
HOUSE BILL 1944

State of Washington 64th Legislature 2015 Regular Session

By Representatives Rodne, Schmick, Muri, Holy, Hayes, and Zeiger

Read first time 02/03/15. Referred to Committee on Judiciary.

1 AN ACT Relating to exemptions and immunities during a state of
2 emergency; and amending RCW 43.06.220.

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

4 **Sec. 1.** RCW 43.06.220 and 2008 c 181 s 1 are each amended to
5 read as follows:

6 (1) The governor after proclaiming a state of emergency and prior
7 to terminating such, may, in the area described by the proclamation
8 issue an order prohibiting:

9 (a) Any person being on the public streets, or in the public
10 parks, or at any other public place during the hours declared by the
11 governor to be a period of curfew;

12 (b) Any number of persons, as designated by the governor, from
13 assembling or gathering on the public streets, parks, or other open
14 areas of this state, either public or private;

15 (c) The manufacture, transfer, use, possession or transportation
16 of a molotov cocktail or any other device, instrument or object
17 designed to explode or produce uncontained combustion;

18 (d) The transporting, possessing or using of gasoline, kerosene,
19 or combustible, flammable, or explosive liquids or materials in a
20 glass or uncapped container of any kind except in connection with the

1 normal operation of motor vehicles, normal home use or legitimate
2 commercial use;

3 (e) The possession of firearms or any other deadly weapon by a
4 person (other than a law enforcement officer) in a place other than
5 that person's place of residence or business;

6 (f) The sale, purchase or dispensing of alcoholic beverages;

7 (g) The sale, purchase or dispensing of other commodities or
8 goods, as he or she reasonably believes should be prohibited to help
9 preserve and maintain life, health, property or the public peace;

10 (h) The use of certain streets, highways or public ways by the
11 public; and

12 (i) Such other activities as he or she reasonably believes should
13 be prohibited to help preserve and maintain life, health, property or
14 the public peace.

15 (2) The governor after proclaiming a state of emergency and prior
16 to terminating such may, in the area described by the proclamation,
17 issue an order or orders concerning waiver or suspension of statutory
18 or regulatory obligations or limitations ((in any or all of the
19 following areas as further specified and limited by chapter 181, Laws
20 of 2008)) he or she finds necessary to preserve and maintain life,
21 health, property, or the public peace, including but not limited to:

22 (a) Liability for participation in interlocal agreements;

23 (b) Inspection fees owed to the department of labor and
24 industries;

25 (c) Application of the family emergency assistance program;

26 (d) Regulations, tariffs, and notice requirements under the
27 jurisdiction of the utilities and transportation commission;

28 (e) Application of tax due dates and penalties relating to
29 collection of taxes; ((and))

30 (f) Permits for industrial, business, or medical uses of alcohol;

31 (g) Inspection, construction, and regulatory standards for health
32 care facilities under the jurisdiction of the department of health;
33 and

34 (h) Sanctions, including attorney fees, for failure of state and
35 local governmental entities to timely respond to public records
36 requests under RCW 42.56.550.

37 (3) When the governor specifically identifies in an emergency
38 proclamation extreme emergency conditions that may significantly
39 affect the health care system within a specified area or areas,
40 notwithstanding any other provision of law, a person, firm,

1 corporation, or other entity providing health care services,
2 including but not limited to hospitals, nursing homes, emergency
3 medical services, home health care agencies, kidney dialysis
4 facilities, assisted living facilities, and their employees and
5 agents, in the area or areas specified is not liable for property
6 damage or a person's death or injury resulting from health care
7 provided under the extreme emergency conditions, including but not
8 limited to limited or rationed resources, damaged infrastructure, or
9 exceeding the scope of practice or the limits of licensure for which
10 the person or facility is licensed. This subsection does not apply
11 when the injury, loss, or damage is due to:

12 (a) The willful misconduct or gross negligence of the person,
13 firm, corporation, or entity; or

14 (b) The person being under the influence of or affected by
15 intoxicating liquor, marijuana, or any drug.

16 (4) In imposing the restrictions provided for by RCW 43.06.010,
17 and 43.06.200 through 43.06.270, the governor may impose them for
18 such times, upon such conditions, with such exceptions and in such
19 areas of this state he or she from time to time deems necessary.

20 ((+4)) (5) Any person willfully violating any provision of an
21 order issued by the governor under this section is guilty of a gross
22 misdemeanor.

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