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HOUSE BILL 2048

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State of Washington

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1999 Regular Session

By Representatives Parlette, Kastama, Mastin, Pflug, B. Chandler, Alexander, Mulliken, Delvin, Clements, McDonald, Hankins, G. Chandler, Anderson, Schoesler and Campbell

Read first time 02/15/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to the limitation of liability for injuries to  
2 users of public trails; and amending RCW 4.24.200 and 4.24.210.

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

4 **Sec. 1.** RCW 4.24.200 and 1969 ex.s. c 24 s 1 are each amended to  
5 read as follows:

6 (1) The purpose of ((RCW 4.24.200)) this section and RCW 4.24.210  
7 is to encourage owners or others in lawful possession and control of  
8 land and water areas or channels to make them available to the public  
9 for recreational purposes by limiting their liability toward persons  
10 entering thereon and toward persons who may be injured or otherwise  
11 damaged by the acts or omissions of persons entering thereon.

12 (2) The legislature also recognizes that use of public trails may  
13 result in increased exposure to liability for landowners and others in  
14 lawful possession and control of land that is adjacent to public  
15 trails. It is therefore also the purpose of this section and RCW  
16 4.24.210 to limit the liability of such landowners and others in less  
17 urbanized areas toward persons who may be injured or otherwise damaged  
18 while using public trails.

1       **Sec. 2.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read as  
2 follows:

3       (1) Except as otherwise provided in subsection (~~((+3))~~) (4) of this  
4 section, (~~(any)~~) public or private landowners or others in lawful  
5 possession and control of any lands whether designated resource, rural,  
6 or urban, or water areas or channels and lands adjacent to such areas  
7 or channels, who allow members of the public to use them for the  
8 purposes of outdoor recreation, (~~(which term)~~) without charging a fee  
9 of any kind therefor, are not liable for unintentional injuries to such  
10 users. For the purposes of this section, "outdoor recreation"  
11 includes, but is not limited to, the cutting, gathering, and removing  
12 of firewood by private persons for their personal use without  
13 purchasing the firewood from the landowner, hunting, fishing, camping,  
14 picnicking, swimming, hiking, bicycling, skateboarding or other  
15 nonmotorized wheel-based activities, hanggliding, paragliding, the  
16 riding of horses or other animals, clam digging, pleasure driving of  
17 off-road vehicles, snowmobiles, and other vehicles, boating, nature  
18 study, winter or water sports, and viewing or enjoying historical,  
19 archaeological, scenic, or scientific sites(~~(, without charging a fee~~  
20 ~~of any kind therefor, shall not be liable for unintentional injuries to~~  
21 ~~such users))~~).

22       (2) Except as otherwise provided in subsection (~~((+3))~~) (4) of this  
23 section, (~~(any)~~) public or private landowners or others in lawful  
24 possession and control of any lands whether rural or urban, or water  
25 areas or channels and lands adjacent to such areas or channels, who  
26 offer or allow such land to be used for purposes of a fish or wildlife  
27 cooperative project, or allow access to such land for cleanup of litter  
28 or other solid waste, (~~(shall)~~) are not (~~(be)~~) liable for unintentional  
29 injuries to any volunteer group or to any other users.

30       (3) (~~(Any)~~) Public or private landowners, or others in lawful  
31 possession and control of the land, may charge an administrative fee of  
32 up to twenty-five dollars for the cutting, gathering, and removing of  
33 firewood from the land.

34       (4) Nothing in this section shall prevent the liability of such a  
35 landowner or others in lawful possession and control for injuries  
36 sustained to users by reason of a known dangerous artificial latent  
37 condition for which warning signs have not been conspicuously posted.  
38 Nothing in RCW 4.24.200 and 4.24.210 limits or expands in any way the  
39 doctrine of attractive nuisance. Usage by members of the public,

1 volunteer groups, or other users is permissive and does not support any  
2 claim of adverse possession.

3 ~~((4))~~ (5) For purposes of this section, a license or permit  
4 issued for state-wide use under authority of chapter 43.51 RCW, Title  
5 75, or Title 77 RCW is not a fee.

6 (6) Public or private landowners or others in lawful possession and  
7 control of land adjacent to a public trail and not within the corporate  
8 limits of a city or town are not liable for unintentional injury or  
9 damage to a user of the trail caused by activity on the adjacent land.

10 NEW SECTION. **Sec. 3.** If any provision of this act or its  
11 application to any person or circumstance is held invalid, the  
12 remainder of the act or the application of the provision to other  
13 persons or circumstances is not affected.

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