

SENATE BILL REPORT

SB 6090

As Amended by House, March 6, 2020

Title: An act relating to limiting fire protection service agency liability for the installation of detection devices.

Brief Description: Limiting fire protection service agency liability for the installation of detection devices.

Sponsors: Senators Warnick, Honeyford and Liias.

Brief History:

Committee Activity: Local Government: 1/14/20, 1/23/20 [DP].

Floor Activity:

Passed Senate: 1/31/20, 44-0.

Passed House: 3/06/20, 96-0.

Brief Summary of Bill

- Exempts fire protection service agencies and individual firefighters who deliver to or install in a residential premise a fire detection device from liability for civil damages resulting from any act or omission in the delivery or installation of a device or batteries for such a device.
- Applies to devices such as smoke detectors, carbon monoxide detectors, or combination smoke and carbon monoxide detectors.

SENATE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass.

Signed by Senators Takko, Chair; Salomon, Vice Chair; Short, Ranking Member; Honeyford and Lovelett.

Staff: Bonnie Kim (786-7316)

Background: Fire Protection Districts (Fire Districts). Fire protection districts (fire districts) are created to provide fire and emergency services to protect life and property in locations outside of cities and towns. A fire district may be established through a process involving a petition by the residents of a proposed district, a public hearing, and three-fifths

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voter approval. Fire districts are governed by a board of three, five, or seven elected fire commissioners.

Summary of Bill: Any fire protection service agency or individual firefighters, whether volunteer or paid, that delivers to, or installs at, residential premises a device or batteries for such a device is not liable for civil damages resulting from any act or omission in the delivery or installation of a device or batteries for such a device, if the following criteria are met:

- the device is new and meets all applicable current safety and manufacturing standards;
- installation was done in conformance with the manufacturer's instructions;
- such installation or delivery was in the fire protection service agency's official capacity; and
- the act or omission did not constitute gross negligence or willful or wanton misconduct.

"Device" includes any battery-operated or plug-in smoke detector, carbon monoxide detector, or combination smoke and carbon monoxide detector. Any fire protection service agency delivering or installing a device must keep records for a minimum of five years.

Appropriation: None.

Fiscal Note: Not requested.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is a constituent request who represents a fire district who would like to install smoke alarms in homes and do so without liability to the district. There may be an amendment regarding the recordkeeping requirement. Smoke alarms save lives. The recordkeeping requirement may be a disincentive to some smaller districts.

Persons Testifying: PRO: Senator Judy Warnick, Prime Sponsor; Robert Bradley, Washington State Association of Fire Marshals.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S): Conforms record retention period with public records requirements instead of five years.