

**EHB 1169** - S COMM AMD

By Committee on Financial Institutions, Economic Development & Trade

**NOT CONSIDERED 12/23/2019**

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  
4 RCW to read as follows:

5 (1) A fire service jurisdiction is entitled to recover from any  
6 liable party the actual costs associated with the cleanup or removal  
7 of hazardous waste and other hazardous materials, including debris or  
8 vehicle operating fluids, when responding to a vehicle accident on  
9 private or public property, including public roadways, only when  
10 coverage is found within a liable party's insurance policy. A liable  
11 party may submit an invoice for those actual costs incurred by the  
12 jurisdiction, for the jurisdiction's cleanup or removal services, to  
13 any insurer that provides the coverage for property damage for which  
14 the party becomes legally obligated if coverage is found within a  
15 liable party's insurance policy. An insurer providing such coverage  
16 may issue payment directly to the jurisdiction from available  
17 property damage liability coverage contained in the policy. If there  
18 are multiple liable parties involved, the jurisdiction may only  
19 recover the proportional amount of liability legally determined for  
20 each party. The jurisdiction may not recover from any one liable  
21 party, or all liable parties combined, more than the actual costs  
22 incurred with the cleanup and removal of the hazardous waste and  
23 other hazardous materials, including debris or vehicle operating  
24 fluids, when responding to a vehicle accident on private or public  
25 property, including public roadways.

26 (2) For the purposes of this section, the definitions in this  
27 subsection apply:

28 (a) "Actual costs" means the amount necessary to compensate for  
29 reasonable personnel time spent at the scene of a vehicle accident  
30 and the reasonable cost of any supplies used in the cleanup or  
31 removal of hazardous waste and other hazardous materials, including

1 debris or vehicle operating fluids, when responding to a vehicle  
2 accident on private or public property, including public roadways.

3 (b) "Fire service jurisdiction" or "jurisdiction" means a fire  
4 protection district or regional fire protection service authority.

5 (c) "Insurer" has the same meaning as in RCW 48.01.050.

6 (d) "Liable party" means a person or entity that is legally  
7 obligated or responsible for causing a vehicle accident.

8 (e) "Vehicle" means any mode of transportation operated by a  
9 liable party and involved in a vehicle accident including, but not  
10 limited to, automobiles, trucks, and motorcycles.

11 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.103  
12 RCW to read as follows:

13 (1) A municipal fire department, or department, is entitled to  
14 recover from any liable party the actual costs associated with the  
15 cleanup or removal of hazardous waste and other hazardous materials,  
16 including debris or vehicle operating fluids, when responding to a  
17 vehicle accident on private or public property, including public  
18 roadways, only when coverage is found within a liable party's  
19 insurance policy. A liable party may submit an invoice for those  
20 actual costs incurred by the department, for the department's cleanup  
21 or removal services, to any insurer that provides the coverage for  
22 property damage for which the party becomes legally obligated. If  
23 coverage is found within a liable party's insurance policy, an  
24 insurer providing such coverage may issue payment directly to the  
25 department from available property damage liability coverage  
26 contained in the policy. If there are multiple liable parties  
27 involved, the department may only recover the proportional amount of  
28 liability legally determined for each party. The department may not  
29 recover from any one liable party, or all liable parties combined,  
30 more than the actual costs incurred with the cleanup and removal of  
31 the hazardous waste and other hazardous materials, including debris  
32 or vehicle operating fluids, when responding to a vehicle accident on  
33 private or public property, including public roadways.

34 (2) For the purposes of this section, the definitions in this  
35 subsection apply:

36 (a) "Actual costs" means the amount necessary to compensate for  
37 reasonable personnel time spent at the scene of a vehicle accident  
38 and the reasonable cost of any supplies used in the cleanup or  
39 removal of hazardous waste and other hazardous materials, including

1 debris or vehicle operating fluids, when responding to a vehicle  
2 accident on private or public property, including public roadways.

3 (b) "Insurer" has the same meaning as in RCW 48.01.050.

4 (c) "Liable party" means a person or entity that is legally  
5 obligated or responsible for causing a vehicle accident.

6 (d) "Vehicle" means any mode of transportation operated by a  
7 liable party and involved in a vehicle accident including, but not  
8 limited to, automobiles, trucks, and motorcycles."

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9 On page 1, line 2 of the title, after "jurisdictions;" strike the  
10 remainder of the title and insert "adding a new section to chapter  
11 52.30 RCW; and adding a new section to chapter 35.103 RCW."

EFFECT: (1) Changes all references to "reasonable" costs to  
"actual" costs.

(2) Defines "actual costs."

(3) Clarifies that the liable party "may" rather than "must"  
submit the invoice to the insurer.

(4) Removes references to "incident," which was defined to  
include things other than vehicle accidents, and replace with  
"vehicle accident" only.

(5) Clarifies that this section applies only "if coverage is  
found within a liable party's insurance policy."

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