

SHB 1464 - S COMM AMD

By Committee on Natural Resources & Parks

ADOPTED 04/11/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.24.210 and 2012 c 15 s 1 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, hydroelectric project
7 owners, or others in lawful possession and control of any lands
8 whether designated resource, rural, or urban, or water areas or
9 channels and lands adjacent to such areas or channels, who allow
10 members of the public to use them for the purposes of outdoor
11 recreation, which term includes, but is not limited to, the cutting,
12 gathering, and removing of firewood by private persons for their
13 personal use without purchasing the firewood from the landowner,
14 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
15 skateboarding or other nonmotorized wheel-based activities, aviation
16 activities including, but not limited to, the operation of airplanes,
17 ultra-light airplanes, hang gliders, parachutes, and paragliders,
18 rock climbing, the riding of horses or other animals, clam digging,
19 pleasure driving of off-road vehicles, snowmobiles, and other
20 vehicles, boating, kayaking, canoeing, rafting, nature study, winter
21 or water sports, viewing or enjoying historical, archaeological,
22 scenic, or scientific sites, without charging a fee of any kind
23 therefor, shall not be liable for unintentional injuries to such
24 users.

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

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

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

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

14 (ii) Releasing water or flows and making waterways or channels
15 available for kayaking, canoeing, or rafting purposes pursuant to and
16 in substantial compliance with a hydroelectric license issued by the
17 federal energy regulatory commission, and making adjacent lands
18 available for purposes of allowing viewing of such activities, does
19 not create a known dangerous artificial latent condition and
20 hydroelectric project owners under subsection (1) of this section
21 shall not be liable for unintentional injuries to the recreational
22 users and observers resulting from such releases and activities.

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

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

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

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

31 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
32 79A.80.040; (~~and~~)

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

38 (d) Payments to landowners for public access from state, local,
39 or nonprofit organizations established under department of fish and
40 wildlife cooperative public access agreements if the landowner does

1 not charge a fee to access the land subject to the cooperative
2 agreement."

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3 On page 1, line 2 of the title, after "lands;" strike the
4 remainder of the title and insert "and amending RCW 4.24.210."

EFFECT: Removes language specifically providing that those who enter into a public access agreement with the department of fish and wildlife and do not charge an access fee receive limited liability protection under the statute. Provides that payments to landowners for public access from state, local, or nonprofit organizations established under department of fish and wildlife cooperative public access agreements are not considered fees under the statute if the landowner does not charge a fee to access the land subject to the cooperative agreement.

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