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SENATE BILL 5384

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State of Washington

65th Legislature

2017 Regular Session

By Senators Fortunato and Takko; by request of Department of Fish and Wildlife

1 AN ACT Relating to the development of cooperative agreements to  
2 expand recreational access on privately owned lands; and amending RCW  
3 4.24.210.

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

5 **Sec. 1.** RCW 4.24.210 and 2012 c 15 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 enter into a public access agreement with the department of fish and  
11 wildlife or offer or allow such land to be used for purposes of a  
12 fish or wildlife cooperative project, or allow access to such land  
13 for cleanup of litter or other solid waste, shall not be liable for  
14 unintentional injuries to any volunteer group or to any other users.

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

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

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

28 (ii) 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  
33 not create a known dangerous artificial latent condition and  
34 hydroelectric project owners under subsection (1) of this section  
35 shall not be liable for unintentional injuries to the recreational  
36 users and observers 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; (~~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  
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 from state, local, or nonprofit  
15 organizations established under agreements that provide for or manage  
16 public access.

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