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**SUBSTITUTE HOUSE BILL 1719**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Judiciary (originally sponsored by Representatives Rodne, Schmick, Haler, Smith, Wilcox, Johnson, Klippert, Kristiansen, McCune, Short, Ross, and Warnick)

READ FIRST TIME 02/17/11.

1       AN ACT Relating to limiting liability for unauthorized passengers  
2 in a vehicle; adding a new section to chapter 4.92 RCW; adding a new  
3 section to chapter 4.24 RCW; and creating new sections.

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

5       NEW SECTION.   **Sec. 1.**   The legislature intends to overrule the  
6 state supreme court's holding in *Rahman v. State*, No. 83428-8 (January  
7 20, 2011), by modifying the application of the common law doctrine of  
8 respondeat superior.

9       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 4.92 RCW  
10 to read as follows:

11       (1) The state and local governments are not liable for any injury  
12 received by a third-party occupant of a vehicle that is owned, leased,  
13 or rented by the state or local government if, at the time the injuries  
14 were inflicted, the third-party occupant was:

15       (a) Riding in or on the vehicle with a state or local government  
16 employee who had explicitly acknowledged in writing the employer's  
17 policy on use of vehicles owned, leased, or rented by the state or  
18 local government; and

1 (b) Not specifically and expressly authorized by the state or local  
2 government to be an occupant of the vehicle.

3 (2) For purposes of this section, "third-party occupant" means a  
4 person who occupies a vehicle owned, leased, or rented by the state or  
5 local government and who is not an officer, employee, or agent of the  
6 state or local government. "Local government" includes any city,  
7 county, or other subdivision of the state and any municipal  
8 corporation, quasi-municipal corporation, or special district within  
9 the state.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW  
11 to read as follows:

12 (1) A private employer is not liable for any injury received by a  
13 third-party occupant of a vehicle that is owned, leased, or rented by  
14 the employer if, at the time the injuries were inflicted, the third-  
15 party occupant was riding in or on the vehicle with an employee who had  
16 explicitly acknowledged in writing the employer's policy on use of  
17 vehicles owned, leased, or rented by the employer and the third-party  
18 occupant was not:

19 (a) Specifically and expressly authorized by the employer to be an  
20 occupant of the vehicle; or

21 (b) Acting on behalf of, or for the benefit of, the employer with  
22 the knowledge or implied approval or acquiescence of the employer.

23 (2) For purposes of this section, "third-party occupant" means a  
24 person who occupies a vehicle owned, leased, or rented by the private  
25 employer and who is not an officer, employee, or agent, or authorized  
26 or constructive invitee of the private employer.

27 NEW SECTION. **Sec. 4.** This act applies to all causes of action  
28 accruing on or after the effective date of this act.

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