

FINAL BILL REPORT

SHB 2165

C 18 L 24

Synopsis as Enacted

Brief Description: Concerning the authority of the department of natural resources to determine recreational use fees for activities on agency-managed public lands.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kloba, Waters and Reeves; by request of Department of Natural Resources).

House Committee on Agriculture & Natural Resources

Senate Committee on Agriculture, Water, Natural Resources & Parks

Background:

Generally, any public or private landowners, hydroelectric project owners, or others in lawful possession and control of any lands, including water areas, who allow members of the public to use such areas for the purposes of outdoor recreation without charging a fee, with certain exceptions identified in statute, are not liable for unintentional injuries to users of such areas. The law establishing this exemption from liability is sometimes referred to as the recreational immunity statute.

The following are not considered fees for the purposes of the recreational immunity statute:

- passes and permits issued by either the Department of Fish and Wildlife (DFW) or the Parks and Recreation Commission, including Discover Passes;
- a daily charge of \$20 or less per person per day for access to a publicly owned off-road vehicle (ORV) park or certain other public facilities for the purpose of ORV use; and
- payments to landowners for public access from state, local, or nonprofit organizations established under DFW cooperative access agreements if the landowner does not charge a fee to access the land subject to the cooperative agreement.

The term "recreation" includes the following forms of recreation, among others:

- the cutting, gathering, and removing of firewood by private persons for their personal

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- use without purchasing the firewood from the landowner;
- hunting, fishing, camping, swimming, and hiking;
- bicycling, skateboarding, or other nonmotorized wheel-based activities;
- certain aviation activities;
- the riding of horses or other animals;
- pleasure driving of off-road vehicles, snowmobiles, and other vehicles; and
- viewing or enjoying historical, archaeological, scenic, or scientific sites without charging a fee of any kind.

Summary:

A permit or license, or any related application or processing fee, issued by the Department of Natural Resources for an organized event or commercial use is not considered a fee for the purposes of the recreational immunity statute.

Votes on Final Passage:

House 97 0

Senate 49 0

Effective: June 6, 2024