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**HOUSE BILL 1212**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Representatives Dye and Pollet

Read first time 01/10/23. Referred to Committee on Innovation, Community & Economic Development, & Veterans.

1 AN ACT Relating to outdoor recreation affordability; amending RCW  
2 46.16A.090, 77.15.160, and 77.15.750; creating a new section; and  
3 repealing RCW 79A.80.005, 79A.80.010, 79A.80.020, 79A.80.030,  
4 79A.80.040, 79A.80.050, 79A.80.060, 79A.80.070, 79A.80.080,  
5 79A.80.090, 79A.80.100, 79A.80.110, and 79A.80.120.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that in 2018  
8 more than 1,000,000 discover passes and daily permits were purchased  
9 in Washington to access outdoor recreational opportunities. In the  
10 same year, Washingtonians spent almost \$23,000,000 for the \$30  
11 discover pass. As noted at results Washington, the state's public  
12 sector performance management and continuous improvement agency,  
13 outdoor recreation results in healthier citizens and a healthier  
14 economy for Washington state and participating in these events builds  
15 families and communities. Participants in outdoor recreation are more  
16 connected to their environment and tend to be better stewards of our  
17 natural resources. This has long lasting and immeasurable impacts on  
18 our state and the precious natural resources we are tasked with  
19 maintaining.

20 (2) Therefore:

1 (a) For the benefit of public health and environmental  
2 stewardship, the legislature finds that outdoor recreation should be  
3 encouraged and made affordable for all, and imposing a use fee  
4 impedes this goal;

5 (b) The legislature intends to eliminate the discover pass and  
6 daily permit fees that apply to access of state outdoor recreation  
7 opportunity; and

8 (c) The legislature intends to fully fund state park and outdoor  
9 recreation as a benefit to be widely shared by all regardless of  
10 financial circumstances.

11 **Sec. 2.** RCW 46.16A.090 and 2012 c 261 s 9 are each amended to  
12 read as follows:

13 (1) The department, county auditor or other agent, or subagent  
14 appointed by the director must provide an opportunity for a vehicle  
15 owner to make a voluntary donation as provided in this section when  
16 applying for an initial or renewal vehicle registration.

17 (2)(a) A vehicle owner who registers a vehicle under this chapter  
18 may donate one dollar or more to the organ and tissue donation  
19 awareness account to promote the donation of organs and tissues under  
20 the uniform anatomical gift act as described in chapter 68.64 RCW.  
21 The donation of one or more dollars is voluntary and may be refused  
22 by the vehicle owner.

23 (b) The department, county auditor or other agent, or subagent  
24 appointed by the director must:

25 (i) Ask a vehicle owner applying for a vehicle registration if  
26 the owner would like to donate one dollar or more;

27 (ii) Inform a vehicle owner of the option for organ and tissue  
28 donations as required under RCW 46.20.113; and

29 (iii) Make information booklets or other informational material  
30 available regarding the importance of organ and tissue donations to  
31 vehicle owners.

32 (c) All reasonable costs associated with the creation of the  
33 donation program created under this section must be paid  
34 proportionally or by another agreement by a participating Washington  
35 state organ procurement organization established for organ and tissue  
36 donation awareness purposes by the Washington state organ procurement  
37 organizations. For the purposes of this section, "reasonable costs"  
38 and "Washington state organ procurement organization" have the same  
39 meaning as in RCW 68.64.010.

1 (3) The department must collect from a vehicle owner who pays a  
2 vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), (n),  
3 (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a  
4 declared gross weight of (~~twelve thousand~~) 12,000 pounds or less a  
5 voluntary donation of five dollars. The donation may not be collected  
6 from any vehicle owner actively opting not to participate in the  
7 donation program. The department must ensure that the opt-out  
8 donation under this section is clear, visible, and prominently  
9 displayed in both paper and online vehicle registration renewals.  
10 Notification of intent to not participate in the donation program  
11 must be provided annually at the time of vehicle registration  
12 renewal. The donation must be deposited in the state parks renewal  
13 and stewardship account established in RCW 79A.05.215 to be used for  
14 the operation and maintenance of state parks.

15 (~~(4) A vehicle owner who registers a vehicle under this chapter  
16 may purchase a discover pass for the price amount established in RCW  
17 79A.80.020. Purchase of a discover pass is voluntary by the vehicle  
18 owner. The discover pass fee must be deposited in the recreation  
19 access pass account created in RCW 79A.80.090. The department, county  
20 auditor, or other agent or subagent appointed by the director is not  
21 responsible for delivering a purchased discover pass to a motor  
22 vehicle owner. The agencies, as defined in RCW 79A.80.010, must  
23 deliver the purchased discover pass to a motor vehicle owner.))~~

24 **Sec. 3.** RCW 77.15.160 and 2020 c 38 s 3 are each amended to read  
25 as follows:

26 The following acts are infractions and may be cited and civil  
27 penalties imposed as provided under chapter 7.84 RCW, to include  
28 detentions for a reasonable period and investigations as provided in  
29 RCW 7.84.030. The civil provisions of this section are cumulative and  
30 nonexclusive and do not affect any criminal prosecution or  
31 investigatory authority over criminal offenses:

32 (1) Fishing and shellfishing infractions:

33 (a) Barbed hooks: Fishing for personal use with barbed hooks in  
34 violation of any department rule.

35 (b) Catch recording: Failing to immediately record a catch of  
36 fish or shellfish on a catch record card as required by RCW 77.32.430  
37 or department rule.

38 (c) Catch reporting: Failing to return a catch record card to the  
39 department as required by department rule.

1 (d) Recreational fishing: Fishing for fish or shellfish and the  
2 person:

3 (i) Fails to have in the person's possession the license or the  
4 catch record card required by chapter 77.32 RCW for such an activity;  
5 or

6 (ii) Violates any department rule regarding seasons, closed  
7 areas, closed times, or any other rule addressing the manner or  
8 method of fishing for fish or shellfish and the violation involves:

9 (A) Salmon or steelhead;

10 (B) Sturgeon;

11 (C) Game fish;

12 (D) Food fish;

13 (E) Shellfish;

14 (F) Unclassified fish or shellfish;

15 (G) Waste of food fish, game fish or shellfish. This subsection  
16 (1)(d)(ii) does not apply to use of a net to take fish under RCW  
17 77.15.580 or unlawful recreational fishing in the first degree under  
18 RCW 77.15.370.

19 (e) Seaweed: Taking, possessing, or harvesting less than two  
20 times the daily possession limit of seaweed:

21 (i) While the person is not in possession of the license required  
22 by chapter 77.32 RCW; or

23 (ii) In violation of any rule of the department or the department  
24 of natural resources regarding seasons, closed areas, closed times,  
25 or any other rule addressing the manner or method of taking,  
26 possessing, or harvesting of seaweed.

27 (2) Hunting infractions:

28 (a) A person engages in an activity defined by chapter 77.32 RCW  
29 while not having in the person's possession or having failed to  
30 purchase the hunting license or tag required by that chapter, not  
31 including big game.

32 (b) Eggs or nests: Maliciously, and without permit authorization,  
33 destroying, taking, or harming the eggs or active nests of a wild  
34 bird not classified as endangered or protected. For purposes of this  
35 subsection, "active nests" means nests that contain eggs or  
36 fledglings.

37 (c) Hunting for wildlife not classified as big game and the  
38 person violates any department rule regarding seasons, closed areas,  
39 closed times, or any other rule defining the method or manner of  
40 hunting or taking wildlife and the violation involves:

1 (i) Unclassified wildlife;  
2 (ii) Small game;  
3 (iii) Furbearers;  
4 (iv) Game birds;  
5 (v) Wild birds;  
6 (vi) Wild animals;  
7 (vii) Waste of small game.  
8 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting  
9 infractions:  
10 (a) Recordkeeping and reporting: If a person is a taxidermist,  
11 fur dealer, or wildlife meat cutter who is processing, holding, or  
12 storing wildlife for commercial purposes, failing to:  
13 (i) Maintain records as required by department rule; or  
14 (ii) Report information from these records as required by  
15 department rule.  
16 (b) Trapper's report: Failing to report trapping activity as  
17 required by department rule.  
18 (4) Limited fish seller infraction: Failure of a holder of a  
19 limited fish seller endorsement to satisfy the food safety  
20 requirements to consumers under RCW 77.65.510(2).  
21 (5)(a) Invasive species management infractions:  
22 (i) Out-of-state certification: Entering Washington in possession  
23 of an aquatic conveyance that does not meet certificate of inspection  
24 requirements as provided under RCW 77.135.100;  
25 (ii) Clean and drain requirements: Possessing an aquatic  
26 conveyance that does not meet clean and drain requirements under RCW  
27 77.135.110;  
28 (iii) Clean and drain orders: Possessing an aquatic conveyance  
29 and failing to obey a clean and drain order under RCW 77.135.110 or  
30 77.135.120; and  
31 (iv) Aquatic invasive species prevention permit requirements:  
32 Failing to possess a valid aquatic invasive species prevention permit  
33 as required under RCW 77.135.210, 77.135.220, or 77.135.230.  
34 (b) Unless the context clearly requires otherwise, the  
35 definitions in both RCW 77.08.010 and 77.135.010 apply throughout  
36 this subsection (5).  
37 (6) Other infractions:  
38 (a) Contests: Unlawfully conducting, holding, or sponsoring a  
39 hunting contest, a fishing contest involving game fish, or a  
40 competitive field trial using live wildlife.

1 (b) Other rules: Violating any other department rule that is  
2 designated by rule as an infraction.

3 (c) Posting signs: Posting signs preventing hunting or fishing on  
4 any land not owned or leased by the person doing the posting, or  
5 without the permission of the person who owns, leases, or controls  
6 the land posted.

7 (d) Department permits: Except as provided in RCW 77.15.750,  
8 using a department permit issued by the department, and the person:

9 (i) Violates any terms or conditions of the permit;

10 (ii) Violates any department rule applicable to the issuance or  
11 use of permits; or

12 (iii) Violates any commercial use or activity permits,  
13 noncommercial use or activity permits, or parking permits.

14 (~~(e) This subsection does not apply to discover pass, vehicle  
15 access pass, or day-use permit requirements or penalties pursuant to  
16 RCW 79A.80.080.~~)

17 **Sec. 4.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to  
18 read as follows:

19 (1) A person is guilty of unlawful use of a department permit if  
20 the person:

21 (a) Violates any terms or conditions of the permit issued by the  
22 department or the director; or

23 (b) Violates any rule of the commission or the director  
24 applicable to the requirement for, issuance of, or use of the permit.

25 (2)(a) Permits covered under subsection (1) of this section  
26 include, but are not limited to, master hunter permits, crab pot  
27 removal permits and shellfish pot removal permits under RCW  
28 77.70.500, depredation permits, landowner hunting permits, commercial  
29 carp license permits, permits to possess or dispense beer or malt  
30 liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or  
31 attend an event requiring a banquet permit from the state liquor  
32 (~~control~~) and cannabis board.

33 (b) Permits excluded from subsection (1) of this section include  
34 (~~the discover pass created in RCW 79A.80.020, the vehicle access  
35 pass created in RCW 79A.80.040, the day-use permit created in RCW  
36 79A.80.030,~~) commercial use or activity permits, noncommercial use  
37 or activity permits, parking permits, experimental fishery permits,  
38 trial commercial fishery permits, and scientific collection permits.

39 (3) Unlawful use of a department permit is a misdemeanor.

1 (4) A person is guilty of unlawful use of an experimental fishery  
2 permit or a trial commercial fishery permit if the person:

3 (a) Violates any terms or conditions of the permit issued by the  
4 department or the director; or

5 (b) Violates any rule of the commission or the director  
6 applicable to the issuance or use of the permit.

7 (5) Unlawful use of an experimental fishery permit or a trial  
8 commercial fishery permit is a gross misdemeanor.

9 (6) The definitions in this subsection apply throughout this  
10 section unless the context clearly requires otherwise.

11 (a) "Experimental fishery permit" means a permit issued by the  
12 director for either:

13 (i) An "emerging commercial fishery," defined as a fishery for a  
14 newly classified species for which the department has determined that  
15 there is a need to limit participation; or

16 (ii) An "expanding commercial fishery," defined as a fishery for  
17 a previously classified species in a new area, by a new method, or at  
18 a new effort level, for which the department has determined that  
19 there is a need to limit participation.

20 (b) "Trial commercial fishery permit" means a permit issued by  
21 the department for trial harvest of a newly classified species or  
22 harvest of a previously classified species in a new area or by a new  
23 means.

24 NEW SECTION. **Sec. 5.** The following acts or parts of acts are  
25 each repealed:

26 (1) RCW 79A.80.005 (Findings—Intent—2011 c 320) and 2011 c 320 s  
27 1;

28 (2) RCW 79A.80.010 (Definitions) and 2019 c 175 s 3, 2013 2nd  
29 sp.s. c 23 s 22, 2012 c 261 s 1, & 2011 c 320 s 2;

30 (3) RCW 79A.80.020 (Discover pass) and 2017 c 121 s 1, 2013 2nd  
31 sp.s. c 15 s 1, 2012 c 261 s 2, & 2011 c 320 s 3;

32 (4) RCW 79A.80.030 (Day-use permit) and 2013 2nd sp.s. c 15 s 2,  
33 2012 c 261 s 3, & 2011 c 320 s 4;

34 (5) RCW 79A.80.040 (Vehicle access pass) and 2012 c 261 s 5 &  
35 2011 c 320 s 5;

36 (6) RCW 79A.80.050 (Valid camper registration/annual natural  
37 investment permit—Commission may provide free entry to state parks)  
38 and 2012 c 261 s 6 & 2011 c 320 s 6;

- 1           (7) RCW 79A.80.060 (Sno-park seasonal permit) and 2019 c 175 s 2  
2 & 2011 c 320 s 7;
- 3           (8) RCW 79A.80.070 (Short-term parking) and 2011 c 320 s 8;
- 4           (9) RCW 79A.80.080 (Pass/permit requirements—Penalty) and 2013  
5 2nd sp.s. c 15 s 3, 2012 c 261 s 7, & 2011 c 320 s 9;
- 6           (10) RCW 79A.80.090 (Recreation access pass account) and 2020 c  
7 148 s 27, 2017 3rd sp.s. c 1 s 988, 2016 sp.s. c 36 s 948, & 2011 c  
8 320 s 10;
- 9           (11) RCW 79A.80.100 (Purchase, return, replacement of discover  
10 passes and day-use permits) and 2012 c 261 s 4;
- 11           (12) RCW 79A.80.110 (Discounted passes—Bulk sales) and 2013 2nd  
12 sp.s. c 15 s 4; and
- 13           (13) RCW 79A.80.120 (Library discover passes) and 2020 c 75 s 2.

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