
HOUSE BILL 1114

State of Washington 61st Legislature 2009 Regular Session

By Representatives Blake, Orcutt, Green, Springer, Van De Wege, Rolfes, McCune, Simpson, Goodman, Warnick, and Conway

Read first time 01/14/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to hunters under the age of fourteen; and amending
2 RCW 77.32.010, 77.32.155, and 77.08.010.

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

4 **Sec. 1.** RCW 77.32.010 and 2008 c 329 s 923 are each amended to
5 read as follows:

6 (1) Except as otherwise provided in this chapter, a recreational
7 license issued by the director is required to hunt for or take wild
8 animals or wild birds, fish for, take, or harvest fish, shellfish, and
9 seaweed. A recreational fishing or shellfish license is not required
10 for carp, smelt, and crawfish, and a hunting license is not required
11 for bullfrogs.

12 (2) A permit issued by the department is required to park a motor
13 vehicle upon improved department access facilities.

14 (3) All hunters under the age of fourteen are required to be
15 accompanied by a Washington-licensed hunter age eighteen or older when
16 hunting for wild animals or wild birds.

17 (4) During the 2007-09 fiscal biennium to enable the implementation
18 of the pilot project established in section 307, chapter 329, Laws of
19 2008, a fishing permit issued to a nontribal member by the Colville

1 Tribes shall satisfy the license requirements in subsection (1) of this
2 section on the waters of Lake Rufus Woods and on the north shore of
3 Lake Rufus Woods, and a Colville Tribes tribal member identification
4 card shall satisfy the license requirements in subsection (1) of this
5 section on all waters of Lake Rufus Woods.

6 **Sec. 2.** RCW 77.32.155 and 2007 c 163 s 1 are each amended to read
7 as follows:

8 (1)(a) When purchasing any hunting license, persons under the age
9 of eighteen shall present certification of completion of a course of
10 instruction of at least ten hours in the safe handling of firearms,
11 safety, conservation, and sportsmanship. All persons purchasing any
12 hunting license for the first time, if born after January 1, 1972,
13 shall present such certification.

14 (b) The director may establish a program for training persons in
15 the safe handling of firearms, conservation, and sportsmanship and
16 shall prescribe the type of instruction and the qualifications of the
17 instructors. The director may cooperate with the National Rifle
18 Association, organized sportsmen's groups, or other public or private
19 organizations when establishing the training program.

20 (c) Upon the successful completion of a course established under
21 this section, the trainee shall receive a hunter education certificate
22 signed by an authorized instructor. The certificate is evidence of
23 compliance with this section.

24 (d) The director may accept certificates from other states that
25 persons have successfully completed firearm safety, hunter education,
26 or similar courses as evidence of compliance with this section.

27 (2)(a) The director may authorize a once in a lifetime, one license
28 year deferral of hunter education training for individuals who are
29 accompanied by a nondeferred Washington-licensed hunter who has held a
30 Washington hunting license for the prior three years and is over
31 eighteen years of age. The commission shall adopt rules for the
32 administration of this subsection to avoid potential fraud and abuse.

33 (b) The director is authorized to collect an application fee, not
34 to exceed twenty dollars, for obtaining the once in a lifetime, one
35 license year deferral of hunter education training from the department.
36 This fee must be deposited into the fish and wildlife enforcement

1 reward account and must be used exclusively to administer the deferral
2 program created in this subsection.

3 ~~((c) For the purposes of this subsection, "accompanied" means to
4 go along with another person while staying within a range of the other
5 person that permits continual unaided visual and auditory
6 communication.))~~

7 (3) To encourage the participation of an adequate number of
8 instructors for the training program, the commission shall develop
9 nonmonetary incentives available to individuals who commit to serving
10 as an instructor. The incentives may include additional hunting
11 opportunities for instructors.

12 **Sec. 3.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read
13 as follows:

14 The definitions in this section apply throughout this title or
15 rules adopted under this title unless the context clearly requires
16 otherwise.

17 (1) "Accompanied" means to go along with another person while
18 staying within a range of the other person that permits continual
19 unaided visual and auditory communication.

20 (2) "Angling gear" means a line attached to a rod and reel capable
21 of being held in hand while landing the fish or a hand-held line
22 operated without rod or reel.

23 ~~((+2))~~ (3) "Aquatic invasive species" means any invasive,
24 prohibited, regulated, unregulated, or unlisted aquatic animal or plant
25 species as defined under subsections ~~((+48) through (+53))~~ (4), (26),
26 (35), (39), (52), and (53) of this section, aquatic noxious weeds as
27 defined under RCW 17.26.020(5)(c), and aquatic nuisance species as
28 defined under RCW 77.60.130(1).

29 ~~((+3))~~ (4) "Aquatic plant species" means an emergent, submersed,
30 partially submersed, free-floating, or floating-leaving plant species
31 that grows in or near a body of water or wetland.

32 ~~((+4))~~ (5) "Bag limit" means the maximum number of game animals,
33 game birds, or game fish which may be taken, caught, killed, or
34 possessed by a person, as specified by rule of the commission for a
35 particular period of time, or as to size, sex, or species.

36 ~~((+5))~~ (6) "Closed area" means a place where the hunting of some
37 or all species of wild animals or wild birds is prohibited.

1 ~~((+6+))~~ (7) "Closed season" means all times, manners of taking, and
2 places or waters other than those established by rule of the commission
3 as an open season. "Closed season" also means all hunting, fishing,
4 taking, or possession of game animals, game birds, game fish, food
5 fish, or shellfish that do not conform to the special restrictions or
6 physical descriptions established by rule of the commission as an open
7 season or that have not otherwise been deemed legal to hunt, fish,
8 take, harvest, or possess by rule of the commission as an open season.

9 ~~((+7+))~~ (8) "Closed waters" means all or part of a lake, river,
10 stream, or other body of water, where fishing or harvesting is
11 prohibited.

12 ~~((+8+))~~ (9) "Commercial" means related to or connected with buying,
13 selling, or bartering.

14 ~~((+9+))~~ (10) "Commission" means the state fish and wildlife
15 commission.

16 ~~((+10+))~~ (11) "Concurrent waters of the Columbia river" means those
17 waters of the Columbia river that coincide with the Washington-Oregon
18 state boundary.

19 ~~((+11+))~~ (12) "Deleterious exotic wildlife" means species of the
20 animal kingdom not native to Washington and designated as dangerous to
21 the environment or wildlife of the state.

22 ~~((+12+))~~ (13) "Department" means the department of fish and
23 wildlife.

24 ~~((+13+))~~ (14) "Director" means the director of fish and wildlife.

25 ~~((+14+))~~ (15) "Endangered species" means wildlife designated by the
26 commission as seriously threatened with extinction.

27 ~~((+15+))~~ (16) "Ex officio fish and wildlife officer" means a
28 commissioned officer of a municipal, county, state, or federal agency
29 having as its primary function the enforcement of criminal laws in
30 general, while the officer is in the appropriate jurisdiction. The
31 term "ex officio fish and wildlife officer" includes special agents of
32 the national marine fisheries service, state parks commissioned
33 officers, United States fish and wildlife special agents, department of
34 natural resources enforcement officers, and United States forest
35 service officers, while the agents and officers are within their
36 respective jurisdictions.

37 ~~((+16+))~~ (17) "Fish" includes all species classified as game fish
38 or food fish by statute or rule, as well as all fin fish not currently

1 classified as food fish or game fish if such species exist in state
2 waters. The term "fish" includes all stages of development and the
3 bodily parts of fish species.

4 ~~((+17+))~~ (18) "Fish and wildlife officer" means a person appointed
5 and commissioned by the director, with authority to enforce this title
6 and rules adopted pursuant to this title, and other statutes as
7 prescribed by the legislature. Fish and wildlife officer includes a
8 person commissioned before June 11, 1998, as a wildlife agent or a
9 fisheries patrol officer.

10 ~~((+18+))~~ (19) "Fishery" means the taking of one or more particular
11 species of fish or shellfish with particular gear in a particular
12 geographical area.

13 ~~((+19+))~~ (20) "Freshwater" means all waters not defined as
14 saltwater including, but not limited to, rivers upstream of the river
15 mouth, lakes, ponds, and reservoirs.

16 ~~((+20+))~~ (21) "Fur-bearing animals" means game animals that shall
17 not be trapped except as authorized by the commission.

18 ~~((+21+))~~ (22) "Game animals" means wild animals that shall not be
19 hunted except as authorized by the commission.

20 ~~((+22+))~~ (23) "Game birds" means wild birds that shall not be
21 hunted except as authorized by the commission.

22 ~~((+23+))~~ (24) "Game farm" means property on which wildlife is held
23 or raised for commercial purposes, trade, or gift. The term "game
24 farm" does not include publicly owned facilities.

25 ~~((+24+))~~ (25) "Game reserve" means a closed area where hunting for
26 all wild animals and wild birds is prohibited.

27 ~~((+25+))~~ (26) "Invasive species" means a plant species or a
28 nonnative animal species that either:

29 (a) Causes or may cause displacement of, or otherwise threatens,
30 native species in their natural communities;

31 (b) Threatens or may threaten natural resources or their use in the
32 state;

33 (c) Causes or may cause economic damage to commercial or
34 recreational activities that are dependent upon state waters; or

35 (d) Threatens or harms human health.

36 ~~((+26+))~~ (27) "License year" means the period of time for which a
37 recreational license is valid. The license year begins April 1st, and
38 ends March 31st.

1 ~~((+27+))~~ (28) "Limited-entry license" means a license subject to a
2 license limitation program established in chapter 77.70 RCW.

3 ~~((+28+))~~ (29) "Nonresident" means a person who has not fulfilled
4 the qualifications of a resident.

5 ~~((+29+))~~ (30) "Offshore waters" means marine waters of the Pacific
6 Ocean outside the territorial boundaries of the state, including the
7 marine waters of other states and countries.

8 ~~((+30+))~~ (31) "Open season" means those times, manners of taking,
9 and places or waters established by rule of the commission for the
10 lawful hunting, fishing, taking, or possession of game animals, game
11 birds, game fish, food fish, or shellfish that conform to the special
12 restrictions or physical descriptions established by rule of the
13 commission or that have otherwise been deemed legal to hunt, fish,
14 take, harvest, or possess by rule of the commission. "Open season"
15 includes the first and last days of the established time.

16 ~~((+31+))~~ (32) "Person" means and includes an individual; a
17 corporation; a public or private entity or organization; a local,
18 state, or federal agency; all business organizations, including
19 corporations and partnerships; or a group of two or more individuals
20 acting with a common purpose whether acting in an individual,
21 representative, or official capacity.

22 ~~((+32+))~~ (33) "Personal use" means for the private use of the
23 individual taking the fish or shellfish and not for sale or barter.

24 ~~((+33+))~~ (34) "Predatory birds" means wild birds that may be hunted
25 throughout the year as authorized by the commission.

26 ~~((+34+))~~ (35) "Prohibited aquatic animal species" means an invasive
27 species of the animal kingdom that has been classified as a prohibited
28 aquatic animal species by the commission.

29 ~~((+35+))~~ (36) "Protected wildlife" means wildlife designated by the
30 commission that shall not be hunted or fished.

31 ~~((+36+))~~ (37) "Raffle" means an activity in which tickets bearing
32 an individual number are sold for not more than twenty-five dollars
33 each and in which a permit or permits are awarded to hunt or for access
34 to hunt big game animals or wild turkeys on the basis of a drawing from
35 the tickets by the person or persons conducting the raffle.

36 ~~((+37+))~~ (38) "Recreational and commercial watercraft" includes the
37 boat, as well as equipment used to transport the boat, and any
38 auxiliary equipment such as attached or detached outboard motors.

1 ~~((38))~~ (39) "Regulated aquatic animal species" means a
2 potentially invasive species of the animal kingdom that has been
3 classified as a regulated aquatic animal species by the commission.

4 ~~((39))~~ (40) "Resident" means:

5 (a) A person who has maintained a permanent place of abode within
6 the state for at least ninety days immediately preceding an application
7 for a license, has established by formal evidence an intent to continue
8 residing within the state, and who is not licensed to hunt or fish as
9 a resident in another state; and

10 (b) A person age eighteen or younger who does not qualify as a
11 resident under (a) of this subsection, but who has a parent that
12 qualifies as a resident under (a) of this subsection.

13 ~~((40))~~ (41) "Retail-eligible species" means commercially
14 harvested salmon, crab, and sturgeon.

15 ~~((41))~~ (42) "Saltwater" means those marine waters seaward of
16 river mouths.

17 ~~((42))~~ (43) "Seaweed" means marine aquatic plant species that are
18 dependent upon the marine aquatic or tidal environment, and exist in
19 either an attached or free floating form, and includes but is not
20 limited to marine aquatic plants in the classes Chlorophyta,
21 Phaeophyta, and Rhodophyta.

22 ~~((43))~~ (44) "Senior" means a person seventy years old or older.

23 ~~((44))~~ (45) "Shellfish" means those species of marine and
24 freshwater invertebrates that have been classified and that shall not
25 be taken except as authorized by rule of the commission. The term
26 "shellfish" includes all stages of development and the bodily parts of
27 shellfish species.

28 ~~((45))~~ (46) "State waters" means all marine waters and fresh
29 waters within ordinary high water lines and within the territorial
30 boundaries of the state.

31 ~~((46))~~ (47) "To fish," "to harvest," and "to take," and their
32 derivatives means an effort to kill, injure, harass, or catch a fish or
33 shellfish.

34 ~~((47))~~ (48) "To hunt" and its derivatives means an effort to
35 kill, injure, capture, or harass a wild animal or wild bird.

36 ~~((48))~~ (49) "To process" and its derivatives mean preparing or
37 preserving fish, wildlife, or shellfish.

1 (~~(+49)~~) (50) "To trap" and its derivatives means a method of
2 hunting using devices to capture wild animals or wild birds.

3 (~~(+50)~~) (51) "Trafficking" means offering, attempting to engage,
4 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
5 or deleterious exotic wildlife.

6 (~~(+51)~~) (52) "Unlisted aquatic animal species" means a nonnative
7 animal species that has not been classified as a prohibited aquatic
8 animal species, a regulated aquatic animal species, or an unregulated
9 aquatic animal species by the commission.

10 (~~(+52)~~) (53) "Unregulated aquatic animal species" means a
11 nonnative animal species that has been classified as an unregulated
12 aquatic animal species by the commission.

13 (~~(+53)~~) (54) "Wild animals" means those species of the class
14 Mammalia whose members exist in Washington in a wild state and the
15 species *Rana catesbeiana* (bullfrog). The term "wild animal" does not
16 include feral domestic mammals or old world rats and mice of the family
17 Muridae of the order Rodentia.

18 (~~(+54)~~) (55) "Wild birds" means those species of the class Aves
19 whose members exist in Washington in a wild state.

20 (~~(+55)~~) (56) "Wildlife" means all species of the animal kingdom
21 whose members exist in Washington in a wild state. This includes but
22 is not limited to mammals, birds, reptiles, amphibians, fish, and
23 invertebrates. The term "wildlife" does not include feral domestic
24 mammals, old world rats and mice of the family Muridae of the order
25 Rodentia, or those fish, shellfish, and marine invertebrates classified
26 as food fish or shellfish by the director. The term "wildlife"
27 includes all stages of development and the bodily parts of wildlife
28 members.

29 (~~(+56)~~) (57) "Youth" means a person fifteen years old for fishing
30 and under sixteen years old for hunting.

--- END ---