
SENATE BILL 5865

State of Washington

67th Legislature

2022 Regular Session

By Senators Sheldon, Fortunato, Wagoner, Warnick, and L. Wilson

Read first time 01/14/22. Referred to Committee on Agriculture, Water, Natural Resources & Parks.

1 AN ACT Relating to establishing recreational target shooting
2 areas on public lands; amending RCW 4.24.210; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the department
6 of natural resources manages public lands consistent with multiple
7 uses of the landscape including recreational areas, trails, hunting,
8 fishing, target shooting, and other forms of public recreation.

9 The legislature further finds that the multiple uses must be
10 consistent with the applicable trust provisions of lands managed by
11 the department of natural resources and be in the best interests of
12 the state and the general welfare of the citizens. The legislature
13 further finds that the department has developed rules for regulating
14 target shooting on department-managed lands.

15 Therefore, the legislature finds that designating and properly
16 posting recreational shooting areas on lands managed by the
17 department of natural resources would enhance the safety of all
18 recreational users.

19 **Sec. 2.** RCW 4.24.210 and 2017 c 245 s 1 are each amended to read
20 as follows:

1 (1) Except as otherwise provided in subsection (3) or (4) of this
2 section, any public or private landowners, hydroelectric project
3 owners, or others in lawful possession and control of any lands
4 whether designated resource, rural, or urban, or water areas or
5 channels and lands adjacent to such areas or channels, who allow
6 members of the public to use them for the purposes of outdoor
7 recreation, which term includes, but is not limited to, the cutting,
8 gathering, and removing of firewood by private persons for their
9 personal use without purchasing the firewood from the landowner,
10 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,
11 skateboarding or other nonmotorized wheel-based activities, aviation
12 activities including, but not limited to, the operation of airplanes,
13 ultra-light airplanes, hang gliders, parachutes, and paragliders,
14 rock climbing, the riding of horses or other animals, clam digging,
15 pleasure driving of off-road vehicles, snowmobiles, and other
16 vehicles, boating, kayaking, canoeing, rafting, nature study, winter
17 or water sports, recreational target shooting in designated areas,
18 viewing or enjoying historical, archaeological, scenic, or scientific
19 sites, without charging a fee of any kind therefor, shall not be
20 liable for unintentional injuries to such users.

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

29 (3) Any public or private landowner, or others in lawful
30 possession and control of the land, may charge an administrative fee
31 of up to (~~twenty-five dollars~~) \$25 for the cutting, gathering, and
32 removing of firewood from the land.

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

37 (i) A fixed anchor used in rock climbing and put in place by
38 someone other than a landowner is not a known dangerous artificial
39 latent condition and a landowner under subsection (1) of this section

1 shall not be liable for unintentional injuries resulting from the
2 condition or use of such an anchor.

3 (ii) Releasing water or flows and making waterways or channels
4 available for kayaking, canoeing, or rafting purposes pursuant to and
5 in substantial compliance with a hydroelectric license issued by the
6 federal energy regulatory commission, and making adjacent lands
7 available for purposes of allowing viewing of such activities, does
8 not create a known dangerous artificial latent condition and
9 hydroelectric project owners under subsection (1) of this section
10 shall not be liable for unintentional injuries to the recreational
11 users and observers resulting from such releases and activities.

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

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

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

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

20 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
21 79A.80.040;

22 (c) A daily charge not to exceed (~~twenty dollars~~) \$20 per
23 person, per day, for access to a publicly owned ORV sports park, as
24 defined in RCW 46.09.310, or other public facility accessed by a
25 highway, street, or nonhighway road for the purposes of off-road
26 vehicle use; (~~and~~)

27 (d) Amounts received from lease agreements to operate a
28 recreational target shooting facility under chapter 79.13 RCW; and

29 (e) Payments to landowners for public access from state, local,
30 or nonprofit organizations established under department of fish and
31 wildlife cooperative public access agreements if the landowner does
32 not charge a fee to access the land subject to the cooperative
33 agreement.

--- END ---