

# HOUSE BILL REPORT

## EHB 1169

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**As Passed House:**  
March 13, 2019

**Title:** An act relating to clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

**Brief Description:** Clarifying reimbursement for certain clean-up or removal actions by fire protection jurisdictions.

**Sponsors:** Representatives Peterson, Griffey, Goodman, Ortiz-Self and Pollet.

**Brief History:**

**Committee Activity:**

Local Government: 1/23/19, 1/30/19 [DP].

**Floor Activity:**

Passed House: 3/13/19, 64-32.

**Brief Summary of Engrossed Bill**

- Allows fire protection districts, regional fire protection service authority, and municipal fire departments to recover, from an insurer, the reasonable costs associated with the cleanup or removal of hazardous waste and other hazardous materials.

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### HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** Do pass. Signed by 5 members: Representatives Pollet, Chair; Peterson, Vice Chair; Appleton, Goehner and Senn.

**Minority Report:** Do not pass. Signed by 1 member: Representative Kraft, Ranking Minority Member.

**Staff:** Robbi Kesler (786-7153).

**Background:**

Fire Districts.

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*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.*

Fire protection districts are created to provide fire and emergency services to protect life and property in locations outside of cities and towns. A fire district may be established through a process involving a petition by the residents of a proposed district, a public hearing, and voter approval. A board of three to five elected commissioners govern fire districts.

Municipal Fire Department.

A municipal fire department is a city or town fire department responsible for firefighting actions, emergency medical services, and other special operations in a specified geographic area. The department must be composed of mostly career firefighters, not volunteers.

Liability for Damage.

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.

**Summary of Engrossed Bill:**

New sections are added to allow fire protection districts, regional fire protection service authorities, and municipal fire departments to recover, from an insurer, the reasonable costs associated with the cleanup or removal of hazardous waste and other hazardous materials when responding to an incident.

The liable party must submit the reasonable costs from the fire jurisdiction or department to any insurer that provides coverage for property damage the liable party is legally obligated or responsible for causing. If the liable party does not submit the invoice or bill to their insurer within 14 days then the fire jurisdiction or department may directly submit the claim to the liable party's insurer for consideration of policy coverage. If there are multiple liable parties involved in an incident the fire jurisdiction or department may only recover the proportional amount of liability legally determined for each party.

If coverage is found, the insurer may issue payment directly to the fire jurisdiction or department and apply the claim expense to the liable party's policy's limit of liability.

"Incident" is defined as an unplanned, unintentional action or situation and that necessitates a fire jurisdiction or department response including, but not limited to, a motor vehicle accident, hazardous material spill, unauthorized burn, boating accident, or airplane crash.

"Vehicle" is defined as any mode of transportation operated by a liable party and involved in an incident, including but not limited to, automobiles, trucks, boats, aircraft, trains, and motorbikes.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) There is a cost burden to fire departments for cleanup, and clarifying the law to make sure those cleanup costs can be charged to the insurance companies is needed. About 75 percent of insurance companies do pay these bills, but some do not because of technical word games. The playing field needs to be leveled. Fire departments struggle to find revenue streams outside of tax revenue. An average cleanup costs about \$500. Without an affirmative statement regarding the legality of collection, insurance companies sometimes do not pay. Currently, anything that goes above and beyond the basic removal of debris, such as preventing waste from going into the waterways, is allowed to be collected, and now we would like to clarify this area of the law to be able to recover more. Fire agencies use and earmark these funds for certain programs. Examples include: physical and mental health programs, trainings, and equipment replacement to offset hard costs for responding to these incidents.

(Opposed) None.

**Persons Testifying:** Representative Peterson, prime sponsor; Keith Wright, Washington Fire Chiefs; Tim McKern, Central Mason Fire and EMS; and Steven Kaufman, EF Recovery, LLC.

**Persons Signed In To Testify But Not Testifying:** None.