
SENATE BILL 5388

State of Washington

52nd Legislature

1991 Regular Session

By Senators A. Smith, Talmadge, Madsen, L. Kreidler, Rasmussen and
Wojahn.

Read first time January 30, 1991. Referred to Committee on Law &
Justice.

1 AN ACT Relating to full disclosure of civil court proceedings
2 relating to public hazards; amending RCW 19.108.050; and adding a new
3 section to chapter 4.24 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
6 to read as follows:

7 (1) Except pursuant to this section, no court shall enter an order
8 or judgment which has the purpose or effect of concealing a public
9 hazard or any information concerning a public hazard, nor shall the
10 court enter an order or judgment that has the purpose or effect of
11 concealing any information that may be useful to members of the public
12 in protecting themselves from injury that may result from the public
13 hazard.

14 (2) Any portion of an agreement or contract that has the purpose or
15 effect of concealing a public hazard, any information concerning a

1 public hazard, or any information that may be useful to members of the
2 public in protecting themselves from injury that may result from the
3 public hazard, is void, contrary to public policy, and may not be
4 enforced.

5 (3) Any substantially affected person, including but not limited to
6 representatives of news media, has standing to contest an order,
7 judgment, agreement, or contract that violates this section. A person
8 may contest an order, judgment, agreement, or contract that violates
9 this section by motion in the court that entered the order or judgment,
10 or by bringing a declaratory judgment action.

11 (4) Upon motion and good cause shown by a party attempting to
12 prevent disclosure of information or materials that have not previously
13 been disclosed, including but not limited to alleged trade secrets, the
14 court shall examine the disputed information or materials in camera.
15 If the court finds that the information or materials or portions
16 thereof consist of information concerning a public hazard or
17 information that may be useful to members of the public in protecting
18 themselves from injury that may result from a public hazard, the court
19 shall allow disclosure of the information or materials. If allowing
20 disclosure, the court shall allow disclosure of only that portion of
21 the information or materials necessary or useful to the public
22 regarding the public hazard.

23 (5) As used in this section, "public hazard" means an
24 instrumentality, including but not limited to any device, instrument,
25 person, procedure, product, or a condition of a device, instrument,
26 person, procedure, or product, that has caused or may reasonably cause
27 injury to more than one individual.

28 **Sec. 2.** RCW 19.108.050 and 1981 c 286 s 5 are each amended to read
29 as follows:

1 In an action under this chapter, a court shall preserve the secrecy
2 of an alleged trade secret by reasonable means(~~(, which)~~) subject to
3 section 1 of this act. Reasonable means may include granting
4 protective orders in connection with discovery proceedings, holding
5 in-camera hearings, sealing the records of the action, and ordering any
6 person involved in the litigation not to disclose an alleged trade
7 secret without prior court approval.