

HOUSE BILL REPORT

SHB 1217

As Passed House:

March 11, 2003

Title: An act relating to speeding infractions in communities organized under chapter 64.38 RCW.

Brief Description: Authorizing speeding enforcement on certain private roads.

Sponsors: By House Committee on Judiciary (originally sponsored by Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin).

Brief History:

Committee Activity:

Judiciary: 2/7/03, 2/25/03 [DPS].

Floor Activity:

Passed House: 3/11/03, 85-8.

Brief Summary of Substitute Bill

- Allows law enforcement to issue speeding infractions on private roads maintained by homeowners' associations when certain procedures are followed.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby, Lovick and Newhouse.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Washington allows the formation and legal administration of homeowners' associations. The membership of a homeowners' association must consist exclusively of the owners of all real property over which the association has jurisdiction.

Homeowners' associations have a variety of powers depending upon their bylaws. For

example, a homeowners' association may adopt and amend rules and regulations, collect assessments for common expenses from owners, and regulate the use, maintenance, and repair of common areas.

A homeowners' association has authority to impose restrictions on the members of the association, but not over nonmembers. Many developments with homeowners' associations contain common areas, such as roads, golf courses, or green belts that the homeowners' association owns and maintains.

Generally traffic laws apply only to the operation of vehicles on public highways. There are certain exceptions. For example, law enforcement may enforce certain driving offenses, such as reckless driving and driving under the influence (DUI), anywhere in the state, including private roads. Infractions for speeding, however, are enforceable only on public highways.

Summary of Substitute Bill:

Law enforcement may issue infractions for speeding violations on private roads within a community organized under the Homeowners' Association Act if:

- (a) the majority of the homeowners' association's board of directors votes to authorize issuance of speeding infractions on its private roads;
- (b) the speed limit on the private road is not lower than 20 miles per hour;
- (c) a notarized letter explaining the vote is sent to the top law enforcement official of the city or county where the road is located;
- (d) the association provided written notice to all homeowners; and
- (e) signs declaring the speed limit are posted at all vehicle entrances to the community.

A majority vote of the association's board of directors may repeal the authorization at any time, but no sooner than two years after the authority was voted on. A repeal takes effect seven days from the date the top law enforcement official of the city or county receives a notarized letter documenting the vote to repeal the authority.

Nothing in the bill requires law enforcement to expend additional resources to enforce speeding violations on private roads.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill

is passed.

Testimony For: The Legislature has given law enforcement the authority to enforce some of the laws, like DUI, on private roads. This bill will extend that authority to speeding violations. The majority of the problem on private roads is speeding. Some homeowner associations have up to 500 homes and they are like small towns. Some associations pay off-duty officers to help with security issues, but speeding remains a problem. This bill makes it a local option upon consent of the association, and there is no cost to the state or county. Speed bumps are not a realistic solution.

Testimony Against: None.

Testified: Representative Lantz, prime sponsor; Tim Schellberg, Smith Alling Lane; Michael Moon; and Tom Sadler.