
HOUSE BILL 2803

State of Washington

65th Legislature

2018 Regular Session

By Representative Taylor

1 AN ACT Relating to expanding recreational access to department of
2 fish and wildlife and department of natural resources lands; amending
3 RCW 79A.80.010, 79A.80.020, 79A.80.030, 79A.80.070, 79A.80.080,
4 79A.80.090, 79A.80.100, 79A.80.110, 46.16A.090, 77.32.010, and
5 77.12.170; and repealing RCW 79A.80.040.

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

7 **Sec. 1.** RCW 79A.80.010 and 2013 2nd sp.s. c 23 s 22 are each
8 amended to read as follows:

9 The definitions in this section apply throughout this chapter
10 unless the context clearly requires otherwise.

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

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

17 ~~((3))~~ (2) "Camper registration" means proof of payment of a
18 camping fee on recreational lands managed by the parks and recreation
19 commission.

20 (3) "Commission" means the parks and recreation commission.

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

1 (5) "Discover pass" means the annual pass created in RCW
2 79A.80.020.

3 (6) "Motor vehicle" has the same meaning as defined in RCW
4 46.04.320 and which are required to be registered under chapter
5 46.16A RCW. "Motor vehicle" does not include those motor vehicles
6 exempt from registration under RCW 46.16A.080, wheeled all-terrain
7 vehicles registered for use under RCW 46.09.442, and state and
8 publicly owned motor vehicles as provided in RCW 46.16A.170.

9 (7) "Recreation site or lands" means a state park(~~(, state lands~~
10 ~~and state forestlands as those terms are defined in RCW 79.02.010,~~
11 ~~natural resources conservation areas as that term is defined in RCW~~
12 ~~79.71.030, natural area preserves as that term is defined in RCW~~
13 ~~79.70.020, and fish and wildlife conservation sites including water~~
14 ~~access areas, boat ramps, wildlife areas, parking areas, roads, and~~
15 ~~trailheads)).~~

16 (8) "Sno-park seasonal permit" means the seasonal permit issued
17 by the parks and recreation commission for providing access to winter
18 recreational facilities for the period of November 1st through March
19 31st.

20 (~~(9) "Vehicle access pass" means the pass created in RCW~~
21 ~~79A.80.040.)~~)

22 **Sec. 2.** RCW 79A.80.020 and 2017 c 121 s 1 are each amended to
23 read as follows:

24 (1) Except as otherwise provided in this chapter, a discover pass
25 is required for any motor vehicle to:

- 26 (a) Park at any recreation site or lands; or
27 (b) Operate on any recreation site or lands.

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

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

37 (4) Sales of discover passes must be consistent with RCW
38 79A.80.100.

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

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

18 (b) Married spouses under chapter 26.04 RCW may present ((an
19 agency)) the commission with combined vouchers demonstrating the
20 collective performance of twenty-four hours of service on ((agency-
21 sanctioned)) commission-sanctioned volunteer projects in a year to be
22 redeemed for a single complimentary discover pass.

23 **Sec. 3.** RCW 79A.80.030 and 2013 2nd sp.s. c 15 s 2 are each
24 amended to read as follows:

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

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

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

36 (4) Sales of day-use permits must be consistent with RCW
37 79A.80.100.

1 **Sec. 4.** RCW 79A.80.070 and 2011 c 320 s 8 are each amended to
2 read as follows:

3 (~~Each agency, where applicable,~~) The commission must designate
4 short-term parking not to exceed thirty minutes where the discover
5 pass or day-use permit are not required at recreation sites or lands.

6 **Sec. 5.** RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each
7 amended to read as follows:

8 (1) A discover pass(~~, vehicle access pass,~~) or day-use permit
9 must be visibly displayed in the front windshield, or otherwise in a
10 prominent location for motor vehicles without a windshield, of any
11 motor vehicle:

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

13 (b) Parking at any recreation site or lands.

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

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

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

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

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

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

36 (b) Special events and group activities are core recreational
37 activities and major public service opportunities within state parks.
38 When waiving the requirements of this section for special events, the
39 (~~state parks and recreation~~) commission must consider the direct

1 and indirect costs and benefits to the state, local market rental
2 rates, the public service functions of the event sponsor, and other
3 public interest factors when setting appropriate fees for each event
4 or activity.

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

11 (5) The penalty for failure to comply with the requirements of
12 this section is ninety-nine dollars. This penalty must be reduced to
13 fifty-nine dollars if an individual provides proof of purchase of a
14 discover pass to the court within fifteen days after the issuance of
15 the notice of violation.

16 **Sec. 6.** RCW 79A.80.090 and 2017 3rd sp.s. c 1 s 988 are each
17 amended to read as follows:

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

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

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

26 ~~(b) Eight percent to the department of natural resources and~~
27 ~~deposited into the parkland trust revolving fund created in RCW~~
28 ~~43.30.385;~~

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

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

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

4 **Sec. 7.** RCW 79A.80.100 and 2012 c 261 s 4 are each amended to
5 read as follows:

6 (1) Discover passes and day-use permits may be made available for
7 purchase:

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

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

16 (c) From the department of licensing as provided in RCW
17 46.16A.090 and 46.01.370; and

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

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

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

28 (3) For discover passes and day-use permits purchased through the
29 department of licensing, county auditors, or other agents or
30 subagents appointed by the director of the department of licensing,
31 the selling entity is not responsible for delivering the purchased
32 discover pass to the purchaser. The responsibility for delivering the
33 discover pass belongs to the ~~((agencies))~~ commission.

34 **Sec. 8.** RCW 79A.80.110 and 2013 2nd sp.s. c 15 s 4 are each
35 amended to read as follows:

36 (1) ~~((By mutual agreement, the agencies))~~ The commission may sell
37 discounted discover passes at a rate below that established under RCW
38 79A.80.020 or discounted day-use permits at a rate below that

1 established under RCW 79A.80.030 for purposes of bulk sales to
2 retailers, ((agency)) license and permit product bundling, and
3 partnership opportunities to expand accessibility and visibility of
4 the discover pass and recreational opportunities on ((agency-
5 managed)) commission-managed lands.

6 (2) In exercising this authority, the ((agencies)) commission
7 must prioritize opportunities for discounted sales that result in a
8 net revenue gain.

9 **Sec. 9.** RCW 46.16A.090 and 2012 c 261 s 9 are each amended to
10 read as follows:

11 (1) The department, county auditor or other agent, or subagent
12 appointed by the director must provide an opportunity for a vehicle
13 owner to make a voluntary donation as provided in this section when
14 applying for an initial or renewal vehicle registration.

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

21 (b) The department, county auditor or other agent, or subagent
22 appointed by the director must:

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

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

27 (iii) Make information booklets or other informational material
28 available regarding the importance of organ and tissue donations to
29 vehicle owners.

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

38 (3) The department must collect from a vehicle owner who pays a
39 vehicle license fee under RCW 46.17.350(1) (a), (d) through (l), (n),

1 (o), or (q) or who registers a vehicle under RCW 46.16A.455 with a
2 declared gross weight of twelve thousand pounds or less a voluntary
3 donation of five dollars. The donation may not be collected from any
4 vehicle owner actively opting not to participate in the donation
5 program. The department must ensure that the opt-out donation under
6 this section is clear, visible, and prominently displayed in both
7 paper and online vehicle registration renewals. Notification of
8 intent to not participate in the donation program must be provided
9 annually at the time of vehicle registration renewal. The donation
10 must be deposited in the state parks renewal and stewardship account
11 established in RCW 79A.05.215 to be used for the operation and
12 maintenance of state parks.

13 (4) A vehicle owner who registers a vehicle under this chapter
14 may purchase a discover pass for the price amount established in RCW
15 79A.80.020. Purchase of a discover pass is voluntary by the vehicle
16 owner. The discover pass fee must be deposited in the recreation
17 access pass account created in RCW 79A.80.090. The department, county
18 auditor((~~τ~~)) or other agent, or subagent appointed by the director is
19 not responsible for delivering a purchased discover pass to a motor
20 vehicle owner. The ((~~agencies~~)) commission, as defined in RCW
21 79A.80.010, must deliver the purchased discover pass to a motor
22 vehicle owner.

23 **Sec. 10.** RCW 77.32.010 and 2014 c 48 s 26 are each amended to
24 read as follows:

25 (1) Except as otherwise provided in this chapter or department
26 rule, a recreational license issued by the director is required to
27 hunt, fish, or take wildlife or seaweed. A recreational fishing or
28 shellfish license is not required for carp, smelt, and crawfish, and
29 a hunting license is not required for bullfrogs.

30 (2) ~~((A pass or permit issued under RCW 79A.80.020, 79A.80.030,
31 or 79A.80.040 is required to park or operate a motor vehicle on a
32 recreation site or lands, as defined in RCW 79A.80.010.~~

33 ~~(3))~~ The commission may, by rule, indicate that a fishing permit
34 issued to a nontribal member by the Colville Tribes shall satisfy the
35 license requirements in subsection (1) of this section on the waters
36 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
37 that a Colville Tribes tribal member identification card shall
38 satisfy the license requirements in subsection (1) of this section on
39 all waters of Lake Rufus Woods.

1 **Sec. 11.** RCW 77.12.170 and 2017 3rd sp.s. c 8 s 3 are each
2 amended to read as follows:

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

5 (a) Rentals or concessions of the department;

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

9 (c) The assessment of administrative penalties;

10 (d) The sale of licenses, permits, tags, and stamps required by
11 chapters 77.32, 77.65, and 77.70 RCW and application fees;

12 (e) Fees for informational materials published by the department;

13 (f) Fees for personalized vehicle, Wild on Washington, and
14 Endangered Wildlife license plates, Washington's Wildlife license
15 plate collection, and Washington's fish license plate collection as
16 provided in chapter 46.17 RCW;

17 (g) Articles or wildlife sold by the director under this title;

18 (h) Compensation for damage to department property or wildlife
19 losses or contributions, gifts, or grants received under RCW
20 77.12.320. However, this excludes fish and shellfish overages, and
21 court-ordered restitution or donations associated with any fish,
22 shellfish, or wildlife enforcement action, as such moneys must be
23 deposited pursuant to RCW 77.15.425;

24 (i) Excise tax on anadromous game fish collected under chapter
25 82.27 RCW;

26 (j) The department's share of revenues from auctions and raffles
27 authorized by the commission;

28 (k) The sale of watchable wildlife decals under RCW 77.32.560;
29 and

30 ~~(l) ((Moneys received from the recreation access pass account
31 created in RCW 79A.80.090 must be dedicated to stewardship,
32 operations, and maintenance of department lands used for public
33 recreation purposes; and~~

34 ~~(m))~~ Donations received by the director under RCW 77.12.039.

35 (2) State and county officers receiving any moneys listed in
36 subsection (1) of this section shall deposit them in the state
37 treasury to be credited to the state wildlife account.

1 NEW SECTION. **Sec. 12.** RCW 79A.80.040 (Vehicle access pass) and
2 2012 c 261 s 5 & 2011 c 320 s 5 are each repealed.

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