

CERTIFICATION OF ENROLLMENT

**ENGROSSED SENATE BILL 5109**

Chapter 316, Laws of 1999

56th Legislature  
1999 Regular Session

SCHOOL DISTRICT FACILITIES--LIABILITY IMMUNITY

EFFECTIVE DATE: 1/1/2000

Passed by the Senate April 22, 1999  
YEAS 41 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 7, 1999  
YEAS 90 NAYS 0

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

FRANK CHOPP  
**Speaker of the  
House of Representatives**

Approved May 14, 1999

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5109** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 14, 1999 - 6:26 p.m.

**Secretary of State  
State of Washington**

---

ENGROSSED SENATE BILL 5109

---

AS AMENDED BY THE HOUSE

Passed Legislature - 1999 Regular Session

State of Washington

56th Legislature

1999 Regular Session

By Senators Patterson, McAuliffe, Prentice, Johnson, Hochstatter, Brown, Heavey, Kline, Finkbeiner, Benton, Winsley, Oke and Kohl-Welles

Read first time 01/13/1999. Referred to Committee on Education.

1 AN ACT Relating to immunity for school districts that make their  
2 facilities available to certain private nonprofit groups serving youth;  
3 adding a new section to chapter 28A.335 RCW; adding a new section to  
4 chapter 4.24 RCW; creating a new section; and providing an effective  
5 date.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to expand the  
8 opportunities of children to take advantage of services of private  
9 nonprofit groups by encouraging the groups' use of public school  
10 district facilities to provide programs to serve youth in the  
11 facilities. The legislature intends the very limited grant of immunity  
12 provided in this act to encourage such use, but only under the  
13 circumstances set forth in this act.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.335  
15 RCW to read as follows:

16 In order to facilitate school districts permitting the use of  
17 school buildings for use by private nonprofit groups operating youth  
18 programs, school districts shall have a limited immunity in accordance

1 with section 3 of this act. Nothing in section 3 of this act,  
2 including a school district's failure to require a private nonprofit  
3 group to have liability insurance, broadens the scope of a school  
4 district's liability.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW  
6 to read as follows:

7 (1) A school district shall not be liable for an injury to or the  
8 death of a person due to action or inaction of persons employed by, or  
9 under contract with, a youth program if:

10 (a) The action or inaction takes place on school property and  
11 during the delivery of services of the youth program;

12 (b) The private nonprofit group provides proof of being insured,  
13 under an accident and liability policy issued by an insurance company  
14 authorized to do business in this state, that covers any injury or  
15 damage arising from delivery of its services. Coverage for a policy  
16 meeting the requirements of this section must be at least fifty  
17 thousand dollars due to bodily injury or death of one person, or at  
18 least one hundred thousand dollars due to bodily injury or death of two  
19 or more persons in any incident; and

20 (c) The group provides proof of such insurance before the first use  
21 of the school facilities. The immunity granted shall last only as long  
22 as the insurance remains in effect.

23 (2) Immunity under this section does not apply to any school  
24 district before January 1, 2000.

25 (3) As used in this section, "youth programs" means any program or  
26 service, offered by a private nonprofit group, that is operated  
27 primarily to provide persons under the age of eighteen with  
28 opportunities to participate in services or programs.

29 (4) This section does not impair or change the ability of any  
30 person to recover damages for harm done by: (a) Any contractor or  
31 employee of a school district acting in his or her capacity as a  
32 contractor or employee; or (b) the existence of unsafe facilities or  
33 structures or programs of any school district.

34 NEW SECTION. **Sec. 4.** This act takes effect January 1, 2000.

Passed the Senate April 22, 1999.

Passed the House April 7, 1999.

Approved by the Governor May 14, 1999.

Filed in Office of Secretary of State May 14, 1999.