
Civil Rights & Judiciary Committee

HB 2767

Brief Description: Establishing recreational target shooting areas on public lands.

Sponsors: Representatives Blake, Griffey, Springer, Lekanoff, Eslick, Chapman and Gildon; by request of Department of Natural Resources.

Brief Summary of Bill

- For purposes of statutory recreational use immunity:
 - adds recreational target shooting in designated areas to the list of activities constituting outdoor recreation; and
 - provides that amounts received from lease agreements to operate a recreational target shooting facility, entered into with the Department of Natural Resources, are not fees.

Hearing Date: 2/4/20

Staff: Cece Clynch (786-7195).

Background:

Recreational Use Immunity.

Washington's recreational use immunity statutes immunize public and private landowners who allow members of the public use of lands for the purposes of outdoor recreation without charging a fee from liability for unintentional injuries sustained by those users. The stated purpose is to encourage owners or others in lawful possession and control of land and water areas or channels to make them available to the public for recreational purposes by limiting owners' liability toward persons entering these areas and those who may be injured or otherwise damaged by the acts or omissions of persons entering.

"Outdoor recreation" includes, but is not limited to, a wide variety of specified activities such as hunting, fishing, camping, picnicking, swimming, hiking, and rock climbing. When these statutes were initially enacted there weren't any exemptions for particular fees. Over the years

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exemptions to the no fee provision have been added. Landowners may charge an administrative fee of up to \$25 for the cutting, gathering, and removing of firewood from the land without compromising their immunity. In addition, "fees" do not include:

- licenses or permits issued for statewide use pursuant to certain laws pertaining to the Parks and Recreation Commission (PRC) and the Department of Fish and Wildlife (DFW);
- a pass or permit such as a Discover Pass, day-use permit, or vehicle access pass issued by the Department of Natural Resources (DNR), the DFW, or the PRC;
- a daily charge not exceeding \$20 per person, per day for access to a publicly owned off-road vehicle sports park or other public facility accessed by road or highway for off-road vehicle use; and
- payments to landowners for public access from state, local, or nonprofit organizations established under DFW cooperative public access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement.

Intentional injuries are not immunized. Nor are known dangerous artificial latent conditions for which warning signs have not been conspicuously posted. Finally, these statutes do not limit or expand the doctrine of attractive nuisance which pertains to conditions upon premises that may reasonably be expected to attract young children and constitute a danger to them.

Department of Natural Resources Lands and Target Shooting.

The DNR manages 5.6 million acres of forest, range, agricultural, aquatic, and commercial lands. The agency has adopted rules to set standards for public use on lands it manages, including a rule pertaining specifically to target shooting.

"Recreational target shooting" is the use of a firearm or bow and arrow on targets and the sighting in of rifles or other firearms on DNR-managed lands. It does not encompass hunting. Under the rules, persons may only target shoot in:

- developed recreation facilities specifically designed for target shooting; or
- areas with an unobstructed, earthen backstop capable of stopping all projectiles and debris in a safe manner.

The DNR rule generally prohibits shooting in any other location, and expressly prohibits shooting within, from, along, across, or down roads or trails. Persons may not shoot on, at, across, along, down, from, or within 500 feet of: recreational facilities that are not specifically designed for target shooting; residences; businesses; structures; other areas as restricted; and areas designated or posted as no shooting.

The rule also prohibits shooting at unauthorized targets. Items that are commercially manufactured for the specific purpose of target shooting or similar targets privately manufactured by the person target shooting may be used as a target. Unauthorized targets for purposes of the rule include: natural features, except berms or banks used as a backstop; vegetation; structures; gates; vehicles; signs; other DNR improvements; appliances; furniture; glass; privately owned or occupied structures; pets, service animals, or livestock; wildlife; explosive and incendiary items; and garbage of any kind.

The rule contains other prohibitions, as follows:

- possession of a loaded firearm in or on a motor vehicle;

- target shooting one-half hour after sunset to one-half hour before sunrise, unless otherwise posted; and
- failure to dispose of spent items and remove all casings, target, ammunition packaging, or target fragments with the exception of biodegradable clay targets.

Violation of the rule is a misdemeanor, except with respect to failure to dispose of spent items which is an infraction.

Summary of Bill:

For purposes of the recreational use immunity statutes:

- "Recreational target shooting in designated areas" is added to the list of activities constituting "outdoor recreation."
- Amounts received from lease agreements to operate a recreational target shooting facility entered into with the Department of Natural Resources are not "fees."

Appropriation: None.

Fiscal Note: Requested on January 29, 2020.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.