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ENGROSSED HOUSE BILL 1169

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State of Washington                      66th Legislature                      2019 Regular Session

By Representatives Peterson, Griffey, Goodman, Ortiz-Self, and Pollet

Read first time 01/16/19. Referred to Committee on Local Government.

1            AN ACT Relating to clarifying reimbursement for certain clean-up  
2 or removal actions by fire protection jurisdictions; adding a new  
3 section to chapter 52.30 RCW; and adding a new section to chapter  
4 35.103 RCW.

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

6            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 52.30  
7 RCW to read as follows:

8            (1) A fire service jurisdiction is entitled to recover from any  
9 liable party the reasonable costs associated with the cleanup or  
10 removal of hazardous waste and other hazardous materials, including  
11 debris or vehicle operating fluids, when responding to an incident on  
12 private or public property, including public roadways. A liable party  
13 must submit the reasonable costs from the jurisdiction or its  
14 designee, for the jurisdiction's cleanup or removal services, to any  
15 insurer that provides the coverage for property damage in which they  
16 become legally obligated or responsible for causing. If a liable  
17 party does not submit the invoice or bill for the reasonable costs  
18 received from the jurisdiction or its designee to their insurer  
19 within fourteen days of receipt of an invoice or bill, then the  
20 jurisdiction or its designee may directly submit the claim to the  
21 liable party's insurer for consideration of policy coverage. If

1 coverage is found within a liable party's insurance policy, the  
2 insurer may issue payment directly to the jurisdiction and apply the  
3 claim expense to the policy's limit of liability. If there are  
4 multiple liable parties involved, the jurisdiction may only recover  
5 the proportional amount of liability legally determined for each  
6 party. The jurisdiction may not recover from any one liable party, or  
7 all liable parties combined, more than the actual costs incurred with  
8 the cleanup and removal of the hazardous waste and other hazardous  
9 materials, including debris or vehicle operating fluids, when  
10 responding to an incident on private or public property, including  
11 public roadways.

12 (2) For the purposes of this section, the following definitions  
13 apply:

14 (a) "Incident" means an unplanned, unintentional action or  
15 situation and that necessitates a fire service jurisdiction response,  
16 including but not limited to a motor vehicle accident, hazardous  
17 material spill, unauthorized burn, boating accident, or airplane  
18 crash.

19 (b) "Insurer" means the same as defined in RCW 48.01.050.

20 (c) "Vehicle" means any mode of transportation operated by a  
21 liable party and involved in an incident, including but not limited  
22 to automobiles, trucks, boats, aircraft, trains, and motorbikes.

23 (d) "Liable party" means a person or entity that is legally  
24 obligated or responsible for causing an incident.

25 (e) "Fire service jurisdiction" or "jurisdiction" means a fire  
26 protection district or regional fire protection service authority.

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.103  
28 RCW to read as follows:

29 (1) A municipal fire department, or department, is entitled to  
30 recover from any liable party the reasonable costs associated with  
31 the cleanup or removal of hazardous waste and other hazardous  
32 materials, including debris or vehicle operating fluids, when  
33 responding to an incident on private or public property, including  
34 public roadways. A liable party must submit the reasonable costs from  
35 the department or its designee, for the department's cleanup or  
36 removal services, to any insurer that provides the coverage for  
37 property damage in which they become legally obligated or responsible  
38 for causing. If a liable party does not submit the invoice or bill  
39 for the reasonable costs received from the department or its designee

1 to their insurer within fourteen days of receipt of an invoice or  
2 bill, then the department or its designee may directly submit the  
3 claim to the liable party's insurer for consideration of policy  
4 coverage. If coverage is found within a liable party's insurance  
5 policy, the insurer may issue payment directly to the department and  
6 apply the claim expense to the policy's limit of liability. If there  
7 are multiple liable parties involved, the department may only recover  
8 the proportional amount of liability legally determined for each  
9 party. The department may not recover from any one liable party, or  
10 all liable parties combined, more than the actual costs incurred with  
11 the cleanup and removal of the hazardous waste and other hazardous  
12 materials, including debris or vehicle operating fluids, when  
13 responding to an incident on private or public property, including  
14 public roadways.

15 (2) For the purposes of this section, the following definitions  
16 apply:

17 (a) "Incident" means an unplanned, unintentional action or  
18 situation and that necessitates a fire service jurisdiction response,  
19 including but not limited to a motor vehicle accident, hazardous  
20 material spill, unauthorized burn, boating accident, or airplane  
21 crash.

22 (b) "Insurer" means the same as defined in RCW 48.01.050.

23 (c) "Vehicle" means any mode of transportation operated by a  
24 liable party and involved in an incident, including but not limited  
25 to automobiles, trucks, boats, aircraft, trains, and motorbikes.

26 (d) "Liable party" means a person or entity that is legally  
27 obligated or responsible for causing an incident.

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