
HOUSE BILL 1341

State of Washington

66th Legislature

2019 Regular Session

By Representatives Hudgins, Morris, Tarleton, and Doglio

Read first time 01/18/19. Referred to Committee on Innovation, Technology & Economic Development.

1 AN ACT Relating to the use of unmanned aerial systems near
2 certain protected marine species; and amending RCW 77.15.740.

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

4 **Sec. 1.** RCW 77.15.740 and 2014 c 48 s 22 are each amended to
5 read as follows:

6 (1) Except as provided in subsection (~~((2))~~) (3) of this section,
7 it is unlawful to:

8 (a) Cause a vessel, unmanned aerial system, or other object to
9 approach, in any manner, within two hundred yards as measured in any
10 direction, including vertically, of a southern resident orca whale;

11 (b) Position a vessel to be in the path of a southern resident
12 orca whale at any point located within four hundred yards of the
13 whale. This includes intercepting a southern resident orca whale by
14 positioning a vessel so that the prevailing wind or water current
15 carries the vessel into the path of the whale at any point located
16 within four hundred yards of the whale;

17 (c) Fail to disengage the transmission of a vessel that is within
18 two hundred yards of a southern resident orca whale; or

19 (d) Feed a southern resident orca whale.

20 (2) It is not a violation of subsection (1)(a) of this section
21 for a person to cause an unmanned aerial system to approach a

1 southern resident orca whale solely by virtue of the unmanned aerial
2 system being in active transit to an unrelated destination.

3 (3) A person is exempt from subsection (1) of this section if
4 that person is:

5 (a) Operating a federal government vessel in the course of his or
6 her official duties, or operating a state, tribal, or local
7 government vessel when engaged in official duties involving law
8 enforcement, search and rescue, or public safety;

9 (b) Operating a vessel in conjunction with a vessel traffic
10 service established under 33 C.F.R. and following a traffic
11 separation scheme, or complying with a vessel traffic service measure
12 of direction. This also includes support vessels escorting ships in
13 the traffic lanes, such as tug boats;

14 (c) Engaging in an activity, including scientific research,
15 pursuant to a permit or other authorization from the national marine
16 fisheries service and the department;

17 (d) Lawfully engaging in a treaty Indian or commercial fishery
18 that is actively setting, retrieving, or closely tending fishing
19 gear;

20 (e) Conducting vessel operations necessary to avoid an imminent
21 and serious threat to a person, vessel, or the environment, including
22 when necessary for overall safety of navigation and to comply with
23 state and federal navigation requirements; or

24 (f) Engaging in rescue or clean-up efforts of a beached southern
25 resident orca whale overseen, coordinated, or authorized by a
26 volunteer stranding network.

27 ~~((3))~~ (4) For the purpose of this section ~~((7))~~:

28 (a) "Unmanned aerial system" means an aircraft that is operated
29 without the possibility of human intervention from on or within the
30 aircraft, and any hardware or software associated with its operation;
31 and

32 (b) "Vessel" includes aircraft while on the surface of the water,
33 and every description of watercraft on the water that is used or
34 capable of being used as a means of transportation on the water.
35 However, "vessel" does not include inner tubes, air mattresses,
36 sailboards, and small rafts, or flotation devices or toys customarily
37 used by swimmers.

38 ~~((4))~~ (5)(a) A violation of this section is a natural resource
39 infraction punishable under chapter 7.84 RCW and carries a fine of

1 five hundred dollars, not including statutory assessments added
2 pursuant to RCW 3.62.090.

3 (b) A person who qualifies for an exemption under subsection
4 (~~(2)~~) (3) of this section may offer that exemption as an
5 affirmative defense, which that person must prove by a preponderance
6 of the evidence.

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