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HOUSE BILL 1217

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Lantz, McMahan, O'Brien, Carrell, Miloscia, Kagi, Schoesler and Delvin

Read first time 01/21/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to speeding infractions in communities organized  
2 under chapter 64.38 RCW; and amending RCW 46.61.005.

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

4            **Sec. 1.** RCW 46.61.005 and 1997 c 66 s 13 are each amended to read  
5 as follows:

6            The provisions of this chapter relating to the operation of  
7 vehicles refer exclusively to the operation of vehicles upon highways  
8 except:

9            (1) Where a different place is specifically referred to in a given  
10 section.

11            (2) The provisions of RCW 46.52.010 through 46.52.090, 46.61.500  
12 through 46.61.525, and 46.61.5249 shall apply upon highways and  
13 elsewhere throughout the state.

14            (3)(a) Speeding violations under RCW 46.61.400 that occur on the  
15 private roads within a community organized under chapter 64.38 RCW,  
16 provided that:

17            (i) A majority of the homeowner's association's board of directors  
18 of a community organized under chapter 64.38 RCW votes to authorize the

1 issuance of speeding infractions on its private roads, and declares a  
2 speed limit not lower than twenty miles per hour;

3 (ii) The president of the homeowner's association sends a notarized  
4 letter explaining the vote to the top law enforcement official of the  
5 city or county within whose jurisdiction the private road is located;

6 (iii) The homeowner's association has provided written notice to  
7 all of the homeowners describing the new authority to issue speeding  
8 infractions; and

9 (iv) Signs have been posted declaring the speed limit at all  
10 vehicle entrances to the community.

11 (b) The authorizing vote described in (a) of this subsection may be  
12 repealed by a majority vote of the homeowner's association's board of  
13 directors of a community organized under chapter 64.38 RCW any time  
14 after two years have lapsed from the date the infraction authority was  
15 voted on by the homeowner's association's board of directors. The  
16 repeal shall take effect seven days from the date that the top law  
17 enforcement official of the city or county whose jurisdiction the  
18 private road is located receives a notarized letter from the president  
19 of the homeowner's association. The letter shall document the vote  
20 repealing the authority to issue speeding infractions.

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