

# SENATE BILL REPORT

## ESSB 5148

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As Passed Senate, February 20, 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:** Agriculture, Water, Natural Resources & Parks: 1/24/19 [DPS].

**Floor Activity:**

Passed Senate: 2/20/19, 48-0.

**Brief Summary of Engrossed First Substitute Bill**

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

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5148 be substituted therefor, and the substitute bill do pass.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Karen Epps (786-7424)

**Background:** Currently, a minimum of 400 square inches of fluorescent hunter orange exterior clothing is required by rule, under certain conditions, when a person is hunting. Fluorescent orange must be worn above the waist and be visible from all sides. These conditions include:

1. 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

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

Failure to comply with the fluorescent orange clothing requirements may result in a natural resources infraction. A natural resources 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 Engrossed First Substitute Bill:** The commission must adopt rules determining that while a person is hunting, they are required to wear either fluorescent orange or fluorescent pink clothing or both. The rules must allow a person hunting to wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill will increase safety for hunters. A hunter realized how much more visible he was when wearing pink. Hunters can blend in with some of the bright orange leaves in the fall colors. With pink, hunters stand out. This bill does not remove the bright orange color for hunter safety. Adding pink clothing might bring in more hunters, including women who have difficulty finding hunting clothing designed for them. Six other states have passed laws allowing pink clothing for hunter safety. While hunter pink is fashionable, there is also evidence to suggest that it is superior to orange when it comes to visibility of hunters in the field. This bill may help recruit additional hunters into the field.

**Persons Testifying:** PRO: Senator Lynda Wilson, Prime Sponsor; Tom Echols, Hunters Heritage Council; David Whipple, Washington Department of Fish and Wildlife.

**Persons Signed In To Testify But Not Testifying:** No one.