

SENATE BILL REPORT

HB 1379

As Reported By Senate Committee On:
Highways & Transportation, April 7, 2003

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: Representatives Ericksen, Bush and Anderson.

Brief History:

Committee Activity: Highways & Transportation: 3/25/03, 4/7/03 [DPA].

SENATE COMMITTEE ON HIGHWAYS & TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Horn, Chair; Benton, Vice Chair; Swecker, Vice Chair; Esser, Finkbeiner, Haugen, Jacobsen, Kastama, Mulliken, Oke, Prentice and Spanel.

Staff: Greg Doss (786-7341)

Background: Traffic laws relating to accidents, reckless driving, DUIs, vehicular assault, and certain other offenses may be enforced throughout the state, including on both public and private roads. However, city, town, and county law enforcement officials do not have authority to enforce some civil traffic laws such as adherence to speed limits and traffic signs, on private and certain limited access roads.

To encourage traffic safety within private developments, homeowners' associations often adopt traffic safety rules and, in some cases, contract with private individuals and 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 homeowners' association.

Summary of Amended 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 not lower 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.

Amended Bill Compared to Original Bill: When authorized by agreement, law enforcement may only enforce speed violations in homeowners' associations. The amendment does not

address compensation for law enforcement services on private roads. The amendment does not allow other (non-homeowners' associations) private road owners to enter into an agreement for law enforcement services.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many roads in private developments are currently patrolled by law enforcement. The bill would allow law enforcement to issue citations on these private roads.

Testimony Against: None.

Testified: Tim Schellberg, citizen (pro).