
SUBSTITUTE HOUSE BILL 1464

State of Washington

65th Legislature

2017 Regular Session

By House Judiciary (originally sponsored by Representatives Blake, Orcutt, Chapman, and Tarleton; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to the development of cooperative agreements to
2 expand recreational access on privately owned lands; 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 2012 c 15 s 1 are each amended to read
6 as follows:

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

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

6 (2) Except as otherwise provided in subsection (3) or (4) of this
7 section, any public or private landowner or others in lawful
8 possession and control of any lands whether rural or urban, or water
9 areas or channels and lands adjacent to such areas or channels, who
10 enter into a public access agreement with the department of fish and
11 wildlife and do not charge an access fee or offer or allow such land
12 to be used for purposes of a fish or wildlife cooperative project, or
13 allow access to such land for cleanup of litter or other solid waste,
14 shall not be liable for unintentional injuries to any volunteer group
15 or to any other users.

16 (3) Any public or private landowner, or others in lawful
17 possession and control of the land, may charge an administrative fee
18 of up to twenty-five dollars for the cutting, gathering, and removing
19 of firewood from the land.

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

24 (i) A fixed anchor used in rock climbing and put in place by
25 someone other than a landowner is not a known dangerous artificial
26 latent condition and a landowner under subsection (1) of this section
27 shall not be liable for unintentional injuries resulting from the
28 condition or use of such an anchor.

29 (ii) Releasing water or flows and making waterways or channels
30 available for kayaking, canoeing, or rafting purposes pursuant to and
31 in substantial compliance with a hydroelectric license issued by the
32 federal energy regulatory commission, and making adjacent lands
33 available for purposes of allowing viewing of such activities, does
34 not create a known dangerous artificial latent condition and
35 hydroelectric project owners under subsection (1) of this section
36 shall not be liable for unintentional injuries to the recreational
37 users and observers resulting from such releases and activities.

38 (b) Nothing in RCW 4.24.200 and this section limits or expands in
39 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
6 of chapter 79A.05 RCW or Title 77 RCW;

7 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
8 79A.80.040; (~~and~~)

9 (c) A daily charge not to exceed twenty dollars per person, per
10 day, for access to a publicly owned ORV sports park, as defined in
11 RCW 46.09.310, or other public facility accessed by a highway,
12 street, or nonhighway road for the purposes of off-road vehicle use;
13 and

14 (d) Payments to landowners for public access from state, local,
15 or nonprofit organizations established under department of fish and
16 wildlife public access agreements.

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