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**SUBSTITUTE SENATE BILL 5099**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** Senate Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Sheldon, Fortunato, Schoesler, and Wagoner)

READ FIRST TIME 02/22/19.

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 for the cutting, gathering, and removing  
32 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 per person, per  
23 day, for access to a publicly owned ORV sports park, as defined in  
24 RCW 46.09.310, or other public facility accessed by a highway,  
25 street, or nonhighway road for the purposes of off-road vehicle use;  
26 ((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.

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