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**SENATE BILL 6322**

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**State of Washington**

**58th Legislature**

**2004 Regular Session**

**By** Senators Oke and Haugen; by request of Department of Transportation

Read first time 01/16/2004. Referred to Committee on Highways & Transportation.

1 AN ACT Relating to clarifying damages recoverable in highway  
2 accidents; and amending RCW 46.44.110.

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

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

6 Any person operating any vehicle or moving any object or conveyance  
7 upon any public highway in this state or upon any bridge or elevated  
8 structure that is a part of any such public highway is liable for all  
9 damages that the public highway, bridge, or elevated structure may  
10 sustain as a result of any illegal operation of the vehicle or the  
11 moving of any such object or conveyance or as a result of the operation  
12 or moving of any vehicle, object, or conveyance weighing in excess of  
13 the legal weight limits allowed by law. This section applies to any  
14 person operating any vehicle or moving any object or contrivance in any  
15 illegal or negligent manner or without a special permit as provided by  
16 law for vehicles, objects, or contrivances that are overweight,  
17 overwidth, overheight, or overlength. Any person operating any vehicle  
18 is liable for any damage to any public highway, bridge, or elevated  
19 structure sustained as the result of any negligent operation thereof.

1 For purposes of this section, the terms "damage" or "damages" include  
2 expenses incidental to repairing the damage to the structure or the  
3 cleaning of the accident site including, but not limited to,  
4 engineering costs, contract costs, traffic control activities, and  
5 equipment rental. When the operator is not the owner of the vehicle,  
6 object, or contrivance but is operating or moving it with the express  
7 or implied permission of the owner, the owner and the operator are  
8 jointly and severally liable for any such damage. Such damage to any  
9 state highway or structure may be recovered in a civil action  
10 instituted in the name of the state of Washington by the department of  
11 transportation. Any measure of damage to any public highway determined  
12 by the department of transportation by reason of this section is prima  
13 facie the amount of damage caused thereby and is presumed to be the  
14 amount recoverable in any civil action therefor.

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