

# SENATE BILL REPORT

## SHB 1643

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As Reported By Senate Committee On:  
Judiciary, March 29, 2005

**Title:** An act relating to liability immunity for municipal or nonprofit owned skate parks that charge nominal fees.

**Brief Description:** Extending liability immunity to certain skate parks that charge a nominal fee.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representative B. Sullivan).

**Brief History:** Passed House: 3/14/05, 95-2.

**Committee Activity:** Judiciary: 3/29/05 [DP].

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### SENATE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass.

Signed by Senators Kline, Chair; Johnson, Ranking Minority Member; Carrell, Esser, McCaslin and Rasmussen.

**Staff:** Lilah Amos (786-7429)

**Background:** Local governing bodies, including cities, park districts, school districts, and counties, are authorized to acquire land for recreational facilities and to construct and maintain such facilities. By 2003, approximately fifty four local governments had a skate park or were planning to open a skate park.

A statute provides immunity to landowners who allow members of the public to use their land for outdoor recreation when the users of the land are unintentionally injured. Landowners who allow their land to be used for fish or wildlife cooperative projects or allow access for the cleanup of litter are also provided immunity. No immunity is provided, however, where a landowner knows of a dangerous artificial latent condition and does not post warning signs.

The immunity from liability is generally not available if a fee is charged to users of the land. However, landowners who allow firewood removal on their land receive immunity even if they charge an administrative fee of up to \$25.

**Summary of Bill:** Immunity under the recreation use immunity statute is expanded to public or private nonprofit skate park owners or operators who charge a nominal fee of no more than five dollars per day. The fee must be devoted to providing supervision of the use and maintenance of the skate park facility. A skate park is defined as an indoor or outdoor ramp, course, or area designated for the use of skateboards, bicycles, scooters, or roller skates.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Testimony For:** None.

**Testimony Against:** None.

**Who Testified:** No one.