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HOUSE BILL 2480

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State of Washington

68th Legislature

2024 Regular Session

By Representatives Klicker, Paul, Shavers, Nance, and Cheney

Read first time 01/25/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the liability of owners or others in  
2 possession of land and water areas for injuries to recreational  
3 users; and amending RCW 4.24.210.

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

5 **Sec. 1.** RCW 4.24.210 and 2023 c 183 s 1 are each amended to read  
6 as follows:

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

1 vehicles, boating, kayaking, canoeing, rafting, nature study, winter  
2 or water sports, viewing or enjoying historical, archaeological,  
3 scenic, or scientific sites, without charging a fee of any kind  
4 therefor, shall not be liable for unintentional injuries to such  
5 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  
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  
11 wildlife cooperative project, or allow access to such land for  
12 cleanup of litter or other solid waste, shall not be liable for  
13 unintentional injuries to 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  
16 of up to twenty-five dollars for the cutting, gathering, and removing  
17 of 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 boating, swimming, fishing, kayaking, canoeing, or  
29 rafting purposes pursuant to and in substantial compliance with a  
30 hydroelectric license issued by the federal energy regulatory  
31 commission, and making adjacent lands available for purposes of  
32 allowing viewing of such activities, does not create a known  
33 dangerous artificial latent condition and hydroelectric project  
34 owners under subsection (1) of this section shall not be liable for  
35 unintentional injuries to the recreational users and observers  
36 resulting from such releases and activities.

37 (iii) Conditions naturally or normally arising from road  
38 maintenance and timber harvesting do not constitute a known dangerous  
39 artificial latent condition and a landowner shall not be liable under

1 subsection (1) of this section for unintentional injuries resulting  
2 from such conditions.

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

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

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

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

11 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or  
12 79A.80.040;

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

18 (d) Payments to landowners for public access from state, local,  
19 or nonprofit organizations established under department of fish and  
20 wildlife cooperative public access agreements if the landowner does  
21 not charge a fee to access the land subject to the cooperative  
22 agreement.

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