
Local Government & Housing Committee

ESB 6462

Brief Description: Addressing the duties of a firefighter at the scene of a wildfire beyond the boundaries of the firefighter's district.

Sponsors: Senators Honeyford, Hewitt, Schoesler, Holmquist, Stevens, Morton, Delvin, King, Roach, Becker and Swecker.

Brief Summary of Engrossed Bill

- Creates a qualified duty requiring a firefighter to undertake fire-suppression efforts if he or she encounters a wildfire that poses a danger to human life or structures, regardless of whether the fire is outside the boundaries of the firefighter's jurisdiction.
- Provides a firefighter with qualified immunity from civil liability when responding to an emergency or engaging in firefighting efforts outside of his or her jurisdiction.

Hearing Date: 2/18/10

Staff: Thamas Osborn (786-7129).

Background:

Overview: Fire Protection Services.

State law authorizes the creation of several types of fire protection/emergency service providers so as to address the varying needs of cities, towns, and counties as determined by demographic factors, geography, and other regional differences. The primary types of fire protection service providers are:

- city/town fire departments;
- fire protection districts;
- regional fire protection service authorities;
- port district fire departments; and
- Department of Natural Resources.

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Each type of fire protection service provider operates within a specified jurisdiction and each has the authority to tax residents for the services provided. In addition, fire protection jurisdictions are authorized to enter into interlocal agreements among themselves in order to provide mutual aid outside of their customary jurisdictional boundaries.

Although the residents of every area of the state have the option of establishing a local fire protection service, the creation of such a service requires either a public vote or legislative action by the pertinent local government. Accordingly, due to inaction by either the resident voters or the local governing body, some areas of the state are not within the jurisdiction of any of the various fire protection service providers. In such areas, residents do not have access to publicly funded fire or emergency services.

Fire Protection Districts.

Fire protection districts are created to provide fire prevention, fire suppression, and emergency medical services within a district's boundaries, which can include incorporated and unincorporated areas. The creation of such districts requires voter approval. Generally, districts serve residents outside of cities or towns, except when cities and towns have been annexed into a district or when the district continues to provide service to a newly incorporated area. Fire protection districts are governed by an elected board of commissioners consisting of either three or five members. The districts finance their activities and facilities by imposing regular property taxes, excess voter-approved property tax levies, and benefit charges.

Regional Fire Protection Service Authorities.

A Regional Fire Protection Service Authority (Authority) may be created for the purpose of conducting specified fire protection functions at a regional level. An Authority may be created by the merger of two or more adjacent fire protection jurisdictions, including fire protection districts, cities, port districts, and Indian tribes. The creation of an authority requires voter approval and is governed by a board responsible for the execution of the regional fire protection service plan approved by the voters.

Forest Fire Protection Assessment.

Owners of forest land within a "forest protection zone" are required to provide adequate fire protection for such land consistent with statutory guidelines. If an owner of such forest land fails to do so, the Department of Natural Resources must provide the requisite fire protection and collect an annual assessment from the landowner to defray the cost of such fire protection services.

Duties of Firefighters Outside of Jurisdictional Boundaries.

State law does not require a firefighter to engage in fire suppression efforts if the fire occurs outside of his or her agency's jurisdictional boundaries.

Summary of Bill:

A firefighter present at the scene of a wildfire has a duty to undertake fire-suppression efforts if the fire poses a danger to human life or structures. This duty extends to wildfires beyond the boundaries of the firefighter's district. However, no such duty exists if a firefighter does not have the necessary equipment or manpower at the scene to fight the fire in a safe and reasonable manner. The priorities and methods for fighting such fires are determined by the chain of command within the pertinent fire protection agency. If no such chain of command has been established, firefighting priorities and methods will be determined by the most senior firefighter on the engine.

State and municipal firefighters, both paid and volunteer, are immune from civil liability under the following circumstances: (1) when engaging in firefighting efforts outside their jurisdiction; and (2) when providing emergency care, rescue, assistance, or recovery services at the scene of an emergency. This immunity does not include acts or omissions constituting gross negligence or willful or wanton misconduct.

Appropriation: None.

Fiscal Note: Not requested.

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