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**HOUSE BILL 2649**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton, and McBride; by request of Department of Fish and Wildlife

AN ACT Relating to enhancing the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability; amending RCW 77.15.460 and 77.32.237; and repealing RCW 77.32.238 and 77.32.400.

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

**Sec.**  RCW 77.15.460 and 2014 c 48 s 18 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) ((~~Possesses a disabled hunter's permit~~)) Has been granted a disability designation as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle, as long as the engine is turned off and the motor vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the commission by rule. This subsection (4)(c) does not apply to off-road vehicles, which are unlawful to use for hunting under RCW 46.09.480, unless the person has a department permit issued under RCW 77.32.237.

(5) For purposes of subsection (1) of this section, a rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the rifle or shotgun.

**Sec.**  RCW 77.32.237 and 2007 c 254 s 6 are each amended to read as follows:

The commission shall ((~~attempt to~~)) enhance the ((~~hunting~~)) fish, shellfish, and wildlife-related recreational opportunities for ((~~persons~~)) a person with a disability. The commission shall authorize the director to ((~~issue disabled hunter permits~~)) grant a disability designation to ((~~persons~~)) a person with a disability who meets eligibility criteria established by the commission by rule. The commission shall adopt rules defining who is a person with a disability for purposes of eligibility for disability designation. A person granted a disability designation is eligible for reasonable accommodations, determined by the director, to allow the person to participate in fish, shellfish, and wildlife-related recreational activities. The commission shall adopt rules governing the conduct of ((~~persons~~)) a person with a disability ((~~who hunt and their designated licensed hunter~~)) participating in fish, shellfish, and wildlife-related recreational activities and the conduct of companions permitted, as a reasonable accommodation, to assist such a person in fish, shellfish, and wildlife-related recreational opportunities.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 77.32.238 (Adoption of rules defining a person with a disability—Shooting from a motor vehicle—Assistance from licensed hunter) and 2007 c 254 s 5 & 1989 c 297 s 2; and

(2)RCW 77.32.400 (Persons with a disability—Designated harvester card—Fish and shellfish) and 2007 c 254 s 2 & 1998 c 191 s 1.

**--- END ---**