

# HOUSE BILL REPORT

## HB 2470

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**As Passed House:**  
February 16, 2004

**Title:** An act relating to clarifying damages recoverable in highway accidents.

**Brief Description:** Clarifying damages recoverable in highway accidents.

**Sponsors:** By Representatives Lovick and Clibborn; by request of Department of Transportation.

**Brief History:**

**Committee Activity:**

Transportation: 1/28/04, 2/4/04 [DP].

**Floor Activity:**

Passed House: 2/16/04, 57-41.

**Brief Summary of Bill**

- Authorizes the Department of Transportation to recover all damages caused by negligent drivers, including incidental costs of repairing and cleaning up the highway.

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### HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 22 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, G., Vice Chair; Jarrett, Assistant Ranking Minority Member; Campbell, Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Lovick, Morris, Nixon, Rodne, Romero, Sullivan, Wallace, Wood and Woods.

**Minority Report:** Do not pass. Signed by 7 members: Representatives Ericksen, Ranking Minority Member; Armstrong, Bailey, Kristiansen, Mielke, Schindler and Shabro.

**Staff:** Jeff Doyle (786-7322).

**Background:**

Any person operating a vehicle in an illegal or negligent manner is liable for damages caused to the highway. For example, a person who negligently crashes his or her car into a highway guardrail is liable for the damages to that guardrail.

There is some question about what constitutes "damages." RCW 46.44.110 does not specifically proscribe the types of damages that are recoverable by the Department of Transportation.

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**Summary of Bill:**

The definition of damages recoverable under RCW 46.44.110 is broadened to include expenses incidental to repairing the damage to the highway structure or cleaning the accident site, including engineering costs, contract costs, traffic control activities and equipment rental.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** This bill would make clear the types of damages that are recoverable. It would not expand the types of damages, because these are already recoverable through the judicial process.

**Testimony Against:** None.

**Persons Testifying:** Representative Lovick, prime sponsor; Bill Henselman, Department of Transportation.

(With concerns) Mike Kapphahn, Farmers Insurance.

**Persons Signed In To Testify But Not Testifying:** None.