
SENATE BILL 5384

State of Washington

65th Legislature

2017 Regular Session

By Senators Fortunato and Takko; by request of Department of Fish and Wildlife

Read first time 01/23/17. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the development of cooperative agreements to
2 expand recreational access on privately owned lands; and amending RCW
3 4.24.210.

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

5 **Sec. 1.** RCW 4.24.210 and 2012 c 15 s 1 are each amended to read
6 as follows:

7 (1) Except as otherwise provided in subsection (3) or (4) of this
8 section, any public or private landowners, hydroelectric project
9 owners, or others in lawful possession and control of any lands
10 whether designated resource, rural, or urban, or water areas or
11 channels and lands adjacent to such areas or channels, who allow
12 members of the public to use them for the purposes of outdoor
13 recreation, which term includes, but is not limited to, the cutting,
14 gathering, and removing of firewood by private persons for their
15 personal use without purchasing the firewood from the landowner,
16 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
17 skateboarding or other nonmotorized wheel-based activities, aviation
18 activities including, but not limited to, the operation of airplanes,
19 ultra-light airplanes, hang gliders, parachutes, and paragliders,
20 rock climbing, the riding of horses or other animals, clam digging,
21 pleasure driving of off-road vehicles, snowmobiles, and other

1 vehicles, boating, kayaking, canoeing, rafting, nature study, winter
2 or water sports, viewing or enjoying historical, archaeological,
3 scenic, or scientific sites, without charging a fee of any kind
4 therefor, shall not be liable for unintentional injuries to such
5 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
8 possession and control of any lands whether rural or urban, or water
9 areas or channels and lands adjacent to such areas or channels, who
10 enter into a public access agreement with the department of fish and
11 wildlife or offer or allow such land to be used for purposes of a
12 fish or wildlife cooperative project, or allow access to such land
13 for cleanup of litter or other solid waste, shall not be liable for
14 unintentional injuries to any volunteer group or to any other users.

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

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

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

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

37 (b) Nothing in RCW 4.24.200 and this section limits or expands in
38 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
6 of 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
11 RCW 46.09.310, or other public facility accessed by a highway,
12 street, or nonhighway road for the purposes of off-road vehicle use;
13 and

14 (d) Payments to landowners from state, local, or nonprofit
15 organizations established under agreements that provide for or manage
16 public access.

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