

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1719

Chapter 82, Laws of 2011

62nd Legislature
2011 Regular Session

EMPLOYER LIABILITY--VEHICLES--THIRD-PARTY OCCUPANTS

EFFECTIVE DATE: 07/22/11

Passed by the House March 1, 2011
Yeas 98 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 5, 2011
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved April 15, 2011, 2:32 p.m.

CHRISTINE GREGOIRE

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 **SUBSTITUTE HOUSE BILL 1719** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 15, 2011

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1719

Passed Legislature - 2011 Regular Session

State of Washington

62nd Legislature

2011 Regular Session

By House Judiciary (originally sponsored by Representatives Rodne, Schmick, Haler, Smith, Wilcox, Johnson, Klippert, Kristiansen, McCune, Short, Ross, and Warnick)

READ FIRST TIME 02/17/11.

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 new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature intends to overrule the
6 state supreme court's holding in *Rahman v. State*, No. 83428-8 (January
7 20, 2011), by modifying the application of the common law doctrine of
8 respondeat superior.

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

11 (1) The state and local governments are not liable for any injury
12 received by a third-party occupant of a vehicle that is owned, leased,
13 or rented by the state or local government if, at the time the injuries
14 were inflicted, the third-party occupant was:

15 (a) Riding in or on the vehicle with a state or local government
16 employee who had explicitly acknowledged in writing the employer's
17 policy on use of vehicles owned, leased, or rented by the state or
18 local government; and

1 (b) Not specifically and expressly authorized by the state or local
2 government to be an occupant of the vehicle.

3 (2) For purposes of this section, "third-party occupant" means a
4 person who occupies a vehicle owned, leased, or rented by the state or
5 local government and who is not an officer, employee, or agent of the
6 state or local government. "Local government" includes any city,
7 county, or other subdivision of the state and any municipal
8 corporation, quasi-municipal corporation, or special district within
9 the state.

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

12 (1) A private employer is not liable for any injury received by a
13 third-party occupant of a vehicle that is owned, leased, or rented by
14 the employer if, at the time the injuries were inflicted, the third-
15 party occupant was riding in or on the vehicle with an employee who had
16 explicitly acknowledged in writing the employer's policy on use of
17 vehicles owned, leased, or rented by the employer and the third-party
18 occupant was not:

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

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

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

27 NEW SECTION. **Sec. 4.** This act applies to all causes of action
28 accruing on or after the effective date of this act.

Passed by the House March 1, 2011.

Passed by the Senate April 5, 2011.

Approved by the Governor April 15, 2011.

Filed in Office of Secretary of State April 15, 2011.