
Judiciary Committee

SB 6219

Title: An act relating to actions for damage arising from vehicular traffic on a primitive road.

Brief Description: Concerning actions for damage arising from vehicular traffic on a primitive road.

Sponsors: Senators Dansel, Sheldon, Hatfield and Hobbs.

Brief Summary of Bill

- Provides that the discretionary maintenance of a primitive road shall not be considered in any action brought against a county or its employees for damages arising from vehicular traffic on the primitive road.

Hearing Date: 2/20/14

Staff: Cece Clynch (786-7195).

Background:

From time to time, the legislative authority of each county must classify and designate the county primary road system, classifying and designating each county road utilizing the federal functional classification system, as follows:

- rural minor collector;
- rural major collector;
- rural minor arterial;
- rural principal arterial;
- urban collector;
- urban minor arterial; and
- urban principal arterial.

A county legislative authority may classify and designate portions of county roads as primitive roads where the designated road portion:

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1. is not classified as part of the county primary road system;
2. has a gravel or earth driving surface; and
3. has an average annual daily traffic of 100 or fewer vehicles.

Generally, a county has a duty to exercise ordinary care in the design, construction, maintenance, and repair of its public roads to keep them in a reasonably safe condition for ordinary travel. There is a statutory exception with respect to primitive roads, however. Other than a requirement that there be warning signs posted marking the road as a primitive road, at places where the primitive road portion begins or connects with a highway other than another primitive road, there are no design or signing or maintenance standards or requirements applicable to a primitive road. The design of a primitive road, and the location, placing or failing to place road signs (other than the requirement that warning signs be placed) may not be considered in any action for damages brought against a county, or its employees, arising from vehicular traffic on the primitive road.

Summary of Bill:

The discretionary maintenance of a primitive road shall not be considered in any action against a county, or its employees, for damages arising from vehicular traffic on the primitive road.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.