
Judiciary Committee

HB 1506

Title: An act relating to fire suppression efforts and capabilities on unprotected land outside a fire protection jurisdiction.

Brief Description: Addressing fire suppression efforts and capabilities on unprotected land outside a fire protection jurisdiction.

Sponsors: Representatives Chandler, Takko and Johnson.

Brief Summary of Bill

- Encourages owners of property located outside a fire protection service jurisdiction to form or annex into a fire protection jurisdiction or enter into an agreement with a fire protection service agency.
- Authorizes a fire protection service agency to provide services outside its jurisdiction under certain circumstances and provides the agency limited immunity from civil liability for providing those services.
- Amends the seller's disclosure form to include a statement whether the property being sold is within a fire protection service district.

Hearing Date: 2/9/11

Staff: Trudes Tango (786-7384).

Background:

Fire Protection Services.

State law authorizes the creation of several types of fire protection/emergency service providers to serve cities, towns, and counties. The types of fire protection service providers include city or town fire departments, fire protection districts, and regional fire protection service authorities.

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.

Each type of fire protection service provider operates within a specified jurisdiction and each has the authority to tax residents for the services provided. Fire protection jurisdictions are authorized to enter into interlocal agreements among themselves to provide mutual aid outside of their jurisdictional boundaries.

Residents of every area of the state may establish a local fire protection service or a fire protection district to provide fire prevention, suppression, and emergency medical services. However, the creation of a service or district requires either a public vote or legislative action by the appropriate local government. The inability to create a fire protection service, either due to inaction by the resident voters or by the local governing body, results in some areas of the state not being within the jurisdiction of any of the various fire protection service providers. In such areas, residents do not have access to publicly funded fire or emergency services.

Seller Disclosure Forms.

Statutes governing real estate transactions require that a seller provide a disclosure statement, on a prescribed form, to the buyer as part of a residential real property sale. The form requires disclosure, based upon the seller's personal knowledge, of matters on various issues, such as title concerns, sewer and septic systems, structural concerns, and hazards such as flooding.

Summary of Bill:

Fire Protection Services on Unprotected Land.

"Unprotected land" means improved property located outside a fire protection jurisdiction. Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or to enter into an agreement with a fire protection service agency for fire protection services. Any agreement must include a risk assessment of the property and a capabilities assessment of the district.

Property owners of unprotected land who choose not to form or annex into a fire protection agency do so willingly and with full knowledge that a fire protection service agency is not obligated to provide services to unprotected land.

Absent a contractual agreement, a fire protection service agency may initiate fire protection services on unprotected land outside its jurisdiction when:

- services are specifically requested by a landowner or other fire service protection agency;
- service could reasonably be believed to prevent the spread of fire onto protected lands; or
- service could reasonably be believed to substantially mitigate the risk of harm to life or property by preventing the spread of fire onto other unprotected lands.

The property owner of the unprotected land must reimburse the agency for reasonable costs incurred as a result of the agency's response. Cost recovery is based on the Washington Fire Chiefs standardized fire service fee schedule. If the property owner fails to pay the agency for its services, the agency is entitled to pursue payment through a collection agency or through court action.

Liability.

Any fire service protection agency and its firefighters, whether paid or volunteer, taking part in firefighting efforts outside its jurisdiction or providing emergency care, rescue, assistance, or recovery services at an emergency, is not liable for civil damages resulting from any act or omission in rendering services, except for acts or omissions constituting gross negligence or willful or wanton misconduct.

Seller's Disclosure Form.

The seller's disclosure form is amended to include a statement regarding whether the property is located within a fire protection district.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.