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**HOUSE BILL 1341**

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**State of Washington 67th Legislature 2021 Regular Session**

**By** Representatives Bronoske, Walen, and Berry

AN ACT Relating to the professional rescue doctrine; amending RCW 80.04.440; and adding a new section to chapter 4.24 RCW.

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

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

(1) The common law doctrine known as the professional rescue doctrine that precludes a public safety employee from recovering damages for injuries arising from the normal, inherent, and foreseeable risks of his or her profession is abolished.

(2) In addition to any other right of action or recovery otherwise available under law, whenever any public safety employee suffers any injury, disease, or death while in the lawful discharge of his or her official duties and that injury, disease, or death is directly or indirectly the result of the neglect, willful omission, or willful or culpable conduct of any person or entity, other than that employee, the employee, or in the case of death, a representative of that employee's estate, may seek recovery and damages from the person or entity whose neglect, willful omission, or willful or culpable conduct resulted in that injury, disease, or death.

**Sec.**  RCW 80.04.440 and 1961 c 14 s 80.04.440 are each amended to read as follows:

In case any public service company, or their contractor or subcontractor, shall do, cause to be done or permit to be done any act, matter or thing prohibited, forbidden or declared to be unlawful, or shall omit to do any act, matter or thing required to be done, either by any law of this state, by this title or by any order or rule of the commission, such public service company shall be liable to the persons, rescuers, or corporations affected thereby for all loss, damage or injury caused thereby or resulting therefrom, and in case of recovery if the court shall find that such act or omission was ((~~wilful~~)) willful, it may, in its discretion, fix a reasonable counsel or attorney's fee, which shall be taxed and collected as part of the costs in the case. An action to recover for such loss, damage or injury may be brought in any court of competent jurisdiction by any person, rescuer, or corporation.

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