

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1433

61st Legislature
2009 Regular Session

Passed by the House April 18, 2009
Yeas 97 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 31, 2009
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1433** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1433

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Liias, Sells, Eddy, and Clibborn; 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 or other affected state agency. Any measure of damage
10 ~~((to any public highway))~~ determined by the department of
11 transportation ~~((by reason of))~~ to its highway, bridge, elevated
12 structure, or other property under this section is prima facie the
13 amount of damage caused thereby and is presumed to be the amount
14 recoverable in any civil action therefor. The damages available under
15 this section include the incident response costs, including traffic
16 control, incurred by the department of transportation.

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