

HOUSE BILL REPORT

ESSB 5148

As Passed House:
April 10, 2019

Title: An act relating to visible clothing requirements for hunting.

Brief Description: Concerning visible clothing requirements for hunting.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Wilson, L., Becker, Fortunato, Palumbo, Short, Takko, Wagoner and Warnick).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/6/19, 3/19/19 [DP].

Floor Activity:

Passed House: 4/10/19, 92-0.

Brief Summary of Engrossed Substitute Bill

- Requires the Fish and Wildlife Commission to adopt rules determining the time and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 12 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Lekanoff, Orcutt, Pettigrew, Ramos, Springer and Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

The Fish and Wildlife Commission has the authority to adopt rules necessary to carry out its statutory duties, which includes the authority to adopt rules specifying gear, appliances, or other equipment and methods to be used while hunting. Currently, a person must wear a

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minimum of 400 square inches of fluorescent hunter orange exterior clothing while hunting, under certain conditions. Fluorescent hunter orange must be worn above the waist and be visible from all sides. These conditions include:

- Anyone hunting deer or elk during any modern firearm deer or elk general season is required to wear fluorescent hunter orange clothing. All modern firearm permit holders must wear fluorescent hunter orange clothing. This includes archers and muzzleloaders while hunting in game management units that overlap modern firearm seasons.
- Anyone hunting in an area that is open for modern firearm deer or elk hunting must meet fluorescent hunter orange clothing requirements if they are hunting bear, bobcat, cougar, coyote, deer, elk, fox, grouse, hare, rabbit, or raccoon.
- During any upland game bird season, anyone hunting upland game birds or rabbits with a modern firearm is required to wear fluorescent hunter orange clothing.

Failure to comply with the fluorescent hunter orange clothing requirements may result in a natural resource infraction. A natural resource infraction is a civil penalty for violations of certain statutes relating to natural resources. The exact monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than \$10 and no more than \$500.

Summary of Bill:

The Fish and Wildlife Commission must adopt rules determining the time and manner when a person hunting must wear fluorescent orange or fluorescent pink clothing, or both.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is intended to keep hunters safe. Pink is very visible in the forest. Illinois and six other states have passed a similar bill. Orange can sometimes blend in to autumn leaves and can be harder to see than pink. Allowing the use of pink clothing will provide more choices to hunters, could aid in recruitment, and could positively influence hunting gear sales, potentially resulting in higher Pittman-Robertson revenues.

The Department of Fish and Wildlife's highest priority is safety. The requirement to wear orange while hunting has existed for a long time and people know what hunter orange means. Blaze pink is a new concept and there is not very much research or experience regarding its effectiveness. Some research indicates that pink can be more visible than orange to people with some forms of colorblindness, and orange can be more visible than pink to people with other forms of colorblindness. Adding more colors without research on the effectiveness and visibility of each color could cause concern.

(Opposed) None.

Persons Testifying: Senator Wilson, prime sponsor; and David Whipple, Department of Fish and Wildlife.

Persons Signed In To Testify But Not Testifying: None.