

HB 1433 - S COMM AMD

By Committee on Transportation

ADOPTED 03/31/2009

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 46.44.110 and 1984 c 7 s 59 are each amended to read
4 as follows:

5 Any person operating any vehicle or moving any object or conveyance
6 upon any public highway in this state or upon any bridge or elevated
7 structure that is a part of any such public highway is liable for all
8 damages that the public highway, bridge, ~~((or))~~ elevated structure, or
9 other state property may sustain as a result of any illegal operation
10 of the vehicle or the moving of any such object or conveyance or as a
11 result of the operation or moving of any vehicle, object, or conveyance
12 weighing in excess of the legal weight limits allowed by law. This
13 section applies to any person operating any vehicle or moving any
14 object or contrivance in any illegal or negligent manner or without a
15 special permit as provided by law for vehicles, objects, or
16 contrivances that are overweight, overwidth, overheight, or overlength.
17 Any person operating any vehicle is liable for any damage to any public
18 highway, bridge, ~~((or))~~ elevated structure, or other state property
19 sustained as the result of any negligent operation thereof. When the
20 operator is not the owner of the vehicle, object, or contrivance but is
21 operating or moving it with the express or implied permission of the
22 owner, the owner and the operator are jointly and severally liable for
23 any such damage. Such damage to any state highway ~~((or))~~ structure,
24 or other state property may be recovered in a civil action instituted
25 in the name of the state of Washington by the department of
26 transportation or other affected state agency. Any measure of damage
27 ~~((to any public highway))~~ determined by the department of
28 transportation ~~((by reason of))~~ to its highway, bridge, elevated
29 structure, or other property under this section is prima facie the
30 amount of damage caused thereby and is presumed to be the amount

1 recoverable in any civil action therefor. The damages available under
2 this section include the incident response costs, including traffic
3 control, incurred by the department of transportation."

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4 On page 1, line 2 of the title, after "vehicle;" strike the
5 remainder of the title and insert "and amending RCW 46.44.110."

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