
HOUSE BILL 2356

State of Washington

59th Legislature

2006 Regular Session

By Representative Williams

Prefiled 12/21/2005. Read first time 01/09/2006. Referred to
Committee on Judiciary.

1 AN ACT Relating to the liability of owners of recreational land;
2 and reenacting 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 2003 c 39 s 2 and 2003 c 16 s 2 are each
5 reenacted and amended to read as follows:

6 (1) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowners or others in lawful
8 possession and control of any lands whether designated resource, rural,
9 or urban, or water areas or channels and lands adjacent to such areas
10 or channels, who allow members of the public to use them for the
11 purposes of outdoor recreation, which term includes, but is not limited
12 to, the cutting, gathering, and removing of firewood by private persons
13 for their personal use without purchasing the firewood from the
14 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
15 bicycling, skateboarding or other nonmotorized wheel-based activities,
16 hanggliding, paragliding, rock climbing, the riding of horses or other
17 animals, clam digging, pleasure driving of off-road vehicles,
18 snowmobiles, and other vehicles, boating, nature study, winter or water

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

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

16 (4) Nothing in this section shall prevent the liability of a
17 landowner or others in lawful possession and control for injuries
18 sustained to users by reason of a known dangerous artificial latent
19 condition for which warning signs have not been conspicuously posted.
20 A fixed anchor used in rock climbing and put in place by someone other
21 than a landowner is not a known dangerous artificial latent condition
22 and a landowner under subsection (1) of this section shall not be
23 liable for unintentional injuries resulting from the condition or use
24 of such an anchor. Nothing in RCW 4.24.200 and (~~4.24.210~~) this
25 section limits or expands in any way the doctrine of attractive
26 nuisance. Usage by members of the public, volunteer groups, or other
27 users is permissive and does not support any claim of adverse
28 possession.

29 (5) For purposes of this section, the following are not fees:

30 (a) A license or permit issued for statewide use under authority of
31 chapter 79A.05 RCW or Title 77 RCW (~~is not a fee~~); and

32 (b) A daily, seasonal, or annual charge, not to exceed ten dollars
33 per person, per day, and not to exceed three hundred fifty dollars
34 annually per person, for access to publicly or privately owned lands
35 for the purposes of outdoor recreation where all revenues are devoted
36 to land management costs reasonably related to providing the
37 recreational access. Compensable land management costs are limited

1 to: Road maintenance; waste removal; repair and maintenance of gates,
2 signs, trails, and access support facilities; enforcement presence;
3 printing of maps and brochures; and costs of fee collection, if any.

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