

1986. The report shall include a recommendation as to whether the program should be continued.

Passed the Senate March 1, 1984.

Passed the House February 13, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 165

[Substitute Senate Bill No. 3740]

HAZARDOUS MATERIALS INCIDENTS—COMMAND AGENCY DESIGNATION—HAZARDOUS MATERIALS TRANSPORTERS—INCIDENT LIABILITY

AN ACT Relating to hazardous materials liability; amending section 4, chapter 172, Laws of 1982 and RCW 70.136.030; amending section 5, chapter 172, Laws of 1982 and RCW 70.136.050; and adding a new section to chapter 4.24 RCW.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 4, chapter 172, Laws of 1982 and RCW 70.136.030 are each amended to read as follows:

The governing body of each applicable political subdivision of this state ((shall)) may designate a hazardous materials incident command agency within its respective boundaries, and file this designation with the director of the state department of emergency services or its successor agency. In designating an incident command agency, the political subdivision shall consider the training, manpower, expertise, and equipment of various available agencies as well as the Uniform Fire Code and other existing codes and regulations. Along state and interstate highway corridors, the Washington state patrol shall be the designated incident command agency unless by mutual agreement that role has been assumed by another designated incident command agency. ~~((If a political subdivision has not designated an incident command agency within six months after April 1, 1982, the chief of the Washington state patrol shall be so notified by that political subdivision. The Washington state patrol shall then assume the role of incident command agency until a designation is made.))~~

Sec. 2. Section 5, chapter 172, Laws of 1982 and RCW 70.136.050 are each amended to read as follows:

Any person who, in good faith, renders emergency care, assistance, or advice with respect to a hazardous materials incident is not liable for civil damages resulting from any act or omission in the rendering of such care, assistance, or advice, other than acts or omissions constituting gross negligence or wilful or wanton misconduct, if:

(1) The political subdivision has designated a hazardous materials incident command agency ((as required in RCW 70.136.030)); and

(2) The designated incident command agency and the person whose assistance is requested have entered into a written hazardous materials assistance agreement prior to the incident which incorporates the terms and conditions of RCW 70.136.060, except as specified in RCW 70.136.070;

(3) The request for assistance comes from the designated incident command agency.

NEW SECTION. Sec. 3. There is added to chapter 4.24 RCW a new section to read as follows:

(1) Any person transporting hazardous materials shall clean up any hazardous materials incident that occurs during transportation, and shall take such additional action as may be reasonably necessary after consultation with the designated incident command agency in order to achieve compliance with all applicable federal and state laws and regulations.

Any person responsible for causing the hazardous materials incident, other than operating employees of a transportation company, is liable to the state or any political subdivision thereof for extraordinary costs incurred by the state or the political subdivision in the course of protecting the public from actual or threatened harm resulting from the hazardous materials incident.

(2) "Extraordinary costs" as used in this section means those reasonable and necessary costs incurred by a governmental entity in the course of protecting life and property that exceed the normal and usual expenses anticipated for police and fire protection, emergency services, and public works. These shall include, but not be limited to, overtime for public employees, unusual fuel consumption requirements, any loss or damage to publicly owned equipment, and the purchase or lease of any special equipment or services required to protect the public during the hazardous materials incident.

Passed the Senate March 1, 1984.

Passed the House February 25, 1984.

Approved by the Governor March 8, 1984.

Filed in Office of Secretary of State March 8, 1984.

CHAPTER 166

[Substitute Senate Bill No. 3758]

EXCURSION SERVICES—REGULATION

AN ACT Relating to excursion services; amending section 81.68.010, chapter 14, Laws of 1961 as last amended by section 16, chapter 111, Laws of 1979 and RCW 81.68.010; amending section 81.68.020, chapter 14, Laws of 1961 and RCW 81.68.020; amending section 81.68.030, chapter 14, Laws of 1961 and RCW 81.68.030; amending section 81.68.060, chapter 14, Laws of 1961 as amended by section 1, chapter 298, Laws of 1977 ex. sess. and RCW 81.68.060; and adding new sections to chapter 81.68 RCW.

Be it enacted by the Legislature of the State of Washington: