
SUBSTITUTE HOUSE BILL 1909

State of Washington

60th Legislature

2007 Regular Session

By House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, B. Sullivan, Roach, Blake, Takko, Pearson, Kristiansen and Hinkle)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to specialized forest products; amending RCW
2 76.48.020, 76.48.050, 76.48.060, 76.48.070, 76.48.075, 76.48.094,
3 76.48.096, 76.48.098, 76.48.100, 76.48.110, 76.48.120, and 76.48.150;
4 adding new sections to chapter 76.48 RCW; creating a new section; and
5 prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** (1) The legislature finds that the current
8 law on specialized forest products provides important protections to
9 the owners of forest land in Washington. However, these protections,
10 as presently constituted, create a complicated regulatory environment
11 for wood carvers, wood turners, instrument makers, and other wood
12 hobbyists and small businesses. The criminal penalties possible under
13 chapter 76.48 RCW increase the risk to otherwise lawful wood hobbyists
14 who have difficulty navigating this complicated regulatory regime.

15 (2) With the introduction of this act, the legislature intends to
16 begin a conversation on proper revisions to chapter 76.48 RCW that
17 streamlines the permitting system for specialized forest products and
18 creates a more equitable and manageable situation for wood hobbyists,

1 while maintaining the chapter's important protections that it provides
2 to forest landowners.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.48 RCW
4 to read as follows:

5 It is the intent of legislature for this chapter to be used by law
6 enforcement authorities and others responsible for its implementation
7 to pursue and prosecute those individuals that are genuinely engaged in
8 the theft of large quantities of valuable forest materials, and not
9 those individuals who are responsibly collecting wood or wood pieces
10 from landowners who are aware and accepting of the collection. The
11 legislature urges prosecutorial discretion where warranted and the
12 consideration of all factors involved with a situation before bringing
13 a criminal action under this chapter.

14 **Sec. 3.** RCW 76.48.020 and 2005 c 401 s 1 are each amended to read
15 as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

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

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

26 (3) "Carver" means an individual who either for business, artistic,
27 or hobbyist pursuits uses specialized forest products to produce
28 carvings or other artistic products.

29 (4) "Cascara bark" means the bark of a Cascara tree.

30 ~~((+4))~~ (5) "Cedar processor" means any person other than a carver
31 who purchases, takes, or retains possession of cedar products or cedar
32 salvage for later sale in the same or modified form following removal
33 and delivery from the land where harvested.

34 ~~((+5))~~ (6) "Cedar products" means cedar shakeboards, shake and
35 shingle bolts, and rounds one to three feet in length.

1 ~~((+6))~~ (7) "Cedar salvage" means cedar chunks, slabs, stumps, and
2 logs having a volume greater than one cubic foot and being harvested or
3 transported from areas not associated with the concurrent logging of
4 timber stands (a) under a forest practices application approved or
5 notification received by the department of natural resources, or (b)
6 under a contract or permit issued by an agency of the United States
7 government.

8 ~~((+7))~~ (8) "Christmas trees" means any evergreen trees or the top
9 thereof, commonly known as Christmas trees, with limbs and branches,
10 with or without roots, including fir, pine, spruce, cedar, and other
11 coniferous species.

12 ~~((+8))~~ (9) "Cut or picked evergreen foliage," commonly known as
13 brush, means evergreen boughs, huckleberry, salal, fern, Oregon grape,
14 rhododendron, mosses, bear grass, (~~scotch broom (Cytisus scoparius),~~)
15 and other cut or picked evergreen products. "Cut or picked evergreen
16 foliage" does not mean cones, berries, (~~any~~) foliage from any plant
17 that does not remain green year-round, or seeds.

18 ~~((+9))~~ (10) "Department" means the department of natural
19 resources.

20 (11) "Harvest" means to separate, by cutting, chopping, prying,
21 picking, peeling, breaking, pulling, splitting, or otherwise removing,
22 a specialized forest product (a) from its physical connection or
23 contact with the land or vegetation upon which it is or was growing or
24 (b) from the position in which it is lying upon the land.

25 ~~((+10))~~ (12) "Harvest site" means each location where one or more
26 persons are engaged in harvesting specialized forest products close
27 enough to each other that communication can be conducted (~~with an~~
28 ~~investigating law enforcement officer~~) in a normal conversational
29 tone.

30 ~~((+11))~~ (13) "Landowner" means, with regard to real property, the
31 private owner, the state of Washington or any political subdivision,
32 the federal government, or a person who by deed, contract, or lease has
33 authority to harvest and sell forest products of the property.
34 "Landowner" does not include the purchaser or successful high bidder at
35 a public or private timber sale.

36 ~~((+12))~~ (14) "Native ornamental trees and shrubs" means any trees
37 or shrubs which are not nursery grown and which have been removed from
38 the ground with the roots intact.

1 ~~((13)) "Permit area" means a designated tract of land that may~~
2 ~~contain single or multiple harvest sites.~~

3 ~~(14))~~ (15) "Person" includes the plural and all corporations,
4 foreign or domestic, copartnerships, firms, and associations of
5 persons.

6 ~~((15))~~ (16) "Processed cedar products" means cedar shakes, bolts,
7 shingles, fence posts, hop poles, pickets, stakes, rails, or rounds
8 ~~((less than one foot))~~ sized between two and twelve inches in length.

9 ~~((16))~~ (17) "Sheriff" means, for the purpose of validating
10 specialized forest products permits, the county sheriff, deputy
11 sheriff, or an authorized employee of the sheriff's office or an agent
12 of the office for the county where the permittee lives or the county
13 from which the wood was harvested or transported.

14 ~~((17))~~ (18) "Specialized forest products" means Christmas trees,
15 native ornamental trees and shrubs, cut or picked evergreen foliage,
16 unprocessed cedar products, cedar salvage, ~~((processed cedar products,~~
17 ~~specialty wood,))~~ wild edible mushrooms, and Cascara bark.

18 ~~((18))~~ (19) "Specialized forest products permit" means a printed
19 document in a form printed by the department of natural resources, or
20 true copy thereof, that is signed by a landowner or his or her
21 authorized agent or representative, referred to in this chapter as
22 "permitters" and validated by ~~((the))~~ an appropriate county sheriff and
23 authorizes a designated person, referred to in this chapter as
24 "permittee," who has also signed the permit, to harvest, possess, and
25 transport a designated specialized forest product from land owned or
26 controlled and specified by the permittor and that is located in the
27 county where the permit is issued.

28 ~~((19))~~ (20) "Specialty wood" means:

29 (a) Wood of the species western red cedar (Thuja plicata),
30 Engelmann spruce (Picea engelmannii), Sitka spruce (Picea sitchensis),
31 or big leaf maple (Acer macrophyllum), that is:

32 ~~((a))~~ (i) In logs less than eight feet in length~~((, chunks,))~~; or
33 (ii) Slabs~~((, stumps, or burls,))~~ at least twenty-one inches long
34 and seven and a quarter inches wide when measured from the outer
35 surface toward the center, without knots in a portion of the surface
36 area, and

37 ~~((b) One or more of the following:~~

1 ~~(i) Of the species western red cedar, Englemann spruce, Sitka~~
2 ~~spruce, big leaf maple, or western red alder;~~

3 ~~(ii) Without knots in a portion of the surface area at least~~
4 ~~twenty one inches long and seven and a quarter inches wide when~~
5 ~~measured from the outer surface toward the center; or~~

6 ~~(iii))~~ is suitable for the purposes of making musical instruments
7 ~~((or ornamental boxes));~~

8 (b) Cedar or maple burls;

9 (c) Cedar stumps; or

10 (d) Three or fewer cedar logs, each eight feet or less in length
11 used for carving.

12 "Specialty wood" does not include western red cedar that can be
13 processed into cedar products, as defined in subsection (6) of this
14 section, which are subject to the requirements listed in this chapter
15 for the harvest, possession, and transportation of cedar as specialized
16 forest products.

17 ~~((+20))~~ (21) "Specialty wood buyer" means the first person that
18 receives any specialty wood product after it leaves the harvest site.

19 ~~((+21))~~ (22) "Specialty wood processor" means any person who
20 purchases, takes, or retains possession of specialty wood products ~~((or~~
21 ~~specialty wood salvage))~~ for later sale in the same or modified form
22 following removal and delivery from the land where harvested.

23 ~~((+22))~~ (23) "Transportation" means the physical conveyance of
24 specialized forest products or specialty wood outside or off of a
25 harvest site by any means.

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

1 the permittee and permittor, may condition the use of the true copy to
2 harvesting only, transportation only, possession only, or any
3 combination thereof.

4 ~~((+24))~~ (25) "Wild edible mushrooms" means edible mushrooms not
5 cultivated or propagated by artificial means.

6 **Sec. 4.** RCW 76.48.050 and 2005 c 401 s 2 are each amended to read
7 as follows:

8 (1) Specialized forest products permits ~~((shall consist of))~~ issued
9 under this chapter must be properly completed ~~((permit forms))~~ and
10 validated by ~~((the))~~ an appropriate sheriff ~~((of the county in which~~
11 ~~the specialized forest products are to be harvested))~~. Each permit
12 shall be separately numbered ~~((and the issuance of the permits shall be~~
13 ~~by))~~ in consecutive numbers and display the name of the county and a
14 contact number for the county where the permit was issued. All
15 specialized forest products permits shall expire at the end of the
16 calendar year in which issued, or sooner, at the discretion of the
17 permittor.

18 (2) A properly completed specialized forest products permit form
19 shall include:

20 ~~((+1))~~ (a) The date of its execution and expiration;

21 ~~((+2))~~ (b) The name, address, telephone number, if any, and
22 signature of the permittor;

23 ~~((+3))~~ (c) The name, address, telephone number, if any, and
24 signature of the permittee;

25 ~~((+4))~~ (d) The type of specialized forest products to be harvested
26 or transported;

27 ~~((+5))~~ (e) The approximate amount or volume of specialized forest
28 products to be harvested or transported;

29 ~~((+6))~~ (f) The street address, legal description, or description
30 by local landmarks of the property from which the specialized forest
31 products are to be harvested or transported, including the name of the
32 county, or the state or province if outside the state of Washington;

33 ~~((+7) A description by local landmarks of where the harvesting is~~
34 ~~to occur, or from where the specialized forest products are to be~~
35 ~~transported;~~

36 ~~+8))~~ (g) For cedar products~~((7))~~ and cedar salvage~~((, and~~

1 ~~specialty wood~~)), a copy of a map or aerial photograph, with defined
2 permitted boundaries, included as an attachment to the permit;

3 ~~((+9))~~ (h) A copy of a valid picture identification of the
4 permittee; and

5 ~~((+10))~~ (i) Any other condition or limitation which the permittor
6 may specify.

7 (3) Except for the harvesting of Christmas trees, the permit or
8 true copy ~~((thereof))~~ of the permit must be carried by the permittee
9 and the permittee's agents and be available for inspection at all
10 times. For the harvesting of Christmas trees only a single permit or
11 true copy ~~((thereof))~~ of the permit is necessary to be available at the
12 harvest site.

13 **Sec. 5.** RCW 76.48.060 and 2005 c 401 s 3 are each amended to read
14 as follows:

15 (1) A specialized forest products permit validated by ~~((the))~~ an
16 appropriate county sheriff shall be obtained by a person prior to
17 harvesting from any lands, including his or her own, more than five
18 Christmas trees, more than five native ornamental trees or shrubs, more
19 than five pounds of cut or picked evergreen foliage, any unprocessed
20 cedar products, cedar salvage, ~~((processed cedar products,))~~ or more
21 than five pounds of Cascara bark, or more than five United States
22 gallons of a single species of wild edible mushroom.

23 (2)(a) Specialized forest products permit forms shall be provided
24 by the department ~~((of natural resources))~~, and shall be made available
25 to permittees or permittors through the office of the county sheriff
26 ~~((to permittees or permittors))~~ in reasonable quantities.

27 (b) A permit form shall be completed in triplicate for each
28 permittor's property on which a permittee harvests specialized forest
29 products.

30 (c) A properly completed permit form shall be ~~((mailed or))~~
31 presented for validation to the sheriff of the county in which the
32 specialized forest products are to be harvested.

33 (3) Before a permit form is validated by the sheriff, sufficient
34 personal identification may be required to reasonably identify the
35 person ~~((mailing or))~~ presenting the permit form ~~((and the sheriff may~~
36 ~~conduct other investigations as deemed necessary to determine the~~

1 ~~validity of the information alleged on the form~~). When the sheriff is
2 reasonably satisfied as to the truth of the information, the form shall
3 be validated with the sheriff's validation stamp.

4 (4) Upon validation, the form shall become the specialized forest
5 products permit authorizing the harvesting, possession, or
6 transportation of specialized forest products, subject to any other
7 conditions or limitations which the permittor may specify. Two copies
8 of the permit shall be given or mailed to the permittor, or one copy
9 shall be given or mailed to the permittor and the other copy given or
10 mailed to the permittee. The original permit shall be retained in the
11 office of the county sheriff validating the permit.

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

15 (6) While engaged in harvesting of specialized forest products,
16 permittees, or their agents or employees, must have readily available
17 at each harvest site a valid permit or true copy of the permit for that
18 harvest site.

19 **Sec. 6.** RCW 76.48.070 and 2005 c 401 s 4 are each amended to read
20 as follows:

21 (1) Except as provided in RCW 76.48.100 and 76.48.075, it is
22 unlawful for any person (a) to possess, (b) to transport, or (c) to
23 possess and transport within the state of Washington, subject to any
24 other conditions or limitations specified in the specialized forest
25 products permit by the permittor, more than five Christmas trees, more
26 than five native ornamental trees or shrubs, more than five pounds of
27 cut or picked evergreen foliage, any processed cedar products, or more
28 than five pounds of Cascara bark, or more than five gallons of a single
29 species of wild edible mushroom without having in his or her possession
30 a written authorization, sales invoice, bill of lading, or specialized
31 forest products permit or a true copy thereof evidencing his or her
32 title to or authority to have possession of specialized forest products
33 being so possessed or transported.

34 (2) It is unlawful for any person either (a) to possess, (b) to
35 transport from the harvest site to the first cedar processor or buyer,
36 or (c) to possess and transport from the harvest site to the first
37 cedar processor or buyer within the state of Washington any cedar

1 products((~~τ~~)) or cedar salvage(~~(, or specialty wood)~~) without having in
2 his or her possession either a specialized forest products permit or a
3 true copy thereof evidencing his or her title to or authority to have
4 possession of the materials being so possessed or transported. The
5 specialized forest products permit or true copy are valid to possess,
6 transport, or possess and transport the cedar products((~~τ~~)) or cedar
7 salvage(~~(, or specialty wood)~~) from the harvest site to the first cedar
8 (~~(or specialty wood)~~) processor or buyer.

9 For purposes of this subsection, a true copy requires the actual
10 signatures of both the permittee and the permittor for the execution of
11 a true copy.

12 **Sec. 7.** RCW 76.48.075 and 2005 c 401 s 5 are each amended to read
13 as follows:

14 (1) It is unlawful for any person to transport or cause to be
15 transported into this state from any other state or province
16 specialized forest products, except those harvested from that person's
17 own property, without: (a) First acquiring and having readily
18 available for inspection a document indicating the true origin of the
19 specialized forest products as being outside the state, or (b) without
20 acquiring a specialized forest products permit as provided in
21 subsection (4) of this section.

22 (2) Any person transporting or causing to be transported
23 specialized forest products into this state from any other state or
24 province shall, upon request of any person to whom the specialized
25 forest products are sold or delivered, or are to be sold or delivered,
26 or upon request of any law enforcement officer, prepare and sign a
27 statement indicating the true origin of the specialized forest
28 products, the date of delivery, and the license number of the vehicle
29 making delivery, and shall leave the statement with the person making
30 the request.

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

34 (4) When any person transporting or causing to be transported into
35 this state specialized forest products elects to acquire a specialized
36 forest products permit, the specialized forest products transported
37 into this state shall be deemed to be harvested in the county of entry,

1 and the sheriff of that county (~~may~~) shall validate the permit as if
2 the products were so harvested, except that the permit shall also
3 indicate the actual harvest site outside the state.

4 (5) A cedar (~~or specialty wood~~) processor shall comply with RCW
5 76.48.096 by requiring a person transporting specialized forest
6 products into this state from any other state or province to display a
7 specialized forest products permit, or true copy thereof, or other
8 governmental document indicating the true origin of the specialized
9 forest products as being outside the state. For purposes of this
10 subsection, a true copy requires the actual signatures of both the
11 permittee and the permittor for the execution of a true copy. The
12 cedar (~~or specialty wood~~) processor shall make and maintain a record
13 of the purchase, taking possession, or retention of cedar products and
14 cedar salvage in compliance with RCW 76.48.094.

15 (6) If, under official inquiry, investigation, or other authorized
16 proceeding regarding specialized forest products not covered by a valid
17 specialized forest products permit or other acceptable document, the
18 inspecting law enforcement officer has probable cause to believe that
19 the specialized forest products were harvested in this state or
20 wrongfully obtained in another state or province, the officer may take
21 into custody and detain, for a reasonable time, the specialized forest
22 products, and all supporting documents, invoices, and bills of lading,
23 (~~and the vehicle in which the products were transported~~) until the
24 true origin of the specialized forest products can be determined.

25 **Sec. 8.** RCW 76.48.094 and 2005 c 401 s 7 are each amended to read
26 as follows:

27 (1) Cedar (~~or specialty wood~~) processors shall make and maintain
28 a record of the purchase, taking possession, or retention of cedar
29 products, cedar salvage, or specialty wood for at least one year after
30 the date of receipt. The record must be legible and must be made at
31 the time each delivery is made.

32 (2) The bill of lading must accompany all cedar products(~~(7)~~) or
33 cedar salvage(~~(, or specialty wood)~~) products (~~after the products are~~
34 ~~received by the cedar or specialty wood processor~~) during transport or
35 during the time when the material is on property not owned by the owner
36 of the material. The bill of lading must include the specialized

1 forest products permit number or the information provided for in RCW
2 76.48.075(5) and must also specify:

- 3 (a) The date of transportation;
- 4 (b) The name and address of the first cedar ((~~or specialty wood~~))
5 processor or buyer who recorded the specialized forest products
6 information;
- 7 (c) The name and address from where the cedar ((~~or specialty wood~~))
8 products are being transported;
- 9 (d) The name of the person receiving the cedar ((~~or specialty~~
10 ~~wood~~)) products;
- 11 (e) The address to where the cedar ((~~or specialty wood~~)) products
12 are being transported;
- 13 (f) The name of the driver;
- 14 (g) The vehicle license number;
- 15 (h) The type of cedar ((~~or specialty wood~~)) product being shipped;
- 16 and
- 17 (i) The amount of cedar ((~~or specialty wood~~)) product being
18 shipped.

19 **Sec. 9.** RCW 76.48.096 and 2005 c 401 s 8 are each amended to read
20 as follows:

21 Except as otherwise provided in RCW 76.48.100, it is unlawful for
22 any cedar ((~~or specialty wood~~)) buyer or processor to purchase, take
23 possession, or retain cedar ((~~or specialty wood~~)) products or cedar
24 salvage subsequent to the harvesting and prior to the retail sale of
25 the products, unless the supplier thereof displays a specialized forest
26 products permit, or true copy thereof that appears to be valid, or
27 obtains the information under RCW 76.48.075(5).

28 **Sec. 10.** RCW 76.48.098 and 2005 c 401 s 9 are each amended to read
29 as follows:

30 Every cedar ((~~or specialty wood~~)) buyer or processor shall
31 prominently display a valid registration certificate, or copy thereof,
32 obtained from the department of revenue under RCW 82.32.030 at each
33 location where the buyer or processor receives cedar products((~~or~~)) or
34 cedar salvage((~~or specialty wood~~)).

35 When dealing with cedar processors, permittees shall sell cedar

1 products(~~(,)~~) or cedar salvage(~~(, or specialty wood products)~~) only to
2 cedar (~~(or specialty wood)~~) processors displaying registration
3 certificates which appear to be valid.

4 **Sec. 11.** RCW 76.48.100 and 2005 c 401 s 10 are each amended to
5 read as follows:

6 The provisions of this chapter do not apply to:

7 (1) Nursery grown products.

8 (2) Logs (except as included in the definition of "cedar salvage"
9 under RCW 76.48.020), poles, pilings, or other major forest products
10 from which substantially all of the limbs and branches have been
11 removed, specialty wood, and cedar salvage when harvested concurrently
12 with timber stands (a) under an approved forest practices application
13 or notification, or (b) under a contract or permit issued by an agency
14 of the United States government.

15 (3) The activities of a landowner, his or her agent, or
16 representative, or of a lessee of land in carrying on noncommercial
17 property management, maintenance, or improvements on or in connection
18 with the land of the landowner or lessee, including harvesting,
19 possession, and transport of specialized forest products or specialty
20 wood.

21 **Sec. 12.** RCW 76.48.110 and 2005 c 401 s 11 are each amended to
22 read as follows:

23 (1)(a) Whenever any law enforcement officer has probable cause to
24 believe that a person is harvesting or is in possession of or
25 transporting specialized forest products or specialty wood in violation
26 of the provisions of this chapter, he or she may, at the time of making
27 an arrest, seize and take possession of any paperwork, specialized
28 forest products, or specialty wood found. (~~(If the specialized forest~~
29 ~~product is a cedar product, cedar salvage, or specialty wood, at the~~
30 ~~time of making an arrest the law enforcement officer may seize and take~~
31 ~~possession of any equipment, vehicles, tools, or paperwork.)) The law
32 enforcement officer shall provide reasonable protection for the
33 (~~equipment, vehicles, tools,~~) paperwork, (~~(or)~~) specialized forest
34 products, or specialty wood involved during the period of litigation or
35 he or she shall dispose of the (~~equipment, vehicles, tools,~~)~~

1 paperwork, ~~((or))~~ specialized forest products, or specialty wood at the
2 discretion or order of the court before which the arrested person is
3 ordered to appear.

4 ~~((+2))~~ (b) Upon any disposition of the case by the court, the
5 court shall make a reasonable effort to return the ~~((equipment,~~
6 ~~vehicles, tools,))~~ paperwork, ~~((or))~~ specialized forest products, or
7 specialty wood to its rightful owner or pay the proceeds of any sale of
8 specialized forest products or specialty wood less any reasonable
9 expenses of the sale to the rightful owner. If for any reason, the
10 proceeds of the sale cannot be disposed of to the rightful owner, the
11 proceeds, less the reasonable expenses of the sale, shall be paid to
12 the treasurer of the county in which the violation occurred. The
13 county treasurer shall deposit the same in the county general fund.
14 The return of the ~~((equipment, vehicles, tools,))~~ paperwork, ~~((or))~~
15 specialized forest products, or specialty wood or the payment of the
16 proceeds of any sale of products seized to the owner shall not preclude
17 the court from imposing any fine or penalty upon the violator for the
18 violation of the provisions of this chapter.

19 (2) If no seizure of specialized forest products or specialty wood
20 is made under this section, but the specialized forest products or
21 specialty wood are later proved to be stolen, the sheriff shall
22 commission an independent third-party appraisal based on the
23 description of the stolen specialized forest products or specialty
24 wood. Upon conviction, the transporter of the stolen specialized
25 forest products or specialty wood shall pay the rightful owner three
26 times the appraised market value of the specialized forest products or
27 specialty wood and reimburse the sheriff for reasonable appraisal
28 costs.

29 **Sec. 13.** RCW 76.48.120 and 2003 c 53 s 373 are each amended to
30 read as follows:

31 (1) It is unlawful for any person, upon official inquiry,
32 investigation, or other authorized proceedings, to offer as genuine any
33 paper, document, or other instrument in writing purporting to be a
34 specialized forest products permit, or true copy thereof,
35 authorization, bill of sale, sales invoice, receipt or bill of lading,
36 or to make any representation of authority to possess or conduct

1 harvesting or transporting of specialty wood or specialized forest
2 products, knowing the same to be in any manner false, fraudulent,
3 forged, or stolen.

4 (2) Any person who knowingly or intentionally violates this section
5 is guilty of a class C felony punishable (~~by imprisonment in a state~~
6 ~~correctional institution for a maximum term fixed by the court of not~~
7 ~~more than five years or by a fine of not more than five thousand~~
8 ~~dollars, or by both imprisonment and fine~~) under chapter 9A.20 RCW.

9 (3) Whenever any law enforcement officer reasonably suspects that
10 a specialized forest products permit or true copy thereof,
11 authorization, bill of sale, sales invoice, or bill of lading is
12 forged, fraudulent, or stolen, it may be retained by the officer until
13 its authenticity can be verified.

14 **Sec. 14.** RCW 76.48.150 and 2005 c 401 s 13 are each amended to
15 read as follows:

16 (1) The department of natural resources is the designated agency to
17 develop and print the specialized forest products permit and distribute
18 it to the county sheriffs. (~~In addition,~~)

19 (2) The department of natural resources shall develop educational
20 material and other printed information for law enforcement, forest
21 landowners, and specialized forest products harvesters, buyers, and
22 processors specific to this chapter.

23 NEW SECTION. **Sec. 15.** A new section is added to chapter 76.48 RCW
24 to read as follows:

25 Except as otherwise provided for in RCW 76.48.100:

26 (1) A bill of sale shall be obtained by a person prior to
27 harvesting from any lands, including his or her own, any specialty
28 wood.

29 (2) A bill of sale shall be completed in duplicate for each
30 permittor's property on which a permittee harvests specialty wood.

31 (3) Upon the signature of the permittor, the bill of sale shall
32 become the authorization to harvest, possess, or transport the
33 specialty wood from the origin of harvest until the first sale or
34 transfer, subject to any other conditions or limitations that the
35 permittor may specify. One copy of the bill of sale shall be given or

1 mailed to the permittor and the other copy given or mailed to the
2 permittee.

3 (4) While engaged in harvesting of specialty wood, permittees or
4 their agents or employees must have readily available at each harvest
5 site the original bill of sale. The original bill of sale shall be
6 presented to any law enforcement officer upon request for inspection.
7 No duplicates or copies of a bill of sale may be presented as a valid
8 bill of sale or authentication of ownership of specialty wood under
9 this chapter.

10 NEW SECTION. **Sec. 16.** A new section is added to chapter 76.48 RCW
11 to read as follows:

12 A bill of sale, for use for the harvest, possession, donation, and
13 transportation of specialty wood from the origin of the harvest shall
14 consist of and specify:

- 15 (1) The date of its execution;
- 16 (2) The name, address, and phone number of the buyer;
- 17 (3) The name, address, and phone number of the seller;
- 18 (4) The number and description, including species, of the specialty
19 wood being purchased or transported;
- 20 (5) The location of harvest site or place of sale or donation, by
21 address, local landmarks, or legal description;
- 22 (6) The date, time, and signature of the buyer;
- 23 (7) The date, time, and signature of the seller.

24 NEW SECTION. **Sec. 17.** A new section is added to chapter 76.48 RCW
25 to read as follows:

26 Except as otherwise provided in RCW 76.48.100:

27 (1) It is unlawful for any specialty wood processor to purchase,
28 take possession, or retain specialty wood products subsequent to the
29 harvesting and prior to the retail sale of the products unless the
30 supplier thereof displays a bill of sale that appears to be valid or
31 obtains the information as required by this chapter.

32 (2) Specialty wood processors shall make and maintain a record of
33 the purchase, taking possession, or retention of specialty wood for at
34 least one year after the date of receipt. The record must be legible,
35 include the information provided on the bill of sale, and must be made

1 at the time each delivery is made. Records related to the purchase,
2 possession, or retention of specialty wood shall, upon request, be made
3 available for inspection by any law enforcement officer.

4 (3) A subsequent bill of sale shall accompany all specialty wood
5 products sold, donated, or otherwise disposed of to another person
6 after the products have been initially received by the specialty wood
7 processor. In addition to the requirements listed for a bill of sale
8 in section 16 of this act, a bill of sale from a specialty wood
9 processor for resale of specialty wood must include the specialty wood
10 processor's department of revenue registration certificate number,
11 required in section 18 of this act.

12 NEW SECTION. **Sec. 18.** A new section is added to chapter 76.48 RCW
13 to read as follows:

14 Every specialty wood processor shall prominently display a valid
15 registration certificate, or copy thereof, obtained from the department
16 of revenue under RCW 82.32.030 at each location where the processor
17 receives specialty wood.

18 NEW SECTION. **Sec. 19.** A new section is added to chapter 76.48 RCW
19 to read as follows:

20 It is unlawful for a person to:

21 (1) Harvest specialty wood, or engage in activities or phases of
22 harvesting, possessing, or transporting specialty wood, as described in
23 RCW 76.48.020 without first obtaining permission from the landowner or
24 their duly authorized agent or representative in the form of a bill of
25 sale as described in section 16 of this act; or

26 (2) Engage in activities processing specialty wood, retaining
27 processed specialty wood, or selling or disposing of processed
28 specialty wood without meeting the requirements of sections 17 and 18
29 of this act.

30 Nothing in this section precludes the prosecution for crimes under
31 other state law.

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