

SSB 5652 - S AMD 511  
By Senator Lovick

PULLED 02/12/2024

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 46.44.110 and 2009 c 393 s 1 are each amended to  
4 read as follows:

5 Any person operating any vehicle or moving any object or  
6 conveyance upon any public highway in this state or upon any bridge  
7 or elevated structure that is a part of any such public highway is  
8 liable for all damages that the public highway, bridge, elevated  
9 structure, or other state property may sustain as a result of any  
10 illegal operation of the vehicle or the moving of any such object or  
11 conveyance or as a result of the operation or moving of any vehicle,  
12 object, or conveyance weighing in excess of the legal weight limits  
13 allowed by law. This section applies to any person operating any  
14 vehicle or moving any object or contrivance in any illegal or  
15 negligent manner or without a special permit as provided by law for  
16 vehicles, objects, or contrivances that are overweight, overwidth,  
17 overheight, or overlength. Any person operating any vehicle is liable  
18 for any damage to any public highway, bridge, elevated structure, or  
19 other state property sustained as the result of any negligent  
20 operation thereof. When the operator is not the owner of the vehicle,  
21 object, or contrivance but is operating or moving it with the express  
22 or implied permission of the owner, the owner and the operator are  
23 jointly and severally liable for any such damage. Such damage to any  
24 state highway, structure, or other state property may be recovered in  
25 a civil action instituted in the name of the state of Washington by  
26 the department of transportation or other affected state agency. Any  
27 measure of damage determined by the department of transportation to  
28 its highway, bridge, elevated structure, or other property under this  
29 section is prima facie the amount of damage caused thereby and is  
30 presumed to be the amount recoverable in any civil action therefor.  
31 The damages available under this section include the incident  
32 response costs, including traffic control and wrecker services,

1 incurred or ordered by the state of Washington, the department of  
2 transportation, or other affected state or local governmental  
3 agency."

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4 On page 1, line 2 of the title, after "clear;" strike the  
5 remainder of the title and insert "and amending RCW 46.44.110."

EFFECT: (1) Removes language providing for a separate cause of action for registered tow truck operators to recover the amount of nonpayment for vehicle recovery, impound, and storage charges incurred when dispatched by law enforcement or other agency.

(2) Provides that wrecker services incurred or ordered by the state of Washington, WSDOT, or other affected state or local governmental agency, when responding to damaged highway facilities, are included in the damages recoverable in a civil action instituted by WSDOT or other affected state agency.

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