

# HOUSE BILL ANALYSIS

## HB 1382

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**Title:** An act relating to authorized emergency vehicles.

**Brief Description:** Limiting liability for police officers who do not pursue a fleeing suspect.

**Sponsors:** Representatives Delvin, O'Brien, Cairnes, Hurst, Eickmeyer, Schindler, McDonald, Campbell, Edmonds, Lambert, Constantine, Linville, Pennington, Pflug, Miloscia, Esser, Sheahan, Carrell and Cooper.

### Brief Summary of Bill

- Provides a police officer immunity from liability for any damages or injuries caused by a fleeing suspect when the officer decides not to pursue or terminates pursuit of the suspect.
- Removes a specific limitation on when an authorized emergency vehicle may exceed the maximum speed limits.

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### HOUSE COMMITTEE ON JUDICIARY

**Staff:** Trudes Hutcheson (786-7384).

#### Background:

An authorized emergency vehicle is any vehicle of a fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington State Patrol, ambulance service (public or private), or any other vehicle authorized as such in writing by the State Patrol.

When responding to an emergency call, pursuing an actual or suspected violator of the law, or responding to a fire alarm, the driver of an authorized emergency vehicle is permitted to exercise privileges that would otherwise be prohibited under the motor vehicle laws. For example, the driver may park in a no-parking zone, proceed past a red light, and disregard regulations governing direction of movement. A driver may also exceed the maximum speed limit so long as he does not endanger life or property.— A driver may exercise these privileges only when making use of visual signals required by law.

The privileges that a driver of an authorized emergency vehicle may exercise do not relieve the driver from the duty to drive with due regard for the safety of all persons,

nor do they protect the driver from the consequences of acting in reckless disregard for the safety of others.

Courts have used due regard for the safety of all persons– interchangeably with the duty of care for ordinary negligence. Ordinary negligence involves a breach of a duty of reasonable care.– Acting with reasonable care means acting how a reasonably careful person would act under the same or similar circumstances.

Reckless disregard for the safety of others is intentional conduct that breaches a duty to act or not act, and that is in wanton disregard of the consequences and under such circumstances that a reasonable person would know the conduct is likely to harm another person.

Generally, government entities are immune from liability for acts involving basic policy discretion.– The Washington Supreme Court has ruled that the decisions of law enforcement officers whether to begin pursuit or continue a pursuit are operational decisions and are not decisions involving basic policy discretion. Law enforcement officers may be liable for negligence in their decisions regarding pursuing suspected violators of the law.

Police officer– is defined under the motor vehicle statutes as any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

**Summary of Bill:**

A grant of immunity is created for police officers and their employing agencies. If a police officer decides not to pursue or terminates pursuit of an actual or suspected violator of the law, the officer and the employing agency are not liable for any subsequent damages or injuries caused by the fleeing suspect.

The specific limitation on exceeding the speed limit only so long as doing so does not endanger life or property– is removed. The privileges of exceeding the speed limit given to emergency vehicle drivers remains subject to the duty to drive with due regard for the safety of all persons.–

**Fiscal Note:** Not requested.

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

Office of Program Research