

FINAL BILL REPORT

SHB 1051

Synopsis as Enacted

C 251 L 93

Brief Description: Providing for restitution for certain emergency responses.

By House Committee on Judiciary (originally sponsored by Representatives Scott, Van Luven, Talcott, Riley, Foreman, Long, Orr, Brough, Forner, Miller, Lemmon, Johanson, Tate, Vance, Wood, Cooke and Roland).

House Committee on Judiciary
Senate Committee on Law & Justice

Background: When a person damages public property, he or she is generally subject to normal tort liability for the damage caused. That is, the person will be liable if he or she violated some duty of care and as a result caused the damage. Public entities may sue and be sued in the same manner as private entities.

In a certain number of cases, specific statutes also allow governmental entities to recover the costs of supplying governmental services. For instance fire protection districts and counties are authorized to collect reasonable fees for providing emergency medical services.

At least one state, California, has granted statutory authority for government to recover the cost of emergency responses to incidents caused by drunk drivers. Several local jurisdictions in that state have adopted procedures for billing persons charged with driving while intoxicated. Recoverable costs under this system include the salary paid to the arresting officer for the time spent on the response, the cost of any laboratory tests, and costs of operating any emergency vehicle. Failure to pay these costs can result in revocation of any probation granted the driver.

Summary: A state or local agency that makes an emergency response to an incident caused by a drunk driver, boater, or pilot may recover some of the costs of that response. The person causing the incident is liable for up to \$1,000 per incident. The person becomes liable to a responding agency upon conviction or deferred prosecution for a crime arising out of the incident.

Recoverable expenses are defined as reasonable direct costs incurred in reasonably making an appropriate response. The definition specifically includes expenses and salaries of police, coroner, fire fighting, rescue, emergency medical services and utility personnel who respond to the incident.

If more than one agency responds, and the actual costs exceed the amount recoverable, the agencies are to enter into an interlocal agreement for the apportionment of the recovered amount.

Payment of the costs of an emergency response may be made a part of a criminal sentence.

Votes on Final Passage:

House	95	0	
Senate	44	0	(Senate amended)
House	96	0	(House concurred)

Effective: July 25, 1993