

# SENATE BILL REPORT

## SB 6219

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As of January 24, 2014

**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 History:**

**Committee Activity:** Law & Justice: 1/24/14.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** County roads may be designated as primitive roads where the roads:

- are not part of the county's primary road system;
- are composed of a gravel or earth surface; and
- have an average daily traffic volume of 100 or fewer vehicles.

Warning signs designating a primitive road must be placed where a highway connects with a primitive road. The Board of County Commissioners may limit or prohibit classes of vehicles on any county road.

State law prohibits consideration of the road design, road location, and signage or lack of signage other than required warning signs, in any legal action against a county or county employee for damages arising from vehicle traffic on primitive roads.

**Summary of Bill:** Discretionary maintenance may not be considered in any legal action against a county for damages arising from vehicle traffic on primitive roads.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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*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.*

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

**Staff Summary of Public Testimony:** PRO: There are many primitive roads in rural counties. There is no legal requirement for rural counties to maintain primitive roads. Stevens County was sued in court for faulty maintenance on a gravel primitive road. Stevens County won the lawsuit, but it is still a financial cost to defend against these lawsuits. Rural counties do not want to abandon all maintenance for primitive roads. Yet because of the potential for lawsuits there is a legal risk related to maintenance on primitive roads. This bill would eliminate the legal risk and counties could provide maintenance for primitive roads.

**Persons Testifying:** PRO: Gary Rowe, Assn. of Counties; Jim Potts, Rural Counties; Tom McBride, WA Assn. of Prosecuting Attorneys.