

SENATE BILL REPORT

SSB 6207

As Passed Senate, February 13, 2014

Title: An act relating to fee immunity for certain water facilities.

Brief Description: Providing fee immunity for certain water facilities.

Sponsors: Senate Committee on Natural Resources & Parks (originally sponsored by Senator Angel).

Brief History:

Committee Activity: Natural Resources & Parks: 1/23/14, 1/30/14 [DPS].
Passed Senate: 2/13/14, 43-2.

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dandel, Hargrove, Hewitt, Kline and Parlette.

Staff: Richard Rodger (786-7401)

Background: Under Washington tort law, a landowner's duty of care to persons entering the owner's land depends on the status of the entering party: invitee, licensee, or trespasser. 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. This includes an affirmative duty to inspect the premises in order to discover any dangerous conditions.

The Legislature modified this general rule through what is known as the Recreational Use Immunity statute. The legislative intent of the statute is to encourage landowners to make land and water areas available to the public for recreational purposes by limiting landowner liability.

The statute generally provides protection from tort liability for landowners who allow public use of their lands and do not charge a fee. However, the statute does identify three exceptions to the no-fee requirement: (1) private landowners may charge a \$25 administrative fee for the cutting, gathering, and removing of firewood; (2) landowners may

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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.

The liability protection offered under the statute is not absolute. The statute does not protect landowners from certain dangerous conditions for which warning signs have not been posted. Additionally, landowners who intentionally injure recreational users receive no protection.

Summary of Substitute Bill: The list of activities for which a landowner may be immune from liability for an unintentional injury to a recreational user of the property is expanded to include docking of vessels, moorage of vessels, launching of boats, or parking of boat trailers and attached vehicles when the user is charged not more than \$20 per day or not more than \$100 for an annual permit. The maximum daily charge will increase by \$1 every two years and the maximum annual charge will increase by \$5 every two years.

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.

Staff Summary of Public Testimony on Original Bill: PRO: This legislation would allow a \$20 daily moorage fee, or a \$100 annual moorage fee without fear of unintentional injury liability. The Legislature has adopted similar legislation for programs such as the Discover Pass and off-road vehicle parks. This bill would greatly aid maritime communities and provide for increased amenities at public docks.

Persons Testifying: PRO: Senator Angel, prime sponsor; Briahna Taylor, Jill Guernsey, city of Gig Harbor.