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**SUBSTITUTE SENATE BILL 6461**

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**State of Washington**

**53rd Legislature**

**1994 Regular Session**

**By** Senate Committee on Ecology & Parks (originally sponsored by Senators Fraser and Bluechel)

Read first time 02/04/94.

1 AN ACT Relating to oil spill incident commander's liability;  
2 amending RCW 88.44.180; and adding new sections to chapter 88.44 RCW.

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

4 **Sec. 1.** RCW 88.44.180 and 1990 c 117 s 19 are each amended to read  
5 as follows:

6 Obligations incurred by the commission and any other liabilities or  
7 claims against the commission shall be enforced only against the assets  
8 of the commission, and no liability for the debts or actions of the  
9 commission exists against either the state of Washington or any  
10 subdivision or instrumentality thereof, or against any member, officer,  
11 employee, incident commander, or agent of the commission in his or her  
12 individual or representative capacity. Except as otherwise provided in  
13 this chapter, neither the members of the commission, its officers,  
14 agents, ~~((nor))~~ incident commander employees nor the business entities  
15 by whom ~~((the members))~~ they are regularly employed may be held  
16 individually responsible for errors in judgment, mistakes, or other  
17 acts, either of commission or omission, as principal, agent, person, or  
18 employee, save for their own individual acts of dishonesty or crime.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 88.44 RCW  
2 to read as follows:

3        The commission, in the exercise of its powers, may include in an  
4 authorized contract, a provision for indemnifying the other contracting  
5 party against specific loss, damage, or injury arising out of the  
6 performance of the contract and resulting from the fault of the  
7 commission, a member, officer, employee, incident commander, or agent  
8 thereof.    The indemnification shall be limited to the assets of the  
9 commission under RCW 88.44.180.

10       NEW SECTION.    **Sec. 3.**    A new section is added to chapter 88.44 RCW  
11 to read as follows:

12       The attorney general shall serve as the legal adviser to the  
13 commission on all legal questions relating to the duties and activities  
14 of the commission.

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