
HOUSE BILL 1406

State of Washington 59th Legislature 2005 Regular Session

By Representatives Buck, B. Sullivan, Orcutt, Takko, Kretz,
Alexander, Grant, Shabro, Linville and Skinner

Read first time 01/24/2005. Referred to Committee on Natural
Resources, Ecology & Parks.

1 AN ACT Relating to specialized forest products; amending RCW
2 76.48.010, 76.48.020, 76.48.050, 76.48.060, 76.48.070, 76.48.075,
3 76.48.080, 76.48.085, 76.48.096, 76.48.098, 76.48.110, 76.48.120, and
4 76.48.140; adding a new section to chapter 76.48 RCW; and repealing RCW
5 76.48.094.

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

7 **Sec. 1.** RCW 76.48.010 and 1967 ex.s. c 47 s 2 are each amended to
8 read as follows:

9 It is in the public interest of this state to protect a great
10 natural resource, to protect the natural environment, to regulate the
11 specialized forest products industry, and to provide a high degree of
12 protection to the landowners of the state of Washington from the theft
13 of specialized forest products.

14 **Sec. 2.** RCW 76.48.020 and 2000 c 11 s 18 are each amended to read
15 as follows:

16 (~~Unless otherwise required by the context, as used in this~~
17 ~~chapter~~*) The definitions in this section apply throughout this
18 chapter unless the context clearly requires otherwise.

1 (1) "Authorization" means a properly completed preprinted form
2 authorizing the transportation or possession of Christmas trees which
3 contains the information required by RCW 76.48.080, a sample of which
4 is filed before the harvesting occurs with the sheriff of the county in
5 which the harvesting is to occur.

6 (2) "Bill of lading" means a written or printed itemized list or
7 statement of particulars pertinent to the transportation or possession
8 of a specialized forest product.

9 (3) "Cascara bark" means the bark of a Cascara tree.

10 ((+3)) (4) "Cedar processor" means any person who purchases,
11 takes, or retains possession of cedar products or cedar salvage for
12 later sale in the same or modified form following removal and delivery
13 from the land where harvested.

14 ((+4)) (5) "Cedar products" means cedar shakeboards, shake and
15 shingle bolts, and rounds one to three feet in length.

16 ((+5)) (6) "Cedar salvage" means cedar chunks, slabs, stumps, and
17 logs having a volume greater than one cubic foot and being harvested or
18 transported from areas not associated with the concurrent logging of
19 timber stands (a) under a forest practices application approved or
20 notification received by the department of natural resources, or (b)
21 under a contract or permit issued by an agency of the United States
22 government.

23 ((+6)) (7) "Christmas trees" means any evergreen trees or the top
24 thereof, commonly known as Christmas trees, with limbs and branches,
25 with or without roots, including fir, pine, spruce, cedar, and other
26 coniferous species.

27 ((+7)) (8) "Cut or picked evergreen foliage," commonly known as
28 brush, means evergreen boughs, huckleberry, salal, fern, Oregon grape,
29 rhododendron, mosses, bear grass, scotch broom (*Cytisus scoparius*), and
30 other cut or picked evergreen products. "Cut or picked evergreen
31 foliage" does not mean cones, berries, any foliage that does not remain
32 green year-round, or seeds.

33 ((+8)) (9) "First specialized forest products buyer" means the
34 first person that receives any specialized forest product after it
35 leaves the harvest site.

36 (10) "Harvest" means to separate, by cutting, prying, picking,
37 peeling, breaking, pulling, splitting, or otherwise removing, a

1 specialized forest product (a) from its physical connection or contact
2 with the land or vegetation upon which it is or was growing or (b) from
3 the position in which it is lying upon the land.

4 ((+9)) (11) "Harvest site" means each location where one or more
5 persons are engaged in harvesting specialized forest products close
6 enough to each other that communication can be conducted with an
7 investigating law enforcement officer in a normal conversational tone.

8 ((+10)) (12) "Landowner" means, with regard to real property, the
9 private owner, the state of Washington or any political subdivision,
10 the federal government, or a person who by deed, contract, or lease has
11 authority to harvest and sell forest products of the property.
12 "Landowner" does not include the purchaser or successful high bidder at
13 a public or private timber sale.

14 ((+11)) (13) "Native ornamental trees and shrubs" means any trees
15 or shrubs which are not nursery grown and which have been removed from
16 the ground with the roots intact.

17 ((+12)) (14) "Permit area" means a designated tract of land that
18 may contain single or multiple harvest sites.

19 ((+13)) (15) "Person" includes the plural and all corporations,
20 foreign or domestic, copartnerships, firms, and associations of
21 persons.

22 ((+14)) (16) "Processed cedar products" means cedar shakes,
23 shingles, fence posts, hop poles, pickets, stakes, rails, or rounds
24 less than one foot in length.

25 ((+15)) (17) "Sheriff" means, for the purpose of validating
26 specialized forest products permits, the county sheriff, deputy
27 sheriff, or an authorized employee of the sheriff's office or an agent
28 of the office.

29 ((+16)) (18) "Specialized forest products" means Christmas trees,
30 native ornamental trees and shrubs, cut or picked evergreen foliage,
31 cedar products, cedar salvage, processed cedar products, wild edible
32 mushrooms, and Cascara bark.

33 ((+17)) (19) "Specialized forest products permit" means a printed
34 document in a form ((~~specified~~)) printed by the department of natural
35 resources, or true copy thereof, that is signed by a landowner or his
36 or her authorized agent or representative, referred to in this chapter
37 as "permitters" and validated by the county sheriff and authorizes a
38 designated person, referred to in this chapter as "permittee," who has

1 also signed the permit, to harvest and transport a designated
2 specialized forest product from land owned or controlled and specified
3 by the permittor and that is located in the county where the permit is
4 issued.

5 ~~((+18+))~~ (20)(a) "Specialty wood" means wood:

6 (i) That is from the species western red cedar, Englemann spruce,
7 Sitka spruce, big leaf maple, or western red alder;

8 (ii) That is without knots in a portion of the surface area that is
9 equal to or greater than twenty-one inches long and seven and a quarter
10 inches wide when measured from the outer surface toward the center; or

11 (iii) That is used for the purposes of making musical instruments
12 or ornamental boxes.

13 (b) Specialty wood is considered harvested for commercial purposes
14 when chunks, slabs, stumps, or logs are harvested or transported from
15 areas not associated with the concurrent logging of timber under either
16 a forest practices application approved by the department of natural
17 resources under chapter 76.09 RCW, or under a contract or permit issued
18 by an agency of the United States.

19 (21) "Transportation" means the physical conveyance of specialized
20 forest products outside or off of a harvest site by any means.

21 ~~((+19+))~~ (22) "True copy" means a replica of a validated
22 specialized forest products permit as reproduced by a copy machine
23 capable of effectively reproducing the information contained on the
24 permittee's copy of the specialized forest products permit. A copy is
25 made true by ~~((the permittee or))~~ the permittee and permittor signing
26 in original ink in the space provided on the face of the copy. A true
27 copy will be effective until the expiration date of the specialized
28 forest products permit unless the ~~((permittee))~~ permittor or the
29 permittee and permittor specify an earlier date. A ~~((permittor may~~
30 require)) true copy requires the actual original signatures of both the
31 permittee and permittor for execution of a true copy ~~((by so indicating~~
32 in the space provided on the original copy of the specialized forest
33 products permit)). A permittee, or, if so indicated, the permittee and
34 permittor, may condition the use of the true copy to harvesting only,
35 transportation only, possession only, or any combination thereof.

36 ~~((+20+))~~ (23) "Wild edible mushrooms" means edible mushrooms not
37 cultivated or propagated by artificial means.

1 **Sec. 3.** RCW 76.48.050 and 1995 c 366 s 4 are each amended to read
2 as follows:

3 Specialized forest products permits shall consist of properly
4 completed permit forms validated by the sheriff of the county in which
5 the specialized forest products are to be harvested. Each permit shall
6 be separately numbered and the issuance of the permits shall be
7 (~~issued~~) by consecutive numbers. All specialized forest products
8 permits shall expire at the end of the calendar year in which issued,
9 or sooner, at the discretion of the permittor. A properly completed
10 specialized forest products permit form shall include:

11 (1) The date of its execution and expiration;

12 (2) The name, address, telephone number, if any, and signature of
13 the permittor;

14 (3) The name, address, telephone number, if any, and signature of
15 the permittee;

16 (4) The type of specialized forest products to be harvested or
17 transported;

18 (5) The approximate amount or volume of specialized forest products
19 to be harvested or transported;

20 (6) The legal description of the property from which the
21 specialized forest products are to be harvested or transported,
22 including the name of the county, or the state or province if outside
23 the state of Washington;

24 (7) A description by local landmarks of where the harvesting is to
25 occur, or from where the specialized forest products are to be
26 transported;

27 (8) (~~The number from some type of~~) A copy of a map or aerial
28 photograph, with defined permitted boundaries, included as an
29 attachment to the permit;

30 (9) A copy of a valid picture identification; and

31 (~~(+9)~~) (10) Any other condition or limitation which the permittor
32 may specify.

33 Except for the harvesting of Christmas trees, the permit or true
34 copy thereof must be carried by the permittee and the permittee's
35 agents and be available for inspection at all times. For the
36 harvesting of Christmas trees only a single permit or true copy thereof
37 is necessary to be available at the harvest site.

1 **Sec. 4.** RCW 76.48.060 and 1995 c 366 s 5 are each amended to read
2 as follows:

3 (1) A specialized forest products permit validated by the county
4 sheriff shall be obtained by a person prior to harvesting from any
5 lands, including his or her own, more than five Christmas trees, more
6 than five native ornamental trees or shrubs, more than five pounds of
7 cut or picked evergreen foliage, any cedar products, cedar salvage,
8 processed cedar products, or more than five pounds of Cascara bark, or
9 more than ~~((three))~~ five United States gallons of ~~((a single species~~
10 ~~of))~~ wild edible mushrooms ~~((and more than an aggregate total of nine~~
11 ~~United States gallons of wild edible mushrooms, plus one wild edible~~
12 ~~mushroom))~~.

13 (2) Specialized forest products permit forms shall be provided by
14 the department of natural resources, and shall be made available
15 through the office of the county sheriff to permittees or permittors in
16 reasonable quantities. A permit form shall be completed in triplicate
17 for each permittor's property on which a permittee harvests specialized
18 forest products. A properly completed permit form shall be ~~((mailed~~
19 ~~or))~~ presented for validation to the sheriff of the county in which the
20 specialized forest products are to be harvested.

21 (3) Before a permit form is validated by the sheriff, sufficient
22 personal identification may be required to reasonably identify the
23 person ~~((mailing or))~~ presenting the permit form and the sheriff may
24 conduct other investigations as deemed necessary to determine the
25 validity of the information alleged on the form. When the sheriff is
26 reasonably satisfied as to the truth of the information, the form shall
27 be validated with the sheriff's validation stamp.

28 (4) Upon validation, the form shall become the specialized forest
29 products permit authorizing the harvesting, possession, or
30 transportation of specialized forest products, subject to any other
31 conditions or limitations which the permittor may specify. Two copies
32 of the permit shall be given or mailed to the permittor, or one copy
33 shall be given or mailed to the permittor and the other copy given or
34 mailed to the permittee. The original permit shall be retained in the
35 office of the county sheriff validating the permit.

36 (5) In the event a single land ownership is situated in two or more
37 counties, a specialized forest product permit shall be completed as to
38 the land situated in each county.

1 available for inspection a document indicating the true origin of the
2 specialized forest products as being outside the state, or (b) without
3 acquiring a specialized forest products permit as provided in
4 subsection (4) of this section.

5 (2) Any person transporting or causing to be transported
6 specialized forest products into this state from any other state or
7 province shall, upon request of any person to whom the specialized
8 forest products are sold or delivered or upon request of any law
9 enforcement officer, prepare and sign a statement indicating the true
10 origin of the specialized forest products, the date of delivery, and
11 the license number of the vehicle making delivery, and shall leave the
12 statement with the person making the request.

13 (3) It is unlawful for any person to possess specialized forest
14 products, transported into this state, with knowledge that the products
15 were introduced into this state in violation of this chapter.

16 (4) When any person transporting or causing to be transported into
17 this state specialized forest products elects to acquire a specialized
18 forest products permit, the specialized forest products transported
19 into this state shall be deemed to be harvested in the county of entry,
20 and the sheriff of that county may validate the permit as if the
21 products were so harvested, except that the permit shall also indicate
22 the actual harvest site outside the state.

23 (5) A cedar or specialty wood processor shall comply with RCW
24 76.48.096 by requiring a person transporting specialized forest
25 products into this state from any other state or province to display a
26 specialized forest products permit, or true copy thereof, or other
27 governmental document indicating the true origin of the specialized
28 forest products as being outside the state. The cedar or specialty
29 wood processor shall make and maintain a record of the purchase, taking
30 possession, or retention of cedar products and cedar salvage in
31 compliance with RCW (~~(76.48.094)~~) 76.48.085.

32 (6) If, under official inquiry, investigation, or other authorized
33 proceeding regarding specialized forest products not covered by a valid
34 specialized forest products permit or other acceptable document, the
35 inspecting law enforcement officer has probable cause to believe that
36 the specialized forest products were harvested in this state or
37 wrongfully obtained in another state or province, the officer may take
38 into custody and detain, for a reasonable time, the specialized forest

1 products, all supporting documents, invoices, and bills of lading, and
2 the vehicle in which the products were transported until the true
3 origin of the specialized forest products can be determined.

4 **Sec. 7.** RCW 76.48.080 and 1979 ex.s. c 94 s 7 are each amended to
5 read as follows:

6 (1) The ((authorization, sales invoice, or)) bill of lading must
7 accompany all specialized forest products after it is received by the
8 first cedar processor or specialized forest products buyer. The bill
9 of lading must include the information required by RCW 76.48.070 and
10 shall specify:

- 11 ~~((1) The date of its execution.~~
- 12 ~~(2) The number and type of products sold or being transported.~~
- 13 ~~(3) The name and address of the owner, vendor, or donor of the~~
14 ~~specialized forest products.~~
- 15 ~~(4) The name and address of the vendee, donee, or receiver of the~~
16 ~~specialized forest products.~~
- 17 ~~(5) The location of origin of the specialized forest products.))~~
- 18 (a) The date of transportation;
- 19 (b) The name and address of the first cedar processor or first
20 specialized forest products buyer who recorded the specialized forest
21 products information;
- 22 (c) The name and address from where the specialized forest product
23 is being transported;
- 24 (d) The name of the person receiving the specialized forest
25 products;
- 26 (e) The address to where the specialized forest product is being
27 transported;
- 28 (f) The name of the driver;
- 29 (g) The vehicle license number;
- 30 (h) The type of product being shipped; and
- 31 (i) The amount of product being shipped.
- 32 (2) A bill of lading is not required following a retail sale.

33 **Sec. 8.** RCW 76.48.085 and 2000 c 11 s 19 are each amended to read
34 as follows:

35 ~~((Buyers who purchase))~~ The first specialized forest products buyer
36 or processor who purchases, takes, or retains possession of specialized

1 forest products are required to record (1) the permit number or the
2 information provided for in RCW 76.48.075(5); (2) the type of forest
3 product purchased; (3) the permit holder's name; (~~and~~) (4) the amount
4 of forest product purchased; (5) the date of delivery; (6) the type of
5 forest product purchased; (7) the license plate number of the vehicle
6 transporting the forest product; and (8) the name of the driver. The
7 first specialized forest products buyer or processor shall keep a
8 record of this information for a period of one year from the date of
9 purchase and must make the records available for inspection upon demand
10 by authorized enforcement officials.

11 (~~The buyer of specialized forest products must record the license~~
12 ~~plate number of the vehicle transporting the forest products on the~~
13 ~~bill of sale, as well as the seller's permit number on the bill of~~
14 ~~sale.)) The first specialized forest products buyer or processor who
15 purchases, takes, or retains possession of specialized forest products
16 must have a bill of lading and must keep the bill of lading for a
17 period of one year from the date of purchase and must make the bill of
18 lading available for inspection upon demand by authorized enforcement
19 officials. This section shall not apply to transactions involving
20 Christmas trees.~~

21 This section shall not apply to buyers of specialized forest
22 products at the retail sales level.

23 **Sec. 9.** RCW 76.48.096 and 1995 c 366 s 8 are each amended to read
24 as follows:

25 It is unlawful for any (~~cedar~~) first specialized forest products
26 buyer or processor to purchase, take possession, or retain specialized
27 forest products, including cedar and specialty wood products or cedar
28 salvage subsequent to the harvesting and prior to the retail sale of
29 the products, unless the supplier thereof displays a specialized forest
30 products permit, or true copy thereof that appears to be valid, or
31 obtains the information under RCW 76.48.075(5).

32 **Sec. 10.** RCW 76.48.098 and 1995 c 366 s 9 are each amended to read
33 as follows:

34 Every (~~cedar~~) specialized forest products buyer or processor
35 shall prominently display a valid registration certificate, or copy

1 **Sec. 12.** RCW 76.48.120 and 2003 c 53 s 373 are each amended to
2 read as follows:

3 (1) It is unlawful for any person, upon official inquiry,
4 investigation, or other authorized proceedings, to offer as genuine any
5 paper, document, or other instrument in writing purporting to be a
6 specialized forest products permit, or true copy thereof,
7 (~~authorization, sales invoice,~~) or bill of lading, or to make any
8 representation of authority to possess or conduct harvesting or
9 transporting of specialized forest products, knowing the same to be in
10 any manner false, fraudulent, forged, or stolen.

11 (2) Any person who knowingly or intentionally violates this section
12 is guilty of a class C felony punishable by imprisonment in a state
13 correctional institution for a maximum term fixed by the court of not
14 more than five years or by a fine of not more than five thousand
15 dollars, or by both imprisonment and fine.

16 (3) Whenever any law enforcement officer reasonably suspects that
17 a specialized forest products permit, or true copy thereof,
18 (~~authorization, sales invoice,~~) or bill of lading is forged,
19 fraudulent, or stolen, it may be retained by the officer until its
20 authenticity can be verified.

21 **Sec. 13.** RCW 76.48.140 and 1977 ex.s. c 147 s 15 are each amended
22 to read as follows:

23 All fines collected for violations of any provision of this chapter
24 shall be paid into the general fund of the county treasury of the
25 county in which the violation occurred and distributed equally among
26 the district courts in the county, the county sheriff's office, and the
27 county's general fund.

28 NEW SECTION. **Sec. 14.** A new section is added to chapter 76.48 RCW
29 to read as follows:

30 The department of natural resources is the designated agency to
31 develop and print the specialized forest products permit and distribute
32 it to the county sheriffs. In addition, the department of natural
33 resources shall develop educational material and other printed
34 information for law enforcement, forest landowners, and specialized
35 forest products harvesters, buyers, and processors specific to this
36 chapter.

1 NEW SECTION. **Sec. 15.** RCW 76.48.094 (Cedar processors--Records of
2 purchase, possession or retention of cedar products and salvage) and
3 1979 ex.s. c 94 s 9 & 1977 ex.s. c 147 s 11 are each repealed.

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