

SENATE BILL REPORT

SB 5145

As of February 9, 2023

Title: An act relating to clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission.

Brief Description: Clarifying existing law regarding liability protections associated with public recreational use of lands or waters under a hydroelectric license issued by the federal energy regulatory commission.

Sponsors: Senators Short, Salomon, McCune and Warnick.

Brief History:

Committee Activity: Law & Justice: 2/13/23.

Brief Summary of Bill

- Clarifies a landowner's exemption from liability for releasing water allowing for kayaking, canoeing, or rafting pursuant to a hydroelectric license.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Kevin Black (786-7747)

Background: Public and private landowners and hydroelectric project owners in lawful control of lands or water areas are not liable for unintentional injuries sustained by members of the public who use them with the permission of the owner for outdoor recreation.

This exemption does not apply to injuries sustained by users by reason of a known dangerous artificial latent condition for which warnings signs have not been conspicuously posted. Known dangerous artificial latent conditions do not include releasing water or flows, and making waterways or channels available for kayaking, canoeing, or rafting

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purposes pursuant to a hydroelectric license issued by the federal energy regulatory commission.

Summary of Bill: The landowner's exemption from liability for injuries sustained by users of the land by reason of a known dangerous artificial latent condition for which warning signs have not been conspicuously posted which is applicable to the release of water or flows making waterways available for kayaking, canoeing, or rafting pursuant to a hydroelectric license issued by the federal energy regulatory commission applies to boating or other water access within minimum and maximum water levels.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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