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SENATE BILL 6528

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State of Washington                      59th Legislature                      2006 Regular Session

By Senators Mulliken, Kastama, Benson, Oke, Esser, Berkey and Sheldon; by request of Department of Transportation

Read first time 01/13/2006. Referred to Committee on Transportation.

1            AN ACT Relating to authorization for the department of  
2 transportation to allow roadside tire chain installation and removal  
3 businesses on state highway rights of way; amending RCW 47.32.120; and  
4 adding a new section to chapter 47.04 RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 47.04 RCW  
7 to read as follows:

8            The department may issue written permits authorizing permittees to  
9 install or remove tire chains on motor vehicles with the following  
10 conditions:

11            (1) Chains may only be installed or removed at locations designated  
12 in the permit;

13            (2) Permittees must comply with terms and conditions in the permit  
14 relating to the safe and orderly movement of traffic; and

15            (3) Permittees may charge a fee to drivers for their services.

16            The department may issue sufficient permits for the installation or  
17 removal of tire chains that it finds necessary or desirable to  
18 accommodate the demand for those services consistent with the maximum  
19 convenience and safety to traffic. The department may charge a fee to

1 permittees for the issuance of permits. The department, in issuing a  
2 permit for the installation or removal of tire chains, assumes no  
3 responsibility for the actions, inactions, competence, or reliability  
4 of the permittee in performing those services and shall not be liable  
5 for the damages relating to acts or omissions of the permittees. The  
6 department may adopt rules to implement this section.

7 **Sec. 2.** RCW 47.32.120 and 1984 c 7 s 183 are each amended to read  
8 as follows:

9 Except as provided in section 1 of this act, it is unlawful for any  
10 person to erect a structure or establishment or maintain a business,  
11 the nature of which requires the use by patrons or customers of  
12 property adjoining the structure or establishment unless the structure  
13 or establishment is located at a distance from the right of way of any  
14 state highway so that none of the right of way thereof is required for  
15 the use of the patrons or customers of the establishment. Any such  
16 structure erected or business maintained that makes use of or tends to  
17 invite patrons to use the right of way or any portion thereof of any  
18 state highway by occupying it while a patron is a public nuisance, and  
19 the department may fence the right of way of the state highway to  
20 prevent such unauthorized use thereof.

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