



SB 6078 – Clarifying Fire Jurisdiction Cost Recovery

Background

Taxes paid by residents and businesses help fund fire department readiness. When there's an incident caused by someone's negligence, and that individual is found to be liable, some fire departments in WA have billed for the labor, equipment and consumables used to respond to the incident. This is especially true in cases where the liable party does not live in the fire department's district and they have not paid any local taxes. This practice has been occurring for years.

Most insurance companies have regularly paid these claims. Unfortunately, lack of clarity in state law regarding who should be billed, what the liability covers, and the limits to cost reimbursement have resulted in confusion and rejection of potentially valid claims. SB 6078 seeks to clarify the process, scope, and limitations of reimbursement from liability parties and their insurers for services and supplies used in the cleanup and removal of debris and hazardous substances that go beyond what taxpayers fund for fire department readiness.

Scope of Legislation

SB 6078 provides the following clarity in state law:

- Clarifies that reimbursement is limited to liable parties only;
- Clarifies that reimbursement rates are limited to the actual costs incurred in the cleanup;
- Clarifies that a liable party may submit a claim to their insurer, if coverage is found within a liable party's insurance policy; and
- Clarifies that the cleanup or removal of hazardous waste and other hazardous materials, including debris or vehicle operating fluids, is limited to incidents involving a vehicle accident on private or public property, including public roadways.

SB 6078 fully complies with insurance laws and existing policy language:

- Does not extend insurer liability to intentional acts or criminal acts;
- Only covers reimbursement from the individual who caused the incident; and
- Limits liable party exposure to actual cost and policy coverage, and would not result in increased premiums over time.

Conclusion

Liable parties who cause damage above and beyond a normal fire and life safety response (like fluid spills from auto accidents) have long been held liable for the fire department's response to clean or remove such hazardous material, which helps make our roadways safer for motorists after an accident and helps reopen roadways more quickly. This bill simply clarifies the process, scope, and limitations to the lawful cost recovery for response that goes above and beyond taxpayer-funded readiness.