

**HB 1231** - S COMM AMD

By Committee on Natural Resources & Marine Waters

NOT CONSIDERED 05/25/2011

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 4.24.210 and 2006 c 212 s 6 are each amended to read  
4 as follows:

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

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

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

9 (i) A fixed anchor used in rock climbing and put in place by  
10 someone other than a landowner is not a known dangerous artificial  
11 latent condition and a landowner under subsection (1) of this section  
12 shall not be liable for unintentional injuries resulting from the  
13 condition or use of such an anchor.

14 (ii) Releasing water or flows and making waterways or channels  
15 available for kayaking, canoeing, or rafting purposes pursuant to and  
16 in substantial compliance with a hydroelectric license issued by the  
17 federal energy regulatory commission, and making adjacent lands  
18 available for purposes of allowing viewing of such activities, does not  
19 create a known dangerous artificial latent condition and hydroelectric  
20 project owners under subsection (1) of this section shall not be liable  
21 for unintentional injuries to the recreational users and observers  
22 resulting from such releases and activities. For purposes of this  
23 subsection (4)(a)(ii), "substantial compliance" means compliance with  
24 the purposes of the license requirements with any deviation being minor  
25 or technical in nature.

26 (b) Nothing in RCW 4.24.200 and this section limits or expands in  
27 any way the doctrine of attractive nuisance.

28 (c) Usage by members of the public, volunteer groups, or other  
29 users is permissive and does not support any claim of adverse  
30 possession.

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

32 (a) A license or permit issued for statewide use under authority of  
33 chapter 79A.05 RCW or Title 77 RCW; and

34 (b) A daily charge not to exceed twenty dollars per person, per  
35 day, for access to a publicly owned ORV sports park, as defined in RCW  
36 (~~46.09.020~~) 46.09.310, or other public facility accessed by a  
37 highway, street, or nonhighway road for the purposes of off-road  
38 vehicle use."

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- 1 On page 1, line 2 of the title, after "areas;" strike the remainder
- 2 of the title and insert "and amending RCW 4.24.210."

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