

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2213

62nd Legislature
2012 Regular Session

Passed by the House January 30, 2012
Yeas 96 Nays 0

Speaker of the House of Representatives

Passed by the Senate February 27, 2012
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2213** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 2213

Passed Legislature - 2012 Regular Session

State of Washington

62nd Legislature

2012 Regular Session

By Representatives Chandler, Van De Wege, and Johnson

Prefiled 12/20/11. Read first time 01/09/12. Referred to Committee on Local Government.

1 AN ACT Relating to modifying certain definitions for the purpose of
2 firefighting services for unprotected lands; and amending RCW
3 52.12.160.

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

5 **Sec. 1.** RCW 52.12.160 and 2011 c 200 s 1 are each amended to read
6 as follows:

7 (1) The definitions in this section apply throughout this section
8 and RCW 4.24.780 unless the context clearly requires otherwise.

9 (a) "Fire protection service agency" or "agency" means any local,
10 state, or federal governmental entity responsible for the provision of
11 firefighting services, including fire protection districts, regional
12 fire protection service authorities, cities, towns, port districts, the
13 department of natural resources, and federal reservations.

14 (b) "Fire protection jurisdiction" means an area or property
15 located within a fire protection district, a regional fire protection
16 service authority, a city, a town, a port district, lands protected by
17 the department of natural resources under chapter 76.04 RCW, or on
18 federal lands.

1 (c) "Firefighting services" means the provision of fire prevention
2 services, fire suppression services, emergency medical services, and
3 other services related to the protection of life and property.

4 (d) "Improved property" means property upon which a structure is
5 located, (~~but does not include roads, bridges, land devoted primarily~~
6 ~~to growing and harvesting timber, or land devoted primarily to the~~
7 ~~production of livestock or agricultural commodities for commercial~~
8 ~~purposes~~) including bridges and agricultural structures as defined in
9 RCW 19.27.015.

10 (e) "Property" means land, structures, or land and structures.

11 (f) "Unimproved property" has the same meaning as "unimproved
12 lands" in RCW 76.04.005.

13 (g) "Unprotected land" means improved property located outside a
14 fire protection jurisdiction.

15 (2)(a) In order to facilitate the provision of firefighting
16 services to unprotected lands, property owners of unprotected lands are
17 encouraged, to the extent practicable, to form or annex into a fire
18 protection jurisdiction or to enter into a written contractual
19 agreement with a fire protection service agency or agencies for the
20 provision of firefighting services. Any written contractual agreement
21 between a property owner and a fire protection service agency must
22 include, at minimum, a risk assessment of the property as well as a
23 capabilities assessment for the district.

24 (b) Property owners of unprotected land who choose not to form or
25 annex into a fire protection jurisdiction or to enter into a written
26 contractual agreement with a fire protection agency or agencies for the
27 provision of firefighting services, do so willingly and with full
28 knowledge that a fire protection service agency is not obligated to
29 provide firefighting services to unprotected land.

30 (3) In the absence of a written contractual agreement, a fire
31 protection service agency may initiate firefighting services on
32 unprotected land outside its fire protection jurisdiction in the
33 following instances: (a) Service was specifically requested by a
34 landowner or other fire service protection agency; (b) service could
35 reasonably be believed to prevent the spread of a fire onto lands
36 protected by the agency; or (c) service could reasonably be believed to
37 substantially mitigate the risk of harm to life or property by
38 preventing the spread of a fire onto other unprotected lands.

1 (4)(a) The property owner or owners shall reimburse an agency
2 initiating firefighting services on unprotected land outside its fire
3 protection jurisdiction for actual costs that are incurred that are
4 proportionate to the fire itself. Cost recovery is based upon the
5 Washington fire chiefs standardized fire service fee schedule.

6 (b) If a property owner fails to pay or defaults in payment to an
7 agency for services rendered, the agency is entitled to pursue payment
8 through the collections process outlined in RCW 19.16.500 or through
9 initiation of court action.

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