

EHB 1169 - S AMD 731
By Senator Mullet

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

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

27 (a) "Actual costs" means the amount necessary to compensate for
28 reasonable personnel time spent at the scene of a vehicle accident
29 and the reasonable cost of any supplies used in the cleanup or
30 removal of hazardous waste and other hazardous materials, including
31 debris or vehicle operating fluids, when responding to a vehicle
32 accident on private or public property, including public roadways.

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

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

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

6 (e) "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.

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

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

31 (2) For the purposes of this section, the definitions in this
32 subsection apply:

33 (a) "Actual costs" means the amount necessary to compensate for
34 reasonable personnel time spent at the scene of a vehicle accident
35 and the reasonable cost of any supplies used in the cleanup or
36 removal of hazardous waste and other hazardous materials, including
37 debris or vehicle operating fluids, when responding to a vehicle
38 accident on private or public property, including public roadways.

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

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

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

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6 On page 1, line 2 of the title, after "jurisdictions;" strike the
7 remainder of the title and insert "adding a new section to chapter
8 52.30 RCW; and adding a new section to chapter 35.103 RCW."

EFFECT: Permits fire districts and fire departments to recover actual clean-up costs regardless of whether or not coverage is found within a liable party's insurance.

Clarifies that a liable party may submit invoices to their insurer, rather than any insurer.

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