
SENATE BILL 6080

State of Washington

62nd Legislature

2012 Regular Session

By Senators Haugen, Swecker, Hargrove, King, Fain, Ranker, Ericksen, Becker, Hill, Honeyford, Rolfes, Roach, Sheldon, Delvin, and Holmquist Newbry

Read first time 01/11/12. Referred to Committee on Energy, Natural Resources & Marine Waters.

1 AN ACT Relating to landowner immunity from liability for
2 nonintentional injuries to recreational users in connection with
3 forestry and other principal uses of the lands; reenacting and amending
4 RCW 4.24.210; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that landowners who
7 provide access to their lands free of charge for public recreational
8 uses are fulfilling an important public service and that they should be
9 assured that they will not become liable for injuries to recreational
10 users connected with activities or conditions on the lands related to
11 the principal uses of their lands, such as forestry and farming.
12 Therefore, it is the purpose of this act to reform and clarify the
13 state's recreational use immunity law to provide greater certainty to
14 landowners that they will not be liable for unintentional injuries to
15 recreational users when the injury relates to such conditions or
16 principal land uses.

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

1 (1) Except as otherwise provided in subsection (3) or (4) of this
2 section, any public or private landowners, hydroelectric project
3 owners, or others in lawful possession and control of any lands whether
4 designated resource, rural, or urban, or water areas or channels and
5 lands adjacent to such areas or channels, who allow members of the
6 public to use them for the purposes of outdoor recreation, which term
7 includes, but is not limited to, the cutting, gathering, and removing
8 of firewood by private persons for their personal use without
9 purchasing the firewood from the landowner, hunting, fishing, camping,
10 picnicking, swimming, hiking, bicycling, skateboarding or other
11 nonmotorized wheel-based activities, hanggliding, paragliding, rock
12 climbing, the riding of horses or other animals, clam digging, pleasure
13 driving of off-road vehicles, snowmobiles, and other vehicles, boating,
14 kayaking, canoeing, rafting, nature study, winter or water sports,
15 viewing or enjoying historical, archaeological, scenic, or scientific
16 sites, without charging a fee of any kind therefor, shall not be liable
17 for unintentional injuries to such users.

18 (2) Except as otherwise provided in subsection (3) or (4) of this
19 section, any public or private landowner or others in lawful possession
20 and control of any lands whether rural or urban, or water areas or
21 channels and lands adjacent to such areas or channels, who offer or
22 allow such land to be used for purposes of a fish or wildlife
23 cooperative project, or allow access to such land for cleanup of litter
24 or other solid waste, shall not be liable for unintentional injuries to
25 any volunteer group or to any other users.

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

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

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

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

10 (iii) Conditions naturally or normally arising from the predominant
11 uses of the land, including but not limited to road maintenance and
12 timber harvesting, do not constitute a known dangerous artificial
13 latent condition and a landowner is not liable for unintentional
14 injuries to users specified in subsections (1) through (3) of this
15 section resulting from these conditions.

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

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

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

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

24 (b) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
25 79A.80.040; and

26 (c) A daily charge not to exceed twenty dollars per person, per
27 day, for access to a publicly owned ORV sports park, as defined in RCW
28 46.09.310, or other public facility accessed by a highway, street, or
29 nonhighway road for the purposes of off-road vehicle use.

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