
HOUSE BILL 1666

State of Washington 58th Legislature 2003 Regular Session

By Representatives Delvin, Lantz, Grant and Eickmeyer

Read first time 02/04/2003. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting the liability of owners of irrigation
2 canal rights of way for injuries to certain users; 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 1997 c 26 s 1 are each amended to read as
6 follows:

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

1 study, winter or water sports, viewing or enjoying historical,
2 archaeological, scenic, or scientific sites, without charging a fee of
3 any kind therefor, shall not be liable for unintentional injuries to
4 such users.

5 (2) Except as otherwise provided in subsection (3) of this section,
6 any public or private landowner or others in lawful possession and
7 control of any lands whether rural or urban, or water areas, irrigation
8 canal rights of way, or channels and lands adjacent to such areas,
9 canals, or channels, who offer or allow such land to be used for
10 purposes of a fish or wildlife cooperative project, or allow access to
11 such land for cleanup of litter or other solid waste, shall not be
12 liable for unintentional injuries to any volunteer group or to any
13 other users.

14 (3) Any public or private landowner, or others in lawful possession
15 and control of the land, may charge an administrative fee of up to
16 twenty-five dollars for the cutting, gathering, and removing of
17 firewood from the land. Nothing in this section shall prevent the
18 liability of such a landowner or others in lawful possession and
19 control for injuries sustained to users by reason of a known dangerous
20 artificial latent condition for which warning signs have not been
21 conspicuously posted. Nothing in RCW 4.24.200 and 4.24.210 limits or
22 expands in any way the doctrine of attractive nuisance. Usage by
23 members of the public, volunteer groups, or other users is permissive
24 and does not support any claim of adverse possession.

25 (4) For purposes of this section, a license or permit issued for
26 statewide use under authority of chapter ((43.51)) 79A.05 RCW((~~7~~-Title
27 ~~75~~)) or Title 77 RCW is not a fee.

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