
SUBSTITUTE HOUSE BILL 2150

State of Washington **63rd Legislature** **2014 Regular Session**

By House Judiciary (originally sponsored by Representative Blake)

READ FIRST TIME 01/23/14.

1 AN ACT Relating to encouraging recreational access to private
2 property; 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 2012 c 15 s 1 are each amended to read as
5 follows:

6 (1) Except as otherwise provided in subsection (3) (~~(or (4))~~) of
7 this 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, aviation activities including, but
17 not limited to, the operation of airplanes, ultra-light airplanes, hang
18 gliders, parachutes, and paragliders, rock climbing, the riding of
19 horses or other animals, clam digging, pleasure driving of off-road

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

6 (2) Except as otherwise provided in subsection (3) (~~(or (4))~~) of
7 this section, any public or private landowner or others in lawful
8 possession and control of any lands whether rural or urban, or water
9 areas or channels and lands adjacent to such areas or channels, who
10 offer or 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
15 possession and control of the land, may charge an administrative fee of
16 up to 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) A fixed anchor used in rock climbing and put in place
23 by 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))~~);

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

37 ~~((+b))~~ (4) Nothing in RCW 4.24.200 and this section limits or
38 expands in any way the doctrine of attractive nuisance.

1 ~~((e))~~ (5) Usage by members of the public, volunteer groups, or
2 other users is permissive and does not support any claim of adverse
3 possession.

4 ~~((5))~~ (6) Nothing in this section prevents a landowner from
5 excluding individuals who violate rules or conditions of access
6 established by the landowner.

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

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

10 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
11 79A.80.040; ~~((and))~~

12 (c) A daily charge not to exceed twenty dollars per person, per
13 day, for access to a publicly owned ORV sports park, as defined in RCW
14 46.09.310, or other public facility accessed by a highway, street, or
15 nonhighway road for the purposes of off-road vehicle use;

16 (d) Payments from state or local governments to a landowner to
17 facilitate or manage public access;

18 (e) A daily charge of up to twenty-five dollars for the cutting,
19 gathering, and removing of firewood; and

20 (f) An annual charge of up to twenty-five dollars per person for
21 recreation, including hunting and fishing access, on contiguous parcels
22 owned by a single private landowner if the land is subject to current
23 use valuation under chapter 84.33 or 84.34 RCW and no limits are placed
24 on the number of participants granted recreational access to the
25 parcels.

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