

SENATE BILL REPORT

SB 6035

As Passed Senate, February 12, 2014

Title: An act relating to the safety of ski area conveyances.

Brief Description: Regarding the safety of ski area conveyances.

Sponsors: Senators Kline, Mullet and Hargrove; by request of Parks and Recreation Commission.

Brief History:

Committee Activity: Natural Resources & Parks: 1/16/14, 1/21/14 [DP].

Passed Senate: 2/12/14, 47-2.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Pearson, Chair; Dandel, Hargrove, Hewitt, Kline and Parlette.

Staff: Richard Rodger (786-7401)

Background: Owners or operators of recreational devices generally associated with winter sports activities, such as ski lifts and ski tows, must provide safe and adequate facilities and equipment. These devices may not be constructed or installed without prior approval of the State Parks and Recreation Commission (Commission).

The Commission must employ, retain, or contract with a qualified engineer or firm to conduct inspections of recreational devices. The Commission must prescribe the salary or pay for the inspection services. The Commission's expenses related to inspections and construction approval are paid by the owner or operator of the recreational devices either by reimbursement or by direct payment to individuals or firms hired by the Commission. The expenses are limited to the actual costs incurred by the Commission. Inspections are required at least once each year.

Operators of tramways, ski lifts, or commercial skimobiles must maintain liability insurance of not less than \$100,000 per person per accident and not less than \$200,000 per accident. Operators of rope tows, wire rope tows, j-bars, t-bars, or similar devices must maintain insurance of not less than \$25,000 per person per accident and not less than \$50,000 per

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accident. An exception is provided for tramways that are not open to the public and are operated without charge.

Summary of Bill: Winter recreation devices are more generically referred to as aerial lifts, surface lifts, and similar devices or equipment. Two additional requirements are added for submission of plans and specifications regarding the construction or installation of winter recreational devices: the submission must include a certification that the device was designed by a qualified engineer and that it will be safe if properly installed; and a second certification, by a qualified engineer, indicating that installation was completed in accordance with the original plan. Engineers who conduct the certifications must meet qualifications established by the Commission, and the individuals must be formally approved by the Commission.

The annual inspections of the recreational devices must be conducted prior to each use season.

The Commission's program of approval and inspection of winter recreational devices, and its inspections of ski area signage and insurance coverage, must be funded by fees charged to the owners or operators of the ski area. The Commission's expenses must be reimbursed directly to the Commission, and third-party payment is no longer authorized. The Commission must establish rules setting a fee schedule for the services it provides to the ski area owners or operators. The fees may vary based on the service or level of review.

Operators of aerial lifts, surface lifts, or similar devices must carry liability insurance in the minimum amount of \$1,000,000 per occurrence.

Appropriation: None.

Fiscal Note: Available.

[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill would change the descriptions and definitions of ski lift terms to bring them in line with modern language and usage. It increases the insurance requirements to the industry standard, which is beneficial to consumers. The adoption of rules setting our fees essentially ratifies an existing situation and puts us in compliance with fee-setting requirements of Initiative 601. The bill will have little to no fiscal impact. Proposed changes by the bill would provide for direct payment to state parks.

Persons Testifying: PRO: Daniel Farber, WA State Parks; John Gifford, Pacific NW Ski Areas Assn.