
HOUSE BILL 1292

State of Washington

64th Legislature

2015 Regular Session

By Representatives Young and Caldier

Read first time 01/16/15. Referred to Committee on Judiciary.

1 AN ACT Relating to fee immunity for certain water facilities; and
2 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 2012 c 15 s 1 are each amended to read
5 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
9 whether designated resource, rural, or urban, or water areas or
10 channels and lands adjacent to such areas or channels, who allow
11 members of the public to use them for the purposes of outdoor
12 recreation, which term includes, but is not limited to, the cutting,
13 gathering, and removing of firewood by private persons for their
14 personal use without purchasing the firewood from the landowner,
15 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
16 skateboarding or other nonmotorized wheel-based activities, aviation
17 activities including, but not limited to, the operation of airplanes,
18 ultra-light airplanes, hang gliders, parachutes, and paragliders,
19 rock climbing, the riding of horses or other animals, clam digging,
20 pleasure driving of off-road vehicles, snowmobiles, and other
21 vehicles, boating, kayaking, canoeing, rafting, nature study, winter

1 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
4 users.

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

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

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

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

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

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

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

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

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

3 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
4 79A.80.040; (~~and~~)

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

9 (d) Charges that do not exceed twenty dollars per day or one
10 hundred dollars for an annual permit for the docking or moorage of
11 vessels, including transient vessels, at a moorage facility as
12 defined in RCW 53.08.310 and WAC 332-30-106(38). Every two years
13 after the effective date of this act: The maximum daily charge of
14 twenty dollars will increase by one dollar; and the maximum annual
15 charge of one hundred dollars will increase by five dollars; and

16 (e) Charges that do not exceed twenty dollars per day or one
17 hundred dollars for an annual permit for the launching of boats at a
18 boat ramp or the parking of boat trailers and attached vehicles in a
19 parking lot adjacent to a boat ramp. Every two years after the
20 effective date of this act: The maximum daily charge of twenty
21 dollars will increase by one dollar; and the maximum annual charge of
22 one hundred dollars will increase by five dollars.

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