

FINAL BILL REPORT

SHB 1506

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Synopsis as Enacted

Brief Description: Addressing fire suppression efforts and capabilities on unprotected land outside a fire protection jurisdiction.

Sponsors: House Committee on Judiciary (originally sponsored by Representatives Chandler, Takko and Johnson).

House Committee on Judiciary
House Committee on General Government Appropriations & Oversight
Senate Committee on Government Operations, Tribal Relations & Elections

Background:

Fire Protection Services.

State law authorizes the creation of several types of fire protection and emergency service providers to serve cities, towns, and counties. The types of fire protection service providers include city or town fire departments, fire protection districts, and regional fire protection service authorities.

Each type of fire protection service provider operates within a specified jurisdiction and each has the authority to tax residents for the services provided. Fire protection jurisdictions may enter into interlocal agreements among themselves to provide services outside of their jurisdictional boundaries.

Residents of every area of the state may establish a local fire protection service or a fire protection district to provide fire prevention, suppression, and emergency medical services. However, the creation of a service or district requires either a public vote or legislative action by the appropriate local government. The inability to create a fire protection service or district may result in some areas of the state not being within the jurisdiction of any fire protection service provider. In such areas, residents do not have access to publicly funded fire or emergency services.

Seller Disclosure Forms.

Statutes governing real estate transactions require that a seller provide a disclosure statement, on a prescribed form, to the buyer as part of a residential real property sale. The form

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requires the seller to disclose matters on various issues, such as sewer and septic systems, structural concerns, and hazards such as flooding, based on the seller's personal knowledge.

Summary:

Fire Protection Services on Unprotected Land.

"Unprotected land" means improved property located outside a fire protection jurisdiction. Property owners of unprotected lands are encouraged to form or annex into a fire protection jurisdiction or to enter into an agreement with a fire protection service agency for fire protection services. Agreements must be in writing and include a risk assessment of the property and a capabilities assessment of the district.

Property owners of unprotected land who choose not to form or annex into a fire protection jurisdiction do so willingly and with full knowledge that a fire protection service agency is not obligated to provide services to unprotected land.

Absent a written contractual agreement, a fire protection service agency may initiate fire protection services on unprotected land outside its jurisdiction when:

- services are specifically requested by a landowner or other fire service protection agency;
- service could reasonably be believed to prevent the spread of fire onto protected lands; or
- service could reasonably be believed to substantially mitigate the risk of harm to life or property by preventing the spread of fire onto other unprotected lands.

The property owner of the unprotected land must reimburse the agency for actual costs that are incurred that are proportionate to the fire itself. If the property owner fails to pay the agency for its services, the agency is entitled to pursue payment through a collection agency or court action.

Liability.

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.

Seller's Disclosure Form.

The seller's disclosure form must include a statement regarding whether the property is located within a fire protection district.

Votes on Final Passage:

House	96	0	
Senate	45	3	(Senate amended)
House	96	0	(House concurred)

Effective: July 22, 2011