
HOUSE BILL 1341

State of Washington

67th Legislature

2021 Regular Session

By Representatives Bronoske, Walen, and Berry

Read first time 01/21/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to the professional rescue doctrine; amending RCW
2 80.04.440; and adding a new section to chapter 4.24 RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.24 RCW
5 to read as follows:

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

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

1 **Sec. 2.** RCW 80.04.440 and 1961 c 14 s 80.04.440 are each amended
2 to read as follows:

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

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