

SENATE BILL REPORT

SB 5113

As Amended by House, April 15, 2013

Title: An act relating to enforcing speed limits within condominium association communities.

Brief Description: Concerning the enforcement of speed limits on roads within condominium associations.

Sponsors: Senators Bailey, Padden, Carrell, Roach, Benton and Hobbs.

Brief History:

Committee Activity: Financial Institutions, Housing & Insurance: 1/22/13, 1/29/13 [DP].

Passed Senate: 2/08/13, 49-0.

Passed House: 4/15/13, 92-5.

SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Mullet, Vice Chair; Benton, Ranking Member; Fain and Nelson.

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, and subject to restrictive covenants, becomes a member of the association 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;
- 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;

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- 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.

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

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.

House Amendment(s): Apartment associations may also allow local law enforcement to enforce speeding violations on private roads. A technical correction is made.