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HOUSE BILL 2244

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State of Washington                      62nd Legislature                      2012 Regular Session

By Representatives Hargrove, Sullivan, and Moeller

Read first time 01/10/12. Referred to Committee on Judiciary.

1            AN ACT Relating to aircraft and ultra-light operations on public or  
2 private airstrips; and reenacting and amending RCW 4.24.210.

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

4            **Sec. 1.** RCW 4.24.210 and 2011 c 320 s 11, 2011 c 171 s 2, and 2011  
5 c 53 s 1 are each reenacted and amended to read as follows:

6            (1) Except as otherwise provided in subsection (3) or (4) of this  
7 section, any public or private landowners, hydroelectric project  
8 owners, or others in lawful possession and control of any lands whether  
9 designated resource, rural, or urban, or water areas or channels and  
10 lands adjacent to such areas or channels, who allow members of the  
11 public to use them for the purposes of outdoor recreation, which term  
12 includes, but is not limited to, the cutting, gathering, and removing  
13 of firewood by private persons for their personal use without  
14 purchasing the firewood from the landowner, hunting, fishing, camping,  
15 picnicking, swimming, hiking, bicycling, skateboarding or other  
16 nonmotorized wheel-based activities, (~~hanggliding, paragliding~~)  
17 aviation activities including, but not limited to, the operation of  
18 airplanes, ultra-light airplanes, hanggliders, parachutes, and  
19 paragliders, rock climbing, the riding of horses or other animals, clam

1 digging, pleasure driving of off-road vehicles, snowmobiles, and other  
2 vehicles, boating, kayaking, canoeing, rafting, nature study, winter or  
3 water sports, viewing or enjoying historical, archaeological, scenic,  
4 or scientific sites, without charging a fee of any kind therefor, shall  
5 not be liable for unintentional injuries to such users.

6 (2) Except as otherwise provided in subsection (3) or (4) of this  
7 section, any public or private landowner or others in lawful possession  
8 and control of any lands whether rural or urban, or water areas or  
9 channels and lands adjacent to such areas or channels, who offer or  
10 allow such land to be used for purposes of a fish or wildlife  
11 cooperative project, or allow access to such land for cleanup of litter  
12 or other solid waste, shall not be liable for unintentional injuries to  
13 any volunteer group or to any other users.

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

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

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

27 (ii) Releasing water or flows and making waterways or channels  
28 available for kayaking, canoeing, or rafting purposes pursuant to and  
29 in substantial compliance with a hydroelectric license issued by the  
30 federal energy regulatory commission, and making adjacent lands  
31 available for purposes of allowing viewing of such activities, does not  
32 create a known dangerous artificial latent condition and hydroelectric  
33 project owners under subsection (1) of this section shall not be liable  
34 for unintentional injuries to the recreational users and observers  
35 resulting from such releases and activities.

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

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

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

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

7 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or  
8 79A.80.040; and

9 (c) A daily charge not to exceed twenty dollars per person, per  
10 day, for access to a publicly owned ORV sports park, as defined in RCW  
11 46.09.310, or other public facility accessed by a highway, street, or  
12 nonhighway road for the purposes of off-road vehicle use.

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