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HOUSE BILL 1139

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State of Washington

58th Legislature

2003 Regular Session

By Representatives McIntire, Ericksen, Armstrong, Wallace, Dunshee, Cooper, Anderson, O'Brien, Haigh, Kenney, Lantz, Morrell, Rockefeller and Chase

Read first time 01/20/2003. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to the evergreen recreation pass; amending RCW  
2 77.32.380 and 4.24.210; adding a new section to chapter 43.30 RCW;  
3 adding a new section to chapter 79A.05 RCW; adding a new chapter to  
4 Title 79A RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that the state  
7 parks and recreation commission, the department of natural resources,  
8 and the fish and wildlife commission have difficulty maintaining  
9 recreation sites they own because of insufficient funds. The  
10 legislature also finds that the lack of funds to maintain and repair  
11 these recreation sites may result in the closure of some of these sites  
12 to the public at a time when the demand for outdoor recreation areas  
13 continues to increase.

14 (2) The legislature recognizes that many state residents and  
15 visitors to Washington enjoy visiting state-owned recreation sites  
16 throughout different parts of the state, and that people will visit  
17 lands owned by more than one state agency. The legislature is aware  
18 that the parks and recreation commission is considering a statewide  
19 day-use parking fee, the fish and wildlife commission has an annual

1 pass for parking at their access sites, and the department of natural  
2 resources currently does not charge a day-use parking fee at their  
3 recreation sites. The legislature finds that any day-use parking fees  
4 or annual passes should be coordinated among these agencies so that  
5 people have the opportunity to buy a single day-use parking pass that  
6 will be accepted at recreation sites owned by all three of these state  
7 agencies. The legislature also finds that the creation of a single  
8 renewable annual recreation parking pass may result in many more people  
9 visiting a number of recreation sites within the state because of  
10 better maintained facilities and increased awareness of recreation  
11 opportunities. It is therefore the intent of the legislature to create  
12 an evergreen recreation pass that will be available to serve as a  
13 renewable annual recreation parking pass for state-owned recreation  
14 sites in lieu of day-use parking fees, that this recreation parking  
15 pass will be widely available, and that the purchase of this pass is  
16 optional for members of the general public. It is also the intent of  
17 the legislature to encourage coordination with federal natural resource  
18 recreational land managers and neighboring states to develop a regional  
19 recreational parking pass.

20 NEW SECTION. **Sec. 2.** The definitions in this section apply  
21 throughout this chapter unless the context clearly requires otherwise.

22 (1) "Agency" or "agencies" includes the department of fish and  
23 wildlife, the department of natural resources, and the parks and  
24 recreation commission.

25 (2) "Pass" means the evergreen recreation pass created in section  
26 3 of this act.

27 (3) "Recreation site" means those areas designated by an agency  
28 where a day-use parking fee or annual parking permit is required.

29 (4) "Visitation" means the total number of visitor days to agency  
30 recreation sites as determined by a survey conducted by the interagency  
31 committee for outdoor recreation.

32 NEW SECTION. **Sec. 3.** (1) The evergreen recreation pass is created  
33 effective January 1, 2004, as a renewable annual parking pass that is  
34 valid at any recreation sites owned by the agencies. The pass is in  
35 lieu of any other day-use parking fee or annual parking permit required  
36 by these agencies, including day-use parking fees established by the

1 parks and recreation commission and the annual fish and wildlife lands  
2 vehicle use permit issued by the department of fish and wildlife under  
3 RCW 77.32.380. The cost of the pass may not exceed thirty-five  
4 dollars, except that the amount of the fee may be adjusted for  
5 inflation by the office of financial management subject to the  
6 limitation contained in RCW 43.135.055(1).

7 (2) A person has the option to either purchase the pass or to  
8 purchase the individual day-use parking passes or annual parking  
9 permits required by the agencies.

10 (3)(a) The pass must be made available for purchase from each  
11 agency requiring a day-use parking fee or annual parking permit.

12 (b) The pass must also be available for purchase through the  
13 department of licensing. The department of licensing shall include a  
14 notice of the availability of this pass, including the opportunity to  
15 renew the pass, in each notice of license plate tab renewals. The  
16 department of licensing shall also encourage private vendors to  
17 distribute the pass and to make the pass available for persons renewing  
18 licenses on-line.

19 (4) Agencies may enter into agreements with federal agencies and  
20 neighboring state natural resource agencies to develop a regional  
21 recreation pass. Agencies shall evaluate and develop a proposal for  
22 implementing an interagency pass that includes access to state and  
23 federal recreation lands by December 1, 2003, and report their findings  
24 to the appropriate standing committees of the legislature.

25 (5) Agencies may develop premium passes that combine additional  
26 licenses and services that include but are not limited to camping, boat  
27 launch, boat moorage, hunting, and fishing. Agencies may also develop  
28 marketing proposals that include offering discounts to the cost of the  
29 pass for private vendors that distribute premium passes and the  
30 evergreen recreation pass.

31 NEW SECTION. **Sec. 4.** (1) The pass must be displayed so that it is  
32 clearly visible from outside of the motor vehicle before parking at a  
33 recreation site.

34 (2) Annual passes must be available during any month of the year.

35 (3) Failure to display the pass or the equivalent agency day-use  
36 parking pass or annual parking permit in accordance with this section  
37 is a natural resource infraction under chapter 7.84 RCW. Agency

1 employees and general authority law enforcement officers may issue a  
2 notice of infraction to the registered owner of any motor vehicle  
3 parking without either the pass or the equivalent agency day-use  
4 parking pass or annual parking permit. The penalty for failure to  
5 clearly display the required pass or permit is sixty-six dollars. This  
6 penalty is reduced to ten dollars if the registered owner provides  
7 proof to the court that he or she purchased either a pass or the  
8 equivalent agency day-use parking pass or annual parking permit within  
9 fifteen days after the issuance of the notice of violation.

10 NEW SECTION. **Sec. 5.** (1) Revenues obtained from the sale of the  
11 pass shall be distributed to the agencies participating in the pass  
12 program based on visitation to agency lands by purchasers of the pass  
13 during the prior year.

14 (2) Visitation is determined by a survey conducted by the  
15 interagency committee for outdoor recreation in 2004 and updated every  
16 four years. Revenues collected in 2004 must be distributed in the  
17 following manner: Fifty percent to the state parks and recreation  
18 commission; twenty-five percent to the department of fish and wildlife;  
19 and twenty-five percent to the department of natural resources.  
20 Beginning January 1, 2005, the first annual survey of purchasers of the  
21 pass by the interagency committee for outdoor recreation will determine  
22 the revenue distribution based on visitation for each agency.

23 (3) Before revenues from the pass are distributed to agencies based  
24 on visitation, the department of licensing must be reimbursed for  
25 reasonable expenses incurred for promoting and selling the pass, and  
26 the interagency committee for outdoor recreation shall be reimbursed  
27 for conducting the survey.

28 (4) Funds received from sales of the pass must be used for  
29 operation, maintenance, repair, and equipment for recreation sites.

30 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.30 RCW  
31 to read as follows:

32 (1) For the purposes of this section, "recreation site" has the  
33 same meaning as defined in section 2 of this act.

34 (2) The department may charge persons a fee for parking motor  
35 vehicles at clearly identified department recreation sites.

1 (3) A person may purchase and display an evergreen recreation pass,  
2 created in section 3 of this act, in lieu of a day-use pass or permit  
3 required by the department for parking at recreation sites owned by the  
4 department. Nothing in this section alters the authority of the  
5 department to determine the recreation sites at which a day-use pass or  
6 permit will be required for access.

7 NEW SECTION. **Sec. 7.** A new section is added to chapter 79A.05 RCW  
8 to read as follows:

9 (1) For the purposes of this section, "recreation site" has the  
10 same meaning as defined in section 2 of this act.

11 (2) A person may purchase and display an evergreen recreation pass,  
12 created in section 3 of this act, in lieu of a day-use pass or permit  
13 required by the commission for access to recreation sites owned by the  
14 commission. Nothing in this section alters the authority of the  
15 commission to determine the recreation sites at which a day-use pass or  
16 permit will be required for access.

17 **Sec. 8.** RCW 77.32.380 and 2001 c 243 s 1 are each amended to read  
18 as follows:

19 (1) Persons who enter upon or use clearly identified department  
20 improved access facilities with a motor vehicle may be required to  
21 display a current annual fish and wildlife lands vehicle use permit on  
22 the motor vehicle while within or while using an improved access  
23 facility. An "improved access facility" is a clearly identified area  
24 specifically created for motor vehicle parking, and includes any boat  
25 launch or boat ramp associated with the parking area, but does not  
26 include the department parking facilities at the Gorge Concert Center  
27 near George, Washington. One vehicle use permit shall be issued at no  
28 charge with an initial purchase of either an annual saltwater,  
29 freshwater, combination, small game hunting, big game hunting, or  
30 trapping license issued by the department. The annual fee for a fish  
31 and wildlife lands vehicle use permit, if purchased separately, is ten  
32 dollars. A person to whom the department has issued a vehicle use  
33 permit or who has purchased a vehicle use permit separately may  
34 purchase additional vehicle use permits from the department at a cost  
35 of five dollars per vehicle use permit. Revenue derived from the sale

1 of fish and wildlife lands vehicle use permits shall be used solely for  
2 the stewardship and maintenance of department improved access  
3 facilities.

4 Youth groups may use department improved access facilities without  
5 possessing a vehicle use permit when accompanied by a vehicle use  
6 permit holder.

7 The department may accept contributions into the state wildlife  
8 fund for the sound stewardship of fish and wildlife. Contributors  
9 shall be known as "conservation patrons" and, for contributions of  
10 twenty dollars or more, shall receive a fish and wildlife lands vehicle  
11 use permit free of charge.

12 (2) The vehicle use permit must be displayed from the interior of  
13 the motor vehicle so that it is clearly visible from outside of the  
14 motor vehicle before entering upon or using the motor vehicle on a  
15 department improved access facility. The vehicle use permit can be  
16 transferred between two vehicles and must contain space for the vehicle  
17 license numbers of each vehicle.

18 (3) Failure to display the fish and wildlife lands vehicle use  
19 permit if required by this section is an infraction under chapter 7.84  
20 RCW, and department employees are authorized to issue a notice of  
21 infraction to the registered owner of any motor vehicle entering upon  
22 or using a department improved access facility without such a vehicle  
23 use permit. The penalty for failure to clearly display the vehicle use  
24 permit is sixty-six dollars. This penalty is reduced to thirty dollars  
25 if the registered owner provides proof to the court that he or she  
26 purchased a vehicle use permit within fifteen days after the issuance  
27 of the notice of violation.

28 (4) In lieu of displaying the vehicle use permit required under  
29 this section, persons who enter upon or use clearly identified  
30 department improved access facilities may display the evergreen  
31 recreation pass created in section 3 of this act. Nothing in this  
32 section alters the authority of the department to determine the  
33 recreation sites at which a day-use pass or permit will be required for  
34 access. For the purposes of this subsection (4), "recreation site" has  
35 the same meaning as defined in section 2 of this act.

36 **Sec. 9.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read as  
37 follows:

1 (1) Except as otherwise provided in subsection (3) of this section,  
2 any public or private landowners or others in lawful possession and  
3 control of any lands whether designated resource, rural, or urban, or  
4 water areas or channels and lands adjacent to such areas or channels,  
5 who allow members of the public to use them for the purposes of outdoor  
6 recreation, which term includes, but is not limited to, the cutting,  
7 gathering, and removing of firewood by private persons for their  
8 personal use without purchasing the firewood from the landowner,  
9 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,  
10 skateboarding or other nonmotorized wheel-based activities,  
11 hanggliding, paragliding, the riding of horses or other animals, clam  
12 digging, pleasure driving of off-road vehicles, snowmobiles, and other  
13 vehicles, boating, nature study, winter or water sports, viewing or  
14 enjoying historical, archaeological, scenic, or scientific sites,  
15 without charging a fee (~~of any kind therefor~~), shall not be liable  
16 for unintentional injuries to such users.

17 (2) Except as otherwise provided in subsection (3) of this section,  
18 any public or private landowner or others in lawful possession and  
19 control of any lands whether rural or urban, or water areas or channels  
20 and lands adjacent to such areas or channels, who offer or allow such  
21 land to be used for purposes of a fish or wildlife cooperative project,  
22 or allow access to such land for cleanup of litter or other solid  
23 waste, shall not be liable for unintentional injuries to any volunteer  
24 group or to any other users.

25 (3) Any public or private landowner, or others in lawful possession  
26 and control of the land, may charge an administrative fee of up to  
27 twenty-five dollars for the cutting, gathering, and removing of  
28 firewood from the land. Nothing in this section shall prevent the  
29 liability of such a landowner or others in lawful possession and  
30 control for injuries sustained to users by reason of a known dangerous  
31 artificial latent condition for which warning signs have not been  
32 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or  
33 expands in any way the doctrine of attractive nuisance. Usage by  
34 members of the public, volunteer groups, or other users is permissive  
35 and does not support any claim of adverse possession.

36 (4) For purposes of this section, a license or permit issued for  
37 statewide use under authority of (~~chapter 43.51 RCW, Title 75, or~~)

1 Title 77 RCW, chapter 79A.05 RCW, or the evergreen recreation pass  
2 created in chapter 79A.-- RCW (sections 1 through 5 of this act) is not  
3 a fee.

4 NEW SECTION. **Sec. 10.** Sections 1 through 5 of this act constitute  
5 a new chapter in Title 79A RCW.

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