

HOUSE BILL REPORT

HB 1379

As Passed Legislature

Title: An act relating to agreements with cities, towns, and counties for traffic control on private roads by local law enforcement personnel.

Brief Description: Authorizing agreements for traffic control.

Sponsors: By Representatives Ericksen, Bush and Anderson.

Brief History:

Committee Activity:

Transportation: 2/5/03, 2/13/03 [DP].

Floor Activity:

Passed House: 3/5/03, 92-5.

Senate Amended.

Passed Senate: 4/16/03, 45-4.

House Concurred.

Passed House: 4/21/03, 89-8.

Passed Legislature.

Brief Summary of Bill

- Law enforcement personnel may enforce speeding violations on private roads within a homeowner's association, upon written agreement between the homeowner's association and the chief law enforcement official of the local jurisdiction.
- The homeowner's association's board of directors must authorize issuance of speeding infractions, declare a speed limit of not less than 20 MPH, and provide written notice to all homeowners within the association.
- Signs declaring the speed limit must be posted at all vehicle entrances to the community.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass. Signed by 24 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Ericksen, Ranking Minority Member;

Jarrett, Assistant Ranking Minority Member; Anderson, Armstrong, Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Kristiansen, Lovick, Mielke, Nixon, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

Minority Report: Do not pass. Signed by 5 members: Representatives Flannigan, Hankins, Hatfield, Hudgins and Morris.

Staff: Jill Satran (786-7315).

Background:

State law provides that motorists must comply with all rules of the road on public highways. In addition, certain traffic laws such as laws relating to accidents, reckless driving, DUIs, vehicular assault may be enforced throughout the state, including both public and private roads. City, town and county law enforcement officials, however, do not have authority to enforce other civil traffic laws such as adherence to speed limits, on private roads.

To encourage traffic safety within private developments, homeowners' associations often adopt traffic safety rules and, in some cases, contract with private individuals (such as off-duty law enforcement officials) to enforce these rules. However, because these regulations are privately adopted, the citations issued are not enforceable beyond the authority of the home owners' association. Proponents of this bill are seeking authority to contract with local law enforcement to enforce speeding violations on these private or limited access roads.

Summary of Bill:

Law enforcement personnel may enforce speeding violations on private roads within a homeowners' association, provided that:

1. a majority of the homeowners' association's board of directors votes to authorize issuance of infractions and declares a speed limit of not less than 20 miles per hour;
2. a written agreement regarding the speeding enforcement is signed by the homeowners' association president and the top law enforcement official within whose jurisdiction the road is located;
3. the homeowners' association has provided written notice to all of the homeowners describing the new authority to issue speeding infractions; and
4. signs have been posted declaring the speed limit at all vehicle entrances to the community.

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 will give local governments and private communities the option of working together to provide traffic control on private roads, thereby improving community safety.

Testimony Against: None.

Testified: Representative Ericksen, prime sponsor; and Tim Schelberg.