

SENATE BILL REPORT

HB 1433

As Reported by Senate Committee On:
Transportation, March 19, 2009

Title: An act relating to liability for damages to state property resulting from the illegal operation of a vehicle.

Brief Description: Addressing liability for damages to state property resulting from the illegal operation of a vehicle.

Sponsors: Representatives Lias, Sells, Eddy and Clibborn; by request of Department of Transportation.

Brief History: Passed House: 2/23/09, 97-0.

Committee Activity: Transportation: 3/16/09, 3/19/09 [DPA].

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Swecker, Ranking Minority Member; Becker, Berkey, Delvin, Eide, Jarrett, Kauffman, Kilmer, King and Ranker.

Staff: Dory Nicpon (786-7321)

Background: A person operating a vehicle or moving an object or conveyance on a public highway in an illegal or negligent manner is liable for any damage to a public highway, bridge, or elevated structure that results. When the operator of the vehicle is not the owner of the vehicle, object, or conveyance, the owner and operator are jointly and severally liable for any such damage.

The measure of damage determined by the Department of Transportation (DOT) is presumed to be the amount recoverable in any civil action brought under the section.

Summary of Bill (Recommended Amendments): All other state property is added to the list of items for which DOT can seek to recover damages caused by the operation of a vehicle or the movement of an object or conveyance in an illegal or negligent manner on a public highway.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY TRANSPORTATION COMMITTEE (Recommended Amendments): Incident response costs are added to the items for which DOT may seek to recover damages, and technical changes are made.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This bill clarifies the items that the Legislature intends to be recoverable in cases where damages to state property are sustained from the illegal or negligent operation of a vehicle. Each year DOT writes off approximately \$95,000 worth of damage because current law is unclear as to whether the Legislature intends those damages to be recoverable.

Persons Testifying: PRO: John Milton, DOT.