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**SUBSTITUTE SENATE BILL 6199**

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**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 15<sup>th</sup> and October  
2 15<sup>th</sup>, 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:

24 (a) Designed for use or used as a target for ammunition or other  
25 projectiles;

26 (b) Consisting of a flammable substance or combination of  
27 substances; and

28 (c) Capable of exploding when struck by ammunition or other  
29 projectiles.

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

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

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

3       (1) It is unlawful during the closed season for any person to:

4       (a) Throw away any lighted tobacco, cigars, cigarettes, matches,  
5 fireworks, charcoal, or other lighted material ((or to)), discharge any  
6 ((tracer or)) incendiary ammunition ((in)), release a sky lantern, or  
7 detonate an exploding target on or over any forest, brush, range, or  
8 grain areas((-

9       ~~(2) It is unlawful during the closed season for any individual~~  
10 ~~to); or~~

11       (b) Smoke any flammable material when in forest or brush areas  
12 except on roads, cleared landings, gravel pits, or any similar area  
13 free of flammable material.

14       ~~((+3))~~ (2) It is unlawful outside of the closed season for any  
15 person to discharge any incendiary ammunition, release a sky lantern,  
16 or detonate an exploding target on or over those lands identified under  
17 subsection (1)(a) of this section where the person:

18       (a) Does not own or have lawful possession and control of the land  
19 in question; and

20       (b) Did not receive prior written permission for the activity from  
21 a person who owns or has lawful possession and control of the land in  
22 question.

23       (3) Actions authorized or conducted by the department under the  
24 authority of this chapter are exempt from the prohibitions of  
25 subsections (1) and (2) of this section.

26       (4) Every conveyance operated through or above forest, range,  
27 brush, or grain areas ((shall)) must be equipped in each compartment  
28 with a suitable receptacle for the disposition of lighted tobacco,  
29 cigars, cigarettes, matches, or other flammable material.

30       ~~((+4))~~ (5) Every person operating a public conveyance through or  
31 above forest, range, brush, or grain areas shall post a copy of this  
32 section in a conspicuous place within the smoking compartment of the  
33 conveyance; and every person operating a saw mill or a logging camp in  
34 any such areas shall post a copy of this section in a conspicuous place  
35 upon the ground or buildings of the milling or logging operation.

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