
Judiciary Committee

HB 2460

Title: An act relating to incidents requiring a municipal fire department or fire district response.

Brief Description: Concerning incidents requiring a municipal fire department or fire district response.

Sponsors: Representatives Griffey and Haler.

Brief Summary of Bill

- Removes a provision allowing the state or a political subdivision to recover the extraordinary costs of responding to a hazardous materials incident caused by a person transporting hazardous materials.
- Provides that a municipal fire department or fire district may recover, from a person who causes an incident requiring a fire department or fire district response, the reasonable and extraordinary costs incurred in protecting the public from actual or threatened harm caused by the incident, and sets standards on the persons who may be liable and the extent of liability.
- Requires a municipal fire department or fire district to affix a minimum \$250 preparedness and response cost to all incidents where a liable party is responsible for the incident.

Hearing Date: 1/16/18

Staff: Edie Adams (786-7180).

Background:

There are a number of specific statutes that allow governmental entities to recover the costs of supplying governmental services in certain circumstances. For instance, statutes allow fire protection districts and counties to collect reasonable fees for providing emergency medical services. There are several statutory provisions that allow for the recovery of fire suppression costs from a person who is negligent in starting a fire or failing to take steps to control the spread

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.

of a fire. When a person illegally operating a vehicle upon a public highway causes damage to the highway or other infrastructure, the person is liable to the Department of Transportation for those damages as well as the incident response costs incurred. Response costs may also be recovered from a person causing an oil or hazardous substances spill or incident under a number of statutes.

One statute governing hazardous materials incidents provides liability for response costs for a person that causes a hazardous materials incident. A person transporting hazardous materials, other than the operating employees of a transportation company, is liable to the state or any political subdivision for extraordinary costs incurred in the course of protecting the public from actual or threatened harm resulting from the incident.

Any other person that causes a hazardous materials incident, other than a person transporting hazardous materials or an operating employee of a company, is liable to a municipal fire department or fire district for extraordinary costs in the course of protecting the public from actual or threatened harm resulting from the incident, until the incident oversight is assumed by the Department of Ecology. Extraordinary costs means reasonable and necessary costs that exceed the normal and usual expenses anticipated, including overtime for public employees, unusual fuel consumption requirements, loss or damage to publicly-owned equipment, and the purchase or lease of necessary special equipment or services.

Summary of Bill:

Provisions governing liability for causing a hazardous materials incident are revised. The ability of the state and local governments to recover extraordinary costs of responding to a hazardous materials incident caused by a person transporting hazardous materials are removed.

A person who causes an incident that requires a municipal fire department or fire district response is liable to the fire department or fire district for the reasonable and extraordinary costs incurred by the fire department or fire district in protecting the public from actual or threatened harm from the incident.

Liability applies to an owner of a vehicle or a vehicle operated with the owner's permission, the owner of a property or an individual on the owner's property, or a person who willfully or negligently causes or permits an incident requiring a municipal fire department or fire district response. For hazardous materials incidents, liability ends when incident oversight is assumed by the Department of Ecology, and liability does not extend to the operating employees of a transportation company.

The fire department or fire district must affix a minimum \$250 preparedness and response cost to all incidents where a liable party is responsible for the incident. This cost may include special education and training requirements of personnel, cleaning of equipment and turnouts, wear and tear of equipment, staffing costs, fuel consumption, loss or damage to publicly owned equipment, and purchase or lease of necessary special equipment or services.

The amount of a claim is limited to the liable party's policy liability limit except where extraordinary costs are incurred. The amount of a claim must be based on publicly available rate tables generated by the fire department or fire district for the actual time, usage, or replacement

of the equipment, personnel, or consumable goods used in the incident response. In addition, claim amounts must be auditable, verifiable, and based on consistently applied billing methodologies and practices.

Appropriation: None.

Fiscal Note: Requested on 1/12/18.

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