
SUBSTITUTE SENATE BILL 5069

State of Washington

61st Legislature

2009 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)

READ FIRST TIME 02/05/09.

1 AN ACT Relating to recreational liability on public and private
2 lands; and amending RCW 4.24.210.

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

4 **Sec. 1.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
5 as follows:

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

1 ~~sports, viewing or enjoying historical, archaeological, scenic, or~~
2 ~~scientific sites, without charging a fee of any kind therefor)), shall~~
3 not be liable for unintentional injuries to such users where:

4 (a) No fee of any kind is charged for such use;

5 (b) An administrative fee of up to twenty-five dollars is charged
6 for the cutting, gathering, and removing of firewood from the land;

7 (c) A charge is imposed for a license or permit issued for
8 statewide use under authority of chapter 79A.05 RCW or Title 77 RCW;

9 (d) A daily charge not to exceed fifty dollars per person, per day,
10 is imposed for access to a publicly owned ORV sports park, as defined
11 in RCW 46.09.020, or other public facility accessed by a highway,
12 street, or nonhighway road for the purposes of off-road vehicle use; or

13 (e) Moneys are received and such use is allowed pursuant to the
14 terms of a written agreement with a federal, state, or local
15 government.

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

24 ~~(3) ((Any public or private landowner, or others in lawful~~
25 ~~possession and control of the land, may charge an administrative fee of~~
26 ~~up to twenty five dollars for the cutting, gathering, and removing of~~
27 ~~firewood from the land.~~

28 ~~(4))~~ (a) Nothing in this section shall prevent the liability of a
29 landowner or others in lawful possession and control for injuries
30 sustained to users by reason of a known dangerous artificial latent
31 condition for which warning signs have not been conspicuously posted.
32 A fixed anchor used in rock climbing and put in place by someone other
33 than a landowner is not a known dangerous artificial latent condition
34 and a landowner under subsection (1) of this section shall not be
35 liable for unintentional injuries resulting from the condition or use
36 of such an anchor.

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 of
6 chapter 79A.05 RCW or Title 77 RCW; and~~

7 ~~(b) A daily charge not to exceed twenty dollars per person, per
8 day, for access to a publicly owned ORV sports park, as defined in RCW
9 46.09.020, or other public facility accessed by a highway, street, or
10 nonhighway road for the purposes of off-road vehicle use.))~~

11 (4) For purposes of this section, the term outdoor recreation
12 includes, but is not limited to, the cutting, gathering, and removing
13 of firewood by private persons for their personal use without
14 purchasing the firewood from the landowner, hunting, fishing, camping,
15 picnicking, swimming, hiking, bicycling, skateboarding or other
16 nonmotorized wheel-based activities, hanggliding, paragliding, rock
17 climbing, the riding of horses or other animals, clam digging, pleasure
18 driving of off-road vehicles, snowmobiles, and other vehicles, boating,
19 nature study, winter or water sports, and viewing or enjoying
20 historical, archaeological, scenic, or scientific sites.

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