

# SENATE BILL REPORT

## SB 5279

---

---

As Passed Senate, March 11, 2005

**Title:** An act relating to the liability of owners of recreational land.

**Brief Description:** Modifying provisions with regard to recreational activities on certain lands.

**Sponsors:** Senator Jacobsen.

**Brief History:**

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/17/05, 2/24/05 [DP].  
Passed Senate: 3/11/05, 48-1.

---

### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Hargrove, Morton, Spanel and Swecker.

**Staff:** Curt Gavigan (786-7437)

**Background:** The purpose of the recreation use immunity statute is to encourage owners or those in lawful possession and control of land and water areas to make those areas accessible to the public for recreational purposes by limiting their liability.

Those protected by limited liability under the recreation use immunity statute are landowners or others in lawful possession and control of land who: (1) allow recreational use of their land without charging a fee of any kind; (2) allow fish and wildlife cooperative projects or litter or waste cleanup on their land; or (3) allow the cutting, gathering, and removing of firewood from the land, even where charging an administrative fee of up to \$25.

A license or permit issued for statewide use under the fish and wildlife or recreational lands statutes is not considered a fee for purposes of the recreation use immunity statute.

The recreation use immunity statute does not prevent liability where an injury results from a known, dangerous, artificial, and latent condition for which warning signs have not been conspicuously posted.

**Summary of Bill:** A daily, seasonal, or annual charge for access to privately owned lands for the purposes of outdoor recreation is not considered a fee under the recreation use immunity statute when all revenues are devoted to land management costs.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** The purpose of the recreation use immunity statute is to open up lands for recreational use. This bill will help accomplish this goal by allowing those who open up their lands for such use to charge fees for land management costs and still enjoy the statute's protection.

**Testimony Against:** None.

**Other:** Although this bill may increase the land available for recreation, it greatly broadens the scope of immunity under the statute. Additionally, it will be hard to determine whether all moneys collected by landowners are used for land management costs.

**Who Testified:** PRO: Bonnie Bunning, Department of Natural Resources. OTHER: Dave Ware, Department of Fish and Wildlife.