

SENATE BILL REPORT

SHB 1195

As Reported By Senate Committee On:
Judiciary, March 20, 2003

Title: An act relating to rock climbing.

Brief Description: Limiting the liability of landowners for unintentional injuries incurred while rock climbing.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Delvin, Dunshee, Hinkle, Lovick, Mastin, Armstrong, Sump, Fromhold, Quall, Hatfield, Blake, Lantz, Mielke and McMahan).

Brief History:

Committee Activity: Judiciary: 3/20/03 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Kline and Thibaudeau.

Staff: Aldo Melchiori (786-7439)

Background: Generally, a landowner may be liable for causing harm through negligence, gross negligence, recklessness, or intentional acts. A landowner's duty to a particular person varies depending on whether the person is a trespasser or an invitee. Generally, a landowner's duty to a trespasser is only to refrain from willfully or wantonly injuring the person, while the duty owed an invitee is to use ordinary care to keep the property reasonably safe.

Washington provides a different rule in the case of a public or private landowner who allows members of the public to use his or her land, free of charge, for specified recreational purposes. In these cases, the landowner is liable only for injuries that the landowner intentionally causes. The insulation from liability does not apply to an injury caused by an unposted "known dangerous artificial latent condition," i.e., when the landowner has actual knowledge of an artificial condition, it is not readily apparent to a recreational user, it presents an unreasonable risk of harm, and the landowner has failed to post a warning.

Summary of Bill: Rock climbing is added to the list of recreational activities for which a landlord may be immune from civil liability for injury or death caused by the landlord's unintentional acts. A fixed climbing anchor put in place by someone other than the landowner is not a "known dangerous artificial condition" for which a landowner might be liable.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This will encourage landowners to allow rock climbers on the property.

Testimony Against: None.

Testified: Representative Delvin, prime sponsor (pro).