

HB 1169 - H AMD 369

By Representative Peterson

ADOPTED 03/13/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 52.30 RCW
4 to read as follows:

5 (1) A fire service jurisdiction is entitled to recover from any
6 liable party the reasonable costs associated with the cleanup or
7 removal of hazardous waste and other hazardous materials, including
8 debris or vehicle operating fluids, when responding to an incident on
9 private or public property, including public roadways. A liable party
10 must submit the reasonable costs from the jurisdiction or its
11 designee, for the jurisdiction's cleanup or removal services, to any
12 insurer that provides the coverage for property damage in which they
13 become legally obligated or responsible for causing. If a liable party
14 does not submit the invoice or bill for the reasonable costs received
15 from the jurisdiction or its designee to their insurer within fourteen
16 days of receipt of an invoice or bill, then the jurisdiction or its
17 designee may directly submit the claim to the liable party's insurer
18 for consideration of policy coverage. If coverage is found within a
19 liable party's insurance policy, the insurer may issue payment
20 directly to the jurisdiction and apply the claim expense to the
21 policy's limit of liability. If there are multiple liable parties
22 involved, the jurisdiction may only recover the proportional amount of
23 liability legally determined for each party. The jurisdiction may not
24 recover from any one liable party, or all liable parties combined,
25 more than the actual costs incurred with the cleanup and removal of
26 the hazardous waste and other hazardous materials, including debris or
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1 vehicle operating fluids, when responding to an incident on private or
2 public property, including public roadways.

3 (2) For the purposes of this section, the following definitions
4 apply:

5 (a) "Incident" means an unplanned, unintentional action or
6 situation and that necessitates a fire service jurisdiction response,
7 including but not limited to a motor vehicle accident, hazardous
8 material spill, unauthorized burn, boating accident, or airplane
9 crash.

10 (b) "Insurer" means the same as defined in RCW 48.01.050.

11 (c) "Vehicle" means any mode of transportation operated by a liable
12 party and involved in an incident, including but not limited to
13 automobiles, trucks, boats, aircraft, trains, and motorbikes.

14 (d) "Liable party" means a person or entity that is legally
15 obligated or responsible for causing an incident.

16 (e) "Fire service jurisdiction" or "jurisdiction" means a fire
17 protection district or regional fire protection service authority.

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19 NEW SECTION. Sec. 2. A new section is added to chapter 35.103 RCW
20 to read as follows:

21 (1) A municipal fire department, or department, is entitled to
22 recover from any liable party the reasonable costs associated with the
23 cleanup or removal of hazardous waste and other hazardous materials,
24 including debris or vehicle operating fluids, when responding to an
25 incident on private or public property, including public roadways. A
26 liable party must submit the reasonable costs from the department or
27 its designee, for the department's cleanup or removal services, to any
28 insurer that provides the coverage for property damage in which they
29 become legally obligated or responsible for causing. If a liable party
30 does not submit the invoice or bill for the reasonable costs received
31 from the department or its designee to their insurer within fourteen
32 days of receipt of an invoice or bill, then the department or its
33 designee may directly submit the claim to the liable party's insurer
34 for consideration of policy coverage. If coverage is found within a

1 liable party's insurance policy, the insurer may issue payment
2 directly to the department and apply the claim expense to the policy's
3 limit of liability. If there are multiple liable parties involved, the
4 department may only recover the proportional amount of liability
5 legally determined for each party. The department may not recover from
6 any one liable party, or all liable parties combined, more than the
7 actual costs incurred with the cleanup and removal of the hazardous
8 waste and other hazardous materials, including debris or vehicle
9 operating fluids, when responding to an incident on private or public
10 property, including public roadways.

11 (2) For the purposes of this section, the following definitions
12 apply:

13 (a) "Incident" means an unplanned, unintentional action or
14 situation and that necessitates a fire service jurisdiction response,
15 including but not limited to a motor vehicle accident, hazardous
16 material spill, unauthorized burn, boating accident, or airplane
17 crash.

18 (b) "Insurer" means the same as defined in RCW 48.01.050.

19 (c) "Vehicle" means any mode of transportation operated by a liable
20 party and involved in an incident, including but not limited to
21 automobiles, trucks, boats, aircraft, trains, and motorbikes.

22 (d) "Liable party" means a person or entity that is legally
23 obligated or responsible for causing an incident."

EFFEECT: Makes the following changes to the process used for a
fire service jurisdiction or department's recovery of costs
associated with cleanup or removal:

- Requires the liable party to submit the reasonable costs to
any insurer that provides coverage for property damage the
liable party is responsible for causing.
- Allows the fire service jurisdiction or department to submit
the bill or invoice directly to the liable party's
insurance company if the liable party does not submit the
bill or invoice to its insurance company within fourteen
days.
- Clarifies that the insurance company may issue payment
directly to the fire service jurisdiction or department if
coverage is available.

- Clarifies the costs will be proportionally charged if there is more than one liable party.
- Removes language related to extraordinary costs and claims which exceed the insured party's policy limit.
- Adds definitions for terms "incident," "insurer," "vehicle," "liable party," and "fire service jurisdiction."

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