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SENATE BILL 5075

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State of Washington                      56th Legislature                      1999 Regular Session

By Senators Jacobsen, Oke, Sellar, Rossi and Rasmussen

Read first time 01/12/1999. Referred to Committee on Judiciary.

1            AN ACT Relating to extending the recreational use immunity to  
2 adjoining land owners; and amending RCW 4.24.200 and 4.24.210.

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

4            **Sec. 1.** RCW 4.24.200 and 1969 ex.s. c 24 s 1 are each amended to  
5 read as follows:

6            The purpose of RCW 4.24.200 and 4.24.210 is to encourage owners or  
7 others in lawful possession and control of land and water areas or  
8 channels to make them available to the public for recreational purposes  
9 by limiting their liability, and the liability of private owners of  
10 land adjacent to public trails, toward persons entering thereon and  
11 toward persons who may be injured or otherwise damaged by the acts or  
12 omissions of persons entering thereon.

13            **Sec. 2.** RCW 4.24.210 and 1997 c 26 s 1 are each amended to read as  
14 follows:

15            (1) Except as otherwise provided in subsection (3) of this section,  
16 any public or private landowners or others in lawful possession and  
17 control of any lands whether designated resource, rural, or urban, or  
18 water areas or channels and lands adjacent to such areas or channels,

1 who allow members of the public to use them for the purposes of outdoor  
2 recreation, which term includes, but is not limited to, the cutting,  
3 gathering, and removing of firewood by private persons for their  
4 personal use without purchasing the firewood from the landowner,  
5 hunting, fishing, camping, picnicking, swimming, hiking, bicycling,  
6 skateboarding or other nonmotorized wheel-based activities,  
7 hanggliding, paragliding, the riding of horses or other animals, clam  
8 digging, pleasure driving of off-road vehicles, snowmobiles, and other  
9 vehicles, boating, nature study, winter or water sports, viewing or  
10 enjoying historical, archaeological, scenic, or scientific sites,  
11 without charging a fee of any kind therefor, shall not be liable for  
12 unintentional injuries to such users. Except as otherwise provided in  
13 subsection (3) of this section, private owners of land adjacent to  
14 public trails shall not be liable for unintentional injuries to users  
15 of such public trails.

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

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

35 (4) For purposes of this section, a license or permit issued for  
36 state-wide use under authority of chapter 43.51 RCW, Title 75, or Title  
37 77 RCW is not a fee.

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