

CERTIFICATION OF ENROLLMENT

**HOUSE BILL 1433**

Chapter 393, Laws of 2009

61st Legislature  
2009 Regular Session

ILLEGAL OPERATION OF VEHICLE--DAMAGE TO STATE PROPERTY

EFFECTIVE DATE: 07/26/09

Passed by the House April 18, 2009  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 31, 2009  
Yeas 48 Nays 0

BRAD OWEN

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**President of the Senate**

Approved May 7, 2009, 2:29 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1433** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

May 8, 2009

**Secretary of State  
State of Washington**

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HOUSE BILL 1433

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AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington

61st Legislature

2009 Regular Session

By Representatives Liias, Sells, Eddy, and Clibborn; by request of  
Department of Transportation

Read first time 01/21/09. Referred to Committee on Transportation.

1 AN ACT Relating to liability for damages to state property  
2 resulting from the illegal operation of a vehicle; and amending RCW  
3 46.44.110.

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

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

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

1 highway, bridge, ~~((or))~~ elevated structure, or other state property  
2 sustained as the result of any negligent operation thereof. When the  
3 operator is not the owner of the vehicle, object, or contrivance but is  
4 operating or moving it with the express or implied permission of the  
5 owner, the owner and the operator are jointly and severally liable for  
6 any such damage. Such damage to any state highway ~~((or))~~, structure,  
7 or other state property may be recovered in a civil action instituted  
8 in the name of the state of Washington by the department of  
9 transportation or other affected state agency. Any measure of damage  
10 ~~((to any public highway))~~ determined by the department of  
11 transportation ~~((by reason of))~~ to its highway, bridge, elevated  
12 structure, or other property under this section is prima facie the  
13 amount of damage caused thereby and is presumed to be the amount  
14 recoverable in any civil action therefor. The damages available under  
15 this section include the incident response costs, including traffic  
16 control, incurred by the department of transportation.

Passed by the House April 18, 2009.

Passed by the Senate March 31, 2009.

Approved by the Governor May 7, 2009.

Filed in Office of Secretary of State May 8, 2009.