
SUBSTITUTE SENATE BILL 5315

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senators Schoesler, Rasmussen, Holmquist,
Sheldon, Honeyford, Stevens, Clements, Morton, Delvin, Hatfield,
Kilmer, Shin and Roach)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to property access during forest fires; amending
2 RCW 47.48.040; adding a new section to chapter 36.28A RCW; adding a new
3 section to chapter 47.48 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A RCW
6 to read as follows:

7 (1) The Washington association of sheriffs and police chiefs shall
8 convene a model policy work group to develop a model policy for
9 sheriffs regarding residents, landowners, and others in lawful
10 possession and control of land in the state during a forest fire or
11 wildfire. The model policy must be designed in a way that, first and
12 foremost, protects life and safety during a forest fire or wildfire.
13 The model policy must include guidance on allowing access, when safe
14 and appropriate, to residents, landowners, and others in lawful
15 possession and control of land in the state during a wildfire or forest
16 fire. The model policy must specifically address procedures to allow,
17 when safe and appropriate, residents, landowners, and others in lawful
18 possession and control of land in the state access to their residences
19 and land to:

- 1 (a) Conduct fire prevention or suppression activities;
- 2 (b) Protect or retrieve any property located in their residences or
- 3 on their land, including equipment, livestock, or any other belongings;
- 4 or
- 5 (c) Undertake activities under both (a) and (b) of this subsection.
- 6 (2) In developing the policy under subsection (1) of this section,
- 7 the association shall consult with appropriate stakeholders and
- 8 government agencies.

9 NEW SECTION. **Sec. 2.** A new section is added to chapter 47.48 RCW
10 to read as follows:

11 (1) Each county sheriff may, until a model policy pursuant to
12 section 1 of this act is developed and implemented in the sheriff's
13 county, establish and maintain a registry of persons authorized to
14 access their land during a forest or wild fire. Upon request, the
15 sheriff must include in the registry persons who demonstrate ownership
16 of agriculture land or forest land within the county and who possess
17 equipment that may be used for fire prevention or suppression
18 activities. Persons included in the registry must be allowed to access
19 their property to conduct fire prevention or suppression activities
20 despite the closure of any state highway, county road, or city street
21 under this chapter.

22 (2)(a) Residents, landowners, and others in lawful possession and
23 control of land in the state are not liable for unintentional injuries
24 or loss suffered by persons entering upon, or passing through, their
25 land pursuant to this section.

26 (b) Federal, state, and local agencies, and their employees, are
27 not liable for any action, or failure to act, when facilitating the
28 access described in this section.

29 **Sec. 3.** RCW 47.48.040 and 1977 ex.s. c 216 s 3 are each amended to
30 read as follows:

31 Except as provided under section 2 of this act, when any state
32 highway, county road, or city street or portion thereof shall have been
33 closed, or when the maximum speed limit thereon shall have been
34 reduced, for all vehicles or any class of vehicles, as by law provided,
35 any person, firm, or corporation disregarding such closing or reduced
36 speed limit shall be guilty of a misdemeanor, and shall in addition to

1 any penalty for violation of the provisions of this section, be liable
2 in any civil action instituted in the name of the state of Washington
3 or the county or city or town having jurisdiction for any damages
4 occasioned to such state highway, county road, or city street, as the
5 case may be, as the result of disregarding such closing or reduced
6 speed limit.

7 NEW SECTION. **Sec. 4.** If specific funding for the purposes of
8 section 1 of this act, referencing this act by bill or chapter number,
9 is not provided by June 30, 2007, in the omnibus appropriations act,
10 this act is null and void.

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