
HOUSE BILL 2265

State of Washington

68th Legislature

2024 Regular Session

By Representatives Doglio and Walen

Read first time 01/10/24. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to encouraging and protecting the sport of rock
2 climbing by establishing climbing facility regulations and
3 requirements; amending RCW 67.42.010 and 18.235.020; and adding a new
4 chapter to Title 18 RCW.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that practicing the
7 sport of rock climbing in a climbing facility helps facilitate
8 equitable and adaptive access to physical activity that significantly
9 contributes to the Washington state recreational activity economy.
10 The legislature further finds that the practice of the sport of rock
11 climbing in a climbing facility contains both inherent risks,
12 regardless of any and all safety measures which can be employed, and
13 other risks that can be hazardous to participants, and that those
14 risks should be managed. Therefore, defining the duties and
15 responsibilities of climbing facility operators and participants is
16 in the public interest.

17 NEW SECTION. **Sec. 2.** The definitions in this section apply
18 throughout this chapter unless the context clearly requires
19 otherwise.

1 (1) "Climbing facility" means a facility or premises that
2 contains a fixed, artificial climbing surface used by the public, not
3 located in an amusement park, carnival, family entertainment center,
4 or on public land, that is designed and built for the sport of
5 climbing.

6 (2) "Climbing facility operator" means a person or entity who
7 owns, manages, controls, directs, or has operational responsibility
8 for a climbing facility.

9 (3) "Department" means the department of licensing.

10 (4) "Participant" means a person in a climbing facility for the
11 purpose of engaging in the sport of climbing. "Participant" includes
12 anyone utilizing a climbing wall or personal protective equipment,
13 belaying, or spectating.

14 (5) "Personal protective equipment" means harnesses, carabiners,
15 belay devices, auto belay devices, ropes, and other items designed to
16 protect a participant from injury while using a climbing facility.

17 NEW SECTION. **Sec. 3.** (1) After January 1, 2026, no climbing
18 facility operator may operate a climbing facility in this state
19 without a license as required under this chapter.

20 (2) An applicant shall apply for a license with the department
21 upon forms provided by the department that contain such information
22 that the department reasonably requires, which may include
23 affirmative evidence of the ability to comply with rules and
24 regulations as prescribed in this chapter.

25 (3) Each application for license or renewal of license must be
26 accompanied by a reasonable license fee as established by the
27 department. Any fees or fines collected under the authority of this
28 chapter must be deposited into the business and professions account
29 created in RCW 43.24.150.

30 (4) Upon receipt of an application for a license and the license
31 fee, the department shall issue a license if the applicant and
32 climbing facility meets the requirements established under this
33 chapter. A license, unless suspended or revoked, must be renewable
34 annually. Applications for renewal must be on forms provided by the
35 department and must be filed with the department not less than 10
36 days prior to the license's expiration date. Each license may be
37 issued only for the premises and persons named in the application and
38 is not transferable or assignable except with the written approval of
39 the department.

1 (5) The license must be posted in a conspicuous place at the
2 climbing facility.

3 NEW SECTION. **Sec. 4.** Climbing facility operators shall:

4 (1) Maintain a policy of liability insurance in accordance with
5 section 10 of this act;

6 (2) Comply with indoor climbing industry custom and practice
7 regarding the operation of indoor climbing facilities, including:

8 (a) Providing orientations, which may be conducted via
9 prerecorded video or in-person, of the climbing facility for all
10 participants;

11 (b) Posting clearly legible rules and warnings for participants
12 in a conspicuous location in the climbing facility; and

13 (c) Maintaining access control to the facility;

14 (3) Comply with industry custom and practice regarding
15 manufactured climbing walls, including the operation, inspection,
16 repair, modification, or replacement of the wall or a component of
17 the wall;

18 (4) Comply with industry custom and practice for use of climbing
19 facility-owned personal protective equipment, including the
20 operation, inspection, repair, modification, or replacement of the
21 personal protective equipment;

22 (5) Maintain the climbing walls, flooring, anchors, holds, ropes,
23 and other facility-owned personal protective equipment in a
24 reasonably safe condition; and

25 (6) Conduct inspections of the manufactured climbing walls on a
26 regular periodic basis.

27 NEW SECTION. **Sec. 5.** (1) Climbing facility operators shall be
28 trained on the following:

29 (a) The manufactured climbing wall, including any requirements of
30 the climbing wall manufacturer or the climbing facility owner or
31 operator;

32 (b) The use of climbing facility-owned personal protective
33 equipment;

34 (c) The location of all safety equipment, such as first aid kits,
35 fire extinguishers, and the nearest telephone for routine or
36 emergency service; and

37 (d) The climbing facility's emergency procedures.

38 (2) The climbing facility operator shall:

1 (a) Require and provide the ability for participants to meet the
2 responsibilities for participants established in section 6 of this
3 act; and

4 (b) Issue verbal and written warnings, reprimands, or penalties
5 to participants for violations of section 6 of this act.

6 (3) A climbing facility operator may not supervise participants
7 on the climbing wall until the operator has received training
8 appropriate for the duties established in subsection (1) of this
9 section.

10 (4) No climbing facility employee may work at the facility while
11 under the influence of alcohol, cannabis, or a controlled substance.

12 NEW SECTION. **Sec. 6.** (1) Each participant is deemed as a matter
13 of law to have assumed the inherent risks associated with
14 participation in the sport of indoor rock climbing including, but not
15 limited to, bodily injury or death caused by falling from height;
16 abrupt contact with persons, structures, or objects, whether fixed,
17 moveable, or dropped, including climbing walls, volumes, holds,
18 ropes, equipment, flooring, and other surfaces; personal protective
19 equipment failure; loose climbing holds; or participant error,
20 including the failure to follow posted signs, warnings, or
21 instructions provided by the climbing facility. Participant error
22 includes error by participants who are preparing to climb, belay, or
23 who are in the process of climbing or belaying. Each participant is,
24 as a matter of law, deemed to have assumed and accepted the inherent
25 risks of indoor rock wall climbing.

26 (2) Each participant shall:

27 (a) Read all warnings and obey all rules of the climbing
28 facility;

29 (b) Obey all written and oral warnings and instructions of
30 climbing facility operators;

31 (c) Follow the instructions for use of personal protective
32 equipment;

33 (d) Prior to each use, inspect any participant-owned personal
34 protective equipment used by the participant, and replace the
35 equipment as needed and according to the manufacturer's instructions;

36 (e) Refrain from acting in a manner that may cause or contribute
37 to personal injury, inflict harm, or cause injury to any other
38 person; and

1 (f) Exercise good judgment and act in a responsible manner while
2 in the climbing facility.

3 (3) No participant may climb while under the influence of
4 alcohol, cannabis, or a controlled substance.

5 NEW SECTION. **Sec. 7.** (1) Except as provided in subsection (2)
6 of this section, a climbing facility or a climbing facility operator
7 is not liable for bodily injury or death of a participant engaged in
8 the sport of indoor rock climbing caused by the inherent and assumed
9 risks of climbing enumerated in section 6 of this act, and, except as
10 provided in subsection (2) of this section, no participant nor
11 participant's representative may maintain an action against or
12 recover from a climbing facility or a climbing facility operator for
13 bodily injury or death of a participant engaged in the sport of
14 climbing caused by the inherent and assumed risks of climbing
15 enumerated in section 6 of this act or otherwise.

16 (2) Nothing in this section prevents or limits the liability of
17 the climbing facility or a climbing facility operator:

18 (a) If the climbing facility or a climbing facility operator
19 commits an act or omission that constitutes willful or wanton
20 disregard for the safety of the participant and that act or omission
21 caused the injury; or

22 (b) If the climbing facility or a climbing facility operator
23 intentionally injures the participant.

24 NEW SECTION. **Sec. 8.** The express limitations on liability
25 established in section 7 of this act serve as a complete defense
26 against liability in a tort or other civil action against a climbing
27 facility operator by a participant for bodily injury or death
28 resulting from the inherent and assumed risks of climbing as
29 enumerated in section 6 of this act. The contributory fault
30 provisions of chapter 4.22 RCW are not applicable in cases where
31 bodily injury or death is deemed to have been caused by the inherent
32 and assumed risks of climbing.

33 NEW SECTION. **Sec. 9.** The express limitations on liability
34 established in sections 7 and 8 of this act do not apply to
35 manufacturers of personal protective equipment, parts, or other
36 climbing equipment or structures.

1 NEW SECTION. **Sec. 10.** Every climbing facility shall maintain
2 liability insurance with a limit of not less than \$1,000,000 per
3 occurrence.

4 NEW SECTION. **Sec. 11.** The uniform regulation of the business
5 and professions act, chapter 18.235 RCW, governs the unlicensed
6 practice, the issuance and denial of licenses, and the discipline of
7 licensees under this chapter.

8 NEW SECTION. **Sec. 12.** The department may adopt rules that are
9 necessary to implement the provisions of this chapter.

10 NEW SECTION. **Sec. 13.** Sections 1 through 12 of this act
11 constitute a new chapter in Title 18 RCW.

12 **Sec. 14.** RCW 67.42.010 and 1993 c 203 s 2 are each amended to
13 read as follows:

14 Unless the context clearly requires otherwise, the definitions in
15 this section apply throughout this chapter.

16 (1) "Amusement structure" means electrical or mechanical devices
17 or combinations of devices operated for revenue and to provide
18 amusement or entertainment to viewers or audiences at carnivals,
19 fairs, or amusement parks. "Amusement structure" also means a bungee
20 jumping device regardless of where located. "Amusement structure"
21 does not include games in which a member of the public must perform
22 an act, nor concessions at which customers may make purchases.

23 (2) "Amusement ride" means any vehicle, boat, bungee jumping
24 device, or other mechanical device moving upon or within a structure,
25 along cables or rails, through the air by centrifugal force or
26 otherwise, or across water, that is used to convey one or more
27 individuals for amusement, entertainment, diversion, or recreation.
28 "Amusement ride" includes, but is not limited to, devices commonly
29 known as skyrides, ferris wheels, carousels, parachute towers,
30 tunnels of love, bungee jumping devices, and roller coasters.
31 "Amusement ride" does not include: (a) Conveyances for persons in
32 recreational winter sports activities such as ski lifts, ski tows, j-
33 bars, t-bars, and similar devices subject to regulation under chapter
34 ((70.88)) 79A.40 RCW; (b) any single-passenger coin-operated ride
35 that is manually, mechanically, or electrically operated and
36 customarily placed in a public location and that does not normally

1 require the supervision or services of an operator; (c) nonmechanized
2 playground equipment, including but not limited to, swings, seesaws,
3 stationary spring-mounted animal features, rider-propelled merry-go-
4 rounds, climbers, slides, trampolines, and physical fitness devices;
5 (~~(d)~~) (d) water slides; or (e) a fixed, artificial climbing surface
6 built for the sport of rock climbing used in a climbing facility. For
7 purposes of this subsection, "climbing facility" means a facility or
8 premises that contains a fixed, artificial climbing surface used by
9 the public, not located in an amusement park, carnival, family
10 entertainment center, or on public land, that is designed and built
11 for the sport of climbing.

12 (3) "Department" means the department of labor and industries.

13 (4) "Insurance policy" means an insurance policy written by an
14 insurer authorized to do business in this state under Title 48 RCW.

15 **Sec. 15.** RCW 18.235.020 and 2017 c 281 s 37 are each amended to
16 read as follows:

17 (1) This chapter applies only to the director and the boards and
18 commissions having jurisdiction in relation to the businesses and
19 professions licensed under the chapters specified in this section.
20 This chapter does not apply to any business or profession not
21 licensed under the chapters specified in this section.

22 (2) (a) The director has authority under this chapter in relation
23 to the following businesses and professions:

24 (i) Auctioneers under chapter 18.11 RCW;

25 (ii) Bail bond agents and bail bond recovery agents under chapter
26 18.185 RCW;

27 (iii) Camping resorts' operators and salespersons under chapter
28 19.105 RCW;

29 (iv) Commercial telephone solicitors under chapter 19.158 RCW;

30 (v) Cosmetologists, barbers, manicurists, and estheticians under
31 chapter 18.16 RCW;

32 (vi) Court reporters under chapter 18.145 RCW;

33 (vii) Driver training schools and instructors under chapter 46.82
34 RCW;

35 (viii) Employment agencies under chapter 19.31 RCW;

36 (ix) For hire vehicle operators under chapter 46.72 RCW;

37 (x) Limousines under chapter 46.72A RCW;

38 (xi) Notaries public under chapter 42.45 RCW;

39 (xii) Private investigators under chapter 18.165 RCW;

1 (xiii) Professional boxing, martial arts, and wrestling under
2 chapter 67.08 RCW;

3 (xiv) Real estate appraisers under chapter 18.140 RCW;

4 (xv) Real estate brokers and salespersons under chapters 18.85
5 and 18.86 RCW;

6 (xvi) Scrap metal processors, scrap metal recyclers, and scrap
7 metal suppliers under chapter 19.290 RCW;

8 (xvii) Security guards under chapter 18.170 RCW;

9 (xviii) Sellers of travel under chapter 19.138 RCW;

10 (xix) Timeshares and timeshare salespersons under chapter 64.36
11 RCW;

12 (xx) Whitewater river outfitters under chapter 79A.60 RCW;

13 (xxi) Climbing facilities under chapter 18.--- RCW (the new
14 chapter created in section 13 of this act);

15 (xxii) Home inspectors under chapter 18.280 RCW;

16 (~~(xxii)~~) (xxiii) Body artists, body piercers, and tattoo
17 artists, and body art, body piercing, and tattooing shops and
18 businesses, under chapter 18.300 RCW; and

19 (~~(xxiii)~~) (xxiv) Appraisal management companies under chapter
20 18.310 RCW.

21 (b) The boards and commissions having authority under this
22 chapter are as follows:

23 (i) The state board for architects established in chapter 18.08
24 RCW;

25 (ii) The Washington state collection agency board established in
26 chapter 19.16 RCW;

27 (iii) The state board of registration for professional engineers
28 and land surveyors established in chapter 18.43 RCW governing
29 licenses issued under chapters 18.43 and 18.210 RCW;

30 (iv) The funeral and cemetery board established in chapter 18.39
31 RCW governing licenses issued under chapters 18.39 and 68.05 RCW;

32 (v) The state board of licensure for landscape architects
33 established in chapter 18.96 RCW; and

34 (vi) The state geologist licensing board established in chapter
35 18.220 RCW.

36 (3) In addition to the authority to discipline license holders,
37 the disciplinary authority may grant or deny licenses based on the
38 conditions and criteria established in this chapter and the chapters
39 specified in subsection (2) of this section. This chapter also
40 governs any investigation, hearing, or proceeding relating to denial

1 of licensure or issuance of a license conditioned on the applicant's
2 compliance with an order entered under RCW 18.235.110 by the
3 disciplinary authority.

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