

SENATE BILL REPORT

SB 6117

As Reported by Senate Committee On:
Law & Justice, January 25, 2016

Title: An act relating to notice against trespass.

Brief Description: Concerning notice against trespass.

Sponsors: Senator Sheldon.

Brief History:

Committee Activity: Law & Justice: 1/14/16, 1/25/16 [DPS, DNP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6117 be substituted therefor, and the substitute bill do pass.

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

Minority Report: Do not pass.

Signed by Senators Pedersen, Ranking Minority Member; Darneille and Frockt.

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 across the United States have 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 (Recommended Substitute): 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 approximately 12 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. Paint marks cannot be used for posting on roads or driveways approved by the owner for vehicle access. The Department of Fish and Wildlife uses their website or publications to inform the public about the paint marks. The act takes effect on July 1, 2017.

EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute): Clarifies that both paint marks and signs maybe used. Paint marks must be approximately 12 inches long instead of not less than 8 inches. Paint marks cannot be used for posting on roads or driveways approved by the owner for vehicle access. The Department of Fish and Wildlife uses their website or publications to inform the public about the paint marks. The act takes effect on July 1, 2017.

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 on Original Bill: PRO: Floral greens are harvested in the forest, often by people who do not adequately understand the signs. This will help landowners protect their property and also the livelihood of people who have permission to enter to harvest floral greens. This is a proven and effective method of posting that is used in adjacent states. This is cheaper than posting signs. Folks can be easily educated about what the painted lines mean.

Persons Testifying on Original Bill: PRO: Senator Sheldon, prime sponsor; Jack Field, Washington Cattlemen's Assoc.; Heather Hansen, Washington Farm Forestry Assn.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.