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SENATE BILL 5067

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State of Washington

61st Legislature

2009 Regular Session

By Senator Jacobsen

Read first time 01/12/09. Referred to Committee on Natural Resources,  
Ocean & Recreation.

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

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

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

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

11 (2) The director may make written agreements with the owners or  
12 lessees of real or personal property to provide for the use of the  
13 property for fish, shellfish, and wildlife-oriented recreation.

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

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

18 (3) The director may accept compensation for fish, shellfish, and

1 wildlife losses or gifts or grants of personal property for use by the  
2 department.

3 **Sec. 2.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read  
4 as follows:

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

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

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

34 (4) Nothing in this section shall prevent the liability of a  
35 landowner or others in lawful possession and control for injuries  
36 sustained to users by reason of a known dangerous artificial latent  
37 condition for which warning signs have not been conspicuously posted.

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

9 (5) For purposes of this section, the following are not fees:

10 (a) A license or permit issued for statewide use under authority of  
11 chapter 79A.05 RCW or Title 77 RCW; and

12 (b) A daily charge not to exceed twenty dollars per person, per  
13 day, for access to a publicly owned ORV sports park, as defined in RCW  
14 46.09.020, or other public facility accessed by a highway, street, or  
15 nonhighway road for the purposes of off-road vehicle use.

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

18 (1) To fund the management of recreational access and habitat  
19 enhancement agreements as authorized in RCW 77.12.320, a surcharge is  
20 applied as follows:

21 (a) Five dollars for residents and twenty-five dollars for  
22 nonresidents, for all big game licenses;

23 (b) Five dollars for residents and twenty-five dollars for  
24 nonresidents, for all small game licenses not purchased with a big game  
25 license;

26 (c) Five dollars for the three-day nonresident small game license.

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

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