
HOUSE BILL 2649

State of Washington

65th Legislature

2018 Regular Session

By Representatives Barkis, Wilcox, Dolan, Doglio, Nealey, Tarleton, and McBride; by request of Department of Fish and Wildlife

Read first time 01/11/18. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to enhancing the fish, shellfish, and wildlife-
2 related recreational opportunities for a person with a disability;
3 amending RCW 77.15.460 and 77.32.237; and repealing RCW 77.32.238 and
4 77.32.400.

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

6 **Sec. 1.** RCW 77.15.460 and 2014 c 48 s 18 are each amended to
7 read as follows:

8 (1) A person is guilty of unlawful possession of a loaded rifle
9 or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon
10 an off-road vehicle, as defined in RCW 46.04.365, if:

11 (a) The person carries, transports, conveys, possesses, or
12 controls a rifle or shotgun in a motor vehicle, or upon an off-road
13 vehicle, except as allowed by department rule; and

14 (b) The rifle or shotgun contains shells or cartridges in the
15 magazine or chamber, or is a muzzle-loading firearm that is loaded
16 and capped or primed.

17 (2) A person is guilty of unlawful use of a loaded firearm if:

18 (a) The person negligently discharges a firearm from, across, or
19 along the maintained portion of a public highway; or

20 (b) The person discharges a firearm from within a moving motor
21 vehicle or from upon a moving off-road vehicle.

1 (3) Unlawful possession of a loaded rifle or shotgun in a motor
2 vehicle or upon an off-road vehicle, and unlawful use of a loaded
3 firearm are misdemeanors.

4 (4) This section does not apply if the person:

5 (a) Is a law enforcement officer who is authorized to carry a
6 firearm and is on duty within the officer's respective jurisdiction;

7 (b) ~~((Possesses a disabled hunter's permit))~~ Has been granted a
8 disability designation as provided by RCW 77.32.237 and complies with
9 all rules of the department concerning hunting by persons with
10 disabilities; or

11 (c) Discharges the rifle or shotgun from upon a nonmoving motor
12 vehicle, as long as the engine is turned off and the motor vehicle is
13 not parked on or beside the maintained portion of a public road,
14 except as authorized by the commission by rule. This subsection
15 (4)(c) does not apply to off-road vehicles, which are unlawful to use
16 for hunting under RCW 46.09.480, unless the person has a department
17 permit issued under RCW 77.32.237.

18 (5) For purposes of subsection (1) of this section, a rifle or
19 shotgun shall not be considered loaded if the detachable clip or
20 magazine is not inserted in or attached to the rifle or shotgun.

21 **Sec. 2.** RCW 77.32.237 and 2007 c 254 s 6 are each amended to
22 read as follows:

23 The commission shall ~~((attempt to))~~ enhance the ~~((hunting))~~ fish,
24 shellfish, and wildlife-related recreational opportunities for
25 ~~((persons))~~ a person with a disability. The commission shall
26 authorize the director to ~~((issue disabled hunter permits))~~ grant a
27 disability designation to ~~((persons))~~ a person with a disability who
28 meets eligibility criteria established by the commission by rule. The
29 commission shall adopt rules defining who is a person with a
30 disability for purposes of eligibility for disability designation. A
31 person granted a disability designation is eligible for reasonable
32 accommodations, determined by the director, to allow the person to
33 participate in fish, shellfish, and wildlife-related recreational
34 activities. The commission shall adopt rules governing the conduct of
35 ~~((persons))~~ a person with a disability ~~((who hunt and their~~
36 ~~designated licensed hunter))~~ participating in fish, shellfish, and
37 wildlife-related recreational activities and the conduct of
38 companions permitted, as a reasonable accommodation, to assist such a

1 person in fish, shellfish, and wildlife-related recreational
2 opportunities.

3 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
4 each repealed:

5 (1) RCW 77.32.238 (Adoption of rules defining a person with a
6 disability—Shooting from a motor vehicle—Assistance from licensed
7 hunter) and 2007 c 254 s 5 & 1989 c 297 s 2; and

8 (2) RCW 77.32.400 (Persons with a disability—Designated harvester
9 card—Fish and shellfish) and 2007 c 254 s 2 & 1998 c 191 s 1.

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