

SENATE BILL REPORT

SHB 1217

As of March 19, 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: House Committee on Judiciary (originally sponsored by Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin).

Brief History:

Committee Activity: Judiciary: 3/27/03.

SENATE COMMITTEE ON JUDICIARY

Staff: Aldo Melchiori (786-7439)

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 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, including roads, that the homeowners' association owns and maintains.

Generally, traffic laws apply only to the operation of vehicles on public highways. While law enforcement may enforce certain driving offenses, such as reckless driving and driving under the influence, anywhere in the state, including private roads, infractions for speeding are enforceable only on publicly maintained highways.

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 homeowners' association's board of directors votes to authorize issuance of speeding infractions on its private roads; (b) the speed limit 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; (d) the association provides 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 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.

Appropriation: None.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.