

# FINAL BILL REPORT

## ESB 5048

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### FULL VETO As Passed Legislature

**Brief Description:** Concerning notice against trespass.

**Sponsors:** Senators Sheldon, Benton and Hargrove.

**Senate Committee on Law & Justice**  
**House Committee on Judiciary**

**Background:** Generally, trespass occurs when a person knowingly enters or remains unlawfully in or upon the property of another. A person enters or remains unlawfully when the person is not licensed, invited, or otherwise privileged to enter or remain on the property. The type, appearance, and use of the land determine whether a person has a license or privilege to be on the property. However, a property owner can provide notice against trespass by posting in a conspicuous manner.

Many states across the United States have enacted laws that provide landowners with an alternative method for giving notice against trespass. Under these laws, a landowner can paint markings on trees or posts pursuant to the specifications in the statute about the color, size, and location of the marking. If all statutory requirements are met, the markings on the trees or posts provide sufficient notice against trespass and the landowner does not need to post signs.

**Summary:** A person posts in a conspicuous manner by posting signs that are reasonably likely to make intruders aware that entry is restricted or by placing fluorescent orange paint marks on trees or posts on the property. The fluorescent orange marks must be vertical lines at least 8 inches long and at least 1 inch wide. The bottom of the mark must be between 3 and 5 feet from the ground. The marks must be placed in locations that are readily visible to any person approaching the property.

If the land is forest, the marks cannot be more than 100 feet apart. If the land is not forest, the marks cannot be more than 1000 feet apart. A landowner must use signs for posting in a conspicuous manner on access roads. A landowner may use the orange paint marks to provide notice against trespass only on land outside urban growth areas and incorporated cities and towns.

**Votes on Final Passage:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Senate	31	17	
House	96	2	(House amended)
Senate	35	14	(Senate concurred)