

FINAL BILL REPORT

SSB 5254

C 26 L 97

Synopsis as Enacted

Brief Description: Limiting liability of owners or possessors for injuries to recreational users.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Long, Roach, Haugen, Jacobsen, Fraser, Zarelli, Strannigan, Deccio, Thibaudeau, Wood, Fairley, Goings and Winsley).

Senate Committee on Natural Resources & Parks
House Committee on Law & Justice

Background: In common law, a landowner's duty of care to persons entering his or her land is governed by the status of those entering, i.e., trespassers, licensees, or invitees. Generally, a landowner owes trespassers and licensees the duty to refrain from willfully or wantonly injuring them, whereas to invitees the landowner owes an affirmative duty to use ordinary care to keep the premises in a reasonably safe condition.

The recreational land statute was enacted in 1967 to encourage the owners of agricultural or forest lands to open land for gratuitous recreational use by limiting landowner liability.

The limitation of liability is not without exceptions: (1) when the recreational user is charged a fee; (2) when the user is injured by intentional acts; or (3) when the user sustains injuries caused by a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.

Artificial— means not naturally occurring, caused by man. Latent— means not apparent to the general class of users. The condition itself must be latent, not just the danger. Known— means actual knowledge of the danger itself and the fact that the danger is latent (differing from common law in which constructive knowledge is recognized).

Summary: Public or private landowners who allow members of the public to use their lands for purposes of skateboarding or other nonmotorized wheel based activities, hang gliding, or paragliding are not liable for unintentional injuries to users.

Votes on Final Passage:

Senate 48 0

House 95 0

Effective: July 27, 1997