

HB 2470 - S AMD

By Senator Highways & Transportation

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

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

5 Any person operating any vehicle or moving any object or conveyance  
6 upon any public highway in this state or upon any bridge or elevated  
7 structure that is a part of any such public highway is liable for all  
8 damages that the public highway, bridge, or elevated structure may  
9 sustain as a result of any illegal operation of the vehicle or the  
10 moving of any such object or conveyance or as a result of the operation  
11 or moving of any vehicle, object, or conveyance weighing in excess of  
12 the legal weight limits allowed by law. This section applies to any  
13 person operating any vehicle or moving any object or contrivance in any  
14 illegal or negligent manner or without a special permit as provided by  
15 law for vehicles, objects, or contrivances that are overweight,  
16 overwidth, overheight, or overlength. Any person operating any vehicle  
17 is liable for any damage to any public highway, bridge, or elevated  
18 structure sustained as the result of any negligent operation thereof.  
19 For purposes of this section, the terms "damage" or "damages" include  
20 reasonable expenses incidental to repairing the damage to the structure  
21 or the cleaning of the accident site including, but not limited to,  
22 engineering costs, contract costs, traffic control activities, and  
23 equipment rental. When the operator is not the owner of the vehicle,  
24 object, or contrivance but is operating or moving it with the express  
25 or implied permission of the owner, the owner and the operator are  
26 jointly and severally liable for any such damage. Such damage to any  
27 state highway or structure may be recovered in a civil action  
28 instituted in the name of the state of Washington by the department of  
29 transportation. Any measure of damage to any public highway determined  
30 by the department of transportation by reason of this section is prima

1 facie the amount of damage caused thereby and is presumed to be the  
2 amount recoverable in any civil action therefor."

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

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