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SENATE BILL 5814

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State of Washington

53rd Legislature

1993 Regular Session

By Senators Winsley and Fraser

Read first time 02/16/93. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to a conservation permit program for use of state  
2 park facilities; amending RCW 4.24.210; adding new sections to chapter  
3 43.51 RCW; and prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** In addition to its other powers, duties, and  
6 functions, the commission shall establish a conservation permit program  
7 to collect fees for recreational use of state park lands. Receipts  
8 from the sale of conservation permits shall be deposited into the  
9 general fund and shall be appropriated to the commission for the  
10 purpose of acquiring, developing, operating, and maintaining state park  
11 facilities.

12 NEW SECTION. **Sec. 2.** The commission shall establish, by rule, the  
13 amount of the fee and the duration of the permit, but the fee level for  
14 an annual period shall not be less than twenty-five dollars. The  
15 permit may be sold with the assistance of authorized agents as may be  
16 necessary for the convenience of the public. The commission shall  
17 require one person in each vehicle located within a park facility to  
18 possess a conservation permit that entitles the occupants of the

1 vehicle to the use of state park facilities. The permit shall entitle  
2 the holder and all family members of the holder to use of state park  
3 facilities when not entering by a motorized vehicle.

4 The commission shall clearly identify which parks, facilities, and  
5 activities require a conservation permit. Conservation permits shall  
6 be valid for year-round use of facilities open for public use.

7 NEW SECTION. **Sec. 3.** The commission shall consider waivers or  
8 reductions in other fees that have been adopted by rule by the  
9 commission to users who hold a valid conservation permit. Nothing in  
10 this section or section 1 or 2 of this act affects the provisions for  
11 park passes established in RCW 43.51.055.

12 NEW SECTION. **Sec. 4.** (1) At state parks and other state park  
13 facilities requiring a conservation permit or payment of other fees, it  
14 is an offense if a person fails or refuses to show proof of payment or  
15 a valid conservation permit on the demand of a peace officer or  
16 commission employee.

17 (2) It is not an offense under subsection (1) of this section if a  
18 person:

19 (a) Entered the park or facility as an occupant of a privately  
20 owned noncommercial vehicle in which at least one other occupant  
21 possessed and was able to show a valid conservation permit issued to  
22 that other occupant; or

23 (b) Was a member of a group of individuals that the commission has  
24 exempted from the requirement for a conservation permit; or

25 (c) Has paid the applicable fees for activities or uses for which  
26 fees are required under rules adopted by the commission.

27 (3) A violation of this section is a civil infraction punishable as  
28 provided under chapter 7.84 RCW.

29 **Sec. 5.** RCW 4.24.210 and 1992 c 52 s 1 are each amended to read as  
30 follows:

31 (1) Except as otherwise provided in subsection (3) of this section,  
32 any public or private landowners or others in lawful possession and  
33 control of any lands whether designated resource, rural, or urban, or  
34 water areas or channels and lands adjacent to such areas or channels,  
35 who allow members of the public to use them for the purposes of outdoor  
36 recreation, which term includes, but is not limited to, the cutting,

1 gathering, and removing of firewood by private persons for their  
2 personal use without purchasing the firewood from the landowner,  
3 hunting, fishing, camping, picnicking, swimming, hiking, bicycling, the  
4 riding of horses or other animals, clam digging, pleasure driving of  
5 off-road vehicles, snowmobiles, and other vehicles, boating, nature  
6 study, winter or water sports, viewing or enjoying historical,  
7 archaeological, scenic, or scientific sites, without charging a fee of  
8 any kind therefor, shall not be liable for unintentional injuries to  
9 such users.

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

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

29 (4) For purposes of this section, a license or permit, including a  
30 permit issued under section 1 of this act, issued for state-wide use  
31 under authority of chapter 43.51 RCW, Title 75, or Title 77 RCW is not  
32 a fee.

33 NEW SECTION. **Sec. 6.** Sections 1 through 4 of this act are each  
34 added to chapter 43.51 RCW.

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