

---

SENATE BILL 5645

---

State of Washington

52nd Legislature

1991 Regular Session

By Senators Thorsness and Williams.

Read first time February 12, 1991. Referred to Committee on Energy & Utilities.

1 AN ACT Relating to liability of handlers of low-level radioactive  
2 waste; and amending RCW 43.200.210 and 70.98.095.

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

4 **Sec. 1.** RCW 43.200.210 and 1990 c 82 s 2 are each amended to read  
5 as follows:

6 (1)(a) The department of ecology shall require that any person who  
7 holds or applies for a permit under this chapter indemnify and hold  
8 harmless the state from claims, suits, damages, or expenses on account  
9 of injuries to or death of persons and property, arising or growing out  
10 of any acts or omissions of the person or the person's agents or  
11 employees in any operations and activities for which the person holds  
12 the ((~~license or~~)) permit, and any necessary or incidental operations.

13 (b) Except for a permit holder not required to maintain liability  
14 insurance coverage under RCW 43.200.200(7), the department shall  
15 require any person who holds or applies for a permit under this chapter

1 to demonstrate that the person has and maintains liability coverage for  
2 the operations for which the state has been indemnified and held  
3 harmless pursuant to this section. The agency shall require coverage  
4 in an amount determined by the director of the department of ecology  
5 pursuant to RCW 43.200.200.

6 (2) The department of ecology shall suspend the ~~((license))~~ permit  
7 of, or refuse to issue the permit to, any person required by this  
8 section to indemnify and hold harmless the state under subsection  
9 (1)(a) of this section, or to hold and maintain liability coverage  
10 under subsection (1)(b) of this section, who fails to ~~((demonstrate~~  
11 ~~compliance))~~ comply with either requirement of subsection (1) of this  
12 section. The permit shall not be issued or reinstated until the person  
13 ~~((demonstrates compliance))~~ complies with subsection (1) of this  
14 section.

15 (3) The department of ecology shall require (a) that any person  
16 required to maintain liability coverage maintain with the agency  
17 current copies of any insurance policies, certificates of insurance, or  
18 any other documents used to comply with this section, (b) that the  
19 agency be notified of any changes in the insurance coverage or  
20 financial condition of the person, and (c) that the state be named as  
21 an insured party on any insurance policy used to comply with this  
22 section.

23 **Sec. 2.** RCW 70.98.095 and 1990 c 82 s 4 are each amended to read  
24 as follows:

25 (1)(a) The radiation control agency shall require that any person  
26 who holds or applies for a license or permit under this chapter  
27 indemnify and hold harmless the state from claims, suits, damages, or  
28 expenses on account of injuries to or death of persons and property,  
29 arising or growing out of any acts or omissions by the person or the

1 person's agents or employees in any operations or activities for which  
2 the person holds the license or permit, and any necessary or incidental  
3 operations.

4 (b) Except for a license or permit holder who the secretary has  
5 exempted from maintaining liability coverage pursuant to RCW  
6 70.98.098(5), the radiation control agency shall require any person who  
7 holds or applies for a license or permit under this chapter to  
8 demonstrate that the person has and maintains liability coverage for  
9 the operations for which the state has been indemnified and held  
10 harmless pursuant to this section. The agency shall require coverage  
11 in an amount determined by the secretary pursuant to RCW 70.98.098.

12 (2) The radiation control agency shall suspend the license or  
13 permit of, or refuse to issue the license or permit to, any person  
14 required by this section to indemnify and hold harmless the state under  
15 subsection (1)(a) of this section, or to hold and maintain liability  
16 coverage under subsection (1)(b) of this section, who fails to  
17 ~~((demonstrate compliance))~~ comply with either requirement of subsection  
18 (1) of this section. The license or permit shall not be issued or  
19 reinstated until the person ~~((demonstrates compliance))~~ complies with  
20 subsection (1) of this section.

21 (3) The radiation control agency shall require (a) that any person  
22 required to maintain liability coverage maintain with the agency  
23 current copies of any insurance policies, certificates of insurance, or  
24 any other documents used to comply with this section, (b) that the  
25 agency be notified of any changes in the insurance coverage or  
26 financial condition of the person, and (c) that the state be named as  
27 an insured party on any insurance policy used to comply with this  
28 section.