

---

SENATE BILL 5279

---

State of Washington

59th Legislature

2005 Regular Session

By Senator Jacobsen

Read first time 01/19/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

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 for access to privately  
33 owned lands for the purposes of outdoor recreation where all revenues  
34 are devoted to land management costs.

--- END ---