

# HOUSE BILL REPORT

## HB 1369

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*As Passed House  
March 19, 1991*

**Title:** An act relating to permits or licenses issued by the department of wildlife, department of fisheries, or the state parks and recreation commission.

**Brief Description:** Exempting certain permits and licenses from the definition of a fee.

**Sponsor(s):** Representatives Belcher, Silver, Rasmussen, Spanel and Morris; by request of Department of Wildlife.

**Brief History:**

Reported by House Committee on:

Natural Resources & Parks, February 12, 1991, DP;  
Passed House, March 19, 1991, 96-0.

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**HOUSE COMMITTEE ON  
NATURAL RESOURCES & PARKS**

**Majority Report:** *Do pass.* Signed by 11 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Riley; Sheldon; and Wynne.

**Staff:** Marilee Scarbrough (786-7196).

**Background:** The recreational immunity statute, provides that public and private landowners are not liable for unintentional injuries to members of the public who use the land for outdoor recreation, provided no fee of any kind is charged for such use. The recreational immunity statute allows landowners to charge an administrative fee of up to ten dollars for the cutting, gathering and removal of firewood, without incurring liability.

Several state agencies are required by statute to charge persons a license fee for recreational use, hunting, fishing or trapping. The license fee exceeds ten dollars. When these license holders use department lands and access facilities they subject the departments to potential liability.

**Summary of Bill:** The existing recreational immunity statute is amended. If the Department of Wildlife, the Department of Fisheries or the State Parks and Recreation Commission charge a fee for a license or permit issued for statewide use, the agency will remain immune from liability for an unintentional injury.

**Fiscal Note:** Available.

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

**Testimony For:** This bill is a clarification of state law. The Department of Wildlife issues statewide licenses and permits. The recreational immunity statute does not clearly protect agencies, when they issue these statewide permits, from liability for unintentional injuries.

**Testimony Against:** None.

**Witnesses:** Pam Madsen, Department of Wildlife (in favor); Susan Mackey, Department of Fisheries (in favor); and Gary Alexander, Assistant Director for the Prevention of Risk Management, Department of General Administration (in favor).