

CHAPTER 327.

[H. B. 350.]

RECREATIONAL DEVICES—CONVEYANCES.

AN ACT relating to recreational devices designed for conveyance of persons.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Every owner or operator of any device designed and operated for the conveyance of persons which aids in promoting entertainment, pleasure, play, relaxation, or instruction, including but not limited to things such as ski lifts, ski tows, and chair lifts, other than those devices or equipment subject to the jurisdiction of the public service commission, shall construct, furnish, maintain, and provide safe and adequate facilities and equipment with which to safely and properly receive and transport all persons offered to and received by the owner or operator of such device for transportation, and to promote the safety of such owner's or operator's patrons, employees and the public.

Recreation conveyances to be safe.

SEC. 2. It shall be unlawful after the effective date of this act to construct or install any such recreational device as set forth in section 1 of this act without first submitting plans and specifications for such device to the state parks and recreation commission and receiving the approval of the commission for such construction or installation. Violation of this section shall be a misdemeanor.

Devices to be approved—Violation, misdemeanor.

SEC. 3. The state parks and recreation commission shall have the authority and the responsibility for the inspection of the devices set forth in section 1 of this act and in addition shall have the following powers and duties:

Commission powers, duties, under act.

(1) Whenever the commission, after hearing called upon its own motion or upon complaint, finds

that additional apparatus, equipment, facilities or devices for use or in connection with the transportation or conveyance of persons upon the devices set forth in section 1 of this act, ought reasonably to be provided, or any repairs or improvements to, or changes in, any theretofore in use ought reasonably to be made, or any additions or changes in construction should reasonably be made thereto, in order to promote the security and safety of the public or employees, it may make and serve an order directing such repairs, improvements, changes, or additions to be made.

(2) If the commission finds that the equipment, or appliances in connection therewith, or the apparatus, or other structures of the recreational device set forth in section 1 of this act are defective, and that the operation thereof is dangerous to the employees of the owner or operator of such device or to the public, it shall immediately give notice to the owner or operator of such device of the repairs or reconstruction necessary to place the same in a safe condition, and may prescribe the time within which they shall be made. If, in its opinion, it is needful or proper, the commission may forbid the operation of the device until it is repaired and placed in a safe condition.

Unlawful
operation,
misdemeanor.

SEC. 4. It shall be unlawful for any owner or operator of the recreational devices set forth in section 1 of this act to knowingly and wilfully operate any such device that is defective. Violation of this section shall constitute a misdemeanor.

Inspector
---Assistants.

SEC. 5. The state parks and recreation commission shall employ or retain a person qualified in engineering experience and training who shall be designated as the inspector of recreational devices, and may employ such additional employees as are necessary to properly administer this act. The inspector and such additional employees may be hired

on a temporary basis or borrowed from other state departments, or the commission may contract with individuals or firms for such inspecting service on an independent basis. The commission shall prescribe the salary or other remuneration for such service.

SEC. 6. The inspector of recreational devices and his assistants shall inspect all equipment and appliances connected with the recreational devices set forth in section 1 of this act and make such reports of his inspection to the commission as may be required. He shall, on discovering any defective equipment, or appliances connected therewith, rendering the use of the equipment dangerous, immediately report the same to the owner or operator of the device on which it is found, and in addition report it to the commission. If in the opinion of the inspector the continued operation of the defective equipment constitutes an immediate danger to the safety of the persons operating or being conveyed by such equipment, the inspector may condemn such equipment and shall immediately notify the commission of his action in this respect: *Provided*, That inspection required by this act must be conducted at least once each year.

**Inspector,
assistants—
Powers and
duties.**

SEC. 7. The expenses in connection with making inspections under this act shall be paid in the first instance by the commission, provided that each owner or operator of such recreational device shall, upon notification by the commission of the amount due, reimburse the commission for the costs incurred by the commission in making such inspection. The commission shall not charge in excess of ten dollars an hour for the service in making such inspections and in no event shall the total costs of each inspection for which the commission is to be reimbursed exceed the sum of two hundred and fifty dollars. In determining the costs to be assessed hereunder, the

**Inspection
costs—Reim-
bursement—
Costs as lien
—Disposition
of moneys.**

commission must approximate the reasonable costs necessary in order to accomplish the purposes of this act. The costs as assessed by the commission shall be a lien on the equipment of the owner or operator of the recreational devices so inspected. The moneys collected by the commission hereunder shall be paid into the general fund.

Nonliability of state—Exercise of police power.

SEC. 8. Inspections, rules, and orders of the department resulting from the exercise of the provisions of this act shall not in any manner be deemed to impose liability upon the state for any injury or damage resulting from the operation of the facilities regulated by this act, and all actions of the department and its personnel shall be deemed to be an exercise of the police power of the state.

Rules and regulations.

SEC. 9. The state parks and recreation commission is empowered to adopt reasonable rules, regulations, and codes relating to public safety in the construction, operation and maintenance of the recreational devices provided for in this act. The rules, regulations and codes authorized hereunder shall be in accordance with established standards, if any, and shall not be discriminatory in their application.

Review of commission orders.

SEC. 10. The procedure for review of the orders or actions of the state parks and recreation commission, its agents or employees, shall be the same as that contained in RCW 81.04.170, 81.04.180, and 81.04.190.

Passed the House March 11, 1959.

Passed the Senate March 10, 1959.

Approved by the Governor March 24, 1959.