
Judiciary Committee

HB 1217

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: Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin.

Brief Summary of Bill

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

Hearing Date: 2/7/03

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' association 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.

A law enforcement officer may issue an infraction for speeding upon a highway. The term "highway" is defined in statute and generally means a road that is publicly maintained and open to use by the public for purposes of vehicular travel.

Summary of 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 given to law enforcement to issue infractions. 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.

Appropriation: None.

Fiscal Note: Requested on January 31, 2003.

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