
SUBSTITUTE SENATE BILL 5511

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to liability immunity for municipal or nonprofit
2 owned skate parks that charge nominal fees; and reenacting and amending
3 RCW 4.24.210.

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

5 **Sec. 1.** RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each
6 reenacted and amended to read as follows:

7 (1) Except as otherwise provided in subsections (3) (~~(or (4))~~)
8 through (5) of this section, any public or private landowners or others
9 in lawful possession and control of any lands whether designated
10 resource, rural, or urban, or water areas or channels and lands
11 adjacent to such areas or channels, who allow members of the public to
12 use them for the purposes of outdoor recreation, which term includes,
13 but is not limited to, the cutting, gathering, and removing of firewood
14 by private persons for their personal use without purchasing the
15 firewood from the landowner, hunting, fishing, camping, picnicking,
16 swimming, hiking, bicycling, skateboarding or other nonmotorized wheel-
17 based activities, hanggliding, paragliding, rock climbing, the riding
18 of horses or other animals, clam digging, pleasure driving of off-road
19 vehicles, snowmobiles, and other vehicles, boating, nature study,

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

4 (2) Except as otherwise provided in subsections (3) (~~or (4)~~)
5 through (5) of this section, any public or private landowner or others
6 in lawful possession and control of any lands whether rural or urban,
7 or water areas or channels and lands adjacent to such areas or
8 channels, who offer or allow such land to be used for purposes of a
9 fish or wildlife cooperative project, or allow access to such land for
10 cleanup of litter or other solid waste, shall not be liable for
11 unintentional injuries to 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) A public or private nonprofit owner or operator of a skate park
17 may charge a nominal fee of no more than five dollars per day for the
18 use of a skate park where the fees are devoted solely to providing
19 supervision of the use and maintenance of the skate park facility. For
20 purposes of this section, "skate park" means an indoor or outdoor ramp,
21 course, or area specifically designated for the exclusive recreational
22 or sporting use of skateboards, bicycles, scooters, or roller skates.

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

36 (~~(+5)~~) (6) For purposes of this section, a license or permit

1 issued for statewide use under authority of chapter 79A.05 RCW or Title
2 77 RCW is not a fee.

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