

RCW 35.103.060 Hazardous material cleanup or removal—Cost

recovery. (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. A liable party may submit an invoice for those actual costs incurred by the department, for the department's cleanup or removal services, to their insurer that provides 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 parties involved, 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. [2020 c 198 § 2.]