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SENATE BILL 5069

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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 recreational liability on public and private  
2 lands; 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 2006 c 212 s 6 are each amended to read  
5 as follows:

6 (1) Except as otherwise provided in subsection (3) (~~(or (4))~~) of  
7 this 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~~  
12 ~~limited to, the cutting, gathering, and removing of firewood by private~~  
13 ~~persons 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 where:

4 (a) No fee of any kind is charged for such use;

5 (b) An administrative fee of up to twenty-five dollars is charged  
6 for the cutting, gathering, and removing of firewood from the land;

7 (c) A charge is imposed for a license or permit issued for  
8 statewide use under authority of chapter 79A.05 RCW or Title 77 RCW;

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

14 (e) Moneys are received and such use is allowed pursuant to the  
15 terms of a written agreement with a federal, state, or local  
16 government; or

17 (f) Any charge for such use is used solely to offset reasonable  
18 maintenance and land management expenses associated with allowing such  
19 use.

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

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

32 ~~(4))~~ (a) Nothing in this section shall prevent the liability of a  
33 landowner or others in lawful possession and control for injuries  
34 sustained to users by reason of a known dangerous artificial latent  
35 condition for which warning signs have not been conspicuously posted.  
36 A fixed anchor used in rock climbing and put in place by someone other  
37 than a landowner is not a known dangerous artificial latent condition

1 and a landowner under subsection (1) of this section shall not be  
2 liable for unintentional injuries resulting from the condition or use  
3 of such an anchor.

4 (b) Nothing in RCW 4.24.200 and this section limits or expands in  
5 any way the doctrine of attractive nuisance. Usage by members of the  
6 public, volunteer groups, or other users is permissive and does not  
7 support any claim of adverse possession.

8 ~~((5) For purposes of this section, the following are not fees:~~  
9 ~~(a) A license or permit issued for statewide use under authority of~~  
10 ~~chapter 79A.05 RCW or Title 77 RCW; and~~

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

15 (4) For purposes of this section, the term outdoor recreation  
16 includes, but is not limited to, the cutting, gathering, and removing  
17 of firewood by private persons for their personal use without  
18 purchasing the firewood from the landowner, hunting, fishing, camping,  
19 picnicking, swimming, hiking, bicycling, skateboarding or other  
20 nonmotorized wheel-based activities, hanggliding, paragliding, rock  
21 climbing, the riding of horses or other animals, clam digging, pleasure  
22 driving of off-road vehicles, snowmobiles, and other vehicles, boating,  
23 nature study, winter or water sports, and viewing or enjoying  
24 historical, archaeological, scenic, or scientific sites.

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