**1169.E AMS FIET S3507.1 - NOT FOR FLOOR USE**

**EHB 1169** - S COMM AMD

By Committee on Financial Institutions, Economic Development & Trade

**NOT CONSIDERED 12/23/2019**

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 52.30 RCW to read as follows:

(1) A fire service jurisdiction is entitled to recover from any liable party the actual costs associated with the cleanup or removal of hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways, only when coverage is found within a liable party's insurance policy. A liable party may submit an invoice for those actual costs incurred by the jurisdiction, for the jurisdiction's cleanup or removal services, to any insurer that provides the coverage for property damage for which the party becomes legally obligated if coverage is found within a liable party's insurance policy. An insurer providing such coverage may issue payment directly to the jurisdiction from available property damage liability coverage contained in the policy. If there are multiple liable partiesinvolved, the jurisdiction may only recover the proportional amount of liability legally determined for each party. The jurisdiction may not recover from any one liable party, or all liable parties combined, more than the actual costs incurred with the cleanup and removal of the hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways.

(2) For the purposes of this section, the definitions in this subsection apply:

(a) "Actual costs" means the amount necessary to compensate for reasonable personnel time spent at the scene of a vehicle accident and the reasonable cost of any supplies used in the cleanup or removal of hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways.

(b) "Fire service jurisdiction" or "jurisdiction" means a fire protection district or regional fire protection service authority.

(c) "Insurer" has the same meaning as in RCW 48.01.050.

(d) "Liable party" means a person or entity that is legally obligated or responsible for causing a vehicle accident.

(e) "Vehicle" means any mode of transportation operated by a liable party and involved in a vehicle accident including, but not limited to, automobiles, trucks, and motorcycles.

NEW SECTION. **Sec.**  A new section is added to chapter 35.103 RCW to read as follows:

(1) A municipal fire department, or department, is entitled to recover from any liable party the actual costs associated with the cleanup or removal of hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways, only when coverage is found within a liable party's insurance policy. A liable party may submit an invoice for those actual costs incurred by the department, for the department's cleanup or removal services, to any insurer that provides the coverage for property damage for which the party becomes legally obligated. If coverage is found within a liable party's insurance policy, an insurer providing such coverage may issue payment directly to the department from available property damage liability coverage contained in the policy. If there are multiple liable partiesinvolved, the department may only recover the proportional amount of liability legally determined for each party. The department may not recover from any one liable party, or all liable parties combined, more than the actual costs incurred with the cleanup and removal of the hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways.

(2) For the purposes of this section, the definitions in this subsection apply:

(a) "Actual costs" means the amount necessary to compensate for reasonable personnel time spent at the scene of a vehicle accident and the reasonable cost of any supplies used in the cleanup or removal of hazardous waste and other hazardous materials, including debris or vehicle operating fluids, when responding to a vehicle accident on private or public property, including public roadways.

(b) "Insurer" has the same meaning as in RCW 48.01.050.

(c) "Liable party" means a person or entity that is legally obligated or responsible for causing a vehicle accident.

(d) "Vehicle" means any mode of transportation operated by a liable party and involved in a vehicle accident including, but not limited to, automobiles, trucks, and motorcycles."

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On page 1, line 2 of the title, after "jurisdictions;" strike the remainder of the title and insert "adding a new section to chapter 52.30 RCW; and adding a new section to chapter 35.103 RCW."

EFFECT: (1) Changes all references to "reasonable" costs to "actual" costs.

(2) Defines "actual costs."

(3) Clarifies that the liable party "may" rather than "must" submit the invoice to the insurer.

(4) Removes references to "incident," which was defined to include things other than vehicle accidents, and replace with "vehicle accident" only.

(5) Clarifies that this section applies only "if coverage is found within a liable party's insurance policy."