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**SUBSTITUTE HOUSE BILL 2549**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** House Local Government & Housing (originally sponsored by Representatives Chandler and Simpson)

READ FIRST TIME 02/03/10.

1            AN ACT Relating to firefighting services on areas outside a fire  
2 protection jurisdiction; and adding a new chapter to Title 52 RCW.

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

4            NEW SECTION.    **Sec. 1.**    The legislature acknowledges that many  
5 individuals living on improved property outside a fire protection  
6 jurisdiction lack fire protection services. Accordingly, it is the  
7 intent of the legislature to facilitate the provision of firefighting  
8 services, to the maximum extent practicable, to areas outside a fire  
9 protection jurisdiction by: (1) Coordinating firefighting services  
10 among the various fire protection service agencies throughout the  
11 state; (2) enabling cost recovery by fire protection service agencies;  
12 and (3) clarifying that a fire protection service agency faces no  
13 greater legal liability for providing firefighting services in areas  
14 outside its jurisdictional boundaries than it would for providing  
15 services within such boundaries.

16            NEW SECTION.    **Sec. 2.**    The definitions in this section apply  
17 throughout this chapter unless the context clearly requires otherwise.  
18            (1) "Department" means the department of natural resources.

1 (2) "Fire protection jurisdiction" means an area or property  
2 located within a fire protection district, a regional fire protection  
3 service authority, a city, a town, a port district, lands subject to  
4 the jurisdiction of the department, or on federal lands.

5 (3) "Fire protection service agency" or "agency" means any  
6 governmental entity responsible for the provision of firefighting  
7 services, including fire protection districts, regional fire protection  
8 service authorities, cities, towns, port districts, and the department.

9 (4) "Firefighting services" means the provision of fire prevention  
10 services, fire suppression services, emergency medical services, and  
11 other services related to the protection of life and property.

12 (5) "Improved property" means property upon which a structure is  
13 located, but does not include roads, bridges, land devoted primarily to  
14 growing and harvesting timber, or land devoted primarily to the  
15 production of livestock or agricultural commodities for commercial  
16 purposes.

17 (6) "Property" means land, structures, or land and structures.

18 (7) "Unimproved property" has the same meaning as "unimproved  
19 lands" as in RCW 76.04.005(17).

20 (8) "Unprotected land" means improved property located outside a  
21 fire protection jurisdiction.

22 NEW SECTION. **Sec. 3.** (1) In order to facilitate the provision of  
23 firefighting services to unprotected lands, property owners are  
24 encouraged to either form a fire protection district or enter into an  
25 agreement with a fire protection service agency for the provision of  
26 firefighting services on such unprotected lands. Any agreement between  
27 a property owner and a fire protection service agency must include a  
28 risk assessment of the property as well as a capabilities assessment  
29 for the agency.

30 (2) An owner of property within unprotected land, who chooses to  
31 neither form a fire protection district nor enter into an agreement  
32 with a fire protection service agency for the provision of firefighting  
33 services, is presumed to do so willingly and with full knowledge that  
34 no agency is obligated to provide firefighting services to such land.

35 NEW SECTION. **Sec. 4.** (1) In the absence of an agreement for the  
36 provision of firefighting services between a fire protection service

1 agency and the owner of property on unprotected land, an agency may  
2 nevertheless choose to provide firefighting services to property  
3 located on such unprotected land.

4 (2) If a fire protection service agency or its employees provide  
5 firefighting services outside of its jurisdictional boundaries, neither  
6 the agency nor its employees are liable for civil damages resulting  
7 from any act or omission in the rendering of such services, other than  
8 acts or omissions constituting gross negligence or willful or wanton  
9 misconduct.

10 (3) In the absence of an agreement with the owner of property on  
11 unprotected land, a fire protection service agency is not liable for  
12 failing to provide firefighting services to such unprotected land.

13 NEW SECTION. **Sec. 5.** If, in the absence of an agreement with an  
14 owner of property on unprotected land, firefighting services are  
15 nevertheless provided to such land by a fire protection service agency,  
16 the responding agency is entitled to recover reasonable costs incurred  
17 in rendering such services. Such cost recovery is to be based upon a  
18 standardized fee schedule designed to reimburse the service provider.

19 NEW SECTION. **Sec. 6.** (1) The provision of any firefighting  
20 services to improved property on unprotected land by the department  
21 must be in accordance with the provisions of chapter 76.04 RCW and the  
22 provisions of this chapter.

23 (2) The department is not required to provide firefighting services  
24 to buildings, structures, or other improvements on improved property  
25 within unprotected lands.

26 (3) The department has discretionary authority to take actions that  
27 may prevent approaching wildfire from damaging homes or other  
28 improvements.

29 (4) The department may adopt rules necessary to implement this  
30 section.

31 NEW SECTION. **Sec. 7.** The provisions of this chapter do not apply  
32 to tribal trust lands located in this state.

1           NEW SECTION.   **Sec. 8.**   Sections 1 through 7 of this act constitute  
2   a new chapter in Title 52 RCW.

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