

---

ENGROSSED SUBSTITUTE HOUSE BILL 1490

---

State of Washington

55th Legislature

1998 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Thompson, Mielke, L. Thomas, McMorris, Chandler, Sterk and Delvin)

Read first time 03/05/97.

1 AN ACT Relating to liability of drivers of authorized emergency  
2 vehicles; and amending RCW 46.61.035.

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

4 **Sec. 1.** RCW 46.61.035 and 1969 c 23 s 1 are each amended to read  
5 as follows:

6 (1) The driver of an authorized emergency vehicle, when responding  
7 to an emergency call or when in the pursuit of an actual or suspected  
8 violator of the law or when responding to but not upon returning from  
9 a fire alarm, may exercise the privileges set forth in this section,  
10 but subject to the conditions herein stated.

11 (2) The driver of an authorized emergency vehicle may:

12 (a) Park or stand, irrespective of the provisions of this chapter;

13 (b) Proceed past a red or stop signal or stop sign, but only after  
14 slowing down as may be necessary for safe operation;

15 (c) Exceed the maximum speed limits (~~so long as he does not~~  
16 ~~endanger life or property~~);

17 (d) Disregard regulations governing direction of movement or  
18 turning in specified directions.

1 (3) The exemptions herein granted to an authorized emergency  
2 vehicle shall apply only when such vehicle is making use of visual  
3 signals meeting the requirements of RCW 46.37.190, except that: (a) An  
4 authorized emergency vehicle operated as a police vehicle need not be  
5 equipped with or display a red light visible from in front of the  
6 vehicle; (b) authorized emergency vehicles shall use audible signals  
7 when necessary to warn others of the emergency nature of the situation  
8 but in no case shall they be required to use audible signals while  
9 parked or standing.

10 (4) Except as otherwise provided in subsection (5) of this section,  
11 the foregoing provisions shall not relieve the driver of an authorized  
12 emergency vehicle from the duty to drive with due regard for the safety  
13 of all persons~~((, nor shall such provisions protect the driver from the~~  
14 ~~consequences of his reckless disregard for the safety of others)).~~

15 (5) The driver or public entity employing the driver of a law  
16 enforcement vehicle is not liable for damages arising from the  
17 operation of a motor vehicle and resulting from the termination of  
18 pursuit or lack of pursuit of a suspected violator of the law unless  
19 such action constitutes gross negligence. For purposes of this  
20 subsection, "law enforcement vehicle" means an authorized emergency  
21 vehicle of a city police or county sheriff department or the Washington  
22 state patrol.

--- END ---