

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2244

Chapter 15, Laws of 2012

62nd Legislature
2012 Regular Session

LIABILITY--RECREATIONAL USE OF PUBLIC OR PRIVATE LAND--AVIATION
ACTIVITIES

EFFECTIVE DATE: 06/07/12

Passed by the House February 9, 2012
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate February 27, 2012
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 7, 2012, 2:11 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2244** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 7, 2012

**Secretary of State
State of Washington**

HOUSE BILL 2244

Passed Legislature - 2012 Regular Session

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hargrove, Sullivan, and Moeller

Read first time 01/10/12. Referred to Committee on Judiciary.

1 AN ACT Relating to aircraft and ultra-light operations on public or
2 private airstrips; 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 2011 c 320 s 11, 2011 c 171 s 2, and 2011
5 c 53 s 1 are each 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, hydroelectric project
8 owners, or others in lawful possession and control of any lands whether
9 designated resource, rural, or urban, or water areas or channels and
10 lands adjacent to such areas or channels, who allow members of the
11 public to use them for the purposes of outdoor recreation, which term
12 includes, but is not limited to, the cutting, gathering, and removing
13 of firewood by private persons for their personal use without
14 purchasing the firewood from the landowner, hunting, fishing, camping,
15 picnicking, swimming, hiking, bicycling, skateboarding or other
16 nonmotorized wheel-based activities, (~~hanggliding, —paragliding~~)
17 aviation activities including, but not limited to, the operation of
18 airplanes, — ultra-light — airplanes, — hanggliders, — parachutes, — and
19 paragliders, rock climbing, the riding of horses or other animals, clam

1 digging, pleasure driving of off-road vehicles, snowmobiles, and other
2 vehicles, boating, kayaking, canoeing, rafting, nature study, winter or
3 water sports, viewing or enjoying historical, archaeological, scenic,
4 or scientific sites, without charging a fee of any kind therefor, shall
5 not be liable for unintentional injuries to such users.

6 (2) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowner or others in lawful possession
8 and control of any lands whether rural or urban, or water areas or
9 channels and lands adjacent to such areas or channels, who offer or
10 allow such land to be used for purposes of a fish or wildlife
11 cooperative project, or allow access to such land for cleanup of litter
12 or other solid waste, shall not be liable for unintentional injuries to
13 any volunteer group or to any other users.

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

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

22 (i) A fixed anchor used in rock climbing and put in place by
23 someone other than a landowner is not a known dangerous artificial
24 latent condition and a landowner under subsection (1) of this section
25 shall not be liable for unintentional injuries resulting from the
26 condition or use of such an anchor.

27 (ii) Releasing water or flows and making waterways or channels
28 available for kayaking, canoeing, or rafting purposes pursuant to and
29 in substantial compliance with a hydroelectric license issued by the
30 federal energy regulatory commission, and making adjacent lands
31 available for purposes of allowing viewing of such activities, does not
32 create a known dangerous artificial latent condition and hydroelectric
33 project owners under subsection (1) of this section shall not be liable
34 for unintentional injuries to the recreational users and observers
35 resulting from such releases and activities.

36 (b) Nothing in RCW 4.24.200 and this section limits or expands in
37 any way the doctrine of attractive nuisance.

1 (c) Usage by members of the public, volunteer groups, or other
2 users is permissive and does not support any claim of adverse
3 possession.

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

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

7 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
8 79A.80.040; and

9 (c) A daily charge not to exceed twenty dollars per person, per
10 day, for access to a publicly owned ORV sports park, as defined in RCW
11 46.09.310, or other public facility accessed by a highway, street, or
12 nonhighway road for the purposes of off-road vehicle use.

Passed by the House February 9, 2012.

Passed by the Senate February 27, 2012.

Approved by the Governor March 7, 2012.

Filed in Office of Secretary of State March 7, 2012.