
SUBSTITUTE HOUSE BILL 2866

State of Washington 61st Legislature 2010 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake and Wallace)

READ FIRST TIME 02/02/10.

1 AN ACT Relating to enforcement authority over natural resource
2 infractions; amending RCW 7.84.030, 79A.05.160, 43.12.065, and
3 77.15.020; and adding a new section to chapter 7.84 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 7.84 RCW
6 to read as follows:

7 (1) Except as otherwise provided in this section, the director
8 chosen by the state parks and recreation commission, the commissioner
9 of public lands, and the director of the department of fish and
10 wildlife are each authorized to delegate and accept enforcement
11 authority over natural resource infractions to or from the other
12 agencies through an agreement entered into under the interlocal
13 cooperation act, chapter 39.34 RCW.

14 (2) The commissioner of public lands may not use the authority
15 granted in this section to delegate any enforcement authority over the
16 provisions of chapter 76.09 RCW.

17 **Sec. 2.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read
18 as follows:

1 (1) An infraction proceeding is initiated by the issuance and
2 service of a printed notice of infraction and filing of a printed or
3 electronic copy of the notice of infraction.

4 (2) A notice of infraction may be issued by a person authorized to
5 enforce the provisions of the title or chapter in which the infraction
6 is established, or by a person authorized by an interlocal agreement
7 entered into under section 1 of this act, when the infraction occurs in
8 that person's presence.

9 (3) A court may issue a notice of infraction if a person authorized
10 to enforce the provisions of the title or chapter in which the
11 infraction is established, or by a person authorized by an interlocal
12 agreement entered into under section 1 of this act, files with the
13 court a written statement that the infraction was committed in that
14 person's presence or that the officer has reason to believe an
15 infraction was committed.

16 (4) Service of a notice of infraction issued under subsection (2)
17 or (3) of this section shall be as provided by court rule.

18 (5) A notice of infraction shall be filed with a court having
19 jurisdiction within five days of issuance, excluding Saturdays,
20 Sundays, and holidays.

21 **Sec. 3.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended
22 to read as follows:

23 (1) The members of the ((state parks and recreation)) commission
24 and ((such of)) its designated employees ((as the commission may
25 designate shall be)) are vested with police powers to enforce the laws
26 of this state.

27 (2) The director may, under the provisions of and subject to the
28 limitations of section 1 of this act, enter into an agreement allowing
29 employees of the department of natural resources and the department of
30 fish and wildlife to enforce certain civil infractions created under
31 this title.

32 **Sec. 4.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to read
33 as follows:

34 (1) For the promotion of the public safety and the protection of
35 public property, the department of natural resources may, in accordance

1 with chapter 34.05 RCW, issue, promulgate, adopt, and enforce rules
2 pertaining to use by the public of state-owned lands and property which
3 are administered by the department.

4 (2)(a) Except as otherwise provided in this subsection, a violation
5 of any rule adopted under this section is a misdemeanor.

6 (b) Except as provided in (c) of this subsection, the department
7 may specify by rule, when not inconsistent with applicable statutes,
8 that violation of such a rule is an infraction under chapter 7.84
9 RCW(~~(:—PROVIDED, That)~~); however, any violation of a rule relating to
10 traffic, including parking, standing, stopping, and pedestrian
11 offenses, is a traffic infraction.

12 (c) Violation of such a rule equivalent to those provisions of
13 Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

14 (3) The commissioner of public lands and such of his or her
15 employees as he or she may designate shall be vested with police powers
16 when enforcing:

17 (a) The rules of the department adopted under this section; or

18 (b) The general criminal statutes or ordinances of the state or its
19 political subdivisions where enforcement is necessary for the
20 protection of state-owned lands and property.

21 (4) The commissioner of public lands may, under the provisions of
22 and subject to the limitations of section 1 of this act, enter into an
23 agreement allowing employees of the state parks and recreation
24 commission and the department of fish and wildlife to enforce certain
25 civil infractions created under this section.

26 **Sec. 5.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
27 as follows:

28 (1) If the commission or director has authority to adopt a rule
29 that is punishable as a crime under this chapter, then the commission
30 or director may provide that violation of the rule shall be punished
31 with notice of infraction under RCW 7.84.030. Neither the commission
32 nor the director have the authority to adopt a rule providing that a
33 violation punishable as an infraction shall be a crime.

34 (2) The director may, under the provisions of and subject to the
35 limitations of section 1 of this act, enter into an agreement allowing
36 employees of the state parks and recreation commission and the

1 department of natural resources to enforce certain civil infractions
2 created under this chapter.

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