

---

HOUSE BILL 2119

---

State of Washington                      56th Legislature                      1999 Regular Session

By Representatives Linville, Grant, G. Chandler, Mastin and Sullivan

Read first time 02/16/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to liability of owners or others in possession of  
2 land and water areas for injuries to recreation users; and amending RCW  
3 4.24.210.

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

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

7            (1) Except as otherwise provided in subsection (3) of this section,  
8 any public or private landowners or others in lawful possession and  
9 control of any lands whether designated resource, rural, or urban, or  
10 water areas or channels and lands adjacent to such areas or channels,  
11 who allow members of the public to use them for the purposes of outdoor  
12 recreation, which term includes, but is not limited to, the cutting,  
13 gathering, and removing of firewood by private persons for their  
14 personal use without purchasing the firewood from the landowner,  
15 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,  
16 skateboarding or other nonmotorized wheel-based activities,  
17 hanggliding, paragliding, the riding of horses or other animals, clam  
18 digging, pleasure driving of off-road vehicles, snowmobiles, and other  
19 vehicles, boating, nature study, winter or water sports, viewing or

1 enjoying historical, archaeological, scenic, or scientific sites,  
2 without charging a fee of any kind therefor, shall not be liable for  
3 unintentional injuries to such users.

4 (2) Except as otherwise provided in subsection (3) of this section,  
5 any public or private landowner or others in lawful possession and  
6 control of any lands whether rural or urban, or water areas or channels  
7 and lands adjacent to such areas or channels, who offer or allow such  
8 land to be used for purposes of a fish or wildlife cooperative project,  
9 or allow access to such land for cleanup of litter or other solid  
10 waste, shall not be liable for unintentional injuries to any volunteer  
11 group or to any other users.

12 (3) Any public or private landowner, or others in lawful possession  
13 and control of the land, may charge an administrative fee of up to  
14 twenty-five dollars for the cutting, gathering, and removing of  
15 firewood from the land. Nothing in this section shall prevent the  
16 liability of such a landowner or others in lawful possession and  
17 control for injuries sustained to users by reason of a known dangerous  
18 artificial latent condition for which warning signs have not been  
19 conspicuously posted. For the purposes of this section, a condition  
20 shall not be considered artificial solely because: (a) The condition  
21 is affected by construction or operation of a dam or reservoir; or (b)  
22 the condition is man-made if the condition emulates natural conditions.  
23 Nothing in RCW 4.24.200 and 4.24.210 limits or expands in any way the  
24 doctrine of attractive nuisance. Usage by members of the public,  
25 volunteer groups, or other users is permissive and does not support any  
26 claim of adverse possession.

27 (4) For purposes of this section, a license or permit issued for  
28 state-wide use under authority of chapter 43.51 RCW, Title 75, or Title  
29 77 RCW is not a fee.

--- END ---