
SUBSTITUTE SENATE BILL 6199

AS AMENDED BY THE HOUSE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senators Braun and Hargrove)

READ FIRST TIME 01/31/14.

1 AN ACT Relating to addressing wildfires caused by incendiary
2 devices; amending RCW 76.04.005 and 76.04.455; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 76.04.005 and 2007 c 480 s 12 are each amended to read
6 as follows:

7 As used in this chapter, the following terms have the meanings
8 indicated unless the context clearly requires otherwise.

9 (1) "Additional fire hazard" means a condition existing on any land
10 in the state:

11 (a) Covered wholly or in part by forest debris which is likely to
12 further the spread of fire and thereby endanger life or property; or

13 (b) When, due to the effects of disturbance agents, broken, down,
14 dead, or dying trees exist on forest land in sufficient quantity to be
15 likely to further the spread of fire within areas covered by a forest
16 health hazard warning or order issued by the commissioner of public
17 lands under RCW 76.06.180. The term "additional fire hazard" does not
18 include green trees or snags left standing in upland or riparian areas
19 under the provisions of RCW 76.04.465 or chapter 76.09 RCW.

1 (2) "Closed season" means the period between April 15th and October
2 15th, unless the department designates different dates because of
3 prevailing fire weather conditions.

4 (3) "Department" means the department of natural resources, or its
5 authorized representatives, as defined in chapter 43.30 RCW.

6 (4) "Department protected lands" means all lands subject to the
7 forest protection assessment under RCW 76.04.610 or covered under
8 contract or agreement pursuant to RCW 76.04.135 by the department.

9 (5) "Disturbance agent" means those forces that damage or kill
10 significant numbers of forest trees, such as insects, diseases, wind
11 storms, ice storms, and fires.

12 (6) "Emergency fire costs" means those costs incurred or approved
13 by the department for emergency forest fire suppression, including the
14 employment of personnel, rental of equipment, and purchase of supplies
15 over and above costs regularly budgeted and provided for nonemergency
16 fire expenses for the biennium in which the costs occur.

17 (7) "Forest debris" includes forest slash, chips, and any other
18 vegetative residue resulting from activities on forest land.

19 (8) "Forest fire service" includes all wardens, rangers, and other
20 persons employed especially for preventing or fighting forest fires.

21 (9) "Forest land" means any unimproved lands which have enough
22 trees, standing or down, or flammable material, to constitute in the
23 judgment of the department, a fire menace to life or property.
24 Sagebrush and grass areas east of the summit of the Cascade mountains
25 may be considered forest lands when such areas are adjacent to or
26 intermingled with areas supporting tree growth. Forest land, for
27 protection purposes, does not include structures.

28 (10) "Forest landowner," "owner of forest land," "landowner," or
29 "owner" means the owner or the person in possession of any public or
30 private forest land.

31 (11) "Forest material" means forest slash, chips, timber, standing
32 or down, or other vegetation.

33 (12) "Landowner operation" means every activity, and supporting
34 activities, of a forest landowner and the landowner's agents,
35 employees, or independent contractors or permittees in the management
36 and use of forest land subject to the forest protection assessment
37 under RCW 76.04.610 for the primary benefit of the owner. The term
38 includes, but is not limited to, the growing and harvesting of forest

1 products, the development of transportation systems, the utilization of
2 minerals or other natural resources, and the clearing of land. The
3 term does not include recreational and/or residential activities not
4 associated with these enumerated activities.

5 (13) "Participating landowner" means an owner of forest land whose
6 land is subject to the forest protection assessment under RCW
7 76.04.610.

8 (14) "Slash" means organic forest debris such as tree tops, limbs,
9 brush, and other dead flammable material remaining on forest land as a
10 result of a landowner operation.

11 (15) "Slash burning" means the planned and controlled burning of
12 forest debris on forest lands by broadcast burning, underburning, pile
13 burning, or other means, for the purposes of silviculture, hazard
14 abatement, or reduction and prevention or elimination of a fire hazard.

15 (16) "Suppression" means all activities involved in the containment
16 and control of forest fires, including the patrolling thereof until
17 such fires are extinguished or considered by the department to pose no
18 further threat to life or property.

19 (17) "Unimproved lands" means those lands that will support grass,
20 brush and tree growth, or other flammable material when such lands are
21 not cleared or cultivated and, in the opinion of the department, are a
22 fire menace to life and property.

23 (18) "Exploding target" means a device that is designed or marketed
24 to ignite or explode when struck by firearm ammunition or other
25 projectiles.

26 (19) "Incendiary ammunition" means ammunition that is designed to
27 ignite or explode upon impact with or penetration of a target or
28 designed to trace its course in the air with a trail of smoke, chemical
29 incandescence, or fire.

30 (20) "Sky lantern" means an unmanned self-contained luminary device
31 that uses heated air produced by an open flame or produced by another
32 source to become or remain airborne.

33 **Sec. 2.** RCW 76.04.455 and 1986 c 100 s 29 are each amended to read
34 as follows:

35 (1)(a) Except as otherwise provided in this subsection, it is
36 unlawful (~~during the closed season~~) for any person to (~~throw away~~),
37 during the closed season:

1 (i) Discard any lighted tobacco, cigars, cigarettes, matches,
2 fireworks, charcoal, or other lighted material (~~(or to)~~), discharge any
3 (~~(tracer or)~~) incendiary ammunition (~~(in)~~), release a sky lantern, or
4 detonate an exploding target on or over any forest, brush, range, or
5 grain areas(~~(-~~

6 ~~(2) It is unlawful during the closed season for any individual to~~
7 ~~smoke)); or~~

8 (ii) Smoke any flammable material when in forest or brush areas
9 except on roads, cleared landings, gravel pits, or any similar area
10 free of flammable material.

11 (b) The prohibitions contained in this subsection do not apply to
12 the detonation of nonflammable exploding targets on any forest, brush,
13 range, or grain areas if the person detonating the nonflammable
14 exploding target:

15 (i) Has lawful possession and control of the land in question; or

16 (ii) Has prior written permission for the activity from the person
17 who owns or has lawful possession and control of the land in question.

18 (c) The prohibitions contained in this subsection do not apply to
19 suppression actions authorized or conducted by the department under the
20 authority of this chapter.

21 (2)(a) Except as otherwise provided in this subsection, it is
22 unlawful for any person to, during any time outside of the closed
23 season, discharge any incendiary ammunition, release a sky lantern, or
24 detonate an exploding target on or over any forest, brush, range, or
25 grain areas.

26 (b) The prohibitions contained in this subsection do not apply if
27 the person conducting the otherwise prohibited action:

28 (i) Has lawful possession and control of the land in question; or

29 (ii) Has prior written permission for the activity from the person
30 who owns or has lawful possession and control of the land in question.

31 (3) Every conveyance operated through or above forest, range,
32 brush, or grain areas (~~(shall)~~) must be equipped in each compartment
33 with a suitable receptacle for the disposition of lighted tobacco,
34 cigars, cigarettes, matches, or other flammable material.

35 (4) Every person operating a public conveyance through or above
36 forest, range, brush, or grain areas shall post a copy of this section
37 in a conspicuous place within the smoking compartment of the

1 conveyance; and every person operating a saw mill or a logging camp in
2 any such areas shall post a copy of this section in a conspicuous place
3 upon the ground or buildings of the milling or logging operation.

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