

FINAL BILL REPORT

SSB 6117

FULL VETO

Synopsis as Enacted

Brief Description: Concerning notice against trespass.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senator Sheldon).

Senate Committee on Law & Justice
House Committee on Judiciary

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.

Summary: 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.

Votes on Final Passage:

Senate	29	20
House	96	1

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.