

HOUSE BILL REPORT

SB 6090

As Passed House - Amended:
March 6, 2020

Title: An act relating to limiting fire protection service agency liability for the installation of detection devices.

Brief Description: Limiting fire protection service agency liability for the installation of detection devices.

Sponsors: Senators Warnick, Honeyford and Liias.

Brief History:

Committee Activity:

Civil Rights & Judiciary: 2/19/20, 2/28/20 [DPA].

Floor Activity:

Passed House - Amended: 3/6/20, 96-0.

**Brief Summary of Bill
(As Amended by House)**

- Limits, in certain circumstances, the civil liability of fire protection service agencies and firefighters who deliver or install a detection device in a residential premise.

HOUSE COMMITTEE ON CIVIL RIGHTS & JUDICIARY

Majority Report: Do pass as amended. Signed by 15 members: Representatives Kilduff, Chair; Thai, Vice Chair; Irwin, Ranking Minority Member; Dufault, Assistant Ranking Minority Member; Goodman, Graham, Hansen, Kirby, Klippert, Orwall, Peterson, Rude, Valdez, Walen and Ybarra.

Staff: Ingrid Lewis (786-7289).

Background:

Fire Protection Service Agencies.

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.

A fire protection service agency includes any local, state, or federal governmental entity responsible for firefighting services, including fire protection districts, regional fire protection service authorities, cities, towns, port districts, the Department of Natural Resources, and federal reservations.

Tort Liability and Immunity.

A tort is an act or omission that gives rise to injury or harm for which liability may be imposed. The boundaries of tort law are defined in both common law and statutory law. Torts fall into three general categories: negligent torts, intentional torts, and strict liability torts. There are a variety of statutes that provide some form of immunity from liability to certain persons or entities. For example, any fire service protection agency and its firefighters, whether paid or volunteer, taking part in firefighting efforts outside its jurisdiction or providing emergency care, rescue, assistance, or recovery services at an emergency is not liable for civil damages resulting from any act or omission in rendering services, except for acts or omissions constituting gross negligence or willful or wanton misconduct.

Summary of Amended Bill:

Any fire protection service agency or individual firefighter, whether volunteer or paid, that delivers or installs a device or batteries for a device at a residential premise is not liable for civil damages resulting from any act or omission in the delivery or installation, if:

- the device is new and meets all applicable current safety and manufacturing standards;
- installation was done in conformance with the manufacturer's instructions;
- the installation or delivery was in the fire protection service agency's official capacity; and
- the act or omission did not constitute gross negligence or willful or wanton misconduct.

"Device" includes any battery-operated or plug-in smoke detector, carbon monoxide detector, or combination smoke and carbon monoxide detector.

Any fire protection service agency delivering or installing a device must keep records in accordance with public records requirements.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Eighty percent of fire victims die in their own home, which equates to approximately 50 people each year. Working smoke alarms save lives. Fire departments have smoke and carbon monoxide detector installation programs, and fire marshals are in

favor of any legislation that encourages installation of smoke alarms and other fire protection systems. There should be a law that protects these departments and the firefighters from liability.

(Opposed) None.

(Other) Record retention requirements should conform with public records law.

Persons Testifying: (In support) Senator Warnick, prime sponsor; and Robert Bradley, Washington State Association of Fire Marshals.

(Other) Bryan McConaughy, Washington State Association of Fire Marshals and Washington State Fire Chiefs.

Persons Signed In To Testify But Not Testifying: None.