
HOUSE BILL 2460

State of Washington 65th Legislature 2018 Regular Session

By Representatives Griffey and Haler

Read first time 01/09/18. Referred to Committee on Judiciary.

1 AN ACT Relating to incidents requiring a municipal fire
2 department or fire district response; and amending RCW 4.24.314.

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

4 **Sec. 1.** RCW 4.24.314 and 1989 c 406 s 1 are each amended to read
5 as follows:

6 (1) Any person transporting hazardous materials shall clean up
7 any hazardous materials incident that occurs during transportation,
8 and shall take such additional action as may be reasonably necessary
9 after consultation with the designated incident command agency in
10 order to achieve compliance with all applicable federal ~~((and))~~,
11 state, and local laws and regulations.

12 ~~(2) Any person ((transporting hazardous materials that is~~
13 ~~responsible for causing a hazardous materials incident, as defined in~~
14 ~~RCW 70.136.020, other than the operating employees of a~~
15 ~~transportation company,)) causing an incident requiring a municipal~~
16 ~~fire department or fire district response is liable to the ((state or~~
17 ~~any political subdivision thereof)) municipal fire department or fire~~
18 ~~district for the reasonable and extraordinary costs incurred by the~~
19 ~~((state or the political subdivision)) municipal fire department or~~
20 ~~fire district in the course of protecting the public from actual or~~
21 ~~threatened harm resulting from the ((hazardous materials)) incident.~~

1 For hazardous materials incidents, as defined in RCW 70.136.020,
2 liability: (a) Ends when incident oversight is assumed by the
3 department of ecology; and (b) does not extend to the operating
4 employees of a transportation company.

5 ~~((+2))~~ (3) Any person, other than a person transporting
6 hazardous materials or an operating employee of a company,
7 responsible for causing a hazardous materials incident, as defined in
8 RCW 70.136.020, is liable to a municipal fire department or fire
9 district for the reasonable and extraordinary costs incurred by the
10 municipal fire department or fire district, in the course of
11 protecting the public from actual or threatened harm resulting from
12 the hazardous materials incident, until the incident oversight is
13 assumed by the department of ecology.

14 ~~((+3))~~ (4) Fire departments, fire districts, and local
15 authorities may present claims for liability under this section,
16 bring actions for recovery thereon, and settle and compromise, in
17 their discretion, claims arising under this section.

18 (5) The liability created by this section applies to an owner of
19 a vehicle or a vehicle operated with the owner's permission, the
20 owner of a property or an individual on the owner's property, or a
21 person who willfully or negligently causes or permits an incident
22 requiring a municipal fire department or fire district response to
23 occur.

24 (6) The municipal fire department or fire district must affix a
25 minimum two hundred fifty dollar preparedness and response cost to
26 all incidents covered under this section where a liable party is
27 responsible for the incident. This cost may include, but is not
28 limited to, special education and training requirements of personnel,
29 cleaning of equipment and turnouts, wear and tear of equipment,
30 staffing costs, fuel consumption, loss or damage to publicly owned
31 equipment, and purchase or lease of special equipment or services
32 required to protect the environment, community property, and the
33 public.

34 (7) The amount of a claim under this section may not exceed the
35 liable party's policy liability limit except in cases where
36 extraordinary costs are incurred by the municipal fire department or
37 fire district.

38 (8) The amount of a claim under this section must be based on the
39 actual time, usage, or replacement of the equipment, personnel, or
40 consumable goods used in the response to the incident. All amounts

1 must be based on publicly available rate tables generated by the
2 municipal fire department or fire district. All amounts must be
3 auditable and verifiable and must be based on consistently applied
4 billing methodologies and practices.

5 (9) "Extraordinary costs" as used in this section means those
6 reasonable and necessary costs incurred by a ((governmental entity))
7 municipal fire department or fire district in the course of
8 protecting life and property that exceed the normal and ((usual))
9 customary expenses anticipated for police and fire protection,
10 emergency services, and public works. These shall include, but not be
11 limited to, overtime for public employees, unusual fuel consumption
12 requirements, any loss or damage to publicly owned equipment, and the
13 purchase or lease of any special equipment or services required to
14 protect the public during the hazardous materials incident.

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