
SUBSTITUTE HOUSE BILL 1947

State of Washington

53rd Legislature

1994 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Foreman, Appelwick, Ludwig, Padden, Rust, Tate, Quall, Cothorn, L. Johnson, Schoesler, Morton, Sheahan, Anderson, Silver, Long, Chandler, Carlson, King, Mastin, Sehlin, Romero, Lisk, Reams, Ballard, Dellwo, Shin, Mielke, Van Luven, Dyer, Karahalios, Vance, Dorn, Brough, Horn and J. Kohl)

Read first time 02/04/94.

1 AN ACT Relating to releases from liability for sports injuries;
2 amending RCW 4.24.010; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that active
5 participation by young people in athletic endeavors is an essential
6 part of developing and maintaining good physical conditioning, healthy
7 coordination skills, sound technical competence, and a strong sense of
8 teamwork, discipline, perseverance, and sportsmanship, and that it is,
9 therefore, in the best interest of the individual and the community to
10 encourage and provide opportunities for young people to participate in
11 recreational and competitive sports activities.

12 The legislature further finds that persons and organizations which
13 provide young people access to or instruction for athletic activities
14 are often prohibited from doing so by high costs of insurance and by
15 their inability to adequately and fairly protect themselves from
16 litigation, and that many parents and their children are unable to take
17 advantage of the athletic opportunities that would otherwise be
18 available.

1 The legislature hereby intends to provide parents the authority to
2 contract with sports providers and to waive their cause of action and
3 a child's cause of action for unintentional injuries incurred by the
4 child while participating in a sports activity.

5 **Sec. 2.** RCW 4.24.010 and 1973 1st ex.s. c 154 s 4 are each amended
6 to read as follows:

7 The mother or father or both may maintain an action as plaintiff
8 for the injury or death of a minor child, or a child on whom either, or
9 both, are dependent for support: PROVIDED, That in the case of an
10 illegitimate child the father cannot maintain or join as a party an
11 action unless paternity has been duly established and the father has
12 regularly contributed to the child's support.

13 This section creates only one cause of action, but if the parents
14 of the child are not married, are separated, or not married to each
15 other damages may be awarded to each plaintiff separately, as the court
16 finds just and equitable.

17 If one parent brings an action under this section and the other
18 parent is not named as a plaintiff, notice of the institution of the
19 suit, together with a copy of the complaint, shall be served upon the
20 other parent: PROVIDED, That when the mother of an illegitimate child
21 initiates an action, notice shall be required only if paternity has
22 been duly established and the father has regularly contributed to the
23 child's support.

24 Such notice shall be in compliance with the statutory requirements
25 for a summons. Such notice shall state that the other parent must join
26 as a party to the suit within twenty days or the right to recover
27 damages under this section shall be barred. Failure of the other
28 parent to timely appear shall bar such parent's action to recover any
29 part of an award made to the party instituting the suit.

30 In such an action, in addition to damages for medical, hospital,
31 medication expenses, and loss of services and support, damages may be
32 recovered for the loss of love and companionship of the child and for
33 injury to or destruction of the parent-child relationship in such
34 amount as, under all the circumstances of the case, may be just.

35 No parent may release a third party from liability for injury to a
36 child of that parent. A parent may agree in writing to indemnify and
37 hold a third party harmless against any liability for injury to a child
38 of the parent arising out of the ordinary negligence of the third

1 party. The liability of the parent executing an indemnity or hold
2 harmless agreement shall be the same liability that the third party
3 would have had. Any agreement not authorized by this section that is
4 signed by a parent on or after the effective date of this act and that
5 purports to release a third party from liability for injury to a child
6 or to indemnify or hold a third party harmless from liability for
7 injury to a child, is void to the extent inconsistent with this section
8 and shall be construed to be an indemnification agreement under this
9 section.

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