsection apply throughout this~~
21 ~~section unless the context clearly requires otherwise:~~

22 (a) ~~"Aquatic invasive species" means any invasive, prohibited,~~
23 ~~regulated, unregulated, or unlisted aquatic animal or plant species as~~
24 ~~defined under RCW 77.08.010 [(3),] (28), (40), (44), (58), and (59),~~
25 ~~aquatic noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic~~
26 ~~nuisance species as defined under RCW 77.60.130(1).~~

27 (b) ~~"Recreational and commercial watercraft" includes the boat, as~~
28 ~~well as equipment used to transport the boat, and any auxiliary~~
29 ~~equipment such as attached or detached outboard motors.~~

30 (2) ~~The aquatic invasive species enforcement account is created in~~
31 ~~the state treasury. Moneys directed to the account from RCW 88.02.640~~
32 ~~must be deposited in the account. Expenditures from the account may~~
33 ~~only be used as provided in this section. Moneys in the account may be~~
34 ~~spent only after appropriation.~~

35 (3)) Funds in the aquatic invasive species enforcement account
36 ((may be appropriated to the Washington state patrol and the department
37 of fish and wildlife to develop an aquatic invasive species enforcement

1 ~~program for recreational and commercial watercraft, which includes~~
2 ~~equipment used to transport the watercraft and auxiliary equipment such~~
3 ~~as attached or detached outboard motors. Funds must be expended as~~
4 ~~follows:~~

5 ~~(a) By the Washington state patrol, to inspect recreational and~~
6 ~~commercial watercraft that are required to stop at port of entry weigh~~
7 ~~stations managed by the Washington state patrol. The watercraft must~~
8 ~~be inspected for the presence of aquatic invasive species; and~~

9 ~~(b) By the department of fish and wildlife to:~~

10 ~~(i) Establish random check stations, to inspect recreational and~~
11 ~~commercial watercraft as provided for in RCW 77.12.879(3);~~

12 ~~(ii) Inspect or delegate inspection of recreational and commercial~~
13 ~~watercraft. If the department conducts the inspection, there will be~~
14 ~~no cost to the person requesting the inspection;~~

15 ~~(iii) Provide training to all department employees that are~~
16 ~~deployed in the field to inspect recreational and commercial~~
17 ~~watercraft; and~~

18 ~~(iv) Provide an inspection receipt verifying that the watercraft is~~
19 ~~not contaminated after the watercraft has been inspected at a check~~
20 ~~station or has been inspected at the request of the owner of the~~
21 ~~recreational or commercial watercraft. The inspection receipt is valid~~
22 ~~until the watercraft is used again.~~

23 ~~(4) The Washington state patrol and the department of fish and~~
24 ~~wildlife shall submit a biennial report to the appropriate legislative~~
25 ~~committees describing the actions taken to implement this section along~~
26 ~~with suggestions on how to better fulfill the intent of chapter 464,~~
27 ~~Laws of 2005. The first report is due December 1, 2007.)) created in~~
28 ~~section 121 of this act may be appropriated to the Washington state~~
29 ~~patrol and the department of fish and wildlife.~~

30 ~~(2) Funds must be expended by the Washington state patrol to~~
31 ~~inspect for the presence of aquatic invasive species on aquatic~~
32 ~~conveyances that are required to stop at a Washington state patrol port~~
33 ~~of entry weigh station.~~

34 ~~(3) Unless the context clearly requires otherwise, the definitions~~
35 ~~in both RCW 77.08.010 and section 102 of this act apply throughout this~~
36 ~~section.~~

1 **Sec. 308.** RCW 10.31.100 and 2013 2nd sp.s. c 35 s 22 are each
2 amended to read as follows:

3 A police officer having probable cause to believe that a person has
4 committed or is committing a felony shall have the authority to arrest
5 the person without a warrant. A police officer may arrest a person
6 without a warrant for committing a misdemeanor or gross misdemeanor
7 only when the offense is committed in the presence of the officer,
8 except as provided in subsections (1) through (11) of this section.

9 (1) Any police officer having probable cause to believe that a
10 person has committed or is committing a misdemeanor or gross
11 misdemeanor, involving physical harm or threats of harm to any person
12 or property or the unlawful taking of property or involving the use or
13 possession of cannabis, or involving the acquisition, possession, or
14 consumption of alcohol by a person under the age of twenty-one years
15 under RCW 66.44.270, or involving criminal trespass under RCW 9A.52.070
16 or 9A.52.080, shall have the authority to arrest the person.

17 (2) A police officer shall arrest and take into custody, pending
18 release on bail, personal recognizance, or court order, a person
19 without a warrant when the officer has probable cause to believe that:

20 (a) An order has been issued of which the person has knowledge
21 under RCW 26.44.063, or chapter 7.-- (the new chapter created in
22 section 33, chapter 84, Laws of 2013), 7.90, 9A.46, 10.99, 26.09,
23 26.10, 26.26, 26.50, or 74.34 RCW restraining the person and the person
24 has violated the terms of the order restraining the person from acts or
25 threats of violence, or restraining the person from going onto the
26 grounds of or entering a residence, workplace, school, or day care, or
27 prohibiting the person from knowingly coming within, or knowingly
28 remaining within, a specified distance of a location or, in the case of
29 an order issued under RCW 26.44.063, imposing any other restrictions or
30 conditions upon the person; or

31 (b) A foreign protection order, as defined in RCW 26.52.010, has
32 been issued of which the person under restraint has knowledge and the
33 person under restraint has violated a provision of the foreign
34 protection order prohibiting the person under restraint from contacting
35 or communicating with another person, or excluding the person under
36 restraint from a residence, workplace, school, or day care, or
37 prohibiting the person from knowingly coming within, or knowingly

1 remaining within, a specified distance of a location, or a violation of
2 any provision for which the foreign protection order specifically
3 indicates that a violation will be a crime; or

4 (c) The person is sixteen years or older and within the preceding
5 four hours has assaulted a family or household member as defined in RCW
6 10.99.020 and the officer believes: (i) A felonious assault has
7 occurred; (ii) an assault has occurred which has resulted in bodily
8 injury to the victim, whether the injury is observable by the
9 responding officer or not; or (iii) that any physical action has
10 occurred which was intended to cause another person reasonably to fear
11 imminent serious bodily injury or death. Bodily injury means physical
12 pain, illness, or an impairment of physical condition. When the
13 officer has probable cause to believe that family or household members
14 have assaulted each other, the officer is not required to arrest both
15 persons. The officer shall arrest the person whom the officer believes
16 to be the primary physical aggressor. In making this determination,
17 the officer shall make every reasonable effort to consider: (i) The
18 intent to protect victims of domestic violence under RCW 10.99.010;
19 (ii) the comparative extent of injuries inflicted or serious threats
20 creating fear of physical injury; and (iii) the history of domestic
21 violence of each person involved, including whether the conduct was
22 part of an ongoing pattern of abuse; or

23 (d) The person has violated RCW 46.61.502 or 46.61.504 or an
24 equivalent local ordinance and the police officer has knowledge that
25 the person has a prior offense as defined in RCW 46.61.5055 within ten
26 years.

27 (3) Any police officer having probable cause to believe that a
28 person has committed or is committing a violation of any of the
29 following traffic laws shall have the authority to arrest the person:

30 (a) RCW 46.52.010, relating to duty on striking an unattended car
31 or other property;

32 (b) RCW 46.52.020, relating to duty in case of injury to or death
33 of a person or damage to an attended vehicle;

34 (c) RCW 46.61.500 or 46.61.530, relating to reckless driving or
35 racing of vehicles;

36 (d) RCW 46.61.502 or 46.61.504, relating to persons under the
37 influence of intoxicating liquor or drugs;

1 (e) RCW 46.61.503 or 46.25.110, relating to persons having alcohol
2 or THC in their system;

3 (f) RCW 46.20.342, relating to driving a motor vehicle while
4 operator's license is suspended or revoked;

5 (g) RCW 46.61.5249, relating to operating a motor vehicle in a
6 negligent manner.

7 (4) A law enforcement officer investigating at the scene of a motor
8 vehicle accident may arrest the driver of a motor vehicle involved in
9 the accident if the officer has probable cause to believe that the
10 driver has committed in connection with the accident a violation of any
11 traffic law or regulation.

12 (5)(a) A law enforcement officer investigating at the scene of a
13 motor vessel accident may arrest the operator of a motor vessel
14 involved in the accident if the officer has probable cause to believe
15 that the operator has committed, in connection with the accident, a
16 criminal violation of chapter 79A.60 RCW.

17 (b) A law enforcement officer investigating at the scene of a motor
18 vessel accident may issue a citation for an infraction to the operator
19 of a motor vessel involved in the accident if the officer has probable
20 cause to believe that the operator has committed, in connection with
21 the accident, a violation of any boating safety law of chapter 79A.60
22 RCW.

23 (6) Any police officer having probable cause to believe that a
24 person has committed or is committing a violation of RCW 79A.60.040
25 shall have the authority to arrest the person.

26 (7) An officer may act upon the request of a law enforcement
27 officer in whose presence a traffic infraction was committed, to stop,
28 detain, arrest, or issue a notice of traffic infraction to the driver
29 who is believed to have committed the infraction. The request by the
30 witnessing officer shall give an officer the authority to take
31 appropriate action under the laws of the state of Washington.

32 (8) Any police officer having probable cause to believe that a
33 person has committed or is committing any act of indecent exposure, as
34 defined in RCW 9A.88.010, may arrest the person.

35 (9) A police officer may arrest and take into custody, pending
36 release on bail, personal recognizance, or court order, a person
37 without a warrant when the officer has probable cause to believe that

1 an order has been issued of which the person has knowledge under
2 chapter 10.14 RCW and the person has violated the terms of that order.

3 (10) Any police officer having probable cause to believe that a
4 person has, within twenty-four hours of the alleged violation,
5 committed a violation of RCW 9A.50.020 may arrest such person.

6 (11) A police officer having probable cause to believe that a
7 person illegally possesses or illegally has possessed a firearm or
8 other dangerous weapon on private or public elementary or secondary
9 school premises shall have the authority to arrest the person.

10 For purposes of this subsection, the term "firearm" has the meaning
11 defined in RCW 9.41.010 and the term "dangerous weapon" has the meaning
12 defined in RCW 9.41.250 and 9.41.280(1) (c) through (e).

13 (12) A law enforcement officer having probable cause to believe
14 that a person has committed a violation under RCW 77.15.160(4) may
15 issue a citation for an infraction to the person in connection with the
16 violation.

17 (13) A law enforcement officer having probable cause to believe
18 that a person has committed a criminal violation under section 205 or
19 206 of this act may arrest the person in connection with the violation.

20 (14) Except as specifically provided in subsections (2), (3), (4),
21 and (7) of this section, nothing in this section extends or otherwise
22 affects the powers of arrest prescribed in Title 46 RCW.

23 ~~((+13))~~ (15) No police officer may be held criminally or civilly
24 liable for making an arrest pursuant to subsection (2) or (9) of this
25 section if the police officer acts in good faith and without malice.

26 **Sec. 309.** RCW 88.02.560 and 2011 c 171 s 129 are each amended to
27 read as follows:

28 (1) An application for a vessel registration must be made by the
29 owner or the owner's authorized representative to the department,
30 county auditor or other agent, or subagent appointed by the director on
31 a form furnished or approved by the department. The application must
32 contain:

- 33 (a) The name and address of each owner of the vessel;
- 34 (b) Other information the department may require; and
- 35 (c) The signature of at least one owner.

36 (2) The application for vessel registration must be accompanied by
37 the:

1 (a) Vessel registration fee required under RCW 88.02.640(1)((+i))
2 (j);

3 (b) Derelict vessel (~~(and invasive species)~~) removal fee under RCW
4 88.02.640(3)(b) and derelict vessel removal surcharge required under
5 RCW 88.02.640(4);

6 (c) Filing fee required under RCW 88.02.640(1)((+e)) (f);

7 (d) License plate technology fee required under RCW
8 88.02.640(1)((+f)) (g);

9 (e) License service fee required under RCW 88.02.640(1)((+g)) (h);
10 ~~((and))~~

11 (f) Watercraft excise tax required under chapter 82.49 RCW;

12 (g) Aquatic invasive species fee required under RCW
13 88.02.640(1)(p); and

14 (h) Freshwater aquatic algae control fee required under RCW
15 88.02.640 (1)(q).

16 (3) Upon receipt of an application for vessel registration and the
17 required fees and taxes, the department shall assign a registration
18 number and issue a decal for each vessel. The registration number and
19 decal must be issued and affixed to the vessel in a manner prescribed
20 by the department consistent with the standard numbering system for
21 vessels required in 33 C.F.R. Part 174. A valid decal affixed as
22 prescribed must indicate compliance with the annual registration
23 requirements of this chapter.

24 (4) Vessel registrations and decals are valid for a period of one
25 year, except that the director may extend or diminish vessel
26 registration periods and vessel decals for the purpose of staggered
27 renewal periods. For registration periods of more or less than one
28 year, the department may collect prorated annual registration fees and
29 excise taxes based upon the number of months in the registration
30 period.

31 (5) Vessel registrations are renewable every year in a manner
32 prescribed by the department upon payment of the fees and taxes
33 described in subsection (2) of this section. Upon renewing a vessel
34 registration, the department shall issue a new decal to be affixed as
35 prescribed by the department.

36 (6) When the department issues either a notice to renew a vessel
37 registration or a decal for a new or renewed vessel registration, it
38 shall also provide information on the location of marine oil recycling

1 tanks and sewage holding tank pumping stations. This information must
 2 be provided to the department by the state parks and recreation
 3 commission in a form ready for distribution. The form must be
 4 developed and prepared by the state parks and recreation commission
 5 with the cooperation of the department of ecology. The department, the
 6 state parks and recreation commission, and the department of ecology
 7 shall enter into a memorandum of agreement to implement this process.

8 (7) A person acquiring a vessel from a dealer or a vessel already
 9 validly registered under this chapter shall, within fifteen days of the
 10 acquisition or purchase of the vessel, apply to the department, county
 11 auditor or other agent, or subagent appointed by the director for
 12 transfer of the vessel registration, and the application must be
 13 accompanied by a transfer fee as required in RCW 88.02.640(1)((+1))
 14 (m).

15 **Sec. 310.** RCW 88.02.640 and 2013 c 291 s 1 are each amended to
 16 read as follows:

17 (1) In addition to any other fees and taxes required by law, the
 18 department, county auditor or other agent, or subagent appointed by the
 19 director shall charge the following vessel fees and surcharge:

FEE	AMOUNT	AUTHORITY	DISTRIBUTION
(a) Dealer temporary permit	\$5.00	RCW 88.02.800(2)	General fund
(b) Derelict vessel ((and invasive species)) removal	Subsection (3) of this section	Subsection (3) of this section	Subsection (3) of this section
(c) Derelict vessel removal surcharge	\$1.00	Subsection (4) of this section	Subsection (4) of this section
(d) Duplicate certificate of title	\$1.25	RCW 88.02.530(1)(c)	General fund
(e) Duplicate registration	\$1.25	RCW 88.02.590(1)(c)	General fund
(f) Filing	RCW 46.17.005	RCW 88.02.560(2)	RCW 46.68.400
(g) License plate technology	RCW 46.17.015	RCW 88.02.560(2)	RCW 46.68.370
(h) License service	RCW 46.17.025	RCW 88.02.560(2)	RCW 46.68.220

1	(i) Nonresident vessel permit	\$25.00	RCW 88.02.620(3)	Subsection ((5)) (7) of this section
2				
3	(j) Quick title service	\$50.00	RCW 88.02.540(3)	Subsection ((7)) (9) of this section
4				
5	(k) Registration	\$10.50	RCW 88.02.560(2)	RCW 88.02.650
6	(l) Replacement decal	\$1.25	RCW 88.02.595(1)(c)	General fund
7	(m) Title application	\$5.00	RCW 88.02.515	General fund
8	(n) Transfer	\$1.00	RCW 88.02.560(7)	General fund
9	(o) Vessel visitor permit	\$30.00	RCW 88.02.610(3)	Subsection ((6)) (8) of this section
10				
11	<u>(p) Aquatic invasive species</u>	<u>Subsection (5) of this section</u>	<u>Subsection (5) of this section</u>	<u>Subsection (5) of this section</u>
12				
13	<u>(q) Freshwater aquatic algae control</u>	<u>Subsection (6) of this section</u>	<u>Subsection (6) of this section</u>	<u>Subsection (6) of this section</u>
14				

15 (2) The five dollar dealer temporary permit fee required in
16 subsection (1) of this section must be credited to the payment of
17 registration fees at the time application for registration is made.

18 (3) The derelict vessel ~~((and invasive species))~~ removal fee
19 required in subsection (1) of this section is ~~((five dollars and must
20 be distributed as follows:~~

21 ~~((a) One dollar and fifty cents must be deposited in the aquatic
22 invasive species prevention account created in RCW 77.12.879;~~

23 ~~((b) One dollar must be deposited into the aquatic algae control
24 account created in RCW 43.21A.667;~~

25 ~~((c) Fifty cents must be deposited into the aquatic invasive species
26 enforcement account created in RCW 43.43.400; and~~

27 ~~((d))~~ two dollars and must be deposited in the derelict vessel
28 removal account created in RCW 79.100.100.

29 (4) In addition to other fees required in this section, an annual
30 derelict vessel removal surcharge of one dollar must be charged with
31 each vessel registration. The surcharge is to address the significant
32 backlog of derelict vessels accumulated in Washington waters that pose
33 a threat to the health and safety of the people and to the environment
34 and must be deposited into the derelict vessel removal account created
35 in RCW 79.100.100.

36 (5) The aquatic invasive species fee required in subsection (1) of
37 this section is two dollars and must be distributed as follows:

1 (a) One dollar and twenty cents must be deposited into the aquatic
2 invasive species management account created in section 119 of this act;

3 (b) Eighty cents must be deposited into the aquatic invasive
4 species enforcement account created in section 121 of this act.

5 (6) The freshwater aquatic algae control fee required in subsection
6 (1) of this section is one dollar and must be deposited into the
7 aquatic algae control account created in RCW 43.21A.667.

8 (7) The twenty-five dollar nonresident vessel permit fee must be
9 paid by the vessel owner to the department for the cost of providing
10 the identification document by the department. Any moneys remaining
11 from the fee after the payment of costs must be allocated to counties
12 by the state treasurer for approved boating safety programs under RCW
13 88.02.650.

14 ~~((+6))~~ (8) The thirty dollar vessel visitor permit fee must be
15 distributed as follows:

16 (a) Five dollars must be deposited in the derelict vessel removal
17 account created in RCW 79.100.100;

18 (b) The department may keep an amount to cover costs for providing
19 the vessel visitor permit;

20 (c) Any moneys remaining must be allocated to counties by the state
21 treasurer for approved boating safety programs under RCW 88.02.650; and

22 (d) Any fees required for licensing agents under RCW 46.17.005 are
23 in addition to any other fee or tax due for the titling and
24 registration of vessels.

25 ~~((+7))~~ (9)(a) The fifty dollar quick title service fee must be
26 distributed as follows:

27 (i) If the fee is paid to the director, the fee must be deposited
28 to the general fund.

29 (ii) If the fee is paid to the participating county auditor or
30 other agent or subagent appointed by the director, twenty-five dollars
31 must be deposited to the general fund. The remainder must be retained
32 by the county treasurer in the same manner as other fees collected by
33 the county auditor.

34 (b) For the purposes of this subsection, "quick title" has the same
35 meaning as in RCW 88.02.540.

36 NEW SECTION. Sec. 311. The following acts or parts of acts are
37 each repealed:

- 1 (1) RCW 77.12.875 (Prohibited aquatic animal species--Infested
2 state waters) and 2002 c 281 s 5;
- 3 (2) RCW 77.12.878 (Infested waters--Rapid response plan) and 2002
4 c 281 s 6;
- 5 (3) RCW 77.12.879 (Aquatic invasive species prevention account--
6 Aquatic invasive species prevention program for recreational and
7 commercial watercraft--Enforcement program--Check stations--Training--
8 Report to the legislature) and 2013 c 307 s 1, 2011 c 171 s 113, 2011
9 c 169 s 4, 2009 c 333 s 22, 2007 c 350 s 3, & 2005 c 464 s 3;
- 10 (4) RCW 77.12.882 (Aquatic invasive species--Inspection of
11 recreational and commercial watercraft--Rules--Signage) and 2007 c 350
12 s 4;
- 13 (5) RCW 77.15.253 (Unlawful use of prohibited aquatic animal
14 species--Penalty) and 2007 c 350 s 5 & 2002 c 281 s 4;
- 15 (6) RCW 77.15.293 (Unlawfully avoiding aquatic invasive species
16 check stations--Penalty) and 2007 c 350 s 7;
- 17 (7) RCW 77.60.110 (Zebra mussels and European green crabs--Draft
18 rules--Prevention of introduction and dispersal) and 1998 c 153 s 2;
19 and
- 20 (8) RCW 77.60.120 (Infested waters--List published) and 1998 c 153
21 s 3.

--- END ---