
SUBSTITUTE SENATE BILL 5130

State of Washington 60th Legislature 2007 Regular Session

By Senate Committee on Natural Resources, Ocean & Recreation
(originally sponsored by Senator Jacobsen)

READ FIRST TIME 02/28/07.

1 AN ACT Relating to wildlife-related recreational access; amending
2 RCW 77.12.320 and 4.24.210; adding a new section to chapter 77.32 RCW;
3 and creating a new section.

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

5 **Sec. 1.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to read
6 as follows:

7 (1) The commission may make agreements with persons, political
8 subdivisions of this state, or the United States or its agencies or
9 instrumentalities, regarding fish, shellfish, and wildlife-oriented
10 recreation and the propagation, protection, conservation, and control
11 of fish, shellfish, and wildlife.

12 (2) The director may make written agreements with the owners or
13 lessees of real or personal property to provide for the use of the
14 property for fish, shellfish, and wildlife-oriented recreation.

15 (a) The department may furnish materials, funds, or labor under
16 these agreements.

17 (b) The director may adopt rules governing the conduct of persons
18 in or on the real property.

1 (3) The director may accept compensation for fish, shellfish, and
2 wildlife losses or gifts or grants of personal property for use by the
3 department.

4 **Sec. 2.** RCW 4.24.210 and 2006 c 212 s 6 are each amended to read
5 as follows:

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

22 (2) Except as otherwise provided in subsection (3) or (4) of this
23 section, any public or private landowner or others in lawful possession
24 and control of any lands whether rural or urban, or water areas or
25 channels and lands adjacent to such areas or channels, who offer or
26 allow such land to be used for purposes of a fish or wildlife
27 cooperative project or who contract with the state to provide fish and
28 wildlife-related recreational access, or allow access to such land for
29 cleanup of litter or other solid waste, shall not be liable for
30 unintentional injuries to any volunteer group or to any other users.

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

35 (4) Nothing in this section shall prevent the liability of a
36 landowner or others in lawful possession and control for injuries
37 sustained to users by reason of a known dangerous artificial latent

1 condition for which warning signs have not been conspicuously posted.
2 A fixed anchor used in rock climbing and put in place by someone other
3 than a landowner is not a known dangerous artificial latent condition
4 and a landowner under subsection (1) of this section shall not be
5 liable for unintentional injuries resulting from the condition or use
6 of such an anchor. Nothing in RCW 4.24.200 and this section limits or
7 expands in any way the doctrine of attractive nuisance. Usage by
8 members of the public, volunteer groups, or other users is permissive
9 and does not support any claim of adverse possession.

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

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

13 (b) 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 RCW
15 46.09.020, or other public facility accessed by a highway, street, or
16 nonhighway road for the purposes of off-road vehicle use.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.32 RCW
18 to read as follows:

19 (1) To fund the management of recreational access and habitat
20 enhancement agreements as authorized in RCW 77.12.320, a surcharge is
21 applied as follows:

22 (a) Five dollars for residents and twenty-five dollars for
23 nonresidents, for all big game licenses;

24 (b) Five dollars for residents and twenty-five dollars for
25 nonresidents, for all small game licenses not purchased with a big game
26 license;

27 (c) Five dollars for the three-day nonresident small game license.

28 (2) All revenue derived from this surcharge must be deposited in
29 the state wildlife account and must be used only for the management and
30 implementation of wildlife recreational access and habitat enhancement
31 agreements authorized in RCW 77.12.320. Administrative costs charged
32 to this program may not exceed ten percent of annual expenditures.

33 NEW SECTION. **Sec. 4.** The department of fish and wildlife shall
34 develop legislative options to increase access for nonconsumptive users
35 to department-owned and leased lands. The options must include a
36 discussion of the cost of providing/acquiring access for this class of

1 user and an equitable fee structure or other user-based revenue stream
2 to support the additional access, if necessary. The department of fish
3 and wildlife shall submit the legislative options to the appropriate
4 policy and fiscal committees of the legislature by November 1, 2007.

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