

Sec. 1. Section 43, chapter 169, Laws of 1963 as amended by section 46, chapter 32, Laws of 1967 and RCW 46.29.430 are each amended to read as follows:

In the event that any person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ~~((ten))~~ twenty days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of such person.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 14, 1987.

Filed in Office of Secretary of State May 14, 1987.

## CHAPTER 372

[Substitute House Bill No. 542]

### TRAPPING ON PRIVATE PROPERTY

AN ACT Relating to state trapping activities; amending RCW 77.16.170, 77.21.010, and 77.32.191; adding a new section to chapter 77.32 RCW; and prescribing penalties.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 77.16.170, chapter 36, Laws of 1955 as amended by section 85, chapter 78, Laws of 1980 and RCW 77.16.170 are each amended to read as follows:

It is unlawful to take a wild animal from another person's trap without permission, or to spring, pull up, damage, possess, or destroy the trap; however, it is not unlawful for a property owner, lessee, or tenant to remove a trap placed on the owner's, lessee's, or tenant's property by a trapper.

Trappers shall attach to the chain of their traps or devices a legible metal tag with either the game department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.

When an individual presents a trapper identification number to the department of game and requests identification of the trapper, the department of game shall provide the individual with the name and address of the trapper. Prior to disclosure of the trapper's name and address, the department of game shall obtain the name and address of the requesting individual in writing and after disclosing the trapper's name and address to the requesting individual, the requesting individual's name and address shall be disclosed in writing to the trapper whose name and address was disclosed.

Sec. 2. Section 77.16.240, chapter 36, Laws of 1955 as last amended by section 1, chapter 31, Laws of 1982 and RCW 77.21.010 are each amended to read as follows:

(1) A person violating RCW 77.16.040, 77.16.050, 77.16.060, 77.16.080, 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving 77.16.210, 77.16.220, 77.16.310, 77.16.320, or 77.32.211, or committing a violation of RCW 77.16.020 or 77.16.120 involving big game or an endangered species is guilty of a gross misdemeanor and shall be punished by a fine of not less than two hundred fifty dollars and not more than one thousand dollars or by imprisonment in the county jail for not less than thirty days and not more than one year or by both the fine and imprisonment. Each subsequent violation within a five-year period of RCW 77.16.040, 77.16.050, or 77.16.060, or of RCW 77.16.020 or 77.16.120 involving big game or an endangered species, as defined by the Washington state game commission under the authority of RCW 77.04.090, shall be prosecuted and punished as a class C felony as defined in RCW 9A.20.020. In connection with each such felony prosecution, the director shall provide the court with an inventory of all articles or devices seized under this title in connection with the violation. Inventoried articles or devices shall be disposed of pursuant to RCW 77.21.040.

(2) A person violating or failing to comply with this title or a rule of the commission for which no penalty is otherwise provided is guilty of a misdemeanor and shall be punished for each offense by a fine of five hundred dollars or by imprisonment for not more than ninety days in the county jail or by both the fine and imprisonment.

(3) A person placing traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner, is guilty of the misdemeanor of trespass as defined and established in RCW 9A.52.010 and 9A.52.080 and shall be punished for each offense by a fine of not less than two hundred fifty dollars.

(4) Persons convicted of a violation shall pay the costs of prosecution and the penalty assessment in addition to the fine or imprisonment.

~~((4))~~ (5) The unlawful killing, taking, or possession of each wildlife member constitutes a separate offense.

~~((5))~~ (6) District courts have jurisdiction concurrent with the superior courts of misdemeanors and gross misdemeanors committed in violation of this title or rules of the commission and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this title.

Sec. 3. Section 23, chapter 310, Laws of 1981 as amended by section 4, chapter 464, Laws of 1985 and RCW 77.32.191 are each amended to read as follows:

A state trapping license allows the holder to trap fur-bearing animals throughout the state; however, a trapper may not place traps on private property without permission of the owner, lessee, or tenant where the land is improved and apparently used, or where the land is fenced or enclosed in a manner designed to exclude intruders or to indicate a property boundary line, or where notice is given by posting in a conspicuous manner. A state trapping license is void on April 1st following the date of issuance. The fee for this license is thirty dollars for residents sixteen years of age or older, twelve dollars for residents under sixteen years of age, and one hundred fifty dollars for nonresidents.

**NEW SECTION.** Sec. 4. A new section is added to chapter 77.32 RCW to read as follows:

The commission may revoke the trapper's license of a person placing unauthorized traps on private property and may remove those traps.

Passed the House April 26, 1987.

Passed the Senate April 26, 1987.

Approved by the Governor May 14, 1987.

Filed in Office of Secretary of State May 14, 1987.

## CHAPTER 373

[House Bill No. 1049]

### DRIVING WHILE INTOXICATED—BLOOD ALCOHOL CONTENT

AN ACT Relating to blood alcohol content; amending RCW 46.61.502, 46.61.504, 46.61.506, 46.61.517, 88.02.095, and 9.41.098; and creating a new section.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Sec. 1. The legislature finds the existing statutes that establish the criteria for determining when a person is guilty of driving a motor vehicle under the influence of intoxicating liquor or drugs are constitutional and do not require any additional criteria to ensure their legality. The purpose of this act is to provide an additional method of defining the crime of driving while intoxicated. This act is not an acknowledgement that the existing breath alcohol standard is legally improper or invalid.

Sec. 2. Section 1, chapter 176, Laws of 1979 ex. sess. as amended by section 2, chapter 153, Laws of 1986 and RCW 46.61.502 are each amended to read as follows:

A person is guilty of driving while under the influence of intoxicating liquor or any drug if ~~((he))~~ the person drives a vehicle within this state while:

(1) ~~((He))~~ The person has 0.10 grams or more of alcohol per two hundred ten liters of breath, as shown by analysis of ~~((his))~~ the person's breath(~~(, blood, or other bodily substance))~~) made under RCW 46.61.506 (~~(as now or hereafter amended)~~); or