

SENATE BILL REPORT

SB 5233

As Passed Senate, March 5, 2015

Title: An act relating to notice against trespass.

Brief Description: Concerning notice against trespass.

Sponsors: Senators Sheldon, Dansel, Dammeier, Becker, Schoesler and Honeyford.

Brief History:

Committee Activity: Law & Justice: 1/22/15, 2/05/15 [DP, DNP, w/oRec].

Passed Senate: 3/05/15, 29-20.

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pearson and Roach.

Minority Report: Do not pass.

Signed by Senator Darneille.

Minority Report: That it be referred without recommendation.

Signed by Senator Pedersen, Ranking Minority Member.

Staff: Aldo Melchiori (786-7439)

Background: Generally trespass occurs when a person knowingly enters or remains unlawfully in or upon the property of another. A person enters or remains unlawfully when the person is not licensed, invited, or otherwise privileged to enter or remain on the property. The type, appearance, and use of the land determine whether a person has a license or privilege to be on the property. However, a property owner can provide notice against trespass by posting in a conspicuous manner.

Many states enacted laws that provide landowners with an alternative method for giving notice against trespass. Under these laws, a landowner can paint markings on trees or posts pursuant to the specifications in the statute about the color, size, and location of the marking. If all statutory requirements are met, the markings on the trees or posts provide sufficient notice against trespass and the landowner does not need to post signs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: A person posts in a conspicuous manner by posting signs that are reasonably likely to make intruders aware that entry is restricted or by placing fluorescent orange paint marks on trees or posts on the property. The fluorescent orange marks must be vertical lines at least eight inches long and at least one inch wide. The bottom of the mark must be between three and five feet from the ground. The marks must be placed in locations that are readily visible to any person approaching the property. If the land is forest, the marks cannot be more than 100 feet apart. If the land is not forest, the marks cannot be more than 1000 feet apart.

A landowner must use signs for posting in a conspicuous manner on access roads and inside urban growth areas and incorporated cities or towns.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a common sense and low-cost solution to posting property. It will work better than signs for non-English speakers. These marks cannot be torn down easily like signs can be. Signs will still be needed at entry points to property. This is working well in other states. The issues that caused this idea to fail last session can be fixed.

Persons Testifying: PRO: Senator Sheldon, prime sponsor; Ken Miller, Heather Hansen, WA Farm Forestry Assn.