

SENATE BILL REPORT

SB 6354

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, February 2, 2006

Title: An act relating to the liability of recreational landowners.

Brief Description: Concerning recreational landowners' liability.

Sponsors: Senators Sheldon and Stevens.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/01/06, 2/02/06 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Morton, Spanel and Stevens.

Staff: Curt Gavigan (786-7437)

Background: The purpose of the recreation use immunity statute is to encourage owners or those in lawful possession and control of land and water areas to make those areas accessible to the public for recreational purposes by limiting their liability.

Those protected by limited liability under the recreation use immunity statute are landowners or others in lawful possession and control of land who: (1) allow recreational use of their land without charging a fee of any kind; (2) allow fish and wildlife cooperative projects or litter or waste cleanup on their land; or (3) allow the cutting, gathering, and removing of firewood from the land, even where charging an administrative fee of up to \$25.

A license or permit issued for statewide use under the fish and wildlife or recreational lands statutes is not considered a fee for purposes of the recreation use immunity statute.

The recreation use immunity statute does not prevent liability where an injury results from a known, dangerous, artificial, and latent condition for which warning signs have not been conspicuously posted.

Summary of Bill: A daily charge not to exceed \$20 per person, per day, for access to a publicly owned off-road vehicle (ORV) park or facility, for the purposes of ORV use, is not considered a fee for the purposes of the recreation use immunity statute.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: This bill will help ease congestion on state lands by assisting local publicly owned ORV parks reduce their liability, possibly increasing the number of areas available for intensive ORV use. This will provide more revenues to ORV parks, increasing the lands available and reducing the risk from lawsuits.

Testimony Against: None.

Who Testified: PRO: Bonnie Bunning, DNR; John Eaton, NMA, AMA, NWOC, Washington Off Highway Alliance; Tom Fite, NMA, AMA, WOHVA; Barb Anderson, SMC.