

# SENATE BILL REPORT

## SB 6424

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As of January 20, 2000

**Title:** An act relating to encouraging public and private landowners to make land and water areas available to the public for recreational purposes.

**Brief Description:** Encouraging public and private landowners to make land and water areas available to the public for recreational purposes.

**Sponsors:** Senators Jacobsen, T. Sheldon, Oke, Morton, Winsley, Haugen, Sellar, Rossi and Rasmussen.

**Brief History:**

**Committee Activity:** Natural Resources, Parks & Recreation: 1/24/2000.

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### SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & RECREATION

**Staff:** David Johnson (786-7754)

**Background:** Landowners and tenants who make their land available to the general public for outdoor recreational use, without charging a fee, are immune from liability for unintentional injuries to recreational users. Similarly, landowners who open their land for fish or wildlife projects or for litter removal are immune from liability for unintentional injuries to users of the land. An administrative fee may be charged for firewood gathering, without loss of this immunity.

However, landowners and tenants who open their land for these uses are not immune from liability for injuries caused by conditions which are known, dangerous, artificial, and latent unless warnings of the condition are conspicuously posted.

Recently, courts have held that landowners and tenants may be liable for injuries resulting from conditions which are mixed natural and man-made features. This interpretation has caused concern that landowners cannot afford the increased risk of keeping their land open to the public.

**Summary of Bill:** Landowners and tenants who open their lands for recreation, fish and wildlife cooperative projects, or litter cleanup are immune from liability for unintentional injuries. It does not matter if the condition that causes the injury is known, dangerous, artificial, or latent.

Likewise, these landowners and tenants are not liable for unintentional injuries to third parties caused by those who are using the land.

Use of land for recreation, fish and wildlife cooperative projects, or litter cleanup does not justify a claim for prescriptive easement or other right to occupy such property.

**Appropriation:** None.

**Fiscal Note:** Requested on January 18, 2000.

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