

Chapter 79A.80 RCW
ACCESS TO RECREATIONAL LANDS

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RCW 79A.80.005 Findings—Intent—2011 c 320. (1) The legislature finds that there is an increasing demand for outdoor recreation opportunities and conservation measures on lands managed by the department of fish and wildlife, the department of natural resources, and the parks and recreation commission. Development and maintenance of outdoor recreation facilities and conservation of lands have not kept pace with this demand. This demand, combined with shrinking resources for management, has led to the degradation of our lands to the detriment of the recreating public and efforts to conserve our natural resources.

(2) The legislature further finds that the recreating public cannot readily discern which agency of the state is responsible for the management of particular state lands or which policies apply to those lands.

(3) It is the intent of this act to reform and improve access to and management of state lands on a sustainable basis for the recreating public by: Providing a motor vehicle access pass and access policies for state lands; recovering the cost incurred by the state for operations and management of recreation opportunities; providing resources to address the growing demand and impacts of outdoor recreationists and conservation of our natural resources; and providing effective education and enforcement of state land access policies. [2011 c 320 § 1.]

Effective date—2011 c 320: "Except for section 12 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2011." [2011 c 320 § 29.]

RCW 79A.80.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

(2) "Annual natural investment permit" means the annual permit issued by the parks and recreation commission for the purpose of launching boats from the designated state parks boat launch sites.

(3) "Camper registration" means proof of payment of a camping fee on recreational lands managed by the parks and recreation commission.

(4) "Day-use permit" means the permit created in RCW 79A.80.030.

(5) "Discover pass" means the annual pass created in RCW 79A.80.020.

(6) "Motor vehicle" has the same meaning as defined in RCW 46.04.320 and which are required to be registered under chapter 46.16A RCW. "Motor vehicle" does not include those motor vehicles exempt from registration under RCW 46.16A.080, wheeled all-terrain vehicles registered for use under RCW 46.09.442, and state and publicly owned motor vehicles as provided in RCW 46.16A.170.

(7) "Recreation site or lands" means a state park, state lands and state forestlands as those terms are defined in RCW 79.02.010, natural resources conservation areas as that term is defined in RCW 79.71.030, natural area preserves as that term is defined in RCW 79.70.020, and fish and wildlife conservation sites including water access areas, boat ramps, wildlife areas, parking areas, roads, and trailheads.

(8) "Sno-park permit" means the permit issued by the parks and recreation commission for providing access to winter recreational facilities for the period of November 1st through March 31st.

(9) "Vehicle access pass" means the pass created in RCW 79A.80.040. [2019 c 175 § 3; 2013 2nd sp.s. c 23 § 22; 2012 c 261 § 1; 2011 c 320 § 2.]

Intent—2019 c 175: See note following RCW 79A.80.060.

Finding—Intent—2013 2nd sp.s. c 23: See note following RCW 46.09.442.

Effective date—2013 2nd sp.s. c 23: See note following RCW 46.09.310.

Effective date—2012 c 261: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [March 30, 2012]." [2012 c 261 § 14.]

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.020 Discover pass. (1) Except as otherwise provided in this chapter, a discover pass is required for any motor vehicle to:

(a) Park at any recreation site or lands; or

(b) Operate on any recreation site or lands.

(2) Except as provided in RCW 79A.80.110, the cost of a discover pass is thirty dollars. Every four years the office of financial management must review the cost of the discover pass and, if necessary, recommend to the legislature an adjustment to the cost of the discover pass to account for inflation.

(3) A discover pass is valid for one year beginning from the date that the discover pass is marked for activation. The activation date may differ from the purchase date pursuant to any policies developed by the agencies.

(4) Sales of discover passes must be consistent with RCW 79A.80.100.

(5) The discover pass must contain space for two motor vehicle license plate numbers. A discover pass is valid only for those vehicle license plate numbers written on the pass. However, the agencies may offer for sale a family discover pass that is fully transferable among vehicles and does not require the placement of a license plate number on the pass to be valid. The agencies must collectively set a price for the sale of a family discover pass that is no more than fifty dollars. A discover pass is valid only for use with one motor vehicle at any one time.

(6) (a) One complimentary discover pass must be provided to a volunteer who performed twenty-four hours of service on agency-sanctioned volunteer projects in a year. The agency must provide vouchers to volunteers identifying the number of volunteer hours they have provided for each project. The vouchers may be brought to an agency to be redeemed for a discover pass.

(b) Married spouses under chapter 26.04 RCW may present an agency with combined vouchers demonstrating the collective performance of twenty-four hours of service on agency-sanctioned volunteer projects in a year to be redeemed for a single complimentary discover pass. [2017 c 121 § 1; 2013 2nd sp.s. c 15 § 1; 2012 c 261 § 2; 2011 c 320 § 3.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.030 Day-use permit. (1) A person may purchase a day-use permit to meet the requirements of RCW 79A.80.080. Except as provided in RCW 79A.80.110, a day-use permit is ten dollars per day and must be available for purchase from each agency. A day-use permit is valid for one calendar day.

(2) The agencies may provide short-term parking under RCW 79A.80.070 where a day-use permit is not required.

(3) Every four years the office of financial management must review the cost of the day-use permit and, if necessary, recommend to the legislature an adjustment to the cost of the day-use permit to account for inflation.

(4) Sales of day-use permits must be consistent with RCW 79A.80.100. [2013 2nd sp.s. c 15 § 2; 2012 c 261 § 3; 2011 c 320 § 4.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.040 Vehicle access pass. (1) The vehicle access pass is created solely for access to the department of fish and wildlife recreation sites or lands. The vehicle access pass is only available

to a person who purchases a current valid: Big game hunting license issued under RCW 77.32.450; small game hunting license issued under RCW 77.32.460; western Washington pheasant permit issued under RCW 77.32.575; trapping license issued under RCW 77.65.450; watchable wildlife decal issued under RCW 77.32.560; or combination, saltwater, or freshwater personal use fishing license issued under RCW 77.32.470.

(2) One vehicle access pass must be issued per purchase pursuant to subsection (1) of this section.

(3) The vehicle access pass is valid for the license year of the license it is purchased with.

(4) The vehicle access pass must contain space for two motor vehicle license plate numbers. A vehicle access pass is only valid for those vehicle license plate numbers written on the pass. [2012 c 261 § 5; 2011 c 320 § 5.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.050 Valid camper registration/annual natural investment permit—Designation of days where entry to a recreation site or lands is free. (1) A discover pass or a day-use permit are not required within a state park for persons who have a valid camper registration, or annual natural investment permit, issued by the state parks and recreation commission.

(2) In consultation with the director of the department of fish and wildlife and the commissioner of public lands, the director of the state parks and recreation commission must designate up to 12 days per calendar year where entry to a recreation site or lands is free. At least three of those days must be on weekends. When practicable, the free access days should be timed to correspond with any similar free access days planned by the national park service for national parks located in the general region of high volume state parks. [2022 c 83 § 1; 2012 c 261 § 6; 2011 c 320 § 6.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.060 Sno-park seasonal permit. The discover pass or the day-use permit are not required, for persons who have a valid sno-park permit issued by the state parks and recreation commission, at designated sno-parks between November 1st through March 31st. [2019 c 175 § 2; 2011 c 320 § 7.]

Intent—2019 c 175: "In 2016, the legislature directed state parks to develop options and recommendations to improve the consistency, equity, and simplicity in recreational access fee systems. This process identified the layering of park permit requirements that apply to sno-parks, and so the legislature intends to address this issue." [2019 c 175 § 1.]

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.070 Short-term parking. Each agency, where applicable, must designate short-term parking not to exceed thirty minutes where the discover pass or day-use permit are not required at recreation sites or lands. [2011 c 320 § 8.]

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.080 Pass/permit requirements—Penalty. (1) A discover pass, vehicle access pass, or day-use permit must be visibly displayed in the front windshield, or otherwise in a prominent location for motor vehicles without a windshield, of any motor vehicle:

(a) Operating on any recreation site or lands; or

(b) Parking at any recreation site or lands.

(2) The discover pass, the vehicle access pass, or the day-use permit is not required:

(a) On private lands, state-owned aquatic lands other than water access areas, or at agency offices, hatcheries, or other facilities where public business is conducted;

(b) For persons who use, possess, or enter lands owned or managed by the agencies for nonrecreational purposes consistent with a written authorization from the agency, including but not limited to leases, contracts, and easements;

(c) On department of fish and wildlife lands only, for persons possessing a current vehicle access pass pursuant to RCW 79A.80.040; or

(d) When operating on a road managed by the department of natural resources or the department of fish and wildlife, including a forest or land management road, that is not blocked by a gate.

(3) (a) An agency may waive the requirements of this section for any person who has secured the ability to access specific recreational land through the provision of monetary consideration to the agency or for any person attending an event or function that required the provision of monetary compensation to the agency.

(b) Special events and group activities are core recreational activities and major public service opportunities within state parks. When waiving the requirements of this section for special events, the state parks and recreation commission must consider the direct and indirect costs and benefits to the state, local market rental rates, the public service functions of the event sponsor, and other public interest factors when setting appropriate fees for each event or activity.

(4) Failure to comply with subsection (1) of this section is a natural resource infraction under chapter 7.84 RCW. An agency is authorized to issue a notice of infraction to any person who fails to comply with subsection (1)(a) of this section or to any motor vehicle that fails to comply with subsection (1)(b) of this section.

(5) The penalty for failure to comply with the requirements of this section is ninety-nine dollars. This penalty must be reduced to fifty-nine dollars if an individual provides proof of purchase of a discover pass to the court within fifteen days after the issuance of the notice of violation. [2013 2nd sp.s. c 15 § 3; 2012 c 261 § 7; 2011 c 320 § 9.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.090 Recreation access pass account. (1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes and day-use permits must be deposited into the account.

(2) Each fiscal biennium, the first seventy-one million dollars in revenue must be distributed to the agencies in the following manner:

(a) Eight percent to the department of fish and wildlife and deposited into the limited fish and wildlife account created in RCW 77.12.170(1);

(b) Eight percent to the department of natural resources and deposited into the parkland trust revolving fund created in RCW 43.30.385;

(c) Eighty-four percent to the state parks and recreation commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215;

(d) During the 2015-2017 fiscal biennium, expenditures from the recreation access pass account may be used for Skamania county court costs. During the 2015-2017 and 2017-2019 fiscal biennia, expenditures from the recreation access pass account may be used for the state parks and recreation commission, in partnership with the departments of fish and wildlife and natural resources, to develop options and recommendations to improve recreational access fee systems.

(3) Each fiscal biennium, revenues in excess of seventy-one million dollars must be distributed equally among the agencies to the accounts identified in subsection (2) of this section. [2020 c 148 § 27; 2017 3rd sp.s. c 1 § 988; 2016 sp.s. c 36 § 948; 2011 c 320 § 10.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Effective date—2017 3rd sp.s. c 1: See note following RCW 43.41.455.

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Effective date—2011 c 320: See note following RCW 79A.80.005.

RCW 79A.80.100 Purchase, return, replacement of discover passes and day-use permits. (1) Discover passes and day-use permits may be made available for purchase:

(a) Through vendors under contract with one or more of the agencies. The agencies may provide vendors with discover passes and day-use permits at the sales price established under RCW 79A.80.020 and 79A.80.030 to sell at retail;

(b) Directly from the state parks and recreation commission, both through that agency's parks reservation system, directly from agency employees or volunteers at staffed state parks, or as otherwise provided in RCW 79A.05.070;

(c) From the department of licensing as provided in RCW 46.16A.090 and 46.01.370;

(d) From other outlets authorized by law to sell state licenses, permits, or passes; and

(e) Consistent with RCW 77.32.050, through the department of fish and wildlife's automated licensing system.

(2) The agencies must maintain a policy to address conditions related to return, replacements, and for providing the full year of recreational lands access that the discover pass provides to individuals who are required by the department of licensing to change license plate numbers during the effective dates of a discover pass tied to the affected vehicle.

(3) For discover passes and day-use permits purchased through the department of licensing, county auditors, or other agents or subagents appointed by the director of the department of licensing, the selling entity is not responsible for delivering the purchased discover pass to the purchaser. The responsibility for delivering the discover pass belongs to the agencies. [2012 c 261 § 4.]

Effective date—2012 c 261: See note following RCW 79A.80.010.

RCW 79A.80.110 Discounted passes—Bulk sales. (1) By mutual agreement, the agencies may sell discounted discover passes at a rate below that established under RCW 79A.80.020 or discounted day-use permits at a rate below that established under RCW 79A.80.030 for purposes of bulk sales to retailers, agency license and permit product bundling, and partnership opportunities to expand accessibility and visibility of the discover pass and recreational opportunities on agency-managed lands.

(2) In exercising this authority, the agencies must prioritize opportunities for discounted sales that result in a net revenue gain. [2013 2nd sp.s. c 15 § 4.]

RCW 79A.80.120 Library discover passes. Once each calendar year, the commission must provide at least two library discover passes to any library that submits a request to the commission, so that the library can provide the pass on a loan basis to their patrons as with other library materials. The commission is not required to replace any library discover pass that is lost or not returned. The commission should prioritize the distribution of any additional library discover passes to libraries that also check out outdoor equipment, such as backpacks, binoculars, field guides, and other equipment that will enhance the patron's outdoor experience. [2020 c 75 § 2.]

Finding—Intent—2020 c 75: "The legislature finds that the state parks and recreation commission and the state library have developed a pilot program with several library systems throughout the state to encourage library patrons to gain outdoor recreation experiences at state parks and other recreational lands administered by the state. Under this program, the state parks and recreation commission has provided library discover passes to libraries that may be checked out on a temporary basis by library patrons for vehicle parking in state parks. The program requires libraries to include equipment, such as backpacks and binoculars, with the library discover passes that are checked out to enhance the library patron's outdoor experience. The legislature intends by this act to make available resources so that

the state parks and recreation commission may offer library discover passes to any library that chooses to make library discover passes and certain outdoor equipment available for loan to library patrons."
[2020 c 75 § 1.]