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HOUSE BILL 1195

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State of Washington

58th Legislature

2003 Regular Session

By Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan

Read first time 01/21/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to rock climbing; amending RCW 4.24.210; and  
2 creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that some property  
5 owners in Washington are concerned about the possibility of liability  
6 arising when individuals are permitted to engage in potentially  
7 dangerous outdoor recreational activities, such as rock climbing.  
8 Although RCW 4.24.210 provides property owners with immunity from legal  
9 claims for any unintentional injuries suffered by certain individuals  
10 recreating on their land, the legislature finds that it is important to  
11 the promotion of rock climbing opportunities to specifically include  
12 rock climbing as one of the recreational activities that are included  
13 in RCW 4.24.210. By including rock climbing in RCW 4.24.210, the  
14 legislature intends merely to provide assurance to the owners of  
15 property suitable for this type of recreation, and does not intend to  
16 limit the application of RCW 4.24.210 to other types of recreation.

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

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

27       (3) Any public or private landowner, or others in lawful possession  
28 and control of the land, may charge an administrative fee of up to  
29 twenty-five dollars for the cutting, gathering, and removing of  
30 firewood from the land. Nothing in this section shall prevent the  
31 liability of such a landowner or others in lawful possession and  
32 control for injuries sustained to users by reason of a known dangerous  
33 artificial latent condition for which warning signs have not been  
34 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or  
35 expands in any way the doctrine of attractive nuisance. Usage by  
36 members of the public, volunteer groups, or other users is permissive  
37 and does not support any claim of adverse possession.

1           (4) For purposes of this section, a license or permit issued for  
2 statewide use under authority of chapter ((~~43.51~~) 79A.05 RCW(~~(, Title~~  
3 ~~75,)~~) or Title 77 RCW is not a fee.

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