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**SUBSTITUTE HOUSE BILL 1796**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Ways & Means (originally sponsored by Representatives Van De Wege, Takko, Upthegrove, Finn, Sequist, Sullivan, Lias, Jacks, McCoy, Moscoso, Hudgins, Hunt, and Reykdal; by request of Parks and Recreation Commission, Department of Natural Resources, and Department of Fish and Wildlife)

READ FIRST TIME 04/19/11.

1       AN ACT Relating to accessing Washington's heritage; amending RCW  
2 4.24.210, 46.16A.090, 7.84.030, 79A.05.160, 43.12.065, 77.15.020,  
3 77.32.560, 77.32.010, 77.15.750, 43.30.385, 79A.05.215, 77.12.170,  
4 79A.05.070, 79.10.140, 66.16.010, 79A.05.230, 79A.05.225, 79A.05.235,  
5 46.61.585, 46.61.587, 46.10.400, 36.38.010, and 35.21.280; adding a new  
6 section to chapter 77.32 RCW; adding a new section to chapter 7.84 RCW;  
7 adding a new section to chapter 35.21 RCW; adding a new section to  
8 chapter 35A.21 RCW; adding a new section to chapter 36.01 RCW; adding  
9 a new chapter to Title 79A RCW; repealing RCW 77.32.380; prescribing  
10 penalties; providing effective dates; and declaring an emergency.

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

12       NEW SECTION.   **Sec. 1.** (1) The legislature finds that there is an  
13 increasing demand for outdoor recreation opportunities and conservation  
14 measures on lands managed by the department of fish and wildlife, the  
15 department of natural resources, and the parks and recreation  
16 commission.   Development and maintenance of outdoor recreation  
17 facilities and conservation of lands have not kept pace with this  
18 demand.   This demand, combined with shrinking resources for management,

1 has led to the degradation of our lands to the detriment of the  
2 recreating public and efforts to conserve our natural resources.

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

7 (3) It is the intent of this act to reform and improve access to  
8 and management of state lands on a sustainable basis for the recreating  
9 public by: Providing a vehicle access permit and access policies for  
10 state lands; recovering the cost incurred by the state for operations  
11 and management of recreation opportunities; providing resources to  
12 address the growing demand and impacts of outdoor recreationists and  
13 conservation of our natural resources; and providing effective  
14 education and enforcement of state land access policies.

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

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

20 (2) "Day use permit" means the recreational lands access permit  
21 created in section 4 of this act.

22 (3) "Discover pass" means the pass created in section 3 of this  
23 act.

24 (4) "Recreational lands" means:

25 (a) Any designated recreation area or site managed by an agency for  
26 outdoor recreation or fish and wildlife conservation including water  
27 access areas, boat ramps and launches, wildlife areas, parking areas,  
28 roads, trailheads, winter recreational parking areas, water trails, and  
29 other trails under ownership, management, lease, or control of the  
30 agency; or

31 (b) Areas identified in sections 19, 20, and 21 of this act, if  
32 applicable.

33 (5) "Vehicle" has the same meaning as "motor vehicle" defined in  
34 RCW 46.04.320 and which are required to be registered under chapter  
35 46.16A RCW. The term "vehicle" does not include:

36 (a) An otherwise included motor vehicle if the vehicle is being

1 towed under the power of a motor vehicle satisfying the definition  
2 provided in RCW 46.04.320;

3 (b) Those motor vehicles exempt from registration under RCW  
4 46.16A.080; and

5 (c) State and publicly owned vehicles as provided in RCW  
6 46.16A.170.

7 NEW SECTION. **Sec. 3.** (1) The discover pass is created as a  
8 renewable annual pass that is required, except as provided in sections  
9 6 and 9 of this act, to park or drive a vehicle on any recreational  
10 lands. To be valid, a discover pass holder must record the vehicle  
11 license plate number of the associated vehicle on the discover pass  
12 before driving onto or parking on recreational lands.

13 (2) Except as provided in section 11 of this act and as otherwise  
14 provided in this section, the cost of a discover pass is thirty dollars  
15 per vehicle. The office of financial management must adjust the cost  
16 of a discover pass once every two years for inflation.

17 (3) A discover pass is valid for one year from the date of  
18 issuance.

19 (4) A discover pass must be made available for purchase:

20 (a) Consistent with RCW 77.32.050, through the department of fish  
21 and wildlife's automated licensing system;

22 (b) If approved by the state parks and recreation commission, from  
23 that agency through its parks reservation system, directly from agency  
24 employees or volunteers at manned state parks, or as otherwise provided  
25 in RCW 79A.05.070;

26 (c) At state liquor stores and contract liquor stores, as that term  
27 is defined in RCW 66.04.010;

28 (d) From the department of licensing as provided in RCW 46.16A.090,  
29 46.10.400, and section 10 of this act; and

30 (e) From other outlets authorized by law to sell state licenses,  
31 permits, or passes.

32 (5) The discover pass must contain space for two license plate  
33 numbers. Only a vehicle with the license plate number written on the  
34 discover pass may lawfully use the discover pass.

35 (6) A complimentary discover pass must be provided to a volunteer  
36 who performed twenty-four hours of service on agency-sanctioned  
37 volunteer projects in one year. The agency must provide vouchers to

1 volunteers identifying the number of volunteer hours they have provided  
2 for each project. The vouchers may be taken to an agency to be  
3 redeemed for a discover pass.

4 (7) Except as otherwise specifically provided in statute, other  
5 than providing the option for a day use permit under section 4 of this  
6 act, the agencies may not require any additional payment for access to  
7 recreational lands.

8 NEW SECTION. **Sec. 4.** (1) A person may purchase a day use permit  
9 that enables the holder to park or drive a vehicle on any recreational  
10 lands without violating the requirements of section 5 of this act.

11 (2) Except as otherwise provided in this section, the day use  
12 permit is ten dollars per day for Washington residents and fifteen  
13 dollars for nonresidents. Residency must be determined consistent with  
14 the provisions of establishing residency under Title 77 RCW for hunting  
15 and fishing licenses issued by the department of fish and wildlife.

16 (3) Day use passes must be available for purchase:

17 (a) Consistent with RCW 77.32.050, through the department of fish  
18 and wildlife's automated licensing system;

19 (b) If approved by the state parks and recreation commission, from  
20 that agency through its parks reservation system, directly from agency  
21 employees or volunteers at manned state parks, or as otherwise provided  
22 in RCW 79A.05.070;

23 (c) At state liquor stores and contract liquor stores, as that term  
24 is defined in RCW 66.04.010; and

25 (d) From other outlets authorized by law to sell state licenses,  
26 permits, or passes.

27 (4) The office of financial management must adjust the cost of the  
28 day use permit once every two years for inflation.

29 (5) The day use permit must contain space for one license plate  
30 number of the vehicle assigned to the day use permit. Only the vehicle  
31 with the license plate number written on the day use permit may  
32 lawfully use the day use permit.

33 (6) Except as otherwise specifically provided in statute, other  
34 than providing the option for a discover pass under section 3 of this  
35 act, the agencies may not require any additional payment for access to  
36 recreational lands.

1        NEW SECTION.    **Sec. 5.**    (1) Except as provided in section 6 of this  
2 act, a discover pass or a day use permit must be visibly displayed in  
3 the front windshield of any vehicle, or in plain sight on a vehicle  
4 without a windshield when:

5            (a) Driving on recreational lands; or

6            (b) Parked on recreational lands.

7            (2) A discover pass or day use permit is not required on private  
8 lands, state-owned aquatic lands other than water access areas, or at  
9 agency offices, hatcheries, or other facilities where public business  
10 is conducted.

11           (3) A discover pass or day use permit is not required for persons  
12 who use, possess, or enter lands owned or managed by the agencies for  
13 purposes consistent with a written authorization from the agency,  
14 including but not limited to leases, contracts, and easements.

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

20           (5) The penalty for failure to comply with the requirements of this  
21 section is ninety-nine dollars. This penalty is reduced to fifty-nine  
22 dollars if an individual provides proof of purchase of a discover pass  
23 to the court within fifteen days after the issuance of the notice of  
24 violation.

25        NEW SECTION.    **Sec. 6.**    (1) A discover pass or a day use permit are  
26 not required for persons who display proof of payment of a camping fee  
27 collected by the state parks and recreation commission under chapter  
28 79A.05 RCW for the day preceding and the day following the night or  
29 nights of camping designated on the proof of payment.

30           (2) The state parks and recreation commission may provide up to  
31 twelve days a year where a vehicle may enter upon or park at a state  
32 park without having to purchase or display a discover pass or day use  
33 permit. If this authority is utilized, at least three of those days  
34 must be on weekends.

35        NEW SECTION.    **Sec. 7.**    (1) The recreation access pass account is

1 created in the state treasury. All moneys received from the sale of  
2 discover passes created in section 3 of this act and day use permits  
3 created in section 4 of this act must be deposited into the account.

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

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

8 (b) Eight percent to the department of natural resources and  
9 deposited into the park land trust revolving fund created in RCW  
10 43.30.385; and

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

14 (3) Each fiscal biennium, revenues in excess of seventy-one million  
15 dollars must be distributed equally among the agencies to the accounts  
16 identified in subsection (2) of this section.

17 NEW SECTION. **Sec. 8.** The agencies, either collectively or through  
18 one agency mutually agreed upon by all of the agencies, may adopt any  
19 rules deemed necessary to administer this chapter.

20 NEW SECTION. **Sec. 9.** Each agency must, where applicable,  
21 designate a short-term parking area on recreational lands that allows  
22 a vehicle to park on the recreational lands for up to fifteen minutes  
23 without having to display a discover pass or day use permit.

24 NEW SECTION. **Sec. 10.** If a discover pass is obtained from the  
25 department of licensing under RCW 46.16A.090 or 46.10.400, the  
26 department of licensing, county auditor, or other agent or subagent  
27 appointed by the director is not responsible for delivering the  
28 discover pass to the vehicle or snowmobile owner. The discover pass  
29 must instead be delivered by one of the agencies.

30 NEW SECTION. **Sec. 11.** A new section is added to chapter 77.32 RCW  
31 to read as follows:

32 (1) The department must make a discover pass available for purchase  
33 to any person who, in the same transaction, also purchases one of the  
34 following:

- 1 (a) A big game hunting license issued under RCW 77.32.450;  
2 (b) A small game hunting license issued under RCW 77.32.460;  
3 (c) A western Washington pheasant permit issued under RCW  
4 77.32.575;  
5 (d) A trapping license issued under RCW 77.65.450;  
6 (e) A watchable wildlife decal issued under RCW 77.32.560; or  
7 (f) A combination, saltwater, or freshwater personal use fishing  
8 license issued under RCW 77.32.470.

9 (2) The cost of a discover pass, when purchased during the same  
10 transaction as an item identified in subsection (1) of this section, is  
11 fifty percent of the cost of a discover pass as established in section  
12 3 of this act.

13 (3) Only one discounted discover pass may be issued per  
14 transaction. Additional discover passes, as well as discover passes  
15 and day use permits sold to an individual purchasing an item other than  
16 those identified in subsection (1) of this section, may be purchased  
17 for the amount established in section 3 of this act.

18 (4) The fees collected for all discover passes purchased under this  
19 section must be deposited in the recreation access pass account created  
20 in section 7 of this act.

21 (5) For the purposes of this section and unless the context clearly  
22 requires otherwise, the terms "discover pass" and "day use permit" have  
23 the same meaning as provided in section 2 of this act.

24 **Sec. 12.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read  
25 as follows:

26 (1) Except as otherwise provided in subsection (3) or (4) of this  
27 section, any public or private landowners or others in lawful  
28 possession and control of any lands whether designated resource, rural,  
29 or urban, or water areas or channels and lands adjacent to such areas  
30 or channels, who allow members of the public to use them for the  
31 purposes of outdoor recreation, which term includes, but is not limited  
32 to, the cutting, gathering, and removing of firewood by private persons  
33 for their personal use without purchasing the firewood from the  
34 landowner, hunting, fishing, camping, picnicking, swimming, hiking,  
35 bicycling, skateboarding or other nonmotorized wheel-based activities,  
36 hanggliding, paragliding, rock climbing, the riding of horses or other  
37 animals, clam digging, pleasure driving of off-road vehicles,

1 snowmobiles, and other vehicles, boating, nature study, winter or water  
2 sports, viewing or enjoying historical, archaeological, scenic, or  
3 scientific sites, without charging a fee of any kind therefor, shall  
4 not be liable for unintentional injuries to such users.

5 (2) Except as otherwise provided in subsection (3) or (4) of this  
6 section, any public or private landowner or others in lawful possession  
7 and control of any lands whether rural or urban, or water areas or  
8 channels and lands adjacent to such areas or channels, who offer or  
9 allow such land to be used for purposes of a fish or wildlife  
10 cooperative project, or allow access to such land for cleanup of litter  
11 or other solid waste, shall not be liable for unintentional injuries to  
12 any volunteer group or to any other users.

13 (3) Any public or private landowner, or others in lawful possession  
14 and control of the land, may charge an administrative fee of up to  
15 twenty-five dollars for the cutting, gathering, and removing of  
16 firewood from the land.

17 (4) Unless an injured party sustained his or her injuries while  
18 undertaking activities that are in violation of any law or regulation,  
19 nothing in this section shall prevent the liability of a landowner or  
20 others in lawful possession and control for injuries sustained to users  
21 by reason of a known dangerous artificial latent condition for which  
22 warning signs have not been conspicuously posted. A fixed anchor used  
23 in rock climbing and put in place by someone other than a landowner is  
24 not a known dangerous artificial latent condition and a landowner under  
25 subsection (1) of this section shall not be liable for unintentional  
26 injuries resulting from the condition or use of such an anchor.  
27 Nothing in RCW 4.24.200 and this section limits or expands in any way  
28 the doctrine of attractive nuisance. Usage by members of the public,  
29 volunteer groups, or other users is permissive and does not support any  
30 claim of adverse possession.

31 (5) For purposes of this section, the following are not fees:

32 (a) A license or permit issued for statewide use under authority of  
33 chapter 79A.05 RCW or Title 77 RCW; (~~and~~)

34 (b) A discover pass or day use permit issued under section 3 or 4  
35 of this act; and

36 (c) A daily charge not to exceed twenty dollars per person, per  
37 day, for access to a publicly owned ORV sports park, as defined in RCW



1 ((~~46.09.020~~)) 46.09.310, or other public facility accessed by a  
2 highway, street, or nonhighway road for the purposes of off-road  
3 vehicle use.

4 **Sec. 13.** RCW 46.16A.090 and 2010 c 161 s 420 are each amended to  
5 read as follows:

6 (1) The department, county auditor or other agent, or subagent  
7 appointed by the director shall provide an opportunity for a vehicle  
8 owner to make a voluntary donation as provided in this section when  
9 applying for an initial or renewal vehicle registration.

10 (2)(a) A vehicle owner who registers a vehicle under this chapter  
11 may donate one dollar or more to the organ and tissue donation  
12 awareness account to promote the donation of organs and tissues under  
13 the uniform anatomical gift act as described in chapter 68.64 RCW. The  
14 donation of one or more dollars is voluntary and may be refused by the  
15 vehicle owner.

16 (b) The department, county auditor or other agent, or subagent  
17 appointed by the director shall:

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

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

22 (iii) Make information booklets or other informational material  
23 available regarding the importance of organ and tissue donations to  
24 vehicle owners.

25 (c) All reasonable costs associated with the creation of the  
26 donation program created under this section must be paid proportionally  
27 or by another agreement by a participating Washington state organ  
28 procurement organization established for organ and tissue donation  
29 awareness purposes by the Washington state organ procurement  
30 organizations. For the purposes of this section, "reasonable costs"  
31 and "Washington state organ procurement organization" have the same  
32 meaning as in RCW 68.64.010.

33 (3)(a) The department shall collect from a vehicle owner who pays  
34 a vehicle license fee under RCW 46.17.350(1) (a), (d), (e), (g), (h),  
35 (j), (n), (o), or (q) or who registers a vehicle under RCW 46.16A.455  
36 with a declared gross weight of ten thousand pounds or less a voluntary  
37 donation of five dollars. The donation may not be collected from any

1 vehicle owner actively opting not to participate in the donation  
2 program. The department shall ensure that the opt-out donation under  
3 this section is clear, visible, and prominently displayed in both paper  
4 and online vehicle registration renewals. Notification of intent to  
5 not participate in the donation program must be provided annually at  
6 the time of vehicle registration renewal. The donation must be  
7 deposited in the state parks renewal and stewardship account  
8 established in RCW 79A.05.215 to be used for (~~the operation and~~  
9 ~~maintenance of~~) capital improvements at state parks.

10 (b) A vehicle owner who registers a vehicle under this chapter must  
11 be given the option to purchase a discover pass, as that term is  
12 defined in section 2 of this act, at the time of vehicle registration  
13 renewal. The department must charge the amount established in section  
14 3 of this act for a discover pass offered during registration renewal.  
15 The purchase of a discover pass is voluntary by the vehicle owner and,  
16 if purchased, must be delivered as provided in section 10 of this act.  
17 Any amounts collected by the department for the sales of discover  
18 passes must be deposited in the recreation access pass account created  
19 in section 7 of this act.

20 NEW SECTION. Sec. 14. A new section is added to chapter 7.84 RCW  
21 to read as follows:

22 The director chosen by the state parks and recreation commission,  
23 the commissioner of public lands, and the director of the department of  
24 fish and wildlife are each authorized to delegate and accept  
25 enforcement authority over natural resource infractions to or from the  
26 other agencies through an agreement entered into under the interlocal  
27 cooperation act, chapter 39.34 RCW.

28 **Sec. 15.** RCW 7.84.030 and 2009 c 174 s 1 are each amended to read  
29 as follows:

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

33 (2) A notice of infraction may be issued by a person authorized to  
34 enforce the provisions of the title or chapter in which the infraction  
35 is established, or by a person authorized by an interlocal agreement

1 entered into under section 14 of this act, when the infraction occurs  
2 in that person's presence.

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

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

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

15 **Sec. 16.** RCW 79A.05.160 and 1965 c 8 s 43.51.170 are each amended  
16 to read as follows:

17 (1) The members of the ~~((state parks and recreation))~~ commission  
18 and ~~((such of))~~ its designated employees ~~((as the commission may~~  
19 ~~designate))~~ shall be vested with police powers to enforce the laws of  
20 this state.

21 (2) The director may, under the provisions of section 14 of this  
22 act, enter into an agreement allowing employees of the department of  
23 natural resources and the department of fish and wildlife to enforce  
24 certain civil and natural resources infractions created under this  
25 title.

26 **Sec. 17.** RCW 43.12.065 and 2003 c 53 s 229 are each amended to  
27 read as follows:

28 (1) For the promotion of the public safety and the protection of  
29 public property, the department of natural resources may, in accordance  
30 with chapter 34.05 RCW, issue, ~~((promulgate,))~~ adopt, and enforce rules  
31 pertaining to use by the public of state-owned lands and property which  
32 are administered by the department.

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

35 (b) Except as provided in (c) of this subsection, the department  
36 may specify by rule, when not inconsistent with applicable statutes,

1 that violation of such a rule is an infraction under chapter 7.84  
2 RCW(~~(: PROVIDED, That)~~). However, any violation of a rule relating to  
3 traffic including parking, standing, stopping, and pedestrian offenses  
4 is a traffic infraction.

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

7 (3) The commissioner of public lands and (~~such of his or her~~)  
8 those employees as ((he or she)) the commissioner may designate shall  
9 be vested with police powers when enforcing:

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

11 (b) The natural resources infractions created under section 5 of  
12 this act; or

13 (c) The general criminal statutes or ordinances of the state or its  
14 political subdivisions where enforcement is necessary for the  
15 protection of state-owned lands and property.

16 (4) The commissioner of public lands may, under the provisions of  
17 section 14 of this act, enter into an agreement allowing employees of  
18 the state parks and recreation commission and the department of fish  
19 and wildlife to enforce certain civil and natural resources infractions  
20 created under this title and chapter 79A.--- RCW (the new chapter  
21 created in section 40 of this act).

22 **Sec. 18.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read  
23 as follows:

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

30 (2) The director may, under the provisions of section 14 of this  
31 act, enter into an agreement allowing employees of the state parks and  
32 recreation commission and the department of natural resources to  
33 enforce certain civil and natural resources infractions created under  
34 this title.

35 NEW SECTION. **Sec. 19.** A new section is added to chapter 35.21 RCW  
36 to read as follows:

1 (1) Cities and towns may enact an ordinance or resolution requiring  
2 vehicles parked on property within the jurisdiction of the city, and  
3 within one-half mile of recreational lands, to have a discover pass or  
4 day use permit visibly displayed in the front windshield. Cities may  
5 provide in the ordinance or resolution that the failure to display a  
6 discover pass or day use permit is a parking infraction.

7 (2) Any penalties assessed by a city or town for a parking  
8 infraction under this section may not exceed the penalties established  
9 in section 5 of this act.

10 (3) Unless the context clearly requires otherwise, the terms used  
11 in this section have the meaning provided in section 2 of this act.

12 NEW SECTION. **Sec. 20.** A new section is added to chapter 35A.21  
13 RCW to read as follows:

14 (1) Code cities may enact an ordinance or resolution requiring  
15 vehicles parked on property within the jurisdiction of the code city,  
16 and within one-half mile of recreational lands, to have a discover pass  
17 or day use permit visibly displayed in the front windshield. Code  
18 cities may provide in the ordinance or resolution that the failure to  
19 display a discover pass or day use permit is a parking infraction.

20 (2) Any penalties assessed by a code city for a parking infraction  
21 under this section may not exceed the penalties established in section  
22 5 of this act.

23 (3) Unless the context clearly requires otherwise, the terms used  
24 in this section have the meaning provided in section 2 of this act.

25 NEW SECTION. **Sec. 21.** A new section is added to chapter 36.01 RCW  
26 to read as follows:

27 (1) Counties may enact an ordinance or resolution requiring  
28 vehicles parked on property within the jurisdiction of the county, and  
29 within one-half mile of recreational lands, to have a discover pass or  
30 day use permit visibly displayed in the front windshield. Counties may  
31 provide in the ordinance or resolution that the failure to display a  
32 discover pass or day use permit is a parking infraction.

33 (2) Any penalties assessed by a county for a parking infraction  
34 under this section may not exceed the penalties established in section  
35 5 of this act.

1 (3) Unless the context clearly requires otherwise, the terms used  
2 in this section have the meaning provided in section 2 of this act.

3 **Sec. 22.** RCW 77.32.560 and 2009 c 333 s 42 are each amended to  
4 read as follows:

5 (1) The department may sell watchable wildlife decals. Proceeds  
6 from the sale of the decal must be deposited into the state wildlife  
7 account created in RCW 77.12.170 and must be dedicated to the support  
8 of the department's watchable wildlife activities. The department may  
9 also use proceeds from the sale of the decal for marketing the decal  
10 and for marketing watchable wildlife activities in the state.

11 (2) The term "watchable wildlife activities" includes but is not  
12 limited to: Initiating partnerships with communities to jointly  
13 develop watchable wildlife projects, building infrastructure to serve  
14 wildlife viewers, assisting and training communities in conducting  
15 wildlife watching events, developing destination wildlife viewing  
16 corridors and trails, tours, maps, brochures, and travel aides, and  
17 offering grants to assist rural communities in identifying key wildlife  
18 attractions and ways to protect and promote them.

19 (3) The commission must adopt by rule the cost of the watchable  
20 wildlife decal. A person may, at their discretion, contribute more  
21 than the cost as set by the commission by rule for the watchable  
22 wildlife decal in order to support watchable wildlife activities. (~~A  
23 person who purchases a watchable wildlife decal must be issued one  
24 vehicle use permit free of charge.~~)

25 **Sec. 23.** RCW 77.32.010 and 2009 c 564 s 956 are each amended to  
26 read as follows:

27 (1) Except as otherwise provided in this chapter, a recreational  
28 license issued by the director is required to hunt for or take wild  
29 animals or wild birds, fish for, take, or harvest fish, shellfish, and  
30 seaweed. A recreational fishing or shellfish license is not required  
31 for carp, smelt, and crawfish, and a hunting license is not required  
32 for bullfrogs.

33 (2) A discover pass or day use permit issued (~~by the department is  
34 required to park a motor vehicle upon improved department access  
35 facilities~~) under section 3 or 4 of this act is required to access,

1 park a vehicle on, or drive a vehicle on recreational lands, as that  
2 term is defined in section 2 of this act.

3 (3) During the 2009-2011 fiscal biennium to enable the  
4 implementation of the pilot project established in section 307, chapter  
5 329, Laws of 2008, a fishing permit issued to a nontribal member by the  
6 Colville Tribes shall satisfy the license requirements in subsection  
7 (1) of this section on the waters of Lake Rufus Woods and on the north  
8 shore of Lake Rufus Woods, and a Colville Tribes tribal member  
9 identification card shall satisfy the license requirements in  
10 subsection (1) of this section on all waters of Lake Rufus Woods.

11 **Sec. 24.** RCW 77.15.750 and 2010 c 193 s 9 are each amended to read  
12 as follows:

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

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

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

19 (2)(a) Permits covered under subsection (1) of this section  
20 include, but are not limited to, master hunter permits, crab pot  
21 removal permits and shellfish pot removal permits under RCW 77.70.500,  
22 depredation permits, landowner hunting permits, commercial carp license  
23 permits, permits to possess or dispense beer or malt liquor pursuant to  
24 RCW 66.28.210, and permits to hold, sponsor, or attend an event  
25 requiring a banquet permit from the liquor control board.

26 (b) Permits excluded from subsection (1) of this section include  
27 (~~fish and wildlife lands vehicle use permits~~) the discover pass  
28 created in section 3 of this act, the day use permit created in section  
29 4 of this act, commercial use or activity permits, noncommercial use or  
30 activity permits, parking permits, experimental fishery permits, trial  
31 commercial fishery permits, and scientific collection permits.

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

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

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

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

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

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

7 (a) "Experimental fishery permit" means a permit issued by the  
8 director for either:

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

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

16 (b) "Trial commercial fishery permit" means a permit issued by the  
17 department for trial harvest of a newly classified species or harvest  
18 of a previously classified species in a new area or by a new means.

19 **Sec. 25.** RCW 43.30.385 and 2009 c 354 s 9 are each amended to read  
20 as follows:

21 (1)(a) The park land trust revolving fund is to be utilized by the  
22 department for the purpose of acquiring real property, including all  
23 reasonable costs associated with these acquisitions, as a replacement  
24 for the property transferred to the state parks and recreation  
25 commission, as directed by the legislature in order to maintain the  
26 land base of the affected trusts or under RCW 79.22.060 and to receive  
27 voluntary contributions for the purpose of operating and maintaining  
28 public use and recreation facilities, including trails, managed by the  
29 department. Proceeds from transfers of real property to the state  
30 parks and recreation commission or other proceeds identified from  
31 transfers of real property as directed by the legislature shall be  
32 deposited in this fund. Disbursement from the park land trust  
33 revolving fund to acquire replacement property and for operating and  
34 maintaining public use and recreation facilities shall be on the  
35 authorization of the department.

36 (b) The proceeds from real property transferred or disposed under



1 RCW 79.22.060 must be solely used to purchase replacement forest land,  
2 that must be actively managed as a working forest, within the same  
3 county as the property transferred or disposed.

4 (c) The proceeds from the recreation access pass account created in  
5 section 7 of this act may only be used for the following purposes:

6 (i) Constructing, operating, and maintaining public use and  
7 recreation facilities, including trails, managed by the department;

8 (ii) Securing public access routes to department lands that do not  
9 have available direct public access through purchased easements or  
10 rights-of-way on adjacent private lands;

11 (iii) Compensation to satisfy the financial obligations in the  
12 management of trust lands as may be required in RCW 79.10.120; and

13 (iv) Other uses as necessary to administer public access on  
14 department lands.

15 (d) In order to maintain an effective expenditure and revenue  
16 control, the park land trust revolving fund is subject in all respects  
17 to chapter 43.88 RCW, but no appropriation is required to permit  
18 expenditures and payment of obligations from the fund.

19 (2) The department is authorized to solicit and receive voluntary  
20 contributions for the purpose of operating and maintaining public use  
21 and recreation facilities, including trails, managed by the department.  
22 The department may seek voluntary contributions from individuals and  
23 organizations for this purpose. Voluntary contributions will be  
24 deposited into the park land trust revolving fund and used solely for  
25 the purpose of public use and recreation facilities operations and  
26 maintenance. Voluntary contributions are not considered a fee for use  
27 of these facilities.

28 **Sec. 26.** RCW 79A.05.215 and 2010 c 161 s 1164 are each amended to  
29 read as follows:

30 (1) The state parks renewal and stewardship account is created in  
31 the state treasury. Except as otherwise provided in this chapter, all  
32 receipts from user fees, concessions, leases, donations collected under  
33 RCW 46.16A.090(3), and other state park-based activities shall be  
34 deposited into the account.

35 (2)(a) Except for the proceeds from the recreation access pass  
36 account created in section 7 of this act, expenditures from the account

1 may be used for operating state parks, developing and renovating park  
2 facilities, undertaking deferred maintenance, enhancing park  
3 stewardship, and other state park purposes.

4 (b) The proceeds from the recreation access pass account created in  
5 section 7 of this act must be used for the purpose of operating and  
6 maintaining state parks. Of these proceeds, an amount to be determined  
7 by the commission must be transferred to the winter recreational  
8 program account created in RCW 79A.05.235. The transferred amount must  
9 approximate historic funding levels in the winter recreational program  
10 account.

11 (c) Expenditures from the account may be made only after  
12 appropriation by the legislature.

13 **Sec. 27.** RCW 77.12.170 and 2009 c 333 s 13 are each amended to  
14 read as follows:

15 (1) There is established in the state treasury the state wildlife  
16 account which consists of moneys received from:

17 (a) Rentals or concessions of the department;

18 (b) The sale of real or personal property held for department  
19 purposes, unless the property is seized or recovered through a fish,  
20 shellfish, or wildlife enforcement action;

21 (c) The assessment of administrative penalties, and the sale of  
22 licenses, permits, tags, and stamps required by chapter 77.32 RCW and  
23 RCW 77.65.490, except annual resident adult saltwater and all annual  
24 razor clam and shellfish licenses, which shall be deposited into the  
25 state general fund;

26 (d) Fees for informational materials published by the department;

27 (e) Fees for personalized vehicle, Wild on Washington, and  
28 Endangered Wildlife license plates and Washington's Wildlife license  
29 plate collection as provided in chapter (~~46.16~~) 46.17 RCW;

30 (f) Articles or wildlife sold by the director under this title;

31 (g) Compensation for damage to department property or wildlife  
32 losses or contributions, gifts, or grants received under RCW 77.12.320.  
33 However, this excludes fish and shellfish overages, and court-ordered  
34 restitution or donations associated with any fish, shellfish, or  
35 wildlife enforcement action, as such moneys must be deposited pursuant  
36 to RCW 77.15.425;

1 (h) Excise tax on anadromous game fish collected under chapter  
2 82.27 RCW;

3 (i) The department's share of revenues from auctions and raffles  
4 authorized by the commission; and

5 (j) The sale of watchable wildlife decals under RCW 77.32.560.

6 (2) Moneys received from the recreation access pass account created  
7 in section 7 of this act may only be used for:

8 (a) The enforcement of this title;

9 (b) Stewardship, operations, and maintenance of department lands  
10 used for public recreation purposes;

11 (c) Securing public access to fishing and hunting areas located on,  
12 or requiring access through, private land; and

13 (d) Other uses as necessary to administer public access on  
14 department lands.

15 (3) State and county officers receiving any moneys listed in  
16 subsection (1) of this section shall deposit them in the state treasury  
17 to be credited to the state wildlife account.

18 **Sec. 28.** RCW 79A.05.070 and 2006 c 141 s 1 are each amended to  
19 read as follows:

20 The commission may:

21 (1) Make rules and regulations for the proper administration of its  
22 duties;

23 (2) Accept any grants of funds made with or without a matching  
24 requirement by the United States, or any agency thereof, for purposes  
25 in keeping with the purposes of this chapter; accept gifts, bequests,  
26 devises and endowments for purposes in keeping with such purposes;  
27 enter into cooperative agreements with and provide for private  
28 nonprofit groups to use state park property and facilities to raise  
29 money to contribute gifts, grants, and support to the commission for  
30 the purposes of this chapter. The commission may assist the nonprofit  
31 group in a cooperative effort by providing necessary agency personnel  
32 and services, if available. However, none of the moneys raised may  
33 inure to the benefit of the nonprofit group, except in furtherance of  
34 its purposes to benefit the commission as provided in this chapter.  
35 The agency and the private nonprofit group shall agree on the nature of  
36 any project to be supported by such gift or grant prior to the use of  
37 any agency property or facilities for raising money. Any such gifts

1 may be in the form of recreational facilities developed or built in  
2 part or in whole for public use on agency property, provided that the  
3 facility is consistent with the purposes of the agency;

4 (3) Require certification by the commission of all parks and  
5 recreation workers employed in state aided or state controlled  
6 programs;

7 (4) Act jointly, when advisable, with the United States, any other  
8 state agencies, institutions, departments, boards, or commissions in  
9 order to carry out the objectives and responsibilities of this chapter;

10 (5) Grant franchises and easements for any legitimate purpose on  
11 parks or parkways, for such terms and subject to such conditions and  
12 considerations as the commission shall specify;

13 (6) Charge ~~((such))~~ fees for services, utilities, and use of  
14 facilities, except for facilities allowed to be accessed and used by  
15 the holder of a discover pass or day use permit under chapter 79A.---  
16 RCW (the new chapter created in section 40 of this act), as the  
17 commission shall deem proper. ((The commission may not charge fees for  
18 general park access or parking)) If deemed appropriate by the  
19 commission, the commission may utilize unstaffed collection stations to  
20 collect any fees or distribute any permits necessary for access to  
21 state parks;

22 (7) Enter into agreements whereby individuals or companies may rent  
23 undeveloped parks or parkway land for grazing, agricultural, or mineral  
24 development purposes upon such terms and conditions as the commission  
25 shall deem proper, for a term not to exceed forty years;

26 (8) Determine the qualifications of and employ a director of parks  
27 and recreation who shall receive a salary as fixed by the governor in  
28 accordance with the provisions of RCW 43.03.040 and determine the  
29 qualifications and salary of and employ such other persons as may be  
30 needed to carry out the provisions hereof; and

31 (9) ~~((Without being limited to the powers hereinbefore enumerated,~~  
32 ~~the commission shall have)) Utilize such other powers as in the  
33 judgment of a majority of its members are deemed necessary to  
34 effectuate the purposes of this chapter(~~(- PROVIDED, That)~~). However,  
35 the commission ~~((shall))~~ does not have power to supervise directly any  
36 local park or recreation district, and no funds shall be made available  
37 for such purpose.~~

1           **Sec. 29.** RCW 79.10.140 and 2007 c 241 s 23 are each amended to  
2 read as follows:

3           The department is authorized:

4           (1) To construct, operate, and maintain (~~(primitive)~~) outdoor  
5 recreation and conservation facilities on lands under its jurisdiction  
6 (~~(which are of primitive character)~~) when deemed necessary by the  
7 department to achieve maximum effective development of such lands and  
8 resources consistent with the purposes for which the lands are held.  
9 This authority shall be exercised only after review by the recreation  
10 and conservation funding board and determination by the recreation and  
11 conservation funding board that the department is the most appropriate  
12 agency to undertake such construction, operation, and maintenance.  
13 Such review is not required for campgrounds designated and prepared or  
14 approved by the department;

15           (2) To acquire right-of-way and develop public access to lands  
16 under the jurisdiction of the department and suitable for public  
17 outdoor recreation and conservation purposes;

18           (3) To receive and expend funds from federal and state outdoor  
19 recreation funding measures for the purposes of this section and RCW  
20 79A.50.110; and

21           (4) To issue licenses for and assess operation use charges for  
22 organized events held on lands owned or managed by the department.

23           **Sec. 30.** RCW 66.16.010 and 2005 c 518 s 935 are each amended to  
24 read as follows:

25           (1) There shall be established at such places throughout the state  
26 as the liquor control board, constituted under this title, shall deem  
27 advisable, stores to be known as "state liquor stores," for the sale of  
28 liquor in accordance with the provisions of this title and the  
29 regulations: PROVIDED, That the prices of all liquor shall be fixed by  
30 the board from time to time so that the net annual revenue received by  
31 the board therefrom shall not exceed thirty-five percent. Effective no  
32 later than July 1, 2005, the liquor control board shall add an  
33 equivalent surcharge of \$0.42 per liter on all retail sales of spirits,  
34 excluding licensee, military, and tribal sales. The intent of this  
35 surcharge is to raise revenue for the general fund-state for the 2003-  
36 2005 and 2005-2007 bienniums. The board shall remove the surcharge  
37 June 30, 2007.

1 (2) The liquor control board may, from time to time, fix the  
2 special price at which pure ethyl alcohol may be sold to physicians and  
3 dentists and institutions regularly conducted as hospitals, for use or  
4 consumption only in such hospitals; and may also fix the special price  
5 at which pure ethyl alcohol may be sold to schools, colleges and  
6 universities within the state for use for scientific purposes.  
7 Regularly conducted hospitals may have right to purchase pure ethyl  
8 alcohol on a federal permit.

9 (3) The liquor control board may also fix the special price at  
10 which pure ethyl alcohol may be sold to any department, branch or  
11 institution of the state of Washington, federal government, or to any  
12 person engaged in a manufacturing or industrial business or in  
13 scientific pursuits requiring alcohol for use therein.

14 (4) The liquor control board may also fix a special price at which  
15 pure ethyl alcohol may be sold to any private individual, and shall  
16 make regulations governing such sale of alcohol to private individuals  
17 as shall promote, as nearly as may be, the minimum purchase of such  
18 alcohol by such persons.

19 (5) The liquor control board shall provide for the sale of discover  
20 passes and day use permits, as those terms are defined in section 2 of  
21 this act, at state liquor stores and contract liquor stores at the  
22 prices established in sections 3 and 4 of this act. Any amounts  
23 collected by the liquor control board through the sales of discover  
24 passes and day use permits must be deposited in the recreation access  
25 pass account created in section 7 of this act.

26 **Sec. 31.** RCW 79A.05.230 and 1990 c 49 s 3 are each amended to read  
27 as follows:

28 ~~((The fee for the issuance))~~ All users of ((special)) designated  
29 winter recreational area parking ((permits shall be determined by the  
30 commission after consultation with the winter recreation advisory  
31 committee. If the person making application therefor is also the owner  
32 of a snowmobile registered pursuant to chapter 46.10 RCW, there shall  
33 be no fee for the issuance of an annual permit. All special winter  
34 recreational area parking permits shall commence and expire on the  
35 dates established by the commission)) spaces must display a discover  
36 pass or day use permit issued under section 3 or 4 of this act.

1           **Sec. 32.** RCW 79A.05.225 and 1999 c 249 s 1401 are each amended to  
2 read as follows:

3           (1) In addition to its other powers, duties, and functions the  
4 commission may:

5           ~~((+1))~~ (a) Plan, construct, and maintain suitable facilities for  
6 winter recreational activities on lands administered or acquired by the  
7 commission or as authorized on lands administered by other public  
8 agencies or private landowners by agreement;

9           ~~((+2))~~ (b) Provide and issue upon payment of the proper fee, under  
10 ~~((RCW 79A.05.230, 79A.05.240, and 46.61.585, with the assistance of~~  
11 ~~such authorized agents as may be necessary for the convenience of the~~  
12 ~~public, special permits)) sections 3 and 4 of this act, discover passes~~  
13 ~~and day use permits which, in accordance with RCW 79A.05.230, allows~~  
14 ~~the holder to park in designated winter recreational area parking~~  
15 ~~spaces;~~

16           ~~((+3))~~ (c) Administer the snow removal operations for all  
17 designated winter recreational area parking spaces; and

18           ~~((+4))~~ (d) Compile, publish, and distribute maps indicating such  
19 parking spaces, adjacent trails, and areas and facilities suitable for  
20 winter recreational activities.

21           (2) The commission may contract with any public or private agency  
22 for the actual conduct of ~~((such))~~ the duties outlined in this section,  
23 but shall remain responsible for the proper administration ~~((thereof))~~  
24 of those duties.

25           (3)(a) The commission is not liable for unintentional injuries to  
26 users of lands administered for winter recreation purposes under this  
27 section or under RCW ~~((46.10.210))~~ 46.10.370, whether the lands are  
28 administered by the commission, by other public agencies, or by private  
29 landowners through agreement with the commission. Nothing in this  
30 section prevents the liability of the commission for injuries sustained  
31 by a user by reason of a known dangerous artificial latent condition  
32 for which warning signs have not been conspicuously posted.

33           (b) A road covered with snow and groomed for the purposes of winter  
34 recreation consistent with this chapter and chapter 46.10 RCW shall not  
35 be presumed to be a known dangerous artificial latent condition for the  
36 purposes of this chapter.

1       **Sec. 33.** RCW 79A.05.235 and 1991 sp.s. c 13 s 6 are each amended  
2 to read as follows:

3       (1) There is hereby created the winter recreational program account  
4 in the state treasury. (~~Special winter recreational area parking~~  
5 ~~permit fees collected under this chapter shall be remitted to the state~~  
6 ~~treasurer to~~) All funds provided in RCW 79A.05.215 as appropriate for  
7 transfer may be deposited in the winter recreational program account  
8 and (~~shall~~) be appropriated only to the commission for nonsnowmobile  
9 winter recreation purposes (~~including~~). These purposes include the  
10 administration, acquisition, development, operation, planning, and  
11 maintenance of winter recreation facilities and the development and  
12 implementation of winter recreation, safety, enforcement, and education  
13 programs. The commission may also accept gifts, grants, donations, or  
14 moneys from any source for deposit in the winter recreational program  
15 account.

16       (2) Any public agency in this state may develop and implement  
17 winter recreation programs. The commission may make grants to public  
18 agencies and contract with any public or private agency or person to  
19 develop and implement winter recreation programs.

20       **Sec. 34.** RCW 46.61.585 and 1990 c 49 s 4 are each amended to read  
21 as follows:

22       Except when necessary to avoid conflict with other traffic, or in  
23 compliance with law or the directions of a police officer or official  
24 traffic control device, no person shall park a vehicle in an area  
25 designated by an official sign that it is a winter recreational parking  
26 area unless (~~such~~) the vehicle displays(~~(, in accordance with~~  
27 ~~regulations adopted by the parks and recreation commission, a special~~  
28 ~~winter recreational area parking permit or permits)) a discover pass or~~  
29 day use permit issued under section 3 or 4 of this act.

30       **Sec. 35.** RCW 46.61.587 and 1999 c 249 s 501 are each amended to  
31 read as follows:

32       Any violation of RCW 79A.05.240 or 46.61.585, or any rule adopted  
33 by the parks and recreation commission to enforce the provisions  
34 (~~thereof~~) of RCW 79A.05.240 or 46.61.585, is a (~~civil~~) natural  
35 resource infraction as provided in (~~chapter 7.84 RCW~~) section 5 of  
36 this act.



1       **Sec. 36.** RCW 46.10.400 and 2010 c 161 s 228 are each amended to  
2 read as follows:

3       (1) The application for an original snowmobile registration has the  
4 same requirements as described for original vehicle registrations in  
5 RCW 46.16A.040 and must be accompanied by the annual snowmobile  
6 registration fee required under RCW 46.17.350, in addition to any other  
7 fees and taxes due at the time of application.

8       (2) The application for renewal of a snowmobile registration has  
9 the same requirements as described for the renewal of vehicle  
10 registrations in RCW 46.16A.110 and must be accompanied by the annual  
11 snowmobile registration fee required under RCW 46.17.350, in addition  
12 to any other fees or taxes due at the time of application.

13       (3) The snowmobile registration is valid for one year and must be  
14 renewed each year thereafter as determined by the department.

15       (4) A person who acquires a snowmobile that has a valid snowmobile  
16 registration must:

17       (a) Apply to the department, county auditor or other agent, or  
18 subagent appointed by the director for a transfer of the snowmobile  
19 registration within ten days of taking possession of the snowmobile;  
20 and

21       (b) Pay the snowmobile registration transfer fee required under RCW  
22 46.17.420, in addition to any other fees or taxes due at the time of  
23 application.

24       (5) The department shall issue a snowmobile registration and  
25 snowmobile decals upon receipt of:

26       (a) A properly completed application for an original snowmobile  
27 registration; and

28       (b) The payment of all fees and taxes due at the time of  
29 application.

30       (6) The snowmobile registration must be carried on the vehicle for  
31 which it was issued at all times during its operation in this state.

32       (7) Snowmobile decals must be affixed to the snowmobile as provided  
33 in RCW 46.10.440.

34       (8) Snowmobile registration fees provided in this section and in  
35 RCW 46.17.350 are in lieu of any personal property or excise tax  
36 imposed on snowmobiles by this state or any political subdivision. A  
37 state agency, city, county, or other municipality may not impose other  
38 registration fees on a snowmobile in this state.

1       (9) The department must, consistent with section 10 of this act,  
2 provide each snowmobile registrant, other than the registrant of a  
3 vintage snowmobile, one discover pass as provided in section 3 of this  
4 act.

5       **Sec. 37.** RCW 36.38.010 and 1999 c 165 s 20 are each amended to  
6 read as follows:

7       (1) Any county may by ordinance enacted by its county legislative  
8 authority, levy and fix a tax of not more than one cent on twenty cents  
9 or fraction thereof to be paid for county purposes by persons who pay  
10 an admission charge to any place, including a tax on persons who are  
11 admitted free of charge or at reduced rates to any place for which  
12 other persons pay a charge or a regular higher charge for the same or  
13 similar privileges or accommodations; and require that one who receives  
14 any admission charge to any place shall collect and remit the tax to  
15 the county treasurer of the county(~~(+—PROVIDED,)~~). However, no county  
16 shall impose such tax on persons paying an admission to any activity of  
17 any elementary or secondary school, recreational lands as that term is  
18 defined in section 2 of this act, or any public facility of a public  
19 facility district under chapter 35.57 or 36.100 RCW for which a tax is  
20 imposed under RCW 35.57.100 or 36.100.210.

21       (2) As used in this chapter, the term "admission charge" includes  
22 a charge made for season tickets or subscriptions, a cover charge, or  
23 a charge made for use of seats and tables, reserved or otherwise, and  
24 other similar accommodations; a charge made for food and refreshments  
25 in any place where any free entertainment, recreation, or amusement is  
26 provided; a charge made for rental or use of equipment or facilities  
27 for purpose of recreation or amusement, and where the rental of the  
28 equipment or facilities is necessary to the enjoyment of a privilege  
29 for which a general admission is charged, the combined charges shall be  
30 considered as the admission charge. It shall also include any  
31 automobile parking charge where the amount of such charge is determined  
32 according to the number of passengers in any automobile.

33       (3) Subject to subsections (4) and (5) of this section, the tax  
34 herein authorized shall not be exclusive and shall not prevent any city  
35 or town within the taxing county, when authorized by law, from imposing  
36 within its corporate limits a tax of the same or similar kind:

1 PROVIDED, That whenever the same or similar kind of tax is imposed by  
2 any such city or town, no such tax shall be levied within the corporate  
3 limits of such city or town by the county.

4 (4) Notwithstanding subsection (3) of this section, the legislative  
5 authority of a county with a population of one million or more may  
6 exclusively levy taxes on events in baseball stadiums constructed on or  
7 after January 1, 1995, that are owned by a public facilities district  
8 under chapter 36.100 RCW and that have seating capacities over forty  
9 thousand at the rates of:

10 (a) Not more than one cent on twenty cents or fraction thereof, to  
11 be used for the purpose of paying the principal and interest payments  
12 on bonds issued by a county to construct a baseball stadium as defined  
13 in RCW 82.14.0485. If the revenue from the tax exceeds the amount  
14 needed for that purpose, the excess shall be placed in a contingency  
15 fund which may only be used to pay unanticipated capital costs on the  
16 baseball stadium, excluding any cost overruns on initial construction;  
17 and

18 (b) Not more than one cent on twenty cents or fraction thereof, to  
19 be used for the purpose of paying the principal and interest payments  
20 on bonds issued by a county to construct a baseball stadium as defined  
21 in RCW 82.14.0485. The tax imposed under this subsection (4)(b) shall  
22 expire when the bonds issued for the construction of the baseball  
23 stadium are retired, but not later than twenty years after the tax is  
24 first collected.

25 (5) Notwithstanding subsection (3) of this section, the legislative  
26 authority of a county that has created a public stadium authority to  
27 develop a stadium and exhibition center under RCW 36.102.050 may levy  
28 and fix a tax on charges for admission to events in a stadium and  
29 exhibition center, as defined in RCW 36.102.010, constructed in the  
30 county on or after January 1, 1998, that is owned by a public stadium  
31 authority under chapter 36.102 RCW. The tax shall be exclusive and  
32 shall preclude the city or town within which the stadium and exhibition  
33 center is located from imposing a tax of the same or similar kind on  
34 charges for admission to events in the stadium and exhibition center,  
35 and shall preclude the imposition of a general county admissions tax on  
36 charges for admission to events in the stadium and exhibition center.  
37 For the purposes of this subsection, "charges for admission to events"  
38 means only the actual admission charge, exclusive of taxes and service

1 charges and the value of any other benefit conferred by the admission.  
2 The tax authorized under this subsection shall be at the rate of not  
3 more than one cent on ten cents or fraction thereof. Revenues  
4 collected under this subsection shall be deposited in the stadium and  
5 exhibition center account under RCW 43.99N.060 until the bonds issued  
6 under RCW 43.99N.020 for the construction of the stadium and exhibition  
7 center are retired. After the bonds issued for the construction of the  
8 stadium and exhibition center are retired, the tax authorized under  
9 this section shall be used exclusively to fund repair, reequipping, and  
10 capital improvement of the stadium and exhibition center. The tax  
11 under this subsection may be levied upon the first use of any part of  
12 the stadium and exhibition center but shall not be collected at any  
13 facility already in operation as of July 17, 1997.

14 **Sec. 38.** RCW 35.21.280 and 2002 c 363 s 5 are each amended to read  
15 as follows:

16 (1) Every city and town may levy and fix a tax of not more than one  
17 cent on twenty cents or fraction thereof to be paid by the person who  
18 pays an admission charge to any place(~~(+—PROVIDED,)~~). However, no  
19 city or town shall impose such tax on persons paying an admission to  
20 any activity of any elementary or secondary school, recreational lands  
21 as that term is defined in section 2 of this act, or any public  
22 facility of a public facility district under chapter 35.57 or 36.100  
23 RCW for which a tax is imposed under RCW 35.57.100 or 36.100.210,  
24 except the city or town may impose a tax on persons paying an admission  
25 to any activity of such public facility if the city or town uses the  
26 admission tax revenue it collects on the admission charges to that  
27 public facility for the construction, operation, maintenance, repair,  
28 replacement, or enhancement of that public facility or to develop,  
29 support, operate, or enhance programs in that public facility.

30 (2) Tax authorization under this section includes a tax on persons  
31 who are admitted free of charge or at reduced rates to any place for  
32 which other persons pay a charge or a regular higher charge for the  
33 same privileges or accommodations. A city that is located in a county  
34 with a population of one million or more may not levy a tax on events  
35 in stadia constructed on or after January 1, 1995, that are owned by a  
36 public facilities district under chapter 36.100 RCW and that have

1 seating capacities over forty thousand. The city or town may require  
2 anyone who receives payment for an admission charge to collect and  
3 remit the tax to the city or town.

4 (3) The term "admission charge" includes:

5 (a) A charge made for season tickets or subscriptions;

6 (b) A cover charge, or a charge made for use of seats and tables  
7 reserved or otherwise, and other similar accommodations;

8 (c) A charge made for food and refreshment in any place where free  
9 entertainment, recreation or amusement is provided;

10 (d) A charge made for rental or use of equipment or facilities for  
11 purposes of recreation or amusement; if the rental of the equipment or  
12 facilities is necessary to the enjoyment of a privilege for which a  
13 general admission is charged, the combined charges shall be considered  
14 as the admission charge;

15 (e) Automobile parking charges if the amount of the charge is  
16 determined according to the number of passengers in the automobile.

17 NEW SECTION. **Sec. 39.** Section 13 of this act takes effect October  
18 1, 2011.

19 NEW SECTION. **Sec. 40.** Sections 1 through 10 of this act  
20 constitute a new chapter in Title 79A RCW.

21 NEW SECTION. **Sec. 41.** RCW 77.32.380 (Fish and wildlife lands  
22 vehicle use permit--Improved access facility--Fee--Youth groups--  
23 Display--Transfer between vehicles--Penalty) and 2003 c 317 s 4, 2001  
24 c 243 s 1, 2000 c 107 s 271, 1998 c 87 s 1, 1993 sp.s. c 2 s 77, 1991  
25 sp.s. c 7 s 12, 1988 c 36 s 52, 1987 c 506 s 90, 1985 c 464 s 11, &  
26 1981 c 310 s 15 are each repealed.

27 NEW SECTION. **Sec. 42.** Except for section 13 of this act, this act  
28 is necessary for the immediate preservation of the public peace,  
29 health, or safety, or support of the state government and its existing  
30 public institutions, and takes effect July 1, 2011.

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