

**FINAL BILL REPORT**

**ESSB 6461**

**C 52 L 94**

**SYNOPSIS AS ENACTED**

**Brief Description:** Concerning claims for oil spill liability damages.

**SPONSORS:** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Bluechel)

**SENATE COMMITTEE ON ECOLOGY & PARKS**

**HOUSE COMMITTEE ON ENVIRONMENTAL AFFAIRS**

**BACKGROUND:**

In 1990 the Washington State Maritime Commission was created to establish an oil spill "first response" system that would provide a method to pay for the first 24 hours of response following an oil spill. The commission is composed of nine Governor-appointed members, of which seven represent various specified maritime industry segments. In addition, there are four additional ex-officio members.

To establish the system, the commission was empowered to enter contracts with cleanup contractors. To pay for the system, it was authorized to assess vessels transiting state waters, and to recover costs of cleanup response from the responsible vessel owners. The assessments levied by the commission must be deposited to a reserve fund, and the assessments levied until the fund reaches \$1.5 million. When the fund declines to \$1 million, the assessments are reinstated.

The obligations of the commission and any liabilities or claims against it may be enforced only against the assets of the commission, and may not be asserted against the state of Washington, or any member or employee of the commission in his or her individual capacity.

**SUMMARY:**

The protection of individuals from claims asserted against the commission is amended to include incident commanders.

The commission may include an indemnification provision in its contracts regarding losses arising from performance of the contractor or resulting from the fault of the commission. The indemnification shall be limited to the assets of the commission.

The Attorney General shall serve as the legal adviser to the commission.

The tonnage of an oil tanker for purposes of applying state standards for transiting in Puget Sound is determined by the tanker's assigned tonnage at the time of construction or reconstruction as reported in Lloyd's Register of Ships.

**VOTES ON FINAL PASSAGE:**

Senate	48	0
House	95	0

**EFFECTIVE:** June 9, 1994