
HOUSE BILL 1102

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Blake, Chandler, Takko, and Van De Wege

1 AN ACT Relating to landowner liability associated with forest roads
2 subject to road maintenance and abandonment plans; 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 2006 c 212 s 6 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 or others in lawful
9 possession and control of any lands whether designated resource, rural,
10 or urban, or water areas or channels and lands adjacent to such areas
11 or channels, who allow members of the public to use them for the
12 purposes of outdoor recreation, which term includes, but is not limited
13 to, the cutting, gathering, and removing of firewood by private persons
14 for their personal use without purchasing the firewood from the
15 landowner, hunting, fishing, camping, picnicking, swimming, hiking,
16 bicycling, skateboarding or other nonmotorized wheel-based activities,
17 hanggliding, paragliding, rock climbing, the riding of horses or other
18 animals, clam digging, pleasure driving of off-road vehicles,
19 snowmobiles, and other vehicles, boating, nature study, winter or water

1 sports, viewing or enjoying historical, archaeological, scenic, or
2 scientific sites, without charging a fee of any kind therefor, shall
3 not be liable for unintentional injuries to such users.

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

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

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

20 (b) The following is not a known dangerous artificial latent
21 condition for the purposes of this section:

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
25 section));

26 (ii) Physical constructions used to block access to, or enhance the
27 surrounding aquatic habitat of, a road subject to the road maintenance
28 and abandonment plan requirements of the forest practices rules, as
29 that term is defined in RCW 76.09.020.

30 (c) Under (b) of this subsection, a landowner shall not be liable
31 for unintentional injuries resulting from the condition or use of
32 (~~such an~~) a rock climbing anchor or a physical construction on a
33 forest road.

34 (d) Nothing in RCW 4.24.200 and this section limits or expands in
35 any way the doctrine of attractive nuisance. Usage by members of the
36 public, volunteer groups, or other users is permissive and does not
37 support any claim of adverse possession.

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

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

3 (b) A daily charge not to exceed twenty dollars per person, per
4 day, for access to a publicly owned ORV sports park, as defined in RCW
5 (~~46.09.020~~) 46.09.310, or other public facility accessed by a
6 highway, street, or nonhighway road for the purposes of off-road
7 vehicle use.

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