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**SUBSTITUTE SENATE BILL 6405**

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**State of Washington**

**60th Legislature**

**2008 Regular Session**

**By** Senate Transportation (originally sponsored by Senators Swecker and Rasmussen)

READ FIRST TIME 02/07/08.

1 AN ACT Relating to the liability of persons rescued from flood  
2 waters on highways; and adding a new section to chapter 46.61 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.61 RCW  
5 to read as follows:

6 (1) A person is liable for the cost incurred by the state, local  
7 municipality, or public agency that rescues that person from flood  
8 waters on a highway if:

9 (a) The rescue was necessary because the person who was rescued  
10 intentionally ignored warning signs; and

11 (b) By the person obeying warning signs, the need for the rescue  
12 would have been avoided.

13 (2) A person shall not be liable for the costs associated with his  
14 or her rescue if:

15 (a) His or her failure to heed the warning signs was due to a  
16 life-threatening emergency; or

17 (b) Under the circumstances, a reasonable person would have ignored

1 the warning signs.

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