
SUBSTITUTE SENATE BILL 5326

State of Washington

53rd Legislature

1993 Regular Session

By Senate Committee on Labor & Commerce (originally sponsored by Senators Pelz, von Reichbauer, Moore and Winsley)

Read first time 03/03/93.

1 AN ACT Relating to food products requiring insurance or proof of
2 financial responsibility; adding a new chapter to Title 69 RCW; and
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Unless the context clearly requires
6 otherwise, the definition in this section applies throughout this
7 chapter. "Food products delivery guarantee" means an advertised policy
8 guaranteeing or warranting the time of delivery for the retail sale of
9 a prepared food product or service.

10 NEW SECTION. **Sec. 2.** A person may bring a civil action for
11 injuries or damages proximately caused by the conduct of a person
12 attempting to meet the terms of a food products delivery guarantee.
13 Damages may include nominal and compensatory damages. Costs and
14 attorneys' fees shall be awarded by the court to a prevailing party.
15 The relief provided in this section is in addition to remedies
16 otherwise provided by law.

1 NEW SECTION. **Sec. 3.** When a court finds that a person made a food
2 products delivery guarantee and that the attempt to meet its terms
3 proximately resulted in injury or damage to another or another's
4 property, the attorney general of the state of Washington may petition
5 the court on behalf of the state for a civil penalty of five thousand
6 dollars for each occurrence of injury or damage.

7 NEW SECTION. **Sec. 4.** All retail prepared food delivery businesses
8 shall have public liability insurance for nonowned motor vehicles used
9 by employees for delivery purposes. The insurance may provide that its
10 coverage is excess to any personal automobile liability policy that
11 provides coverage for the employee's use of the vehicle for delivery
12 purposes. In the event of a claim under the personal policy for
13 liability arising from the delivery use, the business shall reimburse
14 the employee for any applicable deductibles associated with the claim
15 under the personal policy. The minimum coverage shall be two hundred
16 fifty thousand dollars for injury or damage to property per occurrence
17 and two hundred fifty thousand dollars for injury or damage, including
18 death, to any one person and five hundred twenty-five thousand dollars
19 for injury or damage, including death, to more than one person.

20 NEW SECTION. **Sec. 5.** This chapter may be known and cited as the
21 Food Products Delivery Guarantee Act.

22 NEW SECTION. **Sec. 6.** Sections 1 through 5 of this act shall
23 constitute a new chapter in Title 69 RCW.

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