

CERTIFICATION OF ENROLLMENT

SENATE BILL 6078

66th Legislature
2020 Regular Session

Passed by the Senate February 14,
2020

Yeas 37 Nays 10

President of the Senate

Passed by the House March 5, 2020

Yeas 97 Nays 0

**Speaker of the House of
Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6078** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 6078

Passed Legislature - 2020 Regular Session

State of Washington

66th Legislature

2020 Regular Session

By Senator Mullet

Prefiled 12/16/19.

1 AN ACT Relating to clarifying reimbursement for certain clean-up
2 or removal actions by fire protection jurisdictions; adding a new
3 section to chapter 52.30 RCW; and adding a new section to chapter
4 35.103 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 52.30
7 RCW to read as follows:

8 (1) A fire service jurisdiction is entitled to recover from any
9 liable party the actual costs associated with the cleanup or removal
10 of hazardous waste and other hazardous materials, including debris or
11 vehicle operating fluids, when responding to a vehicle accident on
12 private or public property, including public roadways. A liable party
13 may submit an invoice for those actual costs incurred by the
14 jurisdiction, for the jurisdiction's cleanup or removal services, to
15 their insurer that provides coverage for property damage for which
16 the party becomes legally obligated, if coverage is found within a
17 liable party's insurance policy. An insurer providing such coverage
18 may issue payment directly to the jurisdiction from available
19 property damage liability coverage contained in the policy. If there
20 are multiple liable parties involved, the jurisdiction may only
21 recover the proportional amount of liability legally determined for

1 each party. The jurisdiction may not recover from any one liable
2 party, or all liable parties combined, more than the actual costs
3 incurred with the cleanup and removal of the hazardous waste and
4 other hazardous materials, including debris or vehicle operating
5 fluids, when responding to a vehicle accident on private or public
6 property, including public roadways.

7 (2) For the purposes of this section, the definitions in this
8 subsection apply:

9 (a) "Actual costs" means the amount necessary to compensate for
10 reasonable personnel time spent at the scene of a vehicle accident
11 and the reasonable cost of any supplies used in the cleanup or
12 removal of hazardous waste and other hazardous materials, including
13 debris or vehicle operating fluids, when responding to a vehicle
14 accident on private or public property, including public roadways.

15 (b) "Fire service jurisdiction" or "jurisdiction" means a fire
16 protection district or regional fire protection service authority.

17 (c) "Insurer" has the same meaning as in RCW 48.01.050.

18 (d) "Liable party" means a person or entity that is legally
19 obligated or responsible for causing a vehicle accident.

20 (e) "Vehicle" means any mode of transportation operated by a
21 liable party and involved in a vehicle accident including, but not
22 limited to, automobiles, trucks, and motorcycles.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.103
24 RCW to read as follows:

25 (1) A municipal fire department, or department, is entitled to
26 recover from any liable party the actual costs associated with the
27 cleanup or removal of hazardous waste and other hazardous materials,
28 including debris or vehicle operating fluids, when responding to a
29 vehicle accident on private or public property, including public
30 roadways. A liable party may submit an invoice for those actual costs
31 incurred by the department, for the department's cleanup or removal
32 services, to their insurer that provides coverage for property damage
33 for which the party becomes legally obligated, if coverage is found
34 within a liable party's insurance policy. An insurer providing such
35 coverage may issue payment directly to the department from available
36 property damage liability coverage contained in the policy. If there
37 are multiple liable parties involved, the department may only recover
38 the proportional amount of liability legally determined for each
39 party. The department may not recover from any one liable party, or

1 all liable parties combined, more than the actual costs incurred with
2 the cleanup and removal of the hazardous waste and other hazardous
3 materials, including debris or vehicle operating fluids, when
4 responding to a vehicle accident on private or public property,
5 including public roadways.

6 (2) For the purposes of this section, the definitions in this
7 subsection apply:

8 (a) "Actual costs" means the amount necessary to compensate for
9 reasonable personnel time spent at the scene of a vehicle accident
10 and the reasonable cost of any supplies used in the cleanup or
11 removal of hazardous waste and other hazardous materials, including
12 debris or vehicle operating fluids, when responding to a vehicle
13 accident on private or public property, including public roadways.

14 (b) "Insurer" has the same meaning as in RCW 48.01.050.

15 (c) "Liable party" means a person or entity that is legally
16 obligated or responsible for causing a vehicle accident.

17 (d) "Vehicle" means any mode of transportation operated by a
18 liable party and involved in a vehicle accident including, but not
19 limited to, automobiles, trucks, and motorcycles.

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