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**HOUSE BILL 1944**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Representatives Rodne, Schmick, Muri, Holy, Hayes, and Zeiger

AN ACT Relating to exemptions and immunities during a state of emergency; and amending RCW 43.06.220.

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

**Sec.**  RCW 43.06.220 and 2008 c 181 s 1 are each amended to read as follows:

(1) The governor after proclaiming a state of emergency and prior to terminating such, may, in the area described by the proclamation issue an order prohibiting:

(a) Any person being on the public streets, or in the public parks, or at any other public place during the hours declared by the governor to be a period of curfew;

(b) Any number of persons, as designated by the governor, from assembling or gathering on the public streets, parks, or other open areas of this state, either public or private;

(c) The manufacture, transfer, use, possession or transportation of a molotov cocktail or any other device, instrument or object designed to explode or produce uncontained combustion;

(d) The transporting, possessing or using of gasoline, kerosene, or combustible, flammable, or explosive liquids or materials in a glass or uncapped container of any kind except in connection with the normal operation of motor vehicles, normal home use or legitimate commercial use;

(e) The possession of firearms or any other deadly weapon by a person (other than a law enforcement officer) in a place other than that person's place of residence or business;

(f) The sale, purchase or dispensing of alcoholic beverages;

(g) The sale, purchase or dispensing of other commodities or goods, as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace;

(h) The use of certain streets, highways or public ways by the public; and

(i) Such other activities as he or she reasonably believes should be prohibited to help preserve and maintain life, health, property or the public peace.

(2) The governor after proclaiming a state of emergency and prior to terminating such may, in the area described by the proclamation, issue an order or orders concerning waiver or suspension of statutory or regulatory obligations or limitations ((~~in any or all of the following areas as further specified and limited by chapter 181, Laws of 2008~~))he or she finds necessary to preserve and maintain life, health, property, or the public peace, including but not limited to:

(a) Liability for participation in interlocal agreements;

(b) Inspection fees owed to the department of labor and industries;

(c) Application of the family emergency assistance program;

(d) Regulations, tariffs, and notice requirements under the jurisdiction of the utilities and transportation commission;

(e) Application of tax due dates and penalties relating to collection of taxes; ((~~and~~))

(f) Permits for industrial, business, or medical uses of alcohol;

(g) Inspection, construction, and regulatory standards for health care facilities under the jurisdiction of the department of health; and

(h) Sanctions, including attorney fees, for failure of state and local governmental entities to timely respond to public records requests under RCW 42.56.550.

(3) When the governor specifically identifies in an emergency proclamation extreme emergency conditions that may significantly affect the health care system within a specified area or areas, notwithstanding any other provision of law, a person, firm, corporation, or other entity providing health care services, including but not limited to hospitals, nursing homes, emergency medical services, home health care agencies, kidney dialysis facilities, assisted living facilities, and their employees and agents, in the area or areas specified is not liable for property damage or a person's death or injury resulting from health care provided under the extreme emergency conditions, including but not limited to limited or rationed resources, damaged infrastructure, or exceeding the scope of practice or the limits of licensure for which the person or facility is licensed. This subsection does not apply when the injury, loss, or damage is due to:

(a) The willful misconduct or gross negligence of the person, firm, corporation, or entity; or

(b) The person being under the influence of or affected by intoxicating liquor, marijuana, or any drug.

(4) In imposing the restrictions provided for by RCW 43.06.010, and 43.06.200 through 43.06.270, the governor may impose them for such times, upon such conditions, with such exceptions and in such areas of this state he or she from time to time deems necessary.

((~~(4)~~))(5) Any person willfully violating any provision of an order issued by the governor under this section is guilty of a gross misdemeanor.

**--- END ---**