

# HOUSE BILL REPORT

## SB 6219

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**As Passed House:**  
March 7, 2014

**Title:** An act relating to actions for damage arising from vehicular traffic on a primitive road.

**Brief Description:** Concerning actions for damage arising from vehicular traffic on a primitive road.

**Sponsors:** Senators Dansel, Sheldon, Hatfield and Hobbs.

**Brief History:**

**Committee Activity:**

Judiciary: 2/20/14, 2/26/14 [DP].

**Floor Activity:**

Passed House: 3/7/14, 97-0.

**Brief Summary of Bill**

- Provides that the discretionary maintenance of a primitive road shall not be considered in any action brought against a county or its employees for damages arising from vehicular traffic on the primitive road.

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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass. Signed by 13 members: Representatives Jinkins, Chair; Hansen, Vice Chair; Rodne, Ranking Minority Member; Nealey, Assistant Ranking Minority Member; Goodman, Haler, Kirby, Klippert, Muri, Orwall, Roberts, Shea and Walkinshaw.

**Staff:** Cece Clynch (786-7195).

**Background:**

From time to time, the legislative authority of each county must classify and designate the county primary road system, classifying and designating each county road utilizing the federal functional classification system, as follows:

- rural minor collector;
- rural major collector;

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- rural minor arterial;
- rural principal arterial;
- urban collector;
- urban minor arterial; and
- urban principal arterial.

A county legislative authority may classify and designate portions of county roads as primitive roads where the designated road portion:

1. is not classified as part of the county primary road system;
2. has a gravel or earth driving surface; and
3. has an average annual daily traffic of 100 or fewer vehicles.

Generally, a county has a duty to exercise ordinary care in the design, construction, maintenance, and repair of its public roads to keep them in a reasonably safe condition for ordinary travel. There is a statutory exception with respect to primitive roads, however. Other than a requirement that there be warning signs posted marking the road as a primitive road, at places where the primitive road portion begins or connects with a highway other than another primitive road, there are no design or signing or maintenance standards or requirements applicable to a primitive road. The design of a primitive road, and the location, placing or failing to place road signs (other than the requirement that warning signs be placed) may not be considered in any action for damages brought against a county, or its employees, arising from vehicular traffic on the primitive road.

**Summary of Bill:**

The discretionary maintenance of a primitive road shall not be considered in any action against a county, or its employees, for damages arising from vehicular traffic on the primitive road.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**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 passed unanimously out of the Senate. It will allow counties to do the right thing without fear of liability. For instance, if there is a severe snow storm, the county could plow primitive roads, or if the road had a washboard surface the county could grade the road, without being held to the higher standard. Stevens County was sued after plowing snow on a primitive road. There was an accident on the road involving a plaintiff and a logging truck. The county ultimately won the case, but was not allowed out on summary judgment and had to go to trial. Without the specific language that is being added with this bill, the county will have to close these roads due to the liability risk and expense. There are 40,000 miles of county roads in the state. Of these, only 4,500 miles are primitive roads and most of these are in eastern Washington and rural areas. There are low volumes of traffic on

these roads and few residents. The bill will allow counties to do intermittent maintenance without liability risk.

(Opposed) None.

**Persons Testifying:** Senator Dansel, prime sponsor; Wes McCart, Stevens County; and Gary Rowe, Washington State Association of Counties.

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