

SENATE BILL REPORT

SB 6405

As Reported By Senate Committee On:
Transportation, February 04, 2008

Title: An act relating to the liability of persons rescued from flood waters on roadways.

Brief Description: Addressing the liability of persons rescued from flood waters on roadways.

Sponsors: Senators Swecker and Rasmussen.

Brief History:

Committee Activity: Transportation: 1/24/08, 1/29/08, 2/04/08 [DPS, w/oRec].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6405 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Holmquist, Kilmer, King, Sheldon and Spanel.

Minority Report: That it be referred without recommendation.

Signed by Senator Pflug.

Staff: Hayley Gamble (786-7452)

Background: During and after a flood event that causes water to cover a roadway, state and local agencies typically close flooded roads to the public. Roads are closed through placement of barricades and signs or posting personnel to redirect traffic. Recent storm events have demonstrated that unmanned road closures are not always obeyed.

Summary of Bill (Recommended Substitute): A person is liable for the cost of being rescued from flood waters on a highway if the person who was rescued intentionally ignored warning signs. The person must not be liable for the cost of the rescue if ignoring the warning signs was due to a life-threatening emergency or, under the circumstances, a reasonable person would have ignored the warning signs.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Substitute): "Roadway" is changed to "highway" to cover a larger area, as "highway" refers to the traveled lanes, shoulders, and associated right-of-way, while "roadway" only refers to the traveled lanes.

Appropriation: None.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: None

Persons Testifying: No one.