

Chapter 352-44 WAC

RECREATIONAL CONVEYANCES—CERTIFICATION—INSPECTIONS— OPERATOR QUALIFICATIONS—VIOLATIONS, ETC.

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

352-44-050	Recreational conveyances—Safety inspections. [Order 20, § 352-44-050, filed 7/31/74.] Repealed by WSR 14-20-044, filed 9/24/14, effective 10/25/14. Statutory Authority: Chapter 79A.40 RCW.
352-44-080	Recreational conveyances—Simulated load test. [Statutory Authority: RCW 43.51.040. WSR 91-19-068, § 352-44-080, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-080, filed 7/31/74.] Repealed by WSR 14-20-044, filed 9/24/14, effective 10/25/14. Statutory Authority: Chapter 79A.40 RCW.

WAC 352-44-010 Recreational conveyances—Definitions. Whenever used in this chapter, the following terms shall have the meanings herein defined unless the context clearly indicates otherwise:

- (1) "Commission" shall mean the Washington state parks and recreation commission.
- (2) "Director" shall mean the director of the Washington state parks and recreation commission or his designee.
- (3) "Certificate" shall mean either the certificate to operate or the conditional certificate to operate.
- (4) "Qualified engineer" shall mean an engineer meeting the requirements of the state of Washington Professional Engineers Registration Act (chapter 18.43 RCW).
- (5) "Lift signing" shall mean all signs required to meet applicable codes as determined in WAC 352-44-060.

[Statutory Authority: RCW 43.51.040. WSR 91-19-068, § 352-44-010, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-010, filed 7/31/74.]

WAC 352-44-020 Recreational conveyances—Certification. Each conveyance for persons generally engaging in winter sports recreational activities, as described in RCW 79A.40.010, shall have a current seasonal certificate to operate on a form approved and provided by the commission. Said certificate covers either winter or summer. Additional inspections may be made as deemed necessary by the director. No conveyance shall be operated for use by the public

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unless a valid current certificate has been issued by the director. The certificate shall be:

- (1) Signed by the director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements.

[Statutory Authority: Chapter 79A.40 RCW. WSR 14-20-044, § 352-44-020, filed 9/24/14, effective 10/25/14; Order 20, § 352-44-020, filed 7/31/74.]

WAC 352-44-030 Recreational conveyances—Conditional certificate. The director may, if deemed necessary, issue a conditional certificate to operate for a specified period of time. Operation during the period that the conditional certificate is in effect shall be in strict compliance with the conditions stated in the conditional certificate. The conditional certificate shall be:

- (1) Signed by the director.
- (2) Posted in a conspicuous location at the main loading terminal during periods of operation for public use.
- (3) Adequately protected from the elements.

[Order 20, § 352-44-030, filed 7/31/74.]

WAC 352-44-040 Recreational conveyances—Access to certificate. The director shall have access to the certificate at all times and the authority to revoke the certificate at any time that he determines the conveyance is not safe for public use.

[Order 20, § 352-44-040, filed 7/31/74.]

WAC 352-44-060 Recreational conveyances—Standards. The current *American National Standards Safety Requirements for Aerial Passenger Tramways* shall apply to the design, inspection, signing, and operation of all conveyances as interpreted by the director unless a request for waiver is submitted by the operator and a waiver is granted by the director.

[Statutory Authority: RCW 43.51.040. WSR 91-19-068, § 352-44-060, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-060, filed 7/31/74.]

WAC 352-44-070 Recreational conveyances—Construction of new conveyances. All new conveyances which are to be constructed after the effective date of these regulations shall:

- (1) Require approval of the director prior to commencement of construction.
- (2) Be designed by a qualified engineer.
- (3) Be certified by a qualified engineer that the conveyance has been installed in accordance with the plans and specifications.

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(4) Be subjected to an acceptance test and inspection as specified in the current *American National Standards Safety Requirements for Aerial Passenger Tramways* before certification by the director. The director shall be given a minimum of seven days notice of the schedule for the final load test.

[Statutory Authority: RCW 43.51.040. WSR 91-19-068, § 352-44-070, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-070, filed 7/31/74.]

The director shall invoice the owner/operator for the costs incurred, which invoice shall be paid within thirty days of receipt. The director shall have the ability, at his/her sole discretion, to lower or waive an administrative fee if the director deems it appropriate.

[Statutory Authority: Chapter 79A.40 RCW. WSR 14-20-044, § 352-44-130, filed 9/24/14, effective 10/25/14.]

WAC 352-44-090 Recreational conveyances—Operators and operator qualifications. The director may require minimum operator qualifications, ski lift signing standards, and operational procedures to assure a reasonable degree of safety to the using public. The director shall adopt standards and the operation of all conveyances shall be in full compliance with said approved standards.

[Statutory Authority: RCW 43.51.040. WSR 91-19-068, § 352-44-090, filed 9/16/91, effective 10/17/91; Order 20, § 352-44-090, filed 7/31/74.]

WAC 352-44-100 Recreational conveyances—Notice of malfunctions. Operators shall be required to notify the commission of incidents or malfunctions which occur, wherein public safety either has been or could have been in jeopardy on forms and according to instructions provided by the commission.

[Order 20, § 352-44-100, filed 7/31/74.]

WAC 352-44-110 Recreational conveyances—Nonliability of the state and personnel. Inspections, rules and orders of the commission resulting from the exercise of any provision of this chapter shall not in any manner be deemed to impose liability upon the state of Washington and its personnel for any injury or damage resulting from the operation of the facilities regulated, and all actions of the commission and its personnel shall be deemed to be an exercise of the police power of the state.

[Order 20, § 352-44-110, filed 7/31/74.]

WAC 352-44-120 Recreational conveyances—Violation constitutes a misdemeanor. In accordance with the provisions of RCW 70.88.040 the violation of any provision of this chapter shall constitute a misdemeanor and shall be punished as such.

[Order 20, § 352-44-120, filed 7/31/74.]

WAC 352-44-130 Fees, inspection and plan review. To cover the costs of implementing the commission's responsibilities under chapters 79A.40 and 79A.45 RCW and as outlined in this chapter, the commission has adopted the following schedule of fees. The owner or operator of the ski area equipment shall pay the commission the following costs and fees:

(1) The actual costs incurred by the commission to retain an inspector to inspect, review plans, and file a report on recreational devices connected with the recreational conveyance operation; and

(2) An administrative fee, not to exceed twenty-eight percent of the actual costs incurred by the commission in subsection (1) of this section, to defray the commission's administrative costs associated with this program.