
SENATE BILL 5775

State of Washington

58th Legislature

2003 Regular Session

By Senators Oke, Doumit, Swecker, Carlson, McAuliffe, Rasmussen, Winsley, Regala, Brown, Prentice, Fairley, Schmidt, Kohl-Welles, Shin and Jacobsen

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1 AN ACT Relating to state parks and outdoor recreation funding;
2 amending RCW 77.32.380, 4.24.210, 82.49.010, 82.49.030, 82.49.040,
3 82.49.050, 82.49.060, 82.49.065; and 79A.05.070; adding a new section
4 to chapter 79A.25 RCW; adding new sections to chapter 82.49 RCW; adding
5 a new chapter to Title 79A RCW; prescribing penalties; providing an
6 effective date; and declaring an emergency.

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

8 NEW SECTION. **Sec. 1.** (1) The legislature finds that the state
9 parks and recreation commission, the department of natural resources,
10 and the fish and wildlife commission have difficulty maintaining
11 recreation sites they own because of insufficient funds. The
12 legislature also finds that the lack of funds to maintain and repair
13 these recreation sites may result in the closure of some of these sites
14 to the public at a time when the demand for outdoor recreation areas
15 continues to increase. Therefore, it is the policy of the state to
16 provide a dedicated source of funding for capital improvements and
17 maintenance of state parks and outdoor recreation lands to protect the
18 state's investment in these lands.

1 (2) The legislature recognizes that many state residents and
2 visitors to Washington enjoy visiting state-owned recreation sites
3 throughout different parts of the state, and that people will visit
4 lands owned by more than one state agency. The legislature also finds
5 that the creation of a single renewable annual recreation parking pass
6 may result in many more people visiting a number of recreation sites
7 within the state because of better maintained facilities and increased
8 awareness of recreation opportunities. It is therefore the intent of
9 the legislature to create an evergreen recreation pass that will be
10 available to serve as a voluntary, renewable annual recreation pass for
11 state-owned recreation sites to provide a visible method to support
12 state outdoor recreation sites. The legislature further finds that
13 these dedicated revenues for state outdoor recreation areas will
14 provide adequate funds to avoid park closures and park vehicle access
15 fees, continuing the tradition of free and open access to state parks
16 for day use.

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

19 (1) "Agency" or "agencies" includes the department of fish and
20 wildlife, the department of natural resources, and the parks and
21 recreation commission.

22 (2) "Pass" means the evergreen recreation pass created in section
23 3 of this act.

24 (3) "Recreation site" means those areas designated by an agency
25 where an annual parking permit is required.

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

29 NEW SECTION. **Sec. 3.** (1) The evergreen recreation pass is created
30 effective January 1, 2004, as a renewable annual parking pass that is
31 valid at any recreation sites owned by the agencies. The pass is in
32 lieu of any other day-use parking fee or annual parking permit required
33 by these agencies, including the annual fish and wildlife lands vehicle
34 use permit issued by the department of fish and wildlife under RCW
35 77.32.380. The cost of the pass may not exceed thirty-five dollars,

1 except that the amount of the fee may be adjusted for inflation by the
2 office of financial management subject to the limitation contained in
3 RCW 43.135.055(1).

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

7 (3)(a) The pass must be made available for purchase from each
8 agency.

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

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

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

28 (6) Revenues from the evergreen recreation pass and any premium
29 pass must be deposited in the parks and outdoor recreation lands
30 account created in section 6 of this act.

31 **Sec. 4.** RCW 77.32.380 and 2001 c 243 s 1 are each amended to read
32 as follows:

33 (1) Persons who enter upon or use clearly identified department
34 improved access facilities with a motor vehicle may be required to
35 display a current annual fish and wildlife lands vehicle use permit on
36 the motor vehicle while within or while using an improved access
37 facility. An "improved access facility" is a clearly identified area

1 specifically created for motor vehicle parking, and includes any boat
2 launch or boat ramp associated with the parking area, but does not
3 include the department parking facilities at the Gorge Concert Center
4 near George, Washington. One vehicle use permit shall be issued at no
5 charge with an initial purchase of either an annual saltwater,
6 freshwater, combination, small game hunting, big game hunting, or
7 trapping license issued by the department. The annual fee for a fish
8 and wildlife lands vehicle use permit, if purchased separately, is ten
9 dollars. A person to whom the department has issued a vehicle use
10 permit or who has purchased a vehicle use permit separately may
11 purchase additional vehicle use permits from the department at a cost
12 of five dollars per vehicle use permit. Revenue derived from the sale
13 of fish and wildlife lands vehicle use permits shall be used solely for
14 the stewardship and maintenance of department improved access
15 facilities.

16 Youth groups may use department improved access facilities without
17 possessing a vehicle use permit when accompanied by a vehicle use
18 permit holder.

19 The department may accept contributions into the state wildlife
20 fund for the sound stewardship of fish and wildlife. Contributors
21 shall be known as "conservation patrons" and, for contributions of
22 twenty dollars or more, shall receive a fish and wildlife lands vehicle
23 use permit free of charge.

24 (2) The vehicle use permit must be displayed from the interior of
25 the motor vehicle so that it is clearly visible from outside of the
26 motor vehicle before entering upon or using the motor vehicle on a
27 department improved access facility. The vehicle use permit can be
28 transferred between two vehicles and must contain space for the vehicle
29 license numbers of each vehicle.

30 (3) Failure to display the fish and wildlife lands vehicle use
31 permit if required by this section is an infraction under chapter 7.84
32 RCW, and department employees are authorized to issue a notice of
33 infraction to the registered owner of any motor vehicle entering upon
34 or using a department improved access facility without such a vehicle
35 use permit. The penalty for failure to clearly display the vehicle use
36 permit is sixty-six dollars. This penalty is reduced to thirty dollars
37 if the registered owner provides proof to the court that he or she

1 purchased a vehicle use permit within fifteen days after the issuance
2 of the notice of violation.

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

11 **Sec. 5.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read as
12 follows:

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

29 (2) Except as otherwise provided in subsection (3) of this section,
30 any public or private landowner or others in lawful possession and
31 control of any lands whether rural or urban, or water areas or channels
32 and lands adjacent to such areas or channels, who offer or allow such
33 land to be used for purposes of a fish or wildlife cooperative project,
34 or allow access to such land for cleanup of litter or other solid
35 waste, shall not be liable for unintentional injuries to any volunteer
36 group or to any other users.

1 (3) Any public or private landowner, or others in lawful possession
2 and control of the land, may charge an administrative fee of up to
3 twenty-five dollars for the cutting, gathering, and removing of
4 firewood from the land. Nothing in this section shall prevent the
5 liability of such a landowner or others in lawful possession and
6 control for injuries sustained to users by reason of a known dangerous
7 artificial latent condition for which warning signs have not been
8 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or
9 expands in any way the doctrine of attractive nuisance. Usage by
10 members of the public, volunteer groups, or other users is permissive
11 and does not support any claim of adverse possession.

12 (4) For purposes of this section, a license or permit issued for
13 statewide use under authority of (~~chapter 43.51 RCW, Title 75, or~~)
14 Title 77 RCW, chapter 43.30 RCW, chapter 79A.05 RCW, or the evergreen
15 recreation pass created in chapter 79A.-- RCW (sections 1 through 3 of
16 this act) is not a fee.

17 NEW SECTION. Sec. 6. A new section is added to chapter 79A.25 RCW
18 to read as follows:

19 The parks and outdoor recreation lands investment account is
20 created in the state treasury. Money placed in the account shall
21 include tax receipts as provided in section 3 of this act, money
22 identified for this purpose under RCW 82.49.030, and any other money
23 appropriated to the account by the legislature. Money in the account
24 may be spent only after appropriation. The interagency committee for
25 outdoor recreation shall administer the account. Expenditures from the
26 account may be used for costs associated with administering the
27 evergreen recreation pass. Remaining funds must be used for operation,
28 maintenance, and capital improvements of state parks and outdoor
29 recreation lands managed by the state parks and recreation commission,
30 the department of fish and wildlife, and the department of natural
31 resources.

32 NEW SECTION. Sec. 7. A new section is added to chapter 82.49 RCW
33 to read as follows:

34 The definitions in this section apply throughout this chapter
35 unless the context clearly requires otherwise.

36 (1) "Camper" has the same meaning as under RCW 46.04.085.

1 (2) "Motor home" has the same meaning as under RCW 46.04.305.

2 (3) "Travel trailer" has the same meaning as under RCW 46.04.623.

3 **Sec. 8.** RCW 82.49.010 and 2000 c 229 s 5 are each amended to read
4 as follows:

5 (1)(a) An excise tax is imposed for the privilege of using:

6 (i) A vessel upon the waters of this state, except vessels exempt
7 under RCW 82.49.020; or

8 (ii) A motor home, travel trailer, or camper in this state, except
9 those exempt under this chapter.

10 (b) The annual amount of the excise tax for a vessel under (a)(i)
11 of this subsection is one-half of one percent of fair market value, as
12 determined under this chapter, or five dollars, whichever is greater.
13 The annual amount of the excise tax for a motor home, travel trailer,
14 or camper in (a)(i) of this subsection is eight-tenths of one percent
15 of fair market value. Violation of this subsection is a misdemeanor.

16 (2) Persons who are required under chapter 88.02 RCW to register a
17 vessel in this state and who register the vessel in another state or
18 foreign country and avoid the Washington watercraft excise tax are
19 guilty of a gross misdemeanor and are liable for such unpaid excise
20 tax. The department of revenue may assess and collect the unpaid
21 excise tax under chapter 82.32 RCW, including the penalties and
22 interest provided in chapter 82.32 RCW.

23 (3) The excise tax upon a vessel registered for the first time in
24 this state shall be imposed for a twelve-month period, including the
25 month in which the vessel is registered, unless the director of
26 licensing extends or diminishes vessel registration periods for the
27 purpose of staggered renewal periods under RCW 88.02.050. A vessel is
28 registered for the first time in this state when the vessel was not
29 registered in this state for the immediately preceding registration
30 year, or when the vessel was registered in another jurisdiction for the
31 immediately preceding year. The excise tax on vessels required to be
32 registered in this state on June 30, 1983, shall be paid by June 30,
33 1983.

34 NEW SECTION. **Sec. 9.** A new section is added to chapter 82.49 RCW
35 to read as follows:

1 The motor homes, travel trailers, and campers specified in this
2 section are exempt from tax under this chapter.

3 (1) An unoccupied motor home, travel trailer, or camper when it is
4 part of an inventory held for sale by a manufacturer or dealer in the
5 course of business;

6 (2) A motor home, travel trailer, or camper owned by a government
7 or political subdivision thereof;

8 (3) A motor home, travel trailer, or camper owned by a nonresident
9 and currently licensed in another state, unless the motor home, travel
10 trailer, or camper is required by law to be licensed in this state.
11 For the purposes of this subsection (3) only, a camper owned by a
12 nonresident is considered licensed in another state if the vehicle to
13 which the camper is attached is currently licensed in another state;

14 (4) A motor home, travel trailer, or camper eligible to be used
15 under a dealer's license plate;

16 (5) A park trailer, as defined in RCW 46.04.622, that has
17 substantially lost its identity as a mobile unit by virtue of its being
18 permanently sited in location and placed on a foundation of either
19 posts or blocks with connections with sewer, water, or other utilities
20 for the operation of installed fixtures and appliances.

21 **Sec. 10.** RCW 82.49.030 and 2000 c 103 s 18 are each amended to
22 read as follows:

23 (1)(a) The excise tax on vessels imposed under this chapter is due
24 and payable to the department of licensing or its agents at the time of
25 registration of a vessel. The department of licensing shall not issue
26 or renew a registration for a vessel until the tax is paid in full.

27 (b) The excise tax on a motor home, travel trailer, or camper may
28 be paid to the department of licensing or its agents at the time of
29 registration, but is not required to be paid at that time. Tax not
30 paid at the time of registration must be paid to the department of
31 revenue, in the manner provided by the department. Tax is due under
32 this chapter on a motor home, travel trailer, or camper whether
33 registered or not. Chapter 82.32 RCW applies to tax imposed under this
34 chapter unless the tax is paid at the time of registration.

35 (2) The excise tax collected under this chapter shall be deposited
36 in the general fund. The excise tax collected under this chapter on

1 motor homes, travel trailers, and campers shall be deposited in the
2 parks and outdoor recreation lands investment account.

3 **Sec. 11.** RCW 82.49.040 and 1983 c 7 s 11 are each amended to read
4 as follows:

5 The department of revenue shall prepare at least once each year a
6 depreciation schedule for use in the determination of fair market value
7 for the purposes of this chapter. The schedule shall be based upon
8 information available to the department of revenue pertaining to the
9 current fair market value of vessels, motor homes, travel trailers, and
10 campers. The fair market value (~~of a vessel~~) for the purposes of
11 this chapter shall be based on the most recent purchase price
12 depreciated according to the year of the most recent purchase (~~of the~~
13 ~~vessel~~). The most recent purchase price is the consideration, whether
14 money, credit, rights, or other property expressed in terms of money,
15 paid or given or contracted to be paid or given by the purchaser to the
16 seller (~~for the vessel~~).

17 **Sec. 12.** RCW 82.49.050 and 1983 c 7 s 12 are each amended to read
18 as follows:

19 (1) If a vessel, motor home, travel trailer, or camper has been
20 acquired by lease or gift, or the most recent purchase price (~~of a~~
21 ~~vessel~~) is not known to the owner, the department of revenue shall
22 appraise the vessel, motor home, travel trailer, or camper before
23 registration or payment of tax.

24 (2) If after registration or payment of tax the department of
25 revenue determines that the purchase price stated by the owner is not
26 a reasonable representation of the true fair market value (~~of a~~
27 ~~vessel~~) at the time of purchase, the department of revenue shall
28 appraise the vessel, motor home, travel trailer, or camper.

29 (3) If a vessel, motor home, travel trailer, or camper is homemade,
30 the owner shall make a notarized declaration of fair market value. The
31 fair market value (~~of the vessel~~) for the purposes of this chapter
32 shall be the declared value, unless after registration the department
33 of revenue determines that the declared value is not a reasonable
34 representation of the true fair market value (~~of the vessel~~) in which
35 case the department of revenue shall appraise the vessel, motor home,
36 travel trailer, or camper.

1 (4) If the department of revenue appraises a vessel, motor home,
2 travel trailer, or camper, the fair market value (~~(of the vessel)~~) for
3 the purposes of this chapter shall be the appraised value. If the
4 vessel, motor home, travel trailer, or camper has been registered
5 before appraisal, the department of revenue shall refund any
6 overpayment of tax to the owner or notify the owner of any additional
7 tax due. The owner shall pay any additional tax due within thirty days
8 after notification by the department.

9 **Sec. 13.** RCW 82.49.060 and 1993 c 33 s 1 are each amended to read
10 as follows:

11 (1) Any vessel, motor home, travel trailer, or camper owner
12 disputing an appraised value under RCW 82.49.050 or disputing whether
13 the vessel, motor home, travel trailer, or camper is taxable, may
14 petition for a conference with the department as provided under RCW
15 82.32.160, or for reduction of the tax due as provided under RCW
16 82.32.170.

17 (2) Any vessel, motor home, travel trailer, or camper owner having
18 received a notice of denial of a petition or a notice of determination
19 made for the owner's vessel, motor home, travel trailer, or camper
20 under RCW 82.32.160 or 82.32.170 may appeal to the board of tax appeals
21 as provided under RCW 82.03.190. In deciding a case appealed under
22 this section, the board of tax appeals may require an independent
23 appraisal of the vessel, motor home, travel trailer, or camper. The
24 cost of the independent appraisal shall be apportioned between the
25 department and the (~~vessel~~) owner as provided by the board.

26 **Sec. 14.** RCW 82.49.065 and 1992 c 154 s 4 are each amended to read
27 as follows:

28 Whenever any person has paid a (~~vessel~~) license fee, and with the
29 fee has paid an excise tax imposed under this chapter, and the director
30 of licensing determines that the payor is entitled to a refund of the
31 entire amount of the license fee as provided by law, then the payor
32 shall also be entitled to a refund of the entire excise tax collected
33 under this chapter together with interest at the rate specified in RCW
34 82.32.060. If the director determines that any person is entitled to
35 a refund of only a part of the license fee paid, the payor shall be
36 entitled to a refund of the difference, if any, between the excise tax

1 collected and that which should have been collected together with
2 interest at the rate specified in RCW 82.32.060. The state treasurer
3 shall determine the amount of such refund by reference to the
4 applicable excise tax schedule prepared by the department of revenue in
5 cooperation with the department of licensing.

6 If no claim is to be made for the refund of the license fee, or any
7 part of the fee, but claim is made by any person that he or she has
8 paid an erroneously excessive amount of excise tax, the department of
9 licensing shall determine in the manner generally provided in this
10 chapter the amount of such excess, if any, that has been paid and shall
11 certify to the state treasurer that the person is entitled to a refund
12 in that amount together with interest at the rate specified in RCW
13 82.32.060.

14 If due to error a person has been required to pay an excise tax
15 pursuant to this chapter and a license fee (~~(under chapter 88.02 RCW)~~)
16 which amounts to an overpayment of ten dollars or more, such person
17 shall be entitled to a refund of the entire amount of such overpayment,
18 together with interest at the rate specified in RCW 82.32.060,
19 regardless of whether a refund of the overpayment has been requested.
20 If due to error the department or its agents has failed to collect the
21 full amount of the license fee and excise tax due, which underpayment
22 is in the amount of ten dollars or more, the department shall charge
23 and collect such additional amount as will constitute full payment of
24 the tax and any penalties or interest at the rate specified in RCW
25 82.32.050.

26 If the department approves the claim, it shall notify the state
27 treasurer to that effect and the treasurer shall make such approved
28 refunds and the other refunds provided for in this section from the
29 general fund and shall mail or deliver the same to the person entitled
30 to the refund.

31 Any person who makes a false statement under which he or she
32 obtains a refund to which he or she is not entitled under this section
33 is guilty of a gross misdemeanor.

34 **Sec. 15.** RCW 79A.05.070 and 1999 c 249 s 307 are each amended to
35 read as follows:

36 The commission may:

- 1 (1) Make rules and regulations for the proper administration of its
2 duties;
- 3 (2) Accept any grants of funds made with or without a matching
4 requirement by the United States, or any agency thereof, for purposes
5 in keeping with the purposes of this chapter; accept gifts, bequests,
6 devises and endowments for purposes in keeping with such purposes;
7 enter into cooperative agreements with and provide for private
8 nonprofit groups to use state park property and facilities to raise
9 money to contribute gifts, grants, and support to the commission for
10 the purposes of this chapter. The commission may assist the nonprofit
11 group in a cooperative effort by providing necessary agency personnel
12 and services, if available. However, none of the moneys raised may
13 inure to the benefit of the nonprofit group, except in furtherance of
14 its purposes to benefit the commission as provided in this chapter. The
15 agency and the private nonprofit group shall agree on the nature of any
16 project to be supported by such gift or grant prior to the use of any
17 agency property or facilities for raising money. Any such gifts may be
18 in the form of recreational facilities developed or built in part or in
19 whole for public use on agency property, provided that the facility is
20 consistent with the purposes of the agency;
- 21 (3) Require certification by the commission of all parks and
22 recreation workers employed in state aided or state controlled
23 programs;
- 24 (4) Act jointly, when advisable, with the United States, any other
25 state agencies, institutions, departments, boards, or commissions in
26 order to carry out the objectives and responsibilities of this chapter;
- 27 (5) Grant franchises and easements for any legitimate purpose on
28 parks or parkways, for such terms and subject to such conditions and
29 considerations as the commission shall specify;
- 30 (6) Charge such fees for services, utilities, and use of facilities
31 as the commission shall deem proper, except that the commission shall
32 not charge fees for parking, day use, or other form of basic parkland
33 access;
- 34 (7) Enter into agreements whereby individuals or companies may rent
35 undeveloped parks or parkway land for grazing, agricultural, or mineral
36 development purposes upon such terms and conditions as the commission
37 shall deem proper, for a term not to exceed ten years;

1 (8) Determine the qualifications of and employ a director of parks
2 and recreation who shall receive a salary as fixed by the governor in
3 accordance with the provisions of RCW 43.03.040 and determine the
4 qualifications and salary of and employ such other persons as may be
5 needed to carry out the provisions hereof; and

6 (9) Without being limited to the powers hereinbefore enumerated,
7 the commission shall have such other powers as in the judgment of a
8 majority of its members are deemed necessary to effectuate the purposes
9 of this chapter: PROVIDED, That the commission shall not have power to
10 supervise directly any local park or recreation district, and no funds
11 shall be made available for such purpose.

12 NEW SECTION. **Sec. 16.** Sections 1 through 3 of this act constitute
13 a new chapter in Title 79A RCW.

14 NEW SECTION. **Sec. 17.** Sections 1 through 14 of this act take
15 effect January 1, 2004.

16 NEW SECTION. **Sec. 18.** Section 15 of this act is necessary for the
17 immediate preservation of the public peace, health, or safety, or
18 support of the state government and its existing public institutions,
19 and takes effect immediately.

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