
SENATE BILL 6455

State of Washington

61st Legislature

2010 Regular Session

By Senators Haugen and Swecker

Read first time 01/14/10. Referred to Committee on Government Operations & Elections.

1 AN ACT Relating to liability for damage to property owned by the
2 department of transportation; and adding a new section to chapter 47.04
3 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 47.04 RCW
6 to read as follows:

7 Beginning July 1, 2009, the department of fish and wildlife is
8 liable for any damage to any public highway, bridge, elevated
9 structure, or other property owned by the department of transportation
10 sustained as the result of any direct action or inaction of the
11 department of fish and wildlife. Such damage to any public highway,
12 bridge, elevated structure, or other property owned by the department
13 of transportation may be recovered in a civil action instituted in the
14 name of the state of Washington by the department of transportation.
15 Any measure of damage determined by the department of transportation to
16 its highway, bridge, elevated structure, or other property under this
17 section is prima facie the amount of damage caused by the direct action
18 or inaction of the department of fish and wildlife and is presumed to
19 be the amount recoverable in any civil action. The damages available

1 under this section include the incident response costs, including
2 traffic control, incurred by the department of transportation. This
3 section may not be construed to conflict with RCW 43.17.330.

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