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SENATE BILL 5511

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State of Washington

59th Legislature

2005 Regular Session

By Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson

Read first time 01/26/2005. Referred to Committee on Natural Resources, Ocean & Recreation.

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 for the use of a skate park where the fees are  
18 devoted solely to providing supervision of the use and maintenance of  
19 the skate park facility. For purposes of this section, "skate park"  
20 means an indoor or outdoor ramp, course, or area specifically  
21 designated for the exclusive recreational or sporting use of  
22 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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