

SENATE BILL REPORT

SB 5511

As Reported by Senate Committee On:
Judiciary, February 24, 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: Senators Shin, Esser, Rockefeller, Carrell, Mulliken and Benson.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/10/05 [w/oRec- JUD].
Judiciary: 2/24/05 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5511 be substituted therefor, and the substitute bill do pass.

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

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.

Landowners who allow members of the public to use their land for outdoor recreation without charging a fee are generally immune from unintentional injuries to land users. 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. Additionally, landowners who allow firewood removal on their land receive immunity, even if they charge an administrative fee of up to twenty five dollars. No immunity is provided, however, where a landowner knows of a dangerous artificial latent condition and does not post warning signs.

Summary of Substitute 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 fees 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.

Substitute Bill Compared to Original Bill: The nominal fee which is authorized cannot be more than five dollars per day.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Testimony For: As skate parks become increasingly popular, local governments and private nonprofit entities are building and operating them. However, because of the requirements of the recreation use immunity statute, many do not charge a fee. In order to provide supervision and maintenance of the facilities, a nominal fee is needed, but governmental entities and nonprofit corporations should not have to give up immunity in order to generate a small amount of revenue. This bill is needed to make these popular recreational sites safer and to increase their availability..

Testimony Against: None.

Who Testified: (PRO): Senator Paull Shin, prime sponsor; Joyce Neas, YMCA of Snohomish County; Amy Bell, YMCAs of Washington; Larry Shannon, Washington State Trial Lawyers Association.