

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2165

68th Legislature
2024 Regular Session

Passed by the House February 6, 2024
Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Passed by the Senate February 27,
2024
Yeas 49 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2165** 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 2165

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

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By House Agriculture and Natural Resources (originally sponsored by Representatives Kloba, Waters, and Reeves; by request of Department of Natural Resources)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to the authority of the department of natural
2 resources to determine recreational use fees for activities on
3 agency-managed public lands; 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 (b) Nothing in RCW 4.24.200 and this section limits or expands in
38 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
6 of 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;

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
11 RCW 46.09.310, or other public facility accessed by a highway,
12 street, or nonhighway road for the purposes of off-road vehicle use;
13 ((and))

14 (d) Payments to landowners for public access from state, local,
15 or nonprofit organizations established under department of fish and
16 wildlife cooperative public access agreements if the landowner does
17 not charge a fee to access the land subject to the cooperative
18 agreement; and

19 (e) A permit or license issued, or any application or processing
20 fee therefore, for an organized event or commercial use under
21 authority of chapter 43.12 or 43.30 RCW or Title 79 RCW.

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