

HB 2617 - S AMD TO S AMD (S-5820.3/06)  
By Senator Hargrove

ADOPTED 03/01/2006

1 On page 5, after line 14 of the amendment, insert the following:

2 "(5) The provisions of RCW 4.24.210(5) shall apply to public  
3 landowners who allow members of the public to use public facilities  
4 accessed by a highway, street, or nonhighway road for recreational off-  
5 road vehicle use."

6 On page 9, after line 5 of the amendment, insert the following:

7 "**Sec. 6.** RCW 4.24.210 and 2003 c 39 s 2 and 2003 c 16 s 2 are each  
8 reenacted and amended to read as follows:

9 (1) Except as otherwise provided in subsection (3) or (4) of this  
10 section, any public or private landowners or others in lawful  
11 possession and control of any lands whether designated resource, rural,  
12 or urban, or water areas or channels and lands adjacent to such areas  
13 or channels, who allow members of the public to use them for the  
14 purposes of outdoor recreation, which term includes, but is not limited  
15 to, the cutting, gathering, and removing of firewood by private persons  
16 for their personal use without purchasing the firewood from the  
17 landowner, hunting, fishing, camping, picnicking, swimming, hiking,  
18 bicycling, skateboarding or other nonmotorized wheel-based activities,  
19 hanggliding, paragliding, rock climbing, the riding of horses or other  
20 animals, clam digging, pleasure driving of off-road vehicles,  
21 snowmobiles, and other vehicles, boating, nature study, winter or water  
22 sports, viewing or enjoying historical, archaeological, scenic, or  
23 scientific sites, without charging a fee of any kind therefor, shall  
24 not be liable for unintentional injuries to such users.

25 (2) Except as otherwise provided in subsection (3) or (4) of this  
26 section, any public or private landowner or others in lawful possession  
27 and control of any lands whether rural or urban, or water areas or  
28 channels and lands adjacent to such areas or channels, who offer or  
29 allow such land to be used for purposes of a fish or wildlife

1 cooperative project, or allow access to such land for cleanup of litter  
2 or other solid waste, shall not be liable for unintentional injuries to  
3 any volunteer group or to any other users.

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

8 (4) Nothing in this section shall prevent the liability of a  
9 landowner or others in lawful possession and control for injuries  
10 sustained to users by reason of a known dangerous artificial latent  
11 condition for which warning signs have not been conspicuously posted.  
12 A fixed anchor used in rock climbing and put in place by someone other  
13 than a landowner is not a known dangerous artificial latent condition  
14 and a landowner under subsection (1) of this section shall not be  
15 liable for unintentional injuries resulting from the condition or use  
16 of such an anchor. Nothing in RCW 4.24.200 and (~~4.24.210~~) this  
17 section limits or expands in any way the doctrine of attractive  
18 nuisance. Usage by members of the public, volunteer groups, or other  
19 users is permissive and does not support any claim of adverse  
20 possession.

21 (5) For purposes of this section, the following are not fees:

22 (a) A license or permit issued for statewide use under authority of  
23 chapter 79A.05 RCW or Title 77 RCW (~~is not a fee~~); and

24 (b) A daily charge not to exceed twenty dollars per person, per  
25 day, for access to a publicly owned ORV sports park, as defined in RCW  
26 46.09.020, or other public facility accessed by a highway, street, or  
27 nonhighway road for the purposes of off-road vehicle use."

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28 On page 9, line 8 of the title amendment, after "46.16.010" insert  
29 "and 4.24.210"

EFFECT: The amendment specifies that the recreation use immunity statute applies to public landowners who allow members of the public to use certain public facilities for recreational off-road vehicle use. The amendment also makes the recreation use immunity statute applicable to injuries sustained at certain publicly owned ORV sports parks or other public facilities where a charge not to exceed twenty dollars is imposed for access.

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