
SENATE BILL 5305

State of Washington 65th Legislature 2017 Regular Session

By Senators O'Ban, Zeiger, Bailey, and Conway

Read first time 01/19/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to supporting access to state recreation lands by
2 disabled veterans; and amending RCW 79A.80.080 and 79A.05.065.

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

4 **Sec. 1.** RCW 79A.80.080 and 2013 2nd sp.s. c 15 s 3 are each
5 amended to read as follows:

6 (1) A discover pass, vehicle access pass, or day-use permit must
7 be visibly displayed in the front windshield, or otherwise in a
8 prominent location for motor vehicles without a windshield, of any
9 motor vehicle:

10 (a) Operating on any recreation site or lands; or

11 (b) Parking at any recreation site or lands.

12 (2) The discover pass, the vehicle access pass, or the day-use
13 permit is not required:

14 (a) On private lands, state-owned aquatic lands other than water
15 access areas, or at agency offices, hatcheries, or other facilities
16 where public business is conducted;

17 (b) For persons who use, possess, or enter lands owned or managed
18 by the agencies for nonrecreational purposes consistent with a
19 written authorization from the agency, including but not limited to
20 leases, contracts, and easements;

1 (c) On department of fish and wildlife lands only, for persons
2 possessing a current vehicle access pass pursuant to RCW 79A.80.040;
3 ((~~or~~))

4 (d) When operating on a road managed by the department of natural
5 resources or the department of fish and wildlife, including a forest
6 or land management road, that is not blocked by a gate; or

7 (e) For persons who display a lifetime veteran's disability pass
8 issued by the state parks and recreation commission under RCW
9 79A.05.065(3), as long as the person to whom the pass was issued is a
10 driver or passenger in the vehicle when accessing a site or lands.

11 (3)(a) An agency may waive the requirements of this section for
12 any person who has secured the ability to access specific
13 recreational land through the provision of monetary consideration to
14 the agency or for any person attending an event or function that
15 required the provision of monetary compensation to the agency.

16 (b) Special events and group activities are core recreational
17 activities and major public service opportunities within state parks.
18 When waiving the requirements of this section for special events, the
19 state parks and recreation commission must consider the direct and
20 indirect costs and benefits to the state, local market rental rates,
21 the public service functions of the event sponsor, and other public
22 interest factors when setting appropriate fees for each event or
23 activity.

24 (4) Failure to comply with subsection (1) of this section is a
25 natural resource infraction under chapter 7.84 RCW. An agency is
26 authorized to issue a notice of infraction to any person who fails to
27 comply with subsection (1)(a) of this section or to any motor vehicle
28 that fails to comply with subsection (1)(b) of this section.

29 (5) The penalty for failure to comply with the requirements of
30 this section is ninety-nine dollars. This penalty must be:

31 (a) Reduced to fifty-nine dollars if an individual provides proof
32 of purchase of a discover pass to the court within fifteen days after
33 the issuance of the notice of violation; and

34 (b) Waived entirely if, within fifteen days after the issuance of
35 the notice of violation, an individual provides evidence to the court
36 that the individual has obtained or is eligible for a lifetime
37 veteran's disability pass issued under RCW 79A.05.065(3).

38 **Sec. 2.** RCW 79A.05.065 and 2011 c 171 s 115 are each amended to
39 read as follows:

1 (1)(a) The commission shall grant to any person who meets the
2 eligibility requirements specified in this section a senior citizen's
3 pass which shall: (i) Entitle such a person, and members of his or
4 her camping unit, to a fifty percent reduction in the campsite rental
5 fee prescribed by the commission; and (ii) entitle such a person to
6 free admission to any state park.

7 (b) The commission shall grant a senior citizen's pass to any
8 person who applies for the senior citizen's pass and who meets the
9 following requirements:

10 (i) The person is at least sixty-two years of age;

11 (ii) The person is a domiciliary of the state of Washington and
12 meets reasonable residency requirements prescribed by the commission;
13 and

14 (iii) The person and his or her spouse have a combined income
15 that would qualify the person for a property tax exemption pursuant
16 to RCW 84.36.381. The financial eligibility requirements of this
17 subsection (1)(b)(iii) apply regardless of whether the applicant for
18 a senior citizen's pass owns taxable property or has obtained or
19 applied for such property tax exemption.

20 (c) Each senior citizen's pass granted pursuant to this section
21 is valid as long as the senior citizen meets the requirements of
22 (b)(ii) of this subsection. A senior citizen meeting the eligibility
23 requirements of this section may make a voluntary donation for the
24 upkeep and maintenance of state parks.

25 (d) A holder of a senior citizen's pass shall surrender the pass
26 upon request of a commission employee when the employee has reason to
27 believe the holder fails to meet the criteria in (b) of this
28 subsection. The holder shall have the pass returned upon providing
29 proof to the satisfaction of the director that the holder meets the
30 eligibility criteria for obtaining the senior citizen's pass.

31 (2)(a) Any resident of Washington who is disabled as defined by
32 the social security administration and who receives social security
33 benefits for that disability, or any other benefits for that
34 disability from any other governmental or nongovernmental source, or
35 who is entitled to benefits for permanent disability under RCW
36 71A.10.020(~~(+3)~~) (5) due to unemployability full time at the minimum
37 wage, or who is legally blind or profoundly deaf, or who has been
38 issued a card, decal, or special license plate for a permanent
39 disability under RCW 46.19.010 shall be entitled to receive,
40 regardless of age and upon making application therefor, a disability

1 pass at no cost to the holder. The pass shall: (i) Entitle such a
2 person, and members of his or her camping unit, to a fifty percent
3 reduction in the campsite rental fee prescribed by the commission;
4 and (ii) entitle such a person to free admission to any state park.

5 (b) A card, decal, or special license plate issued for a
6 permanent disability under RCW 46.19.010 may serve as a pass for the
7 holder to entitle that person and members of the person's camping
8 unit to a fifty percent reduction in the campsite rental fee
9 prescribed by the commission, and to allow the holder free admission
10 to state parks.

11 (3) Any resident of Washington who is a veteran and has a
12 service-connected disability of at least thirty percent shall be
13 entitled to receive a lifetime veteran's disability pass at no cost
14 to the holder. The pass shall: (a) Entitle such a person, and members
15 of his or her camping unit, to free use of any campsite within any
16 state park; (b) entitle such a person to free admission to any state
17 park; ~~((and))~~ (c) entitle such a person to an exemption from any
18 reservation fees; and (d) entitle such a person to access recreation
19 sites or lands consistent with RCW 79A.80.080(2)(e).

20 (4)(a) Any Washington state resident who provides out-of-home
21 care to a child, as either a licensed foster-family home or a person
22 related to the child, is entitled to a foster home pass.

23 (b) An applicant for a foster home pass must request a pass in
24 the manner required by the commission. Upon receipt of a properly
25 submitted request, the commission shall verify with the department of
26 social and health services that the applicant qualifies under (a) of
27 this subsection. Once issued, a foster home pass is valid for the
28 period, which may not be less than one year, designated by the
29 commission.

30 (c) When accompanied by a child receiving out-of-home care from
31 the pass holder, a foster home pass: (i) Entitles such a person, and
32 members of his or her camping unit, to free use of any campsite
33 within any state park; and (ii) entitles such a person to free
34 admission to any state park.

35 (d) For the purposes of this subsection (4):

36 (i) "Out-of-home care" means placement in a foster-family home or
37 with a person related to the child under the authority of chapter
38 13.32A, 13.34, or 74.13 RCW;

39 (ii) "Foster-family home" has the same meaning as defined in RCW
40 74.15.020; and

1 (iii) "Person related to the child" means those persons referred
2 to in RCW 74.15.020(2)(a) (i) through (vi).

3 (5) All passes issued pursuant to this section are valid at all
4 parks any time during the year. However, the pass is not valid for
5 admission to concessionaire operated facilities.

6 (6) The commission shall negotiate payment and costs, to allow
7 holders of a foster home pass free access and usage of park
8 campsites, with the following nonoperated, nonstate-owned parks:
9 Central Ferry, Chief Timothy, Crow Butte, and Lyons Ferry. The
10 commission shall seek state general fund reimbursement on a biennial
11 basis.

12 (7) The commission may deny or revoke any Washington state park
13 pass issued under this section for cause, including but not limited
14 to the following:

15 (a) Residency outside the state of Washington;

16 (b) Violation of laws or state park rules resulting in eviction
17 from a state park;

18 (c) Intimidating, obstructing, or assaulting a park employee or
19 park volunteer who is engaged in the performance of official duties;

20 (d) Fraudulent use of a pass;

21 (e) Providing false information or documentation in the
22 application for a state parks pass;

23 (f) Refusing to display or show the pass to park employees when
24 requested; or

25 (g) Failing to provide current eligibility information upon
26 request by the agency or when eligibility ceases or changes.

27 (8) This section shall not affect or otherwise impair the power
28 of the commission to continue or discontinue any other programs it
29 has adopted for senior citizens.

30 (9) The commission may engage in a mutually agreed upon
31 reciprocal or discounted program for all or specific pass programs
32 with other outdoor recreation agencies.

33 (10) The commission shall adopt those rules as it finds
34 appropriate for the administration of this section. Among other
35 things, the rules shall prescribe a definition of "camping unit"
36 which will authorize a reasonable number of persons traveling with
37 the person having a pass to stay at the campsite rented by such a
38 person, a minimum Washington residency requirement for applicants for

1 a senior citizen's pass, and an application form to be completed by
2 applicants for a senior citizen's pass.

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