

Chapter 352-74 WAC

FILMING WITHIN STATE PARKS

WAC

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WAC 352-74-010 Purpose. This chapter is promulgated in order to establish procedures for the issuance of permits for filming within state parks.

The agency permits commercial filming and still photography when it is consistent with the park's mission and will not harm the resource or interfere with the visitor experience.

All commercial filming activities taking place within a park require a permit. Commercial filming includes capturing a moving image on film and video as well as sound recordings.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-010, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-010, filed 10/2/84.]

WAC 352-74-020 Definitions. When used in this chapter the following words and phrases shall have the meanings designated in this section unless a different meaning is expressly provided or unless the context clearly indicates otherwise.

(1) "Applicant" shall mean an individual or organization who submits an application to the director to film within state parks for other than personal or news purposes.

(2) "Commission" shall mean the Washington state parks and recreation commission.

(3) "Director" shall mean the director of the Washington state parks and recreation commission or the director's designee.

(4) "Film and filming" shall mean capturing a movie image magnetically or digitally and "still photography" means capturing a single, nonmovie image with film or magnetic or digital media.

(5) "Film maker" shall mean an applicant who has received approval to film within state parks through the issuance of a filming permit by the director or designee.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-020, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-020, filed 11/3/94, effective 1/1/95; 84-20-070 (Order 82), § 352-74-020, filed 10/2/84.]

WAC 352-74-030 Filming within state parks. The commission recognizes the desire of individuals and organizations to film within the state parks. Individuals and organizations may film within state parks in a manner which is not disruptive to park users or resources when the filming is for

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personal or news purposes. Individuals and organizations that desire to film within state parks for other than personal or news purposes may do so only in accordance with the film permit requirements of this chapter and subject to the discretion of the commission as otherwise set forth herein.

Filming for strictly educational purposes may have some or all of the applicable fees waived.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-030, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-030, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-030, filed 10/2/84.]

WAC 352-74-040 Film permit application. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a completed film permit application with the appropriate fees to the appropriate location:

Eastern Region
270 9th Street N.E.
Suite 200
East Wenatchee, WA 98802

Fort Worden State Park
200 Battery Way
Port Townsend, WA 98368

Northwest Region
220 N. Walnut Street
Burlington, WA 98233

Puget Sound Region
2840 Riverwalk Drive S.E.
Auburn, WA 98002-8207

Southwest Region
11838 Tilley Road S.
Olympia, WA 98512-9167

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-040, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-040, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.060. 94-08-005, § 352-74-040, filed 3/24/94, effective 5/1/94. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-040, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-040, filed 10/2/84.]

WAC 352-74-045 Filming fees. (1) Permit application fee - Each application shall be accompanied by the appropriate application fee, based on the amount of time between the date of application and the date of facility use, which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

(2) Site location fee - Prior to commencing filming activities or otherwise as specified by the director or designee, each applicant shall pay an additional site location fee, set by the director or designee based on the magnitude and duration of the impact on park resources and normal public use, the uniqueness of the site, and such other considerations as the director or designee deem appropriate.

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(3) Previous filming which is later commercially merchandised will be subject to the same rules and provisions as new projects described herein.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-045, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040 and [43.51.]060. 95-22-067, § 352-74-045, filed 10/30/95, effective 1/1/96. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-045, filed 11/3/94, effective 1/1/95.]

WAC 352-74-050 Approval or disapproval of film permit application. The director or designee shall approve or disapprove a film permit application and establish the filming locations, time periods, and conditions for an approved application.

The director or designee may require an approved applicant to submit the following to the commission prior to the issuance of a film permit:

(1) Fees payable to the Washington state parks and recreation commission in the form of a check or money order in an amount, as determined by the director or designee, which covers the charges for the facilities to be used by a film maker and any staff costs to be incurred by the commission due to the filming that are beyond the regular responsibilities of the staff of the commission;

(2) A bond or damage deposit payable to the Washington state parks and recreation commission in an amount, as determined by the director or designee, which is sufficient to cover any damages to park resources or facilities which may occur during the filming; and

(3) Certification that an approved applicant has liability insurance in an amount, as determined by the director or designee, which is sufficient to cover any liability costs associated with the actions of a film maker during filming.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-050, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-050, filed 10/2/84.]

WAC 352-74-060 Issuance and revocation of film permit. The director or designee, shall issue a film permit to an approved applicant after the applicant has submitted any fees, bond, damage deposit, and insurance certification established pursuant to WAC 352-74-050 and has demonstrated in its application or otherwise to the satisfaction of the director that filming:

- (1) Is compatible with the activities of park visitors;
- (2) Will not damage facilities or resources, or interfere with park operations;
- (3) Will not disrupt wildlife;
- (4) Will not imply the endorsement of the commission for the content of the film;
- (5) Will acknowledge the cooperation of the commission;
- (6) Is not inconsistent in the judgment of the director with the purposes for, or conditions on which, the property where the filming is to take place was acquired; and
- (7) Will conform with all of the applicable statutes, rules, policies, and procedures of the commission, and the instructions of the commission staff who supervise the filming.

If a film maker does not comply with all of the applicable statutes, rules, policies, and procedures of the commission, the conditions upon which the permit was granted, and the

instructions of the commission staff who supervise the filming, then the director or designee shall revoke the film permit.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-060, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-060, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-060, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-060, filed 10/2/84.]

WAC 352-74-070 Additional fees and release of bond or damage deposit. After completion of filming the director or designee shall determine if any additional fees are to be assessed a film maker and whether or not any bond or damage deposit submitted by a film maker may be released.

If the director or designee determines that no additional fees are to be assessed and that a bond or damage deposit is to be released, then a bond or damage deposit shall be returned to a film maker.

If the director or designee determines that additional fees are to be assessed or that a bond or damage deposit is not to be released, then the film maker shall be so informed.

If a film maker pays additional fees in the form of a check or money order payable to the Washington state parks and recreation commission which is submitted to the director within thirty days of receipt of the notice to pay the fees, then the director or designee shall return a bond or damage deposit to a film maker.

If a film maker does not pay additional fees within the time period and in accordance with the procedures set forth above, then the director or designee shall exercise the rights of the commission under a bond or damage deposit to pay the additional fees and so inform a film maker or exercise any such other legal rights as may be available.

[Statutory Authority: RCW 79A.05.030, 79A.05.070, 79A.05.075, and 79A.05.065. 08-24-006, § 352-74-070, filed 11/20/08, effective 12/21/08. Statutory Authority: RCW 43.51.040. 94-23-010, § 352-74-070, filed 11/3/94, effective 1/1/95. Statutory Authority: RCW 43.51.040 and 43.51.060. 88-07-074 (Order 103), § 352-74-070, filed 3/18/88, effective 5/15/88. Statutory Authority: RCW 43.51.040. 84-20-070 (Order 82), § 352-74-070, filed 10/2/84.]