
SUBSTITUTE SENATE BILL 5439

State of Washington

62nd Legislature

2011 Regular Session

By Senate Natural Resources & Marine Waters (originally sponsored by Senators Ranker, Rockefeller, Nelson, Regala, Hargrove, Hobbs, Fraser, White, Conway, and Kline)

READ FIRST TIME 02/18/11.

1 AN ACT Relating to oil spills; and amending RCW 90.56.370.

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

3 **Sec. 1.** RCW 90.56.370 and 2000 c 69 s 21 are each amended to read
4 as follows:

5 (1) Any person owning oil or having control over oil that enters
6 the waters of the state in violation of RCW 90.56.320 shall be strictly
7 liable, without regard to fault, for the damages to persons or
8 property, public or private, caused by such entry.

9 (2) Damages for which responsible parties are liable under this
10 section include loss of income, revenue, the means of producing income
11 or revenue, or an economic benefit resulting from an injury to or loss
12 of real or personal property or natural resources.

13 (3) Damages for which responsible parties are liable under this
14 section include damages provided in subsections (1) and (2) of this
15 section resulting from any action conducted in response to a violation
16 of RCW 90.56.320, including actions to collect, investigate, perform
17 surveillance over, remove, contain, treat, or disperse oil discharged
18 into waters of the state.

1 (4) In any action to recover damages resulting from the discharge
2 of oil in violation of RCW 90.56.320, the owner or person having
3 control over the oil shall be relieved from strict liability, without
4 regard to fault, if that person can prove that the discharge was caused
5 solely by:

- 6 (a) An act of war or sabotage;
- 7 (b) An act of God;
- 8 (c) Negligence on the part of the United States government; or
- 9 (d) Negligence on the part of the state of Washington.

10 ~~((3))~~ (5) The liability established in this section shall in no
11 way affect the rights which:

12 (a) The owner or other person having control over the oil may have
13 against any person whose acts may in any way have caused or contributed
14 to the discharge of oil ~~((7))~~; or

15 (b) The state of Washington may have against any person whose
16 actions may have caused or contributed to the discharge of oil.

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