

SENATE BILL REPORT

HB 1592

As Reported by Senate Committee On:
Financial Institutions, Housing & Insurance, March 19, 2013

Title: An act relating to enforcement of speeding violations on certain private roads.

Brief Description: Concerning the enforcement of speeding violations on certain private roads.

Sponsors: Representatives McCoy, Sells and Ryu.

Brief History: Passed House: 3/04/13, 98-0.

Committee Activity: Financial Institutions, Housing & Insurance: 3/14/13, 3/19/13 [DP, w/oRec].

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Fain, Hatfield, Nelson and Roach.

Minority Report: That it be referred without recommendation.

Signed by Senator Benton, Ranking Member.

Staff: Alison Mendiola (786-7483)

Background: Homeowners' associations (HOAs) generally levy and collect assessments, manage and maintain common property for the benefit of the residents, and enforce covenants that govern developments. The authority to carry out these functions comes from governing documents, such as the declaration of covenants, conditions, and restrictions.

Restrictive covenants are recorded in property deeds and may regulate broad issues. A person who purchases property governed by an HOA, subject to restrictive covenants, becomes a member of the HOA and must generally abide by the restrictive covenants.

Under current law, state, local, or county law enforcement personnel may enforce speeding violations on private roads in an HOA if:

- a majority of the HOA's board of directors votes to authorize the issuance of speeding infractions and declares a speed limit not lower than 20 miles per hour;

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- a written agreement regarding the speed enforcement is signed by the HOA's president and chief law enforcement official from the city or county within whose jurisdiction the private road is located;
- the HOA has provided written notice to all of the homeowners describing the new authority to issue speeding infractions; and
- signs have been posted declaring the speed limit at all vehicle entrances to the community.

Condominium associations are formed under RCW 64.32 or 64.34.

Summary of Bill: State, local, or county law enforcement personnel may enforce speeding violations on private roads in condominium or apartment associations, so long as the provisions required for HOAs are met by the condominium or apartment associations.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill came from a constituent request; HOAs can allow local law enforcement to enforce speed zones. Condominium and apartment associations want the same authority. The difference between this bill and the Senate version is that this bill allows apartment associations to also have the ability to allow local law enforcement to enforce speed limits on private property.

Persons Testifying: PRO: Representative McCoy, prime sponsor.