
HOUSE BILL 1116

State of Washington 61st Legislature 2009 Regular Session

By Representatives Blake, Pearson, and Warnick

Read first time 01/14/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to visible clothing requirements for individuals
2 recreating in a mixed-use area during hunting season; amending RCW
3 77.15.160 and 77.08.010; adding a new section to chapter 77.15 RCW;
4 adding a new section to chapter 77.12 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.15 RCW
7 to read as follows:

8 (1) An individual recreating on public land where hunting is
9 allowed must wear hiker orange clothing during any department
10 authorized big game hunting season applicable to the land in question.

11 (2) A violation of this section is an infraction punishable under
12 RCW 77.15.160.

13 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
14 to read as follows:

15 (1) All public land where multiple recreational uses are allowed
16 must be posted with signage at all public trailheads during department
17 authorized big game hunting seasons notifying users of the requirements
18 of section 1 of this act.

1 (2) The department shall work with other public landowners or
2 managers to provide uniform signage and hunting season information as
3 necessary to comply with this section.

4 **Sec. 3.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to
5 read as follows:

6 A person is guilty of an infraction, which shall be cited and
7 punished as provided under chapter 7.84 RCW, if the person:

8 (1) Fails to immediately record a catch of fish or shellfish on a
9 catch record card required by RCW 77.32.430, or required by rule of the
10 commission under this title; ~~((or))~~

11 (2) Fishes for personal use using barbed hooks in violation of any
12 rule; ~~((or))~~

13 (3) Fails to properly wear hiker orange clothing in violation of
14 section 1 of this act; or

15 (4) Violates any other rule of the commission or director that is
16 designated by rule as an infraction.

17 **Sec. 4.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read
18 as follows:

19 The definitions in this section apply throughout this title or
20 rules adopted under this title unless the context clearly requires
21 otherwise.

22 (1) "Angling gear" means a line attached to a rod and reel capable
23 of being held in hand while landing the fish or a hand-held line
24 operated without rod or reel.

25 (2) "Aquatic invasive species" means any invasive, prohibited,
26 regulated, unregulated, or unlisted aquatic animal or plant species as
27 defined under subsections ~~((48) through (53))~~ (3), (26), (35), (39),
28 (52), and (53) of this section, aquatic noxious weeds as defined under
29 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW
30 77.60.130(1).

31 (3) "Aquatic plant species" means an emergent, submersed, partially
32 submersed, free-floating, or floating-leaving plant species that grows
33 in or near a body of water or wetland.

34 (4) "Bag limit" means the maximum number of game animals, game
35 birds, or game fish which may be taken, caught, killed, or possessed by

1 a person, as specified by rule of the commission for a particular
2 period of time, or as to size, sex, or species.

3 (5) "Closed area" means a place where the hunting of some or all
4 species of wild animals or wild birds is prohibited.

5 (6) "Closed season" means all times, manners of taking, and places
6 or waters other than those established by rule of the commission as an
7 open season. "Closed season" also means all hunting, fishing, taking,
8 or possession of game animals, game birds, game fish, food fish, or
9 shellfish that do not conform to the special restrictions or physical
10 descriptions established by rule of the commission as an open season or
11 that have not otherwise been deemed legal to hunt, fish, take, harvest,
12 or possess by rule of the commission as an open season.

13 (7) "Closed waters" means all or part of a lake, river, stream, or
14 other body of water, where fishing or harvesting is prohibited.

15 (8) "Commercial" means related to or connected with buying,
16 selling, or bartering.

17 (9) "Commission" means the state fish and wildlife commission.

18 (10) "Concurrent waters of the Columbia river" means those waters
19 of the Columbia river that coincide with the Washington-Oregon state
20 boundary.

21 (11) "Deleterious exotic wildlife" means species of the animal
22 kingdom not native to Washington and designated as dangerous to the
23 environment or wildlife of the state.

24 (12) "Department" means the department of fish and wildlife.

25 (13) "Director" means the director of fish and wildlife.

26 (14) "Endangered species" means wildlife designated by the
27 commission as seriously threatened with extinction.

28 (15) "Ex officio fish and wildlife officer" means a commissioned
29 officer of a municipal, county, state, or federal agency having as its
30 primary function the enforcement of criminal laws in general, while the
31 officer is in the appropriate jurisdiction. The term "ex officio fish
32 and wildlife officer" includes special agents of the national marine
33 fisheries service, state parks commissioned officers, United States
34 fish and wildlife special agents, department of natural resources
35 enforcement officers, and United States forest service officers, while
36 the agents and officers are within their respective jurisdictions.

37 (16) "Fish" includes all species classified as game fish or food
38 fish by statute or rule, as well as all fin fish not currently

1 classified as food fish or game fish if such species exist in state
2 waters. The term "fish" includes all stages of development and the
3 bodily parts of fish species.

4 (17) "Fish and wildlife officer" means a person appointed and
5 commissioned by the director, with authority to enforce this title and
6 rules adopted pursuant to this title, and other statutes as prescribed
7 by the legislature. Fish and wildlife officer includes a person
8 commissioned before June 11, 1998, as a wildlife agent or a fisheries
9 patrol officer.

10 (18) "Fishery" means the taking of one or more particular species
11 of fish or shellfish with particular gear in a particular geographical
12 area.

13 (19) "Freshwater" means all waters not defined as saltwater
14 including, but not limited to, rivers upstream of the river mouth,
15 lakes, ponds, and reservoirs.

16 (20) "Fur-bearing animals" means game animals that shall not be
17 trapped except as authorized by the commission.

18 (21) "Game animals" means wild animals that shall not be hunted
19 except as authorized by the commission.

20 (22) "Game birds" means wild birds that shall not be hunted except
21 as authorized by the commission.

22 (23) "Game farm" means property on which wildlife is held or raised
23 for commercial purposes, trade, or gift. The term "game farm" does not
24 include publicly owned facilities.

25 (24) "Game reserve" means a closed area where hunting for all wild
26 animals and wild birds is prohibited.

27 (25) "Hiker orange clothing" means a minimum of four hundred square
28 inches of fluorescent orange exterior clothing worn above the waist and
29 visible from all sides.

30 (26) "Invasive species" means a plant species or a nonnative animal
31 species that either:

32 (a) Causes or may cause displacement of, or otherwise threatens,
33 native species in their natural communities;

34 (b) Threatens or may threaten natural resources or their use in the
35 state;

36 (c) Causes or may cause economic damage to commercial or
37 recreational activities that are dependent upon state waters; or

38 (d) Threatens or harms human health.

1 ~~((+26+))~~ (27) "License year" means the period of time for which a
2 recreational license is valid. The license year begins April 1st, and
3 ends March 31st.

4 ~~((+27+))~~ (28) "Limited-entry license" means a license subject to a
5 license limitation program established in chapter 77.70 RCW.

6 ~~((+28+))~~ (29) "Nonresident" means a person who has not fulfilled
7 the qualifications of a resident.

8 ~~((+29+))~~ (30) "Offshore waters" means marine waters of the Pacific
9 Ocean outside the territorial boundaries of the state, including the
10 marine waters of other states and countries.

11 ~~((+30+))~~ (31) "Open season" means those times, manners of taking,
12 and places or waters established by rule of the commission for the
13 lawful hunting, fishing, taking, or possession of game animals, game
14 birds, game fish, food fish, or shellfish that conform to the special
15 restrictions or physical descriptions established by rule of the
16 commission or that have otherwise been deemed legal to hunt, fish,
17 take, harvest, or possess by rule of the commission. "Open season"
18 includes the first and last days of the established time.

19 ~~((+31+))~~ (32) "Person" means and includes an individual; a
20 corporation; a public or private entity or organization; a local,
21 state, or federal agency; all business organizations, including
22 corporations and partnerships; or a group of two or more individuals
23 acting with a common purpose whether acting in an individual,
24 representative, or official capacity.

25 ~~((+32+))~~ (33) "Personal use" means for the private use of the
26 individual taking the fish or shellfish and not for sale or barter.

27 ~~((+33+))~~ (34) "Predatory birds" means wild birds that may be hunted
28 throughout the year as authorized by the commission.

29 ~~((+34+))~~ (35) "Prohibited aquatic animal species" means an invasive
30 species of the animal kingdom that has been classified as a prohibited
31 aquatic animal species by the commission.

32 ~~((+35+))~~ (36) "Protected wildlife" means wildlife designated by the
33 commission that shall not be hunted or fished.

34 ~~((+36+))~~ (37) "Raffle" means an activity in which tickets bearing
35 an individual number are sold for not more than twenty-five dollars
36 each and in which a permit or permits are awarded to hunt or for access
37 to hunt big game animals or wild turkeys on the basis of a drawing from
38 the tickets by the person or persons conducting the raffle.

1 (~~(37)~~) (38) "Recreational and commercial watercraft" includes the
2 boat, as well as equipment used to transport the boat, and any
3 auxiliary equipment such as attached or detached outboard motors.

4 (~~(38)~~) (39) "Regulated aquatic animal species" means a
5 potentially invasive species of the animal kingdom that has been
6 classified as a regulated aquatic animal species by the commission.

7 (~~(39)~~) (40) "Resident" means:

8 (a) A person who has maintained a permanent place of abode within
9 the state for at least ninety days immediately preceding an application
10 for a license, has established by formal evidence an intent to continue
11 residing within the state, and who is not licensed to hunt or fish as
12 a resident in another state; and

13 (b) A person age eighteen or younger who does not qualify as a
14 resident under (a) of this subsection, but who has a parent that
15 qualifies as a resident under (a) of this subsection.

16 (~~(40)~~) (41) "Retail-eligible species" means commercially
17 harvested salmon, crab, and sturgeon.

18 (~~(41)~~) (42) "Saltwater" means those marine waters seaward of
19 river mouths.

20 (~~(42)~~) (43) "Seaweed" means marine aquatic plant species that are
21 dependent upon the marine aquatic or tidal environment, and exist in
22 either an attached or free floating form, and includes but is not
23 limited to marine aquatic plants in the classes Chlorophyta,
24 Phaeophyta, and Rhodophyta.

25 (~~(43)~~) (44) "Senior" means a person seventy years old or older.

26 (~~(44)~~) (45) "Shellfish" means those species of marine and
27 freshwater invertebrates that have been classified and that shall not
28 be taken except as authorized by rule of the commission. The term
29 "shellfish" includes all stages of development and the bodily parts of
30 shellfish species.

31 (~~(45)~~) (46) "State waters" means all marine waters and fresh
32 waters within ordinary high water lines and within the territorial
33 boundaries of the state.

34 (~~(46)~~) (47) "To fish," "to harvest," and "to take," and their
35 derivatives means an effort to kill, injure, harass, or catch a fish or
36 shellfish.

37 (~~(47)~~) (48) "To hunt" and its derivatives means an effort to
38 kill, injure, capture, or harass a wild animal or wild bird.

1 ~~((48))~~ (49) "To process" and its derivatives mean preparing or
2 preserving fish, wildlife, or shellfish.

3 ~~((49))~~ (50) "To trap" and its derivatives means a method of
4 hunting using devices to capture wild animals or wild birds.

5 ~~((50))~~ (51) "Trafficking" means offering, attempting to engage,
6 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
7 or deleterious exotic wildlife.

8 ~~((51))~~ (52) "Unlisted aquatic animal species" means a nonnative
9 animal species that has not been classified as a prohibited aquatic
10 animal species, a regulated aquatic animal species, or an unregulated
11 aquatic animal species by the commission.

12 ~~((52))~~ (53) "Unregulated aquatic animal species" means a
13 nonnative animal species that has been classified as an unregulated
14 aquatic animal species by the commission.

15 ~~((53))~~ (54) "Wild animals" means those species of the class
16 Mammalia whose members exist in Washington in a wild state and the
17 species *Rana catesbeiana* (bullfrog). The term "wild animal" does not
18 include feral domestic mammals or old world rats and mice of the family
19 Muridae of the order Rodentia.

20 ~~((54))~~ (55) "Wild birds" means those species of the class Aves
21 whose members exist in Washington in a wild state.

22 ~~((55))~~ (56) "Wildlife" means all species of the animal kingdom
23 whose members exist in Washington in a wild state. This includes but
24 is not limited to mammals, birds, reptiles, amphibians, fish, and
25 invertebrates. The term "wildlife" does not include feral domestic
26 mammals, old world rats and mice of the family Muridae of the order
27 Rodentia, or those fish, shellfish, and marine invertebrates classified
28 as food fish or shellfish by the director. The term "wildlife"
29 includes all stages of development and the bodily parts of wildlife
30 members.

31 ~~((56))~~ (57) "Youth" means a person fifteen years old for fishing
32 and under sixteen years old for hunting.

--- END ---