

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1195

58th Legislature
2003 Regular Session

Passed by the House March 6, 2003
Yeas 91 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 8, 2003
Yeas 47 Nays 2

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1195** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1195

Passed Legislature - 2003 Regular Session

State of Washington 58th Legislature 2003 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to rock climbing; amending RCW 4.24.210; and
2 creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that some property
5 owners in Washington are concerned about the possibility of liability
6 arising when individuals are permitted to engage in potentially
7 dangerous outdoor recreational activities, such as rock climbing.
8 Although RCW 4.24.210 provides property owners with immunity from legal
9 claims for any unintentional injuries suffered by certain individuals
10 recreating on their land, the legislature finds that it is important to
11 the promotion of rock climbing opportunities to specifically include
12 rock climbing as one of the recreational activities that are included
13 in RCW 4.24.210. By including rock climbing in RCW 4.24.210, the
14 legislature intends merely to provide assurance to the owners of
15 property suitable for this type of recreation, and does not intend to
16 limit the application of RCW 4.24.210 to other types of recreation. By
17 providing that a landowner shall not be liable for any unintentional
18 injuries resulting from the condition or use of a fixed anchor used in

1 rock climbing, the legislature recognizes that such fixed anchors are
2 recreational equipment used by climbers for which a landowner has no
3 duty of care.

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

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

22 (2) Except as otherwise provided in subsection (3) or (4) of this
23 section, any public or private landowner or others in lawful possession
24 and control of any lands whether rural or urban, or water areas or
25 channels and lands adjacent to such areas or channels, who offer or
26 allow such land to be used for purposes of a fish or wildlife
27 cooperative project, or allow access to such land for cleanup of litter
28 or other solid waste, shall not be liable for unintentional injuries to
29 any volunteer group or to any other users.

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

34 (4) Nothing in this section shall prevent the liability of (~~such~~)
35 a landowner or others in lawful possession and control for injuries
36 sustained to users by reason of a known dangerous artificial latent
37 condition for which warning signs have not been conspicuously posted.

1 A fixed anchor used in rock climbing and put in place by someone other
2 than a landowner is not a known dangerous artificial latent condition
3 and a landowner under subsection (1) of this section shall not be
4 liable for unintentional injuries resulting from the condition or use
5 of such an anchor. Nothing in RCW 4.24.200 and 4.24.210 limits or
6 expands in any way the doctrine of attractive nuisance. Usage by
7 members of the public, volunteer groups, or other users is permissive
8 and does not support any claim of adverse possession.
9 ((+4)) (5) For purposes of this section, a license or permit
10 issued for statewide use under authority of chapter ((43-51)) 79A.05
11 RCW((, Title 75,)) or Title 77 RCW is not a fee.

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