
SUBSTITUTE SENATE BILL 6322

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Highways & Transportation (originally sponsored by Senators Oke and Haugen; by request of Department of Transportation)

READ FIRST TIME 02/10/04.

1 AN ACT Relating to clarifying damages recoverable in highway
2 accidents; and amending RCW 46.44.110.

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

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

6 Any person operating any vehicle or moving any object or conveyance
7 upon any public highway in this state or upon any bridge or elevated
8 structure that is a part of any such public highway is liable for all
9 damages that the public highway, bridge, or elevated structure may
10 sustain as a result of any illegal operation of the vehicle or the
11 moving of any such object or conveyance or as a result of the operation
12 or moving of any vehicle, object, or conveyance weighing in excess of
13 the legal weight limits allowed by law. This section applies to any
14 person operating any vehicle or moving any object or contrivance in any
15 illegal or negligent manner or without a special permit as provided by
16 law for vehicles, objects, or contrivances that are overweight,
17 overwidth, overheight, or overlength. Any person operating any vehicle
18 is liable for any damage to any public highway, bridge, or elevated
19 structure sustained as the result of any negligent operation thereof.

1 For purposes of this section, the terms "damage" or "damages" include
2 reasonable expenses incidental to repairing the damage to the structure
3 or the cleaning of the accident site including, but not limited to,
4 engineering costs, contract costs, traffic control activities, and
5 equipment rental. When the operator is not the owner of the vehicle,
6 object, or contrivance but is operating or moving it with the express
7 or implied permission of the owner, the owner and the operator are
8 jointly and severally liable for any such damage. Such damage to any
9 state highway or structure may be recovered in a civil action
10 instituted in the name of the state of Washington by the department of
11 transportation. Any measure of damage to any public highway determined
12 by the department of transportation by reason of this section is prima
13 facie the amount of damage caused thereby and is presumed to be the
14 amount recoverable in any civil action therefor.

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