
SUBSTITUTE SENATE BILL 5645

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Energy & Utilities (originally sponsored by Senators Thorsness and Williams).

Read first time March 6, 1991.

1 AN ACT Relating to liability of handlers of low-level radioactive
2 waste; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The low-level radioactive materials
5 task force is created, consisting of the directors of the department of
6 general administration, department of ecology, and office of financial
7 management, or their designees; the secretary of the department of
8 health, or his or her designee; the chief of the Washington state
9 patrol, or his or her designee; and the chair of the utilities and
10 transportation commission, or his or her designee. The department of
11 general administration shall serve as the lead agency of the task
12 force.

13 (2) The task force shall create a working group that includes
14 representatives of a broad range of affected interests in the use,
15 handling, packaging, transporting, and disposal of low-level

1 radioactive materials and waste, including licensees and permittees of
2 state agencies involved in the regulation of such activities, such as
3 hospitals, industrial radiographers, manufacturers, transporters, and
4 insurers. The working group shall provide information, advice, and
5 technical assistance to the task force.

6 (3) The task force shall report to the energy and utilities
7 committees of the senate and the house of representatives by December
8 15, 1991, on its findings and recommendations as to liability insurance
9 for the state's licensees and permittees, and an assessment of the risk
10 and risk management for the state with regard to damages arising out of
11 the activities of the licensees, including requirements for
12 indemnifying and holding the state harmless for such damage. The task
13 force shall utilize, to the maximum extent possible, recent reports to
14 the legislature from the department of ecology and the department of
15 health on these and related topics. The report of the task force
16 shall, at a minimum, address the following:

17 (a) The risk to the state from the activities engaged in by the
18 licensees and permittees;

19 (b) Possible modifications to existing requirements under state law
20 for regulated persons to indemnify and hold the state harmless from
21 damage arising from their activities, including limitations on the
22 amounts of such requirements, limitations on the extent of liability to
23 reflect the degree of fault, and exemptions from such requirements for
24 certain categories of licensees or permittees;

25 (c) The availability and cost of liability insurance for the
26 activities of licensees and permittees;

27 (d) The availability and cost of, and the potential for an active
28 role by the state in obtaining from licensees or permittees, forms of
29 financial assurance or guarantees other than liability insurance; and

1 (e) Existing or anticipated federal insurance requirements for such
2 activities.

3 The report shall contain recommendations or alternatives for
4 legislative action.