

HOUSE BILL REPORT

HB 1636

*As Reported By House Committee on:
Judiciary*

Title: An act relating to emergency management.

Brief Description: Providing for recovery of public agency expenses incurred in certain emergency responses.

Sponsor(s): Representatives Scott, Padden, Wineberry, Beck, Appelwick, Tate, Riley, Belcher, Winsley, Orr, Wynne and Broback.

Brief History:

Reported by House Committee on:
Judiciary, March 5, 1991, DPS.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *That Substitute House Bill No. 1636 be substituted therefor, and the substitute bill do pass.*
Signed by 16 members: Representatives Ludwig, Vice Chair; Padden, Ranking Minority Member; Paris, Assistant Ranking Minority Member; Belcher; Broback; Forner; Hargrove; Inslee; R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate; and Vance.

Minority Report: *Do not pass.* Signed by 1 member:
Representative Appelwick, Chair.

Staff: Jill Teutsch (786-7623).

Background: Currently, Washington has no provision to allow local authorities to recoup costs from intoxicated drivers causing incidents requiring an emergency response. In 1985, California passed legislation allowing local authorities to recover emergency response costs. Several local authorities in California have adopted procedures for billing persons charged with driving under the influence of alcohol or drugs. San Jose implemented such a program in 1988. Under this program, offenders whose blood/alcohol content was above 0.1 percent or who tested positive for drugs, and who have been criminally charged, are billed for the costs of emergency responses to accidents and moving violations. Costs include the salary paid to the arresting officer for the time spent on the call, laboratory tests, and emergency

vehicle costs. Failure to pay is a violation of probation. Payment is reimbursed if the charges against the defendant are subsequently dropped.

Summary of Substitute Bill: Public agencies may bill drivers for up to \$1,000 of the costs for emergency responses to incidents caused by impairment from drug or alcohol use. A person is liable for the emergency response costs, if, in connection with the incident, he or she has been found guilty of operating a motor vehicle, aircraft, boat, or vessel while under the influence of alcohol or drugs. Emergency response costs are the expenses for a reasonable response directly related to the incident, including police, fire fighting, rescue and emergency medical services, and the salaries of the personnel responding to the incident. Failure to pay is a violation of probation. Insurance may not pay for the costs.

Substitute Bill Compared to Original Bill: The substitute bill redefines "emergency," providing one narrow definition tailored to the bill, while retaining the existing definition for application to the current chapter on emergencies and disasters. The substitute bill also makes liability for the emergency response costs hinge on a criminal conviction.

Fiscal Note: Not requested.

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

Testimony For: The bill would further deter persons from driving while under the influence of alcohol or drugs. The bill would also address the unwillingness of the courts to assess costs for an emergency response.

Testimony Against: None.

Witnesses: Michael Weight, City of Everett (in favor of original bill).