
SENATE BILL 5234

State of Washington 59th Legislature 2005 Regular Session

By Senators Jacobsen, Oke, Swecker, Doumit, Hargrove and Rasmussen

Read first time 01/18/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

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.

15 (a) The department may furnish money, material, or labor under
16 these agreements.

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

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

4 **Sec. 2.** 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
19 sports, viewing or enjoying historical, archaeological, scenic, or
20 scientific sites, without charging a fee of any kind therefor, shall
21 not be liable for unintentional injuries to such users.

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

31 (3) Any public or private landowner, or others in lawful possession
32 and control of the land, may charge an administrative fee of up to
33 twenty-five dollars for the cutting, gathering, and removing of
34 firewood from the land.

35 (4) Nothing in this section shall prevent the liability of a
36 landowner or others in lawful possession and control for injuries
37 sustained to users by reason of a known dangerous artificial latent

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

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

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.32 RCW
15 to read as follows:

16 (1) A surcharge of five dollars for residents and twenty-five
17 dollars for nonresidents is applied to all big game and all small game
18 licenses not purchased with a big game license for management of
19 recreational access and habitat enhancement agreements as authorized in
20 RCW 77.12.320. The surcharge for the three-day nonresident small game
21 license is five dollars.

22 (2) All revenue derived from this surcharge must be deposited in
23 the state wildlife fund and must be used only for the management and
24 implementation of wildlife recreational access and habitat enhancement
25 agreements authorized in RCW 77.12.320. Administrative costs charged
26 to this program may not exceed ten percent of annual expenditures.

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