
HOUSE BILL 1719

State of Washington

62nd Legislature

2011 Regular Session

By Representatives Rodne, Schmick, Haler, Smith, Wilcox, Johnson, Klippert, Kristiansen, McCune, Short, Ross, and Warnick

Read first time 01/31/11. Referred to Committee on Judiciary.

1 AN ACT Relating to limiting liability for unauthorized passengers
2 in a vehicle; adding a new section to chapter 4.92 RCW; adding a new
3 section to chapter 4.24 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature does not agree with or
6 accept the state supreme court's decision in *Rahman v. State*, Docket
7 No. 83428-8 (January 20, 2011) and finds it is necessary to add
8 language to chapter 4.92 RCW in order to overrule the decision in
9 *Rahman v. State* and make the intent of the legislature as clear as
10 possible. The legislature intends to restore common sense to the law
11 by overruling the courts' holding in *Rahman v. State* that a government
12 or private employer may be held liable for injuries to unauthorized
13 occupants of the employer's vehicles.

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.92 RCW
15 to read as follows:

16 (1) The state and political subdivisions of the state are not
17 liable for any injury received by a third-party occupant of a vehicle
18 that is owned, leased, rented, or otherwise used by or for the benefit

1 of the state or the political subdivision if, at the time the injuries
2 were inflicted, the third-party occupant was not specifically and
3 expressly authorized by the state or political subdivision to be an
4 occupant of the vehicle.

5 (2) For purposes of this section, "third-party occupant" means a
6 person who occupies a vehicle owned, leased, rented, or otherwise used
7 by or for the benefit of the state or political subdivision and who is
8 not an officer, employee, or agent of the state or political
9 subdivision.

10 (3) This section is remedial and retroactive, and applies to all
11 causes of action occurring before the effective date of this section
12 where a final judgment has not been entered, and to all causes of
13 action occurring on or after the effective date of this section.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
15 to read as follows:

16 (1) A private employer is not liable for any injury received by a
17 third-party occupant of a vehicle that is owned, leased, rented, or
18 otherwise used by or for the benefit of the employer if, at the time
19 the injuries were inflicted, the third-party occupant was not:

20 (a) Specifically and expressly authorized by the employer to be an
21 occupant of the vehicle; or

22 (b) Acting on behalf of, or for the benefit of, the employer with
23 the knowledge or implied approval or acquiescence of the employer.

24 (2) For purposes of this section, "third-party occupant" means a
25 person who occupies a vehicle owned, leased, rented, or otherwise used
26 by or for the benefit of the private employer and who is not an
27 officer, employee, or agent, or authorized or constructive invitee of
28 the private employer.

29 (3) This section is remedial and retroactive, and applies to all
30 causes of action occurring before the effective date of this section
31 where a final judgment has not been entered, and to all causes of
32 action occurring on or after the effective date of this section.

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