

1 **ESSB 6428 - H AMD Failed March 7, 2002 0452**

2 By Representative Carrell

3 On page 1, line 13, after "testify" insert "except under limited  
4 circumstances"

5 On page 1, line 15, after "proceedings" insert "except under  
6 limited circumstances"

7 On page 3, line 10, after "(2)" insert "(a) The final report of a  
8 loss prevention review team is admissible in a civil or administrative  
9 proceeding if: (i) The proceeding is instituted after the issuance of  
10 the final report of the loss prevention review team, (ii) the  
11 proceeding involves a cause of action that accrued at least twelve  
12 months after the issuance of the final report, and (iii) the proceeding  
13 involves the same or similar circumstances involved in the accident or  
14 loss that led to the appointment of the loss prevention review team.

15 (b)"

16 On page 3, line 21, strike "No" and insert "(a) Except as provided  
17 in (b) of this subsection, no"

18 On page 3, line 22, strike "(a)" and insert "(i)"

19 On page 3, line 23, strike "(b)" and insert "(ii)"

20 On page 3, line 23, strike "(c)" and insert "(iii)"

21 On page 3, line 26, strike "(d)" and insert "(iv)"

22 On page 3, after line 29, insert:

23 "(b) A member of a loss prevention review team may be examined in  
24 a civil or administrative proceeding as to any information relating to  
25 the work of the loss prevention review team or the incident under  
26 review if: (i) The proceeding is instituted after the issuance of the  
27 final report of the loss prevention review team, (ii) the proceeding  
28 involves a cause of action that accrued at least twelve months after  
29 the issuance of the final report, and (iii) the proceeding involves the

1 same or similar circumstances involved in the accident or loss that led  
2 to the appointment of the loss prevention review team."

3 On page 3, line 30, after "(4)" insert "(a)"

4 On page 3, line 36, after "However," insert "except as provided in  
5 (b) of this subsection,"

6 On page 4, after line 4, insert the following:

7 "(b) A person who has been interviewed by or has provided a  
8 statement to a loss prevention review team may be examined in a civil  
9 or administrative proceeding regarding that person's interactions with  
10 the loss prevention review team if: (i) The proceeding is instituted  
11 after the issuance of the final report of the loss prevention review  
12 team, (ii) the proceeding involves a cause of action that accrued at  
13 least twelve months after the issuance of the final report, and (iii)  
14 the proceeding involves the same or similar circumstances involved in  
15 the accident or loss that led to the appointment of the loss prevention  
16 review team."

17 On page 4, line 7, after "proceeding," insert "except under the  
18 same circumstances for which a final report is admissible under  
19 subsection (2)(a) of this section, and"

**EFFECT:** Provides that the final report of a loss prevention review team and documents prepared by or for a review team are admissible in a civil or administrative proceeding if: (a) the proceeding is instituted after the issuance of the final report, (b) the proceeding involves a cause of action that accrued at least twelve months after the issuance of the final report, and (c) the proceeding involves the same or similar circumstances involved in the accident or loss that led to the appointment of the review team. A member of a review team and a person who was interviewed by or provided statements to a review team may be examined in a proceeding under these same circumstances.