
Judiciary Committee

SSB 5022

Title: An act relating to providing fee immunity for certain city, town, and county water facilities.

Brief Description: Providing fee immunity for certain city, town, and county water facilities.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senators Angel, Liias and Rolfes).

Brief Summary of Substitute Bill

- Provides limited liability protection to cities, towns, and counties for unintentional injuries to users of moorage facilities unless the injuries result from a known dangerous artificial latent condition for which warning signs have not been conspicuously posted.
- Provides cities, towns, and counties with additional authority to plan for, construct, operate, and maintain moorage facilities and charge fees for access to or use of moorage facilities.

Hearing Date: 3/25/15

Staff: Edie Adams (786-7180).

Background:

Under Washington tort law, a landowner's duty of care to persons entering his or her land depends on the status of the entering party. Generally, landowners owe trespassers and licensees only a duty to refrain from willfully or wantonly injuring them. Landowners owe invitees an affirmative duty to keep the land in reasonably safe condition, including an affirmative duty to inspect the premises in order to discover any dangerous conditions.

The recreational use immunity statute provides a different rule in the case of a private or public landowner who allows the public to use the land for recreational purposes. A landowner who

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allows the public to use the land for recreational purposes without charging a fee will be immune from liability for unintentional injuries suffered by the recreational user. This immunity does not apply if the injury was caused by a "known dangerous artificial latent condition" for which the landowner has not posted conspicuous warning signs.

There are three exceptions that allow fees to be charged without losing the limited immunity: (1) landowners may assess a \$25 administrative fee for the cutting, gathering, and removing of firewood; (2) landowners may charge up to \$20 per person per day for access to public off-road vehicle facilities; and (3) certain passes and permits required by state agencies do not qualify as fees.

Cities, towns, and counties are authorized to own or operate facilities for the moorage or storage of vessels, to impose charges for use of moorage facilities, and to adopt all rules necessary for rental and use of moorage facilities.

Summary of Bill:

A city, town, or county that imposes a fee of no more than \$20 per day or \$100 per year for public use of moorage facilities is not liable for unintentional injuries to users of the facilities unless the injuries result from a known dangerous artificial latent condition for which warning signs have not been conspicuously posted. Every two years the maximum daily charge of \$20 will increase by \$1, and the maximum annual charge of \$100 will increase by \$5.

Cities, towns, and counties are provided additional authority to plan for, construct, operate, and maintain moorage facilities for recreational boating activities on land and overwater structures, and may charge fees for access to or use of moorage facilities under existing authority.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.