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SENATE BILL 5365

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State of Washington

61st Legislature

2009 Regular Session

By Senators Marr, Swecker, and Haugen; by request of Department of Transportation

Read first time 01/21/09. Referred to Committee on Transportation.

1 AN ACT Relating to liability for damages to state property  
2 resulting from the illegal operation of a vehicle; and amending RCW  
3 46.44.110.

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

5 **Sec. 1.** RCW 46.44.110 and 1984 c 7 s 59 are each amended to read  
6 as follows:

7 Any person operating any vehicle or moving any object or conveyance  
8 upon any public highway in this state or upon any bridge or elevated  
9 structure that is a part of any such public highway is liable for all  
10 damages that the public highway, bridge, (~~(or~~) elevated structure, or  
11 other state property may sustain as a result of any illegal operation  
12 of the vehicle or the moving of any such object or conveyance or as a  
13 result of the operation or moving of any vehicle, object, or conveyance  
14 weighing in excess of the legal weight limits allowed by law. This  
15 section applies to any person operating any vehicle or moving any  
16 object or contrivance in any illegal or negligent manner or without a  
17 special permit as provided by law for vehicles, objects, or  
18 contrivances that are overweight, overwidth, overheight, or overlength.  
19 Any person operating any vehicle is liable for any damage to any public

1 highway, bridge, ~~((or))~~ elevated structure, or other state property  
2 sustained as the result of any negligent operation thereof. When the  
3 operator is not the owner of the vehicle, object, or contrivance but is  
4 operating or moving it with the express or implied permission of the  
5 owner, the owner and the operator are jointly and severally liable for  
6 any such damage. Such damage to any state highway ~~((or))~~ structure,  
7 or other state property may be recovered in a civil action instituted  
8 in the name of the state of Washington by the department of  
9 transportation. Any measure of damage ~~((to any public highway))~~  
10 determined by the department of transportation by reason of this  
11 section is prima facie the amount of damage caused thereby and is  
12 presumed to be the amount recoverable in any civil action therefor.

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