

# HOUSE BILL REPORT

## HB 1433

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### As Amended by the Senate

**Title:** An act relating to liability for damages to state property resulting from the illegal operation of a vehicle.

**Brief Description:** Addressing liability for damages to state property resulting from the illegal operation of a vehicle.

**Sponsors:** Representatives Liias, Sells, Eddy and Clibborn; by request of Department of Transportation.

**Brief History:**

**Committee Activity:**

Transportation: 1/27/09, 2/3/09 [DP].

**Floor Activity**

Passed House: 2/23/09, 97-0.

Senate Amended.

Passed Senate: 3/31/09, 48-0.

<p style="text-align: center;"><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Adds other state property to the list of items for which the Washington State Department of Transportation can recover for damages caused by the illegal or negligent operation of a vehicle or movement of any object or conveyance.</li></ul>
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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 24 members: Representatives Clibborn, Chair; Liias, Vice Chair; Roach, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Armstrong, Cox, Driscoll, Ericksen, Finn, Herrera, Johnson, Klippert, Kristiansen, Moeller, Morris, Rolfes, Sells, Shea, Simpson, Springer, Takko, Upthegrove, Williams and Wood.

**Staff:** David Munnecke (786-7315)

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

A person operating a vehicle or moving an object or conveyance on a public highway in an illegal or negligent manner is liable for any damage to a public highway, bridge, or elevated structure that results. When the operator of the vehicle is not the owner of the vehicle, object, or conveyance, the owner and operator are jointly and severally liable for any such damage. The measure of damage determined by the Washington State Department of Transportation (WSDOT) is presumed to be the amount recoverable in any civil action brought under the section.

**Summary of Bill:**

All other state property is added to public highways, bridges, and elevated structures in the context of items for which the WSDOT can seek to recover for damages caused by the operation of a vehicle or the movement of an object or conveyance in an illegal or negligent manner on a public highway.

**EFFECT OF SENATE AMENDMENT(S):**

Other state agencies are added to the department of transportation for purposes of instituting a civil action to recover for damages to state highways, bridges, elevated structures, or other property. The costs associated with incident response, including traffic control, are also specifically added to the damages for which the department of transportation or other state agencies may seek recovery.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill just clarifies what property the WSDOT can recover damages for, and would include such items as electronic systems, weigh stations, and park and ride lots. Some parties are currently claiming that the WSDOT cannot recover for damages to anything other than highway structures under the current language of the statute. This bill will resolve these issues and allow the WSDOT to recover damages more quickly and with less expense. This change was also recommended by the State Auditor pursuant to an audit of the department.

(Opposed) None.

**Persons Testifying:** Representative Liias, prime sponsor; and John Milton, Washington State Department of Transportation.

**Persons Signed In To Testify But Not Testifying:** None.