

CHAPTER 111.

[S. B. 340.]

DISPOSITION OF MOTOR VEHICLE FUND.

AN ACT relating to public roads in the State of Washington; abolishing the general road and bridge and lateral highway funds; providing for a credit and use of a portion of the receipts in the motor vehicle fund; creating a secondary highway fund; defining the powers and duties of certain state and county officials with respect to public roads; providing for certain records and reports; providing for the performance of work on certain public roads by force account or day labor; amending section 18 of chapter 163, Session Laws of 1929, as amended by section 4 of chapter 41, Session Laws of 1933, section 6 of chapter 88, Session Laws of 1929, as amended by section 8 of chapter 41, Session Laws of 1933, and sections 6, 10, 14, 17, 21 and 22 of chapter 41, Session Laws of 1933; repealing chapter 168, Session Laws of 1933, and sections 5, 12, 18, 19, 20 and 23 of chapter 41, Session Laws of 1933, and acts in conflict herewith; and declaring an emergency and that this act shall take effect April 1, 1935.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That section 18 of chapter 163, Session Laws of 1929, as amended by section 4 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Amends §
18, ch. 163,
Laws of
1929, as
amended.

Section 18. There is hereby created in the state treasury a state fund to be known as the "motor vehicle fund." All fees collected by the state treasurer, as herein provided, shall be paid into the state treasury and placed to the credit of the motor vehicle fund, in which shall be credited and from which shall be paid in the manner provided by law as follows:

"Motor
vehicle
fund";
creation of.

a. The amount required to be repaid to the counties composed entirely of islands, as provided by law.

Island
counties.

b. For the period beginning April 1, 1935, and ending March 31, 1937, at the time and in the manner

Percentages
paid to
counties.

hereinafter provided to the several counties of the state and as the same is received in the motor vehicle fund sums equal to three cents (3¢) per gallon on all taxable liquid fuel sold, less three-fifths (3/5) of any sums appropriated for the administrative expenses of the offices of state treasurer, state auditor and the department of licenses, the same to be credited to the respective counties by the fifteenth day of each calendar month for the preceding calendar month in the following percentages: Adams 1.52, Asotin .78, Benton 1.48, Chelan, 2.15, Clallam 1.96, Clark 2.89, Columbia 1.06, Cowlitz 2.29, Douglas 1.07, Ferry .74, Franklin 1.04, Garfield 1.02, Grant 1.08, Grays Harbor 3.20, Island .61, Jefferson 1.05, King 20.11, Kitsap 2.00, Kittitas 1.78, Klickitat 1.84, Lewis 2.76, Lincoln 1.90, Mason 1.32, Okanogan 1.36, Pacific 1.64, Pend Oreille 1.11, Pierce 7.53, San Juan .53, Skagit 3.03, Skamania 1.01, Snohomish 4.72, Spokane 5.78, Stevens 1.51, Thurston 1.99, Wahkiakum .69, Walla Walla 2.15, Whatcom 3.56, Whitman 2.89, Yakima 4.85.

Amounts
to cities,
towns.

c. From the monies credited on an annual basis to the several counties according to the foregoing percentages there shall be deducted and credited to each incorporated city and town in each such county, by the fifteenth day of each calendar month, an amount which on an annual basis shall aggregate to each such incorporated city and town in each such county a total amount equal to one and one-half dollars (\$1.50) per capita population of each such incorporated city and town according to the United States government census of 1930.

Balance
to roads.

d. The balance remaining in the motor vehicle fund and not credited to counties, cities and towns as provided in this section, less two fifths (2/5) of any sums appropriated for administrative expenses in the office of the state treasurer, state auditor and the department of licenses, and any sums appropri-

ated for administrative expenses in the office of the director of highways, shall be applied annually to the construction, alteration, repair, improvement and maintenance of primary roads by the director of highways.

e. On the fifteenth day of each calendar month there shall be deducted from all monies placed to the credit of counties, cities and towns, respectively, for the preceding calendar month a sum equal to one and one-half per cent (1½%) thereof for the use of the director of highways for the cost of supervision of the counties, cities and towns as provided in this act.

Sum deducted.

Director of highways.

SEC. 2. That section 6 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Amends § 6, ch. 41, Laws of 1933.

Section 6. The general road and bridge fund is hereby abolished and from and after the taking effect of this act the county commissioners shall make no levy for such fund. The lateral highway fund is hereby abolished and any balance in or funds accruing to the lateral highway fund shall be transferred to and deposited in the motor vehicle fund and subject to the provisions of this act.

General road and bridge fund.

Lateral highway fund abolished.

Transfer of funds.

SEC. 3. That section 6 of chapter 88, Session Laws of 1929, as amended by section 8 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Amends § 6, ch. 88, Laws of 1929, as amended.

Section 6. On or before the eighth day of July in the year 1935 the state treasurer shall prepare and file with the board of county commissioners of each county an estimate of the amount in the motor vehicle fund which will be credited to such county for the period ending March 31, 1937, in order that the county officials may prepare the necessary budget. On or before the fifteenth day of April, 1935, the county commissioners shall by resolution, a copy

Estimate of amount in motor vehicle fund.

of which shall be filed with the director of highways, set the amount of the sum to become available for road purposes in such county which will be expended for separate items of construction and maintenance, which resolution shall be controlling unless altered by subsequent resolution approved by the director of highways.

Amends §
10, ch. 41,
Laws of
1933.

SEC. 4. That section 10 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Secondary
highway
fund,
creation of.

Section 10. There is hereby created in each county treasury a fund to be known as the secondary highway fund, composed of any and all monies in the county treasury now credited to the general road and bridge fund and any monies which shall hereafter be received from any levy made for the general road and bridge fund and any and all monies which shall hereafter be received under the provisions of this act. Any monies which shall hereafter be received from any county or road district levy shall be deposited in the secondary highway fund to be used by the counties in carrying out their secondary highway program until April 1, 1937.

Amends §
14, ch. 41,
Laws of
1933.

SEC. 5. That section 14 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Abolishment
of
permanent
highway
funds.

Monies
transferred.

Section 14. The permanent highway fund and the county permanent highway maintenance fund shall be and they hereby are abolished and any monies which may remain therein to the credit of the various counties shall be transferred to the motor vehicle fund.

Funds
available.

SEC. 6. All funds accruing to the credit of incorporated cities and towns shall become available to such cities and towns for the construction, alteration, repair, improvement and maintenance of the streets of such cities and towns forming a part of

the route of any primary road or extension thereof into or through such city or town.

Payment for the cost of any such construction, alteration, repair, improvement or maintenance shall be made from the motor vehicle fund to each incorporated city and town on the fifteenth day of each month for work actually performed during the preceding calendar month, upon warrants drawn by the state auditor upon vouchers properly supported and approved by the director of highways.

Payments;
how made.

The director of highways shall determine what streets, if any, in such incorporated cities or towns shall form a part of the route of any primary road and shall between the first day of April and the fifteenth day of April of each year certify in duplicate, one copy to the state auditor and one copy to the clerk of each incorporated city or town, which streets, if any, in each city or town are designated as forming a part of the route of a primary road.

Route of
primary
road.

The director of highways may give the city authorities permission to expend any funds accruing under the provisions of this act upon the other streets in such city: *Provided*, That repairs and improvements on streets forming part of the route of primary roads through any such city or town are maintained as nearly as possible equal to the standard of original construction: *Provided*, Any such expenditure shall be with the approval and under the supervision of the director of highways.

Expending
of funds.

In the event that any money has accrued in the motor vehicle fund to the credit of any incorporated city or town in which there are no city streets designated as forming a part of the route of any primary road, the director of highways may give such city or town authorities permission to expend such money upon any streets in such city or town: *Provided*, That such expenditure shall be made upon the approval and under the supervision of the

Approval
to expend
money
upon any
street.

director of highways. Whenever the repair or maintenance of any city street forming a part of the route of any primary road is delayed or otherwise not satisfactorily accomplished in any manner or in a length of time unsatisfactory to the director of highways, he shall notify the proper authorities of such city or town to make the necessary repairs within a specified time not to exceed thirty (30) days. Non-compliance with this notice will authorize the director of highways to make the necessary repairs to the extent of and not to exceed the amount of money credited to such city or town or reasonably anticipated to accrue to the credit of such city or town during the next fiscal year, and shall forward a statement of the cost of such repairs or maintenance to the state auditor and the state treasurer, directing the amount of the cost of such repairs or maintenance be paid from the motor vehicle fund on proper vouchers for the expenses incurred and deducted from the amount which has accrued or which may accrue to the credit of such city or town.

Making of
necessary
repairs.

Amount
of cost.

Any incorporated city or town shall be allowed to expend monies accruing to its credit in the motor vehicle fund as by this act provided, not to exceed fifty per cent (50%) thereof, individually or in conjunction with any other funds, for the payment of interest or principal of warrants or bonds issued or to be issued for the condemnation of property for, or the construction of, roads, streets or bridges within such city, or for any other proper road or street purpose, upon vouchers therefor approved by the director of highways.

Not to
exceed 50%.

There shall be submitted to the director of highways not later than the tenth day of each month a certified statement by the city clerk of each incorporated city and town showing in detail the construction, alteration, repair, improvement or maintenance of any city streets during the preceding

Certified
statement
by city
clerk.

calendar month and in any case in which any incorporated city or town shall fail to make report showing such details and the same is not in the office of the director of highways by the tenth day of such month the director of highways shall so notify the state treasurer and no further funds shall be paid to such city or town until such detailed report has been presented.

Payment
delay.

SEC. 7. That section 17 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows:

Amends §
17, ch. 41,
Laws of
1933.

Section 17. Secondary roads, as defined in this act, shall be constructed, altered, repaired, improved and maintained by the county commissioners of the respective counties to be paid for from monies accruing and credited to such counties after deductions in this act provided. No construction work shall be done or paid for from any monies accruing to the counties under this act unless on plans and specifications first approved by the director of highways. No payment shall be made from monies accruing under the provisions of this act to the counties except on warrants drawn by the state auditor on vouchers properly supported and approved by the director of highways and such payment shall be made on the fifteenth day of the month following the calendar month in which such vouchers have been submitted.

Secondary
roads,
construction,
improvement
of.

Director of
highways to
approve.

The county commissioners of each county shall file in the office of the director of highways on or before the tenth day of each month a detailed report of all construction, alteration, repair, improvement and maintenance and all other expenditures from the funds accruing under this act during the preceding calendar month and shall from time to time report to the director of highways or the state in such form and in such manner any further records

County
commis-
sioners to
report.

Delay of
payment.

Proper road
purpose.

Use of
money.

Funds
available.

State
treasurer,
to set aside
monies from
fund.

and reports required by law or which may be required by the director of highways. In case any records or reports required by law or by the director of highways are not made in the manner or at the time required the director of highways shall so notify the state treasurer and no further funds shall be paid to such county until such reports have been made. Any monies accruing to the credit of any county under the provisions of this act may be paid to such county upon vouchers approved by the director of highways for the construction, alteration, repair, improvement or maintenance of county roads, bridges and wharves connecting with water transportation of vehicles, and for any proper road purpose, including payment of interest or principal of road bonds according to existing laws and any and all monies hereafter realized under the provisions of this act. Such monies may be expended either independently or in conjunction with the state or any city, town or other tax district within the county. Payment of interest or principal of general obligation county road bonds or independent highway district bonds is hereby declared to be a proper road purpose. The county commissioners are hereby given authority to use any monies realized under this act for eminent domain or any other proper road purpose in any manner provided by law.

In the event that any funds should become available from the federal government or otherwise for any construction, alteration, repair or improvement of city streets of any incorporated city or town or of any secondary roads of any county and the same is to be performed by the department of highways, the state treasurer shall set aside from any monies in the motor vehicle fund credited to any such incorporated city or town or county the cost of engineering and the supervision thereof, and the cost of any right of way necessary therefor, the same to be paid

from the money so set aside or so much thereof as may be necessary, upon warrants drawn by the state auditor upon vouchers submitted by the department of highways for such engineering, supervision and right of way.

SEC. 8. That section 21 of chapter 41, Session Laws of 1933, be amended to read as follows: Amends §
21, ch. 41,
Laws of
1933.

Section 21. Inasmuch as an emergency exists at the present time and it is the desire to create as much employment as possible from the going into effect of this act until April 1, 1937, the director of highways in his discretion is hereby authorized to do or perform any and all types of highway work on primary roads, as defined in this act, by day labor or force account in any amount up to the sum of twenty-five thousand dollars (\$25,000.00) on any one project. Emergency.

Highway
work on
primary
roads.

SEC. 9. That section 22 of chapter 41, Session Laws of 1933, be and the same is hereby amended to read as follows: Amends §
22, ch. 41,
Laws of
1933.

Section 22. Inasmuch as an emergency exists at the present time and it is the desire to create as much employment as possible from the going into effect of this act until April 1, 1937, the county commissioners with the approval of the director of highways are hereby authorized to do or perform any and all types of highway work on secondary roads, as defined in this act, by day labor or force account in any amount up to the sum of five thousand dollars (\$5,000.00) on any one project: *Provided*, This section shall be construed to mean a complete project and shall not be construed to allow the defeat of any law of this state requiring the letting of public contracts by competitive bidding by the division of projects into units or classes of work. With the exception in this section contained the county commissioners shall expend all monies accru- Emergency.

Highway
work on
secondary
roads

Complete
project.

Expenditure
of monies.

ing to the credit of the counties under this act in the manner now provided by law for the administration of county road affairs, whether such roads which are hereby called secondary roads were formerly called township roads, county roads, permanent highways or lateral highways.

SEC. 10. That for the purpose of securing a complete codification of the laws of this state with reference to highways and the licensing and regulation of vehicles thereon, the director of highways is hereby directed to submit to the legislature at its regular session of 1937 a complete code of highway law. Advance copies of such code of highway law shall be submitted to every elected member of the Senate and House of Representatives by November 15, 1936.

Code of highway law.

SEC. 11. Nothing in this act contained shall be construed to amend, alter or modify any provisions of existing law or laws, excepting to the extent that such existing law or laws are by this act expressly repealed or are in such conflict with the provisions of this act as to be repealed by implication.

No alteration of existing laws, except those repealed.

SEC. 12. That chapter 168, Session Laws of 1933, and sections 5, 12, 18, 19, 20 and 23 of chapter 41, Session Laws of 1933, be and the same are hereby repealed.

Repeals ch. 168, Laws of 1933, §§ 5, 12, 18, 19, 20, 23 of ch. 41, Laws of 1933.

SEC. 13. That this act is necessary for the immediate preservation of the public peace, health and safety and the support of the state government and its existing public institutions and shall take effect on the first day of April, 1935.

Passed the Senate March 11, 1935.

Passed the House March 13, 1935.

Approved by the Governor March 20, 1935.

Date of effect.