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**SUBSTITUTE HOUSE BILL 2265**

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**State of Washington 68th Legislature 2024 Regular Session**

**By** House Civil Rights & Judiciary (originally sponsored by Representatives Doglio and Walen)

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

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

NEW SECTION. **Sec.**  The legislature finds that practicing the sport of rock climbing in a climbing facility helps facilitate equitable and adaptive access to physical activity that significantly contributes to the Washington state recreational activity economy.

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

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

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

(3) "Climbing facility participant" means a person in a climbing facility for the purpose of engaging in the sport of climbing. "Climbing facility participant" includes anyone utilizing a climbing wall or personal protective equipment, belaying, or spectating in a climbing facility.

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

NEW SECTION. **Sec.**  Climbing facility operators shall comply with indoor climbing industry custom and practice regarding the operation of indoor climbing facilities, including:

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

(2) Conducting inspections of the manufactured climbing walls on a regular periodic basis.

NEW SECTION. **Sec.**  Sections 2 and 3 of this act constitute a new chapter in Title 18 RCW.

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

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

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

(2) "Amusement ride" means any vehicle, boat, bungee jumping device, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, bungee jumping devices, and roller coasters. "Amusement ride" does not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter ((~~70.88~~)) 79A.40 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; ((~~or~~)) (d) water slides; or (e) a fixed, artificial climbing surface built for the sport of rock climbing used in a climbing facility. For purposes of this subsection, "climbing facility" means a facility or premises that contains a fixed, artificial climbing surface used by the public, not located in an amusement park, carnival, family entertainment center, or on public land, that is designed and built for the sport of climbing.

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

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

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