

---

HOUSE BILL 1989

---

State of Washington                      61st Legislature                      2009 Regular Session

By Representatives Warnick, O'Brien, and Hinkle

1            AN ACT Relating to immunity to public agencies regarding the use of  
2            navigational aids to mark hazards; adding a new section to chapter 4.24  
3            RCW; and creating a new section.

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that it is in the  
6            public's interest that submerged hazards in water are marked thereby  
7            reducing the risks of injury and death to persons and damage to  
8            property.    Most public agencies are currently not marking hazards on  
9            the water because of the associated risks of liability for doing so.

10           NEW SECTION.    **Sec. 2.**    A new section is added to chapter 4.24 RCW  
11           to read as follows:

12           No public agency or its employees or agents may be liable for any  
13           civil damages as a result of any act or omission on the part of any  
14           person pertaining to the placement, nonplacement, movement, or removal  
15           of warning aids that mark hazards in public waters.    This section  
16           applies only to agencies that use navigational aids on federal waters  
17           if they comply with the permitting process established in the United  
18           States coast guard's private aids to navigation in 33 C.F.R. Part 66.

1 This section applies only to agencies that use navigational aids on  
2 nonfederal waters if they meet the design standards established in the  
3 United States coast guard's private aids to navigation in 33 C.F.R.  
4 Part 66 and rules adopted under RCW 79A.60.500. This section does not  
5 apply to any act or omission which constitutes willful or wanton  
6 misconduct by a public agency or its employees or agents.

--- END ---