
HOUSE BILL 1681

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Eddy, Carlyle, Kagi, Takko, Finn, Dickerson, and
Clibborn

Read first time 01/28/11. Referred to Committee on Judiciary.

1 AN ACT Relating to employer liability under the doctrine of
2 respondeat superior; adding a new section to chapter 4.24 RCW; and
3 creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that the decision of
6 the supreme court in *Rahman v. State* creates an unreasonable standard
7 for employers by imposing liability for actions of employees in
8 circumstances that are beyond the ability of employers to control. An
9 employee is not acting within the scope of his or her employment when
10 the employee, without actual, implied, or apparent authority,
11 transports a passenger or invites a passenger to ride in a vehicle
12 being used for the employer's purposes. The legislature intends by
13 this act to overrule the holding in *Rahman v. State* that an employer is
14 liable under the doctrine of respondeat superior for negligent acts of
15 its employees that result in injuries to unauthorized occupants of
16 vehicles used for the employer's purposes.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
18 to read as follows:

1 (1) An employer is not liable for civil damages under the doctrine
2 of respondeat superior for the negligence of its employees or agents
3 resulting from the operation of an employer vehicle, for injuries to a
4 third party who occupies or operates the vehicle, if the employee or
5 agent permitted the third party to occupy or operate the vehicle either
6 in violation of any express policy, rule, order, or other instruction
7 of the employer, or without the express or implied authorization of the
8 employer. This section applies even where the conduct that immediately
9 caused the harm is within the scope of the employee's employment.

10 (2) For the purposes of this section:

11 (a) "Employer" means any employer, including private employers, the
12 state, and political subdivisions of the state.

13 (b) "Employer vehicle" means a vehicle owned, leased, or rented, or
14 otherwise used by or for the benefit of the employer, and includes
15 employee-owned or other private vehicles when such vehicle is operated
16 for the express benefit of the employer.

17 (c) "Third party" means a person who is not an employee or agent of
18 the employer.

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