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**SUBSTITUTE SENATE BILL 5234**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Natural Resources, Ocean & Recreation  
(originally sponsored by Senators Jacobsen, Oke, Swecker, Doumit,  
Hargrove and Rasmussen)

READ FIRST TIME 02/25/05.

1       AN ACT Relating to hunting access; amending RCW 77.12.320;  
2 reenacting and amending RCW 4.24.210; and adding a new section to  
3 chapter 77.32 RCW.

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

5       **Sec. 1.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to read  
6 as follows:

7       (1) The commission may make agreements with persons, political  
8 subdivisions of this state, or the United States or its agencies or  
9 instrumentalities, regarding fish, shellfish, and wildlife-oriented  
10 recreation and the propagation, protection, conservation, and control  
11 of fish, shellfish, and wildlife.

12       (2) The director may make written agreements with the owners or  
13 lessees of real or personal property to provide for the use of the  
14 property for fish, shellfish, and wildlife-oriented recreation. These  
15 agreements terminate upon the sale of any portion of the real or  
16 personal property covered under an agreement. The director may only  
17 enter into agreements with a lessee where the owner of the real or  
18 personal property provides written consent to the agreement.

1       (a) The department may furnish money, material, or labor under  
2 these agreements where the agreements provide for public access to the  
3 real property.

4       (b) The director may adopt rules governing the conduct of persons  
5 in or on the real property.

6       (3) The director may accept compensation for fish, shellfish, and  
7 wildlife losses or gifts or grants of personal property for use by the  
8 department.

9       **Sec. 2.** RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each  
10 reenacted and amended to read as follows:

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

27       (2) Except as otherwise provided in subsection (3) or (4) of this  
28 section, any public or private landowner or others in lawful possession  
29 and control of any lands whether rural or urban, or water areas or  
30 channels and lands adjacent to such areas or channels, who offer or  
31 allow such land to be used for purposes of a fish or wildlife  
32 cooperative project or who contract with the state to provide fish and  
33 wildlife-related recreational access, or allow access to such land for  
34 cleanup of litter or other solid waste, shall not be liable for  
35 unintentional injuries to any volunteer group or to any other users.

36       (3) Any public or private landowner, or others in lawful possession

1 and control of the land, may charge an administrative fee of up to  
2 twenty-five dollars for the cutting, gathering, and removing of  
3 firewood from the land.

4 (4) Nothing in this section shall prevent the liability of a  
5 landowner or others in lawful possession and control for injuries  
6 sustained to users by reason of a known dangerous artificial latent  
7 condition for which warning signs have not been conspicuously posted.  
8 A fixed anchor used in rock climbing and put in place by someone other  
9 than a landowner is not a known dangerous artificial latent condition  
10 and a landowner under subsection (1) of this section shall not be  
11 liable for unintentional injuries resulting from the condition or use  
12 of such an anchor. Nothing in RCW 4.24.200 and (~~4.24.210~~) this  
13 section limits or expands in any way the doctrine of attractive  
14 nuisance. Usage by members of the public, volunteer groups, or other  
15 users is permissive and does not support any claim of adverse  
16 possession.

17 (5) For purposes of this section, a license or permit issued for  
18 statewide use under authority of chapter 79A.05 RCW or Title 77 RCW is  
19 not a fee.

20 NEW SECTION. Sec. 3. A new section is added to chapter 77.32 RCW  
21 to read as follows:

22 (1) A surcharge of five dollars for residents and twenty-five  
23 dollars for nonresidents is applied to all big game and all small game  
24 licenses not purchased with a big game license for management of  
25 recreational access and habitat enhancement agreements as authorized in  
26 RCW 77.12.320. The surcharge for the three-day nonresident small game  
27 license is five dollars.

28 (2) All revenue derived from this surcharge must be deposited in a  
29 separate account within the state wildlife fund and must be used only  
30 for the management and implementation of wildlife recreational access  
31 and habitat enhancement agreements authorized in RCW 77.12.320.  
32 Administrative costs charged to this program may not exceed ten percent  
33 of annual expenditures.

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