
SENATE BILL 5297

State of Washington

57th Legislature

2001 Regular Session

By Senators Jacobsen and Oke

Read first time 01/18/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to definitions concerning the liability of outdoor
2 recreation landowners; and amending RCW 4.24.210.

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

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

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

1 without charging a fee of any kind therefor, shall not be liable for
2 unintentional injuries to such users.

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

11 (3) Any public or private landowner, or others in lawful possession
12 and control of the land, may charge an administrative fee of up to
13 twenty-five dollars for the cutting, gathering, and removing of
14 firewood from the land. Nothing in this section shall prevent the
15 liability of such a landowner or others in lawful possession and
16 control for injuries sustained to users by reason of a known dangerous
17 artificial latent condition for which warning signs have not been
18 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or
19 expands in any way the doctrine of attractive nuisance. Usage by
20 members of the public, volunteer groups, or other users is permissive
21 and does not support any claim of adverse possession.

22 (4) For purposes of this section, a license or permit issued for
23 statewide use under authority of chapter ((43.51)) 79A.05 RCW((~~7~~-Title
24 ~~75~~)) or Title 77 RCW is not a fee.

25 (5) The definitions in this subsection apply throughout this
26 section unless the context clearly requires otherwise.

27 (a) "Artificial" means a condition that does not resemble a
28 condition found in nature even if contrived or established by human
29 effort.

30 (b) "Latent" means a dangerous condition that the user did not or
31 could not observe, and failure to observe was reasonable.

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