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SENATE BILL 6035

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Kline, Mullet, and Hargrove; by request of Parks and Recreation Commission

Read first time 01/14/14. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the safety of ski area conveyances; and amending  
2 RCW 79A.40.010, 79A.40.020, 79A.40.050, 79A.40.060, 79A.40.070, and  
3 79A.45.060.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 79A.40.010 and 1965 ex.s. c 85 s 1 are each amended to  
6 read as follows:

7 Every owner or operator of any recreational device designed and  
8 operated for the conveyance of persons which aids in promoting  
9 entertainment, pleasure, play, relaxation, or instruction, specifically  
10 including devices generally associated with winter sports activities  
11 such as (~~ski lifts, ski tows, j bars, t bars, ski mobiles, chair~~)  
12 aerial lifts, surface lifts, and similar devices and equipment, shall  
13 construct, furnish, maintain, and provide safe and adequate facilities  
14 and equipment with which safely and properly to receive and transport  
15 all persons offered to and received by the owner or operator of such  
16 devices, and to promote the safety of such owner's or operator's  
17 patrons, employees and the public. The owner or operator of the  
18 devices and equipment covered by this section shall be deemed not to be  
19 a common carrier.

1       **Sec. 2.** RCW 79A.40.020 and 2000 c 11 s 87 are each amended to read  
2 as follows:

3       (1) It shall be unlawful after June 10, 1959, to construct or  
4 install any such recreational device as set forth in RCW 79A.40.010  
5 without first submitting plans and specifications for such device to  
6 the state parks and recreation commission and receiving the approval of  
7 the commission for such construction or installation.

8       (2) The plans and specifications must be submitted to the  
9 commission in a manner provided by the commission accompanied by a  
10 certification by a qualified engineer. The certification must indicate  
11 that the conveyance was designed by a qualified engineer and that the  
12 conveyance, if properly installed as provided in the plan, will be  
13 safe. Upon completion of the installation, the operator or owner shall  
14 submit further certification by a qualified engineer to the commission  
15 that the conveyance has been installed in accordance with the plan.  
16 The qualified engineer submitting a certification as provided in this  
17 chapter must be formally approved to submit such a certification by the  
18 commission. The commission shall establish the necessary  
19 qualifications for any engineer seeking the ability to certify  
20 equipment pursuant to this chapter.

21       (3) Violation of this section shall be a misdemeanor.

22       **Sec. 3.** RCW 79A.40.050 and 1959 c 327 s 5 are each amended to read  
23 as follows:

24       The state parks and recreation commission shall employ or retain a  
25 person qualified in engineering experience and training who shall be  
26 designated as the inspector of recreational devices, and may employ  
27 such additional employees as are necessary to properly administer this  
28 chapter. The inspector and such additional employees may be hired on  
29 a temporary basis or borrowed from other state departments, or the  
30 commission may contract with individuals or firms for such inspecting  
31 service on an independent basis. ~~((The commission shall prescribe the~~  
32 ~~salary or other remuneration for such service.))~~

33       **Sec. 4.** RCW 79A.40.060 and 2000 c 11 s 89 are each amended to read  
34 as follows:

35       The inspector of recreational devices and his or her assistants  
36 shall inspect all equipment and appliances connected with the

1 recreational devices set forth in RCW 79A.40.010 and make such reports  
2 of his or her inspection to the commission as may be required. He or  
3 she shall, on discovering any defective equipment, or appliances  
4 connected therewith, rendering the use of the equipment dangerous,  
5 immediately report the same to the owner or operator of the device on  
6 which it is found, and in addition report it to the commission. If in  
7 the opinion of the inspector the continued operation of the defective  
8 equipment constitutes an immediate danger to the safety of the persons  
9 operating or being conveyed by such equipment, the inspector may  
10 condemn such equipment and shall immediately notify the commission of  
11 his or her action in this respect: PROVIDED, That inspection required  
12 by this chapter must be conducted at least once each year, prior to  
13 each use season.

14 **Sec. 5.** RCW 79A.40.070 and 1997 c 137 s 5 are each amended to read  
15 as follows:

16 The program authorized by this chapter and chapter 79A.45 RCW must  
17 be funded by fees charged to the owners or operators of ski areas. The  
18 expenses incurred in connection with making inspections and reviewing  
19 plans and specifications under this chapter shall be paid by the owner  
20 or operator of such recreational devices (~~((either))~~) by reimbursing the  
21 commission for the costs it incurred (~~((or by paying directly such~~  
22 ~~individuals or firms that may be engaged by the commission to~~  
23 ~~accomplish the inspection service. Payment shall be made only upon~~  
24 ~~notification by the commission of the amount due))~~) to hire an engineer  
25 to complete an inspection or perform plan review. The commission shall  
26 maintain accurate and complete records of the costs incurred for each  
27 inspection and plan review for construction approval and shall assess  
28 the respective owners or operators of (~~((said))~~) the recreational devices  
29 (~~((only for the actual costs incurred by the commission for such safety~~  
30 ~~inspections and plan review for construction approval))~~) an  
31 administrative fee associated with the review or service provided by  
32 the commission, which amount may vary based on the service or level of  
33 review required. The commission shall adopt a fee schedule for the  
34 services provided under this chapter, subject to RCW 43.135.055, by  
35 rule. The costs as assessed by the commission shall be a lien on the  
36 equipment of the owner or operator of the recreational devices so

1 inspected or installed. Such moneys collected by the commission under  
2 this section shall be paid into the state parks renewal and stewardship  
3 account.

4 **Sec. 6.** RCW 79A.45.060 and 1977 ex.s. c 139 s 4 are each amended  
5 to read as follows:

6 (1) Every (~~tramway, ski lift, or commercial skimobile~~) operator  
7 of an aerial lift, surface lift, or similar device shall maintain  
8 liability insurance of not less than one (~~hundred thousand~~) million  
9 dollars per (~~person per accident and of not less than two hundred~~  
10 ~~thousand dollars per accident~~) occurrence.

11 (2) (~~Every operator of a rope tow, wire rope tow, j bar, t bar, or~~  
12 ~~similar device shall maintain liability insurance of not less than~~  
13 ~~twenty five thousand dollars per person per accident and of not less~~  
14 ~~than fifty thousand dollars per accident.~~

15 ~~(3)~~) This section shall not apply to operators of tramways that  
16 are not open to the general public and that are operated without  
17 charge, except that this section shall apply to operators of tramways  
18 that are operated by schools, ski clubs, or similar organizations.

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