

TITLE 44

STATE GOVERNMENT—LEGISLATIVE

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Cashing checks for state officers and employees: RCW 43.08.180.

Emoluments of office for appointees to office of state legislator: RCW 43.03.015.

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44.04.010 Date of regular sessions. The third legislature of the state of Washington shall meet on the second Monday of January, A. D. 1893, and sessions of

the legislature shall be held biennially thereafter, commencing on the second Monday of January. [1891 c 20 § 1; RRS § 8177.]

Biennial and special sessions: State Constitution Art. 2 § 12.

44.04.040 Vouchers for pay and mileage of members—Warrants. The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the mileage and daily pay of members of the legislature on presentation of certificates showing amounts due for miles traveled and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the chief clerk or secretary, respectively, of the body to which the members belong. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 17; 1890 p 6 § 1; RRS § 8150.]

Annual salary: RCW 43.03.010.

Mileage allowance: State Constitution Art. 2 § 23; RCW 43.03.010.

44.04.041 Warrants for pay and mileage of members—Payment of. Upon presentation of a warrant drawn as provided for in RCW 44.04.040, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom. [1890 p 6 § 2; RRS § 8151. Formerly RCW 44.04.070, part.]

44.04.050 Vouchers for pay of employees—Warrants. The chief clerk of the house of representatives and the secretary of the senate shall prepare vouchers for the state treasurer for sums covering amounts due officers and employees of the legislature on presentation of certificates signed by the speaker or president, and countersigned by the chief clerk or secretary of the body in which the service of the officer or employee is rendered, and showing amounts due to dates specified. The state treasurer shall issue warrants which shall be drawn in favor and be made payable to the order of the officer or employee named in each certificate. [1973 c 106 § 18; 1890 p 3 § 1; RRS § 8148.]

44.04.051 Warrants for pay of employees—Payment of. Upon presentation to the state treasurer of a warrant drawn as provided for in RCW 44.04.050, that officer shall pay the same from any money in the state treasury appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the treasury of the state covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from date of such indorsement and shall be payable thereafter as is provided by law and

custom. [1890 p 3 § 2; RRS § 8149. Formerly RCW 44.04.070, part.]

44.04.060 Vouchers for incidental expenses—Warrants. The chief clerk of the house of representatives and the secretary of the senate are hereby directed to prepare vouchers for the state treasurer for the incidental expenses of the legislature, on presentation of certificates showing amounts due for material furnished and services rendered to dates specified. The certificates shall be signed by the speaker or president, and countersigned by the sergeant-at-arms, respectively, of the body ordering the expenditures. The state treasurer shall issue warrants which shall be in favor of and payable to the order of the persons named in said certificates. [1973 c 106 § 19; 1890 p 10 § 1; RRS § 8152.]

44.04.070 Warrants for incidental expenses—Payment of. Upon presentation of a warrant, drawn as provided for in RCW 44.04.060, to the state treasurer, that officer shall pay the same out of any money in the treasury of the state appropriated for the expenses of the legislature of the state of Washington: *Provided*, That should there be no money in the state treasury covered by such appropriation, the state treasurer shall indorse such fact on the warrant presented, and said warrant shall draw interest from the date of such presentation and indorsement, and shall be payable thereafter in the manner provided by existing law and custom. [1890 p 10 § 2; RRS § 8153. FORMER PARTS OF SECTION: (i) 1890 p 3 § 2, now codified as RCW 44.04.051. (ii) 1890 p 6 § 2, now codified as RCW 44.04.041.]

44.04.080 Subsistence and lodging of members—Per diem. Members of the legislature including the president of the senate shall be paid not to exceed forty dollars per day in lieu of subsistence and lodging during and while attending any legislative session. [1969 c 3 § 2; 1965 ex.s. c 127 § 6; 1965 c 3 § 1; 1957 c 3 § 1; 1953 ex.s. c 2 § 2; 1945 c 4 § 1; 1941 c 173 § 1; Rem. Supp. 1945 § 8153-1.]

Legislative declaration—1969 c 3: "In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while attending sessions of the legislature. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement." [1969 c 3 § 1.] This applies to RCW 44.04.080.

44.04.090 Warrants for subsistence and lodging. The state treasurer shall issue warrants for said reimbursement supported by affidavits that the reimbursement is claimed for expenses of subsistence and lodging actually incurred without itemization and without receipts. Such warrants shall be immediately paid from any funds appropriated for the purpose. [1973 c 106 § 20; 1941 c 173 § 2; Rem. Supp. 1941 § 8153-2.]

44.04.100 Contest of election—Depositions. Any person desiring to contest the election of any member of the legislature, may, at any time after the presumptive election of such member and before the convening

of the ensuing regular session of the legislature, have the testimony of witnesses, to be used in support of such contest, taken and perpetuated, by serving not less than three days' written notice upon the member whose election he desires to contest, of his intention to institute such contest and that he desires to take the testimony of certain witnesses named in such notice, at a time and place named therein, before a notary public duly commissioned and qualified and residing in the county where the presumptive member resides, giving the name of such notary public, which deposition shall be taken in the manner provided by law for the taking of depositions in civil actions in the superior court. The presumptive member of the legislature, whose election is to be contested, shall have the right to appear, in person or by counsel, at the time and place named in the notice, and cross examine any witness produced and have such cross examination made a part of such deposition, and to produce witnesses and have their depositions taken for the purpose of sustaining his election. The notary public before whom such deposition is taken shall transmit such depositions to the presiding officer of the senate, or house of representatives, as the case may be, in which said contest is to be instituted, in the care of the secretary of state, at the state capitol, by registered mail, and it shall be the duty of the secretary of state upon the convening of the legislature to transmit said depositions, unopened, to the presiding officer of the senate, or the house of representatives, as the case may be, to whom it is addressed, and in case such contest is instituted said depositions may be opened and read in evidence in the manner provided by law for the opening and introduction of depositions in civil actions in the superior court. [1927 c 205 § 1; RRS § 8162-1. Prior: Code 1881 §§ 3125-3139.]

Contest of elections: Chapter 29.65 RCW.

Depositions: Rules of court: CR 26-37.

Legislature to judge election and qualifications of members: State Constitution Art. 2 § 8.

Recall: State Constitution Art. 1 §§ 33, 34 (Amendment 8); Chapter 29.82 RCW.

44.04.120 Members' allowances when engaged in committee business. Each member of the senate or house of representatives when serving on official legislative business during the interim between legislative sessions, or while serving on the legislative budget committee, or any other standing, permanent or interim committee, commission, or council of the legislature shall be entitled to receive, in lieu of per diem or any other payment, for each day or major portion thereof in which he is actually engaged in legislative business or business of the committee, commission, or council, notwithstanding any laws to the contrary, forty dollars per day, plus mileage allowance at the rate provided for in RCW 43.03.060, as now or hereafter amended per mile when authorized by the house, committee, commission, or council of which he is a member and on the business of which he is engaged.

This section shall not apply to any official travel by legislators which is subject to the provisions of Article 2, section 23 of the state Constitution. [1974 1st ex.s. c

157 § 2; 1973 1st ex.s. c 197 § 5; 1967 ex.s. c 112 § 4; 1963 ex.s. c 7 § 1; 1959 ex.s. c 10 § 1.]

Legislative finding and declaration—1973 1st ex.s. c 197: "In view of the decreased purchasing power of the dollar and the concomitant increase in the cost of living during the past several years, the members of the legislature declare that the twenty-five dollar per diem allowance provided during the past several interims between sessions in lieu of subsistence and lodging is inadequate to cover necessary expenses incurred while serving on official legislative business during the interim. The legislature further finds and declares that forty dollars per day is a fair and adequate allowance to cover such reimbursement." [1973 1st ex.s. c 197 § 4.]

44.04.130 Accidental death and dismemberment coverage during aircraft flights for members of legislature. See RCW 43.01.120.

44.04.140 Security and protection of legislature—Duty of state patrol to provide. See RCW 43.43.037.

44.04.170 Associations of municipal corporations or municipal officers to furnish information to legislature and governor. It shall be the duty of each association of municipal corporations or municipal officers, which is recognized by law and utilized as an official agency for the coordination of the policies and/or administrative programs of municipal corporations, to submit biennially, or oftener as necessary, to the governor and to the legislature the joint recommendations of such participating municipalities regarding changes which would affect the efficiency of such municipal corporations. Such associations shall include but shall not be limited to the Washington state association of fire commissioners, the Washington state association of water districts, the Washington state association of sewer districts, and the Washington state school directors' association. [1970 ex.s. c 69 § 2.]

Purpose—1970 ex.s. c 69: "It is the purpose of this act to assist the legislature in obtaining adequate information as to the needs of its municipal corporations and other public agencies and their recommendations for improvements." [1970 ex.s. c 69 § 1.]

Intent—Construction—1970 ex.s. c 69: "The intent of this act is to clarify and implement the powers of the public agencies to which it relates and nothing herein shall be construed to impair or limit the existing powers of any municipal corporation or association." [1970 ex.s. c 69 § 3.] The foregoing annotations apply to RCW 44.04.170.

44.04.180 Legislative records—Preservation. See RCW 40.14.100-40.14.180.

Chapter 44.07A LEGISLATIVE DISTRICTS AND APPORTIONMENT

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| 44.07A.050 | Fifth legislative district. |
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Appendix

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Filed and Entered on Docket
April 21, 1972

GEORGE N. PRINCE,
Plaintiff,
v.
A. LUDLOW KRAMER, As
Secretary of State; et. al.,
Defendants
And Interveners.

CIVIL NO. 9668

ORDER

Before JERTBERG, Circuit Judge, and GOODWIN, and
McGOVERN, District Judges.

THE COURT'S PLAN AND ORDER FOR
LEGISLATIVE AND CONGRESSIONAL REDISTRICTING
FOR THE STATE OF WASHINGTON

By Judges Jertberg, Goodwin and McGovern:

This suit which is now before the court sitting as a three-judge panel under 28 U.S.C.A. § 2281, was commenced on May 5, 1971, following the failure of the 1971 session of the Washington Legislature to enact new congressional and legislative redistricting plans on the basis of the 1970 decennial census. On July 30, 1971, a pretrial order was entered by which we determined, *inter alia*, the 1970 population of each of the seven existing congressional districts and forty-nine legislative districts which had been formed by the legislature six years earlier, in 1965, through its enactment of Chapter 6, Laws of 1965, and Chapter 152, Laws of 1965, Ex. Sess. - following earlier redistricting litigation in *Thigpen v. Meyers*, 211 F. Supp. 826, (USDC, NDW 1962) 378 U.S. 554 (judgment affirmed). These seven congressional districts were found to have populations varying from a high of 573, 385 to a low of 398, 929, while the legislative districts were found to range from a high of 130,070 to a low of 44,108 in population.

Accordingly, on August 19, 1971, we entered an interlocutory order declaring both 1965 redistricting laws (which had been formulated on the basis of 1960 federal census data) to be unconstitutional and invalid - on the ground that the population variances involved were such as to cause both of these plans to violate the equal protection clause of Amendment 14 to the United States Constitution as interpreted and applied by the United States Supreme Court in *Baker v. Carr*, 369 U.S. 186 (1962); *Wesberry v. Sanders*, 378 U.S. 1 (1964); *Reynolds v. Sims*, 377 U.S. 533 (1964), and companion cases; *Fortson v. Dorsey*, 379 U.S. 433 (1965); *Burns v. Richardson*, 384 U.S. 73 (1966); *Swann v. Adams*, 385 U.S. 440 (1967); *Kilgarlin v. Hill*, 386 U.S. 120 (1967); *Kirkpatrick v. Preisler*, 394 U.S. 526 (1969); *Wells v. Rockefeller*, 394 U.S. 542 (1969); *Whitcomb v. Chavis*, 403 U.S. 124 (1971); and *Ely v. Klahr*, 403 U.S. 108 (1971). This order also enjoined the defendants, who are Washington State and King County elections officers, from conducting any further elections under either 1965 redistricting law.

On this same date the court heard oral argument from the parties with regard to the remedial sanctions then to be imposed in order to provide the people of the State of Washington with constitutionally valid congressional and legislative redistricting plans for the 1972 and ensuing elections. Following this hearing, on September 8, 1971, we entered an order providing that

" . . . unless the Washington State Legislature shall have enacted on or before February 25, 1972, congressional and legislative redistricting plans which are constitutionally valid according to the 1970 federal census, then on said date a special master shall be designated and appointed to prepare legislative and congressional redistricting plans for the State of Washington in accordance with instructions to be issued by this court, and with the facts admitted and exhibits listed in the pretrial order filed herein . . . "

At this time we also were presented with several applications for intervention on behalf of persons or groups asserting an interest in the subject matter of this action. After consideration of these applications, and based upon the petitioners' respective agreements to accept and ratify the pretrial order and agree to be bound thereby, we entered orders on August 19, 1971, granting intervention to the following parties: United States Congressman Brock Adams; Washington State Senator John L. Cooney; the Washington State Labor Council, AFL-CIO; the Washington Republican State Central Committee; and Washington State Senator Francis E. Holman.

Then, on January 28, 1972, we entered a supplementary pretrial order relating, primarily, to certain additional or updated exhibits pertaining, principally, to matters of population similar to the exhibits which had been admitted as a part of the original, July 30, 1971, pretrial order.

In accordance with the provisions of our September 8, 1971, order we next received from each of the parties their several proposed instructions and guidelines to be submitted to the special master in the event of his ultimate appointment; and we also received their various nominations for this position. Accordingly, when, on February 23, 1972, we were notified that the Washington legislature (which had commenced a special session at the call of the governor on January 10) had adjourned *sine die* without having enacted any new plans for either congressional or legislative redistricting, we were prepared to proceed. Two days later, on February 26, we formally designated Richard L. Morrill, a Geography Professor at the University of Washington, as a special master to draw up plans in accordance with specific guidelines enunciated by this court, and to submit his plans to the court, and thru the court to all parties by March 27, 1972 - a schedule which he was able to meet.

As submitted to us, the master's plans provide for forty-nine state legislative districts - each of which is to be represented by one state senator and two members of the state house of representatives. Based upon official 1970 census data of record herein,¹ the redistricting population of each of these districts is as follows:

| District No. | Population |
|--------------|------------|
| 1 | 68,195 |
| 2 | 68,513 |
| 3 | 68,040 |
| 4 | 68,949 |
| 5 | 68,051 |
| 6 | 67,959 |
| 7 | 68,135 |
| 8 | 67,957 |
| 9 | 68,541 |
| 10 | 68,086 |
| 11 | 68,809 |
| 12 | 68,391 |
| 13 | 68,272 |
| 14 | 68,480 |
| 15 | 68,132 |
| 16 | 68,542 |
| 17 | 68,784 |
| 18 | 68,099 |
| 19 | 68,553 |
| 20 | 68,502 |
| 21 | 68,222 |
| 22 | 68,772 |
| 23 | 68,455 |
| 24 | 69,034 |
| 25 | 68,656 |
| 26 | 68,242 |
| 27 | 68,168 |
| 28 | 68,220 |
| 29 | 68,554 |
| 30 | 68,197 |
| 31 | 68,127 |
| 32 | 69,049 |
| 33 | 68,064 |
| 34 | 68,468 |
| 35 | 68,531 |
| 36 | 68,167 |
| 37 | 68,115 |
| 38 | 68,462 |
| 39 | 68,518 |
| 40 | 68,799 |

| District No. | Population | MASTER'S NO. | COURT'S NO. |
|--------------|------------|--------------|-------------|
| 41 | 68,014 | 9 | 13 |
| 42 | 69,010 | 10 | 14 |
| 43 | 68,571 | 11 | 15 |
| 44 | 68,177 | 12 | 8 |
| 45 | 68,674 | 13 | 17 |
| 46 | 68,765 | 14 | 49 |
| 47 | 67,947 | 15 | 18 |
| 48 | 68,961 | 16 | 20 |
| 49 | 69,054 | 17 | 19 |

The plan as prepared by the special master for the establishment of new congressional districts was formulated² by means of combining groups of seven contiguous legislative districts each into the seven congressional districts allotted to the state on the basis of its 1970 population. The redistricting population of each of these congressional districts is as follows:

| District No. | Population |
|--------------|------------|
| 1 | 477,842 |
| 2 | 478,536 |
| 3 | 478,834 |
| 4 | 479,547 |
| 5 | 479,007 |
| 6 | 479,085 |
| 7 | 480,132 |

Pursuant to our instructions, the master's plan for each legislative district was framed and described in his presentation in terms of complete, official United States Census Bureau, census tracts (T), county census districts (CCD), enumeration districts (ED), block (B), and block groups (BG). The plans have also been laid out on detailed census maps which the master has prepared and filed with the court.

The immediate matter of adopting, rejecting or modifying these plans came on before this court on April 7, 1972, at which time we considered both the written representations of the parties and their oral arguments regarding the plans. After carefully evaluating all of these matters, we have determined that the proposed congressional and legislative districts which the master has drawn for us are in conformity with the requirements of the United States Constitution and that our adoption and implementation of these plans precisely as formulated now represent the best available means (in the absence of action by the Washington legislature) of insuring to the people of the State of Washington that degree of equality of representation to which they are entitled and which is required by the equal protection clause of Amendment 14 to the United States Constitution, *supra*. No changes would substantially improve the plan submitted by the master.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:

1. In the absence of constitutionally valid congressional and legislative redistricting plans theretofore enacted through the legislative processes of the State of Washington, the defendants A. Ludlow Kramer, Secretary of State and Chief Elections Officer of the State of Washington, Norward J. Brooks, King County Director of Records and Elections, Edward J. Logan, King County Superintendent of Elections, and all election officials under the election code of Washington are hereby mandated to conduct all primary, general and special elections during the year 1972 and thereafter for the offices of the United States congressmen and state senators and representatives in accordance with this judgment and by the use of the districts created and described hereby; and this order now constitutes appropriate notice to all such officials.

2. The numbers used by the Special Master to describe the legislative districts are re-assigned and shall be as follows:

| MASTER'S NO. | COURT'S NO. |
|--------------|-------------|
| 1 | 16 |
| 2 | 9 |
| 3 | 4 |
| 4 | 6 |
| 5 | 3 |
| 6 | 5 |
| 7 | 7 |
| 8 | 12 |

| | |
|----|----|
| 19 | 22 |
| 20 | 2 |
| 21 | 47 |
| 22 | 25 |
| 23 | 30 |
| 24 | 27 |
| 25 | 29 |
| 26 | 28 |
| 27 | 26 |
| 28 | 23 |
| 29 | 21 |
| 30 | 1 |
| 31 | 44 |
| 32 | 46 |
| 33 | 43 |
| 34 | 32 |
| 35 | 36 |
| 36 | 37 |
| 37 | 34 |
| 38 | 35 |
| 39 | 31 |
| 40 | 33 |
| 41 | 11 |
| 42 | 41 |
| 43 | 48 |
| 44 | 45 |
| 45 | 39 |
| 46 | 38 |
| 47 | 10 |
| 48 | 40 |
| 49 | 42 |

PLAN FOR LEGISLATIVE DISTRICTS

3. For the election of members of the legislature, the territory of the State of Washington shall be divided into the forty-nine legislative districts described below in accordance with the above renumbering, and as shown on the maps marked Exhibit A, accompanying this Order. As used in these descriptions, the following abbreviations shall have the following meanings:

- (a). "T" shall stand for "census tract";
- (b). "CCD" shall stand for "county census district";
- (c). "ED" shall stand for "census enumeration district";
- (d). "B" shall stand for "block"; and
- (e). "BG" shall stand for "census block group."

All of the foregoing terms shall have the same meanings as they do in the official 1970 decennial federal census reports, and all descriptions coincide with those contained in the special master's plans and report as above referenced.

FIRST

The First legislative district shall consist of the following areas:

In King County:

- T 203
- T 204
- T 205
- T 206
- T 207
- T 210
- T 211 (part: BG 1, 5)
- T 212
- T 213
- T 214

T 215
 T 216
 T 217 (part: BG 1, B 201-208, B 211)

In Snohomish County:

T 509
 T 510 (part: BG 2, 3, 4, B 105-108)
 T 511
 T 512 (part: BG 2, 3, 4)
 T 513

SECOND

The Second legislative district shall consist of the following areas:

In Thurston County:

CCD 8

In Pierce County:

T 701
 T 702
 T 704 (part: ED 10, 11, 18)
 T 711
 T 713 (part: BG 2-6, ED 56)
 T 714
 T 715
 T 716 (part: BG 3, B 401-415)
 T 717
 T 728
 T 729
 T 730
 T 731
 T 732

THIRD

The Third legislative district shall consist of the following areas:

In Spokane City:

T 1
 T 2
 T 3
 T 14 (part: BG 2, BG 3)
 T 15
 T 16
 T 17
 T 18
 T 19
 T 20
 T 21
 T 22
 T 23
 T 24
 T 25
 T 26
 T 27
 T 28
 T 33
 T 34
 T 35
 T 36
 T 37
 T 38
 T 112 (part: ED 30, ED 80)

FOURTH

The Fourth legislative District shall consist of the following areas:

In Spokane County:

T 112 (part: ED 19,28,29,31,32,33)
 T 113
 T 114
 T 115
 T 116
 T 117
 T 118
 T 119
 T 120

T 121
 T 122
 T 123
 T 124
 T 125
 T 126
 T 127
 T 128
 T 129
 T 130
 T 131
 T 132
 T 133
 T 143

In Whitman County:

CCD 1
 CCD 2
 CCD 6
 CCD 7

FIFTH

The Fifth legislative district shall consist of the following:

In Spokane City:

T 4
 T 5
 T 6
 T 7
 T 8
 T 9
 T 10
 T 11
 T 12
 T 13
 T 14 (part: BG 1, BG 4)

In Spokane County:

T 105 (part: BG 1,2,9; ED 23,24,27)
 T 106
 T 107
 T 108
 T 109
 T 110
 T 111

SIXTH

The Sixth legislative district shall consist of the following areas:

In Spokane City:

T 29
 T 30
 T 31
 T 32
 T 39
 T 40
 T 41
 T 42
 T 43
 T 44
 T 45
 T 46
 T 47

In Spokane County:

T 134
 T 135
 T 136
 T 137
 T 138, 141 (CCD Medical Lake Rural)
 T 139 (CCD Medical Lake)
 T 140 (CCD Cheney)
 T 142

SEVENTH

The Seventh legislative district shall consist of the following areas:

In Okanogan County:

CCD 1
CCD 2
CCD 3
CCD 10
CCD 11
CCD 12
CCD 13
CCD 15
CCD 16
CCD Omak

All of Ferry County

All of Stevens County

All of Pend Oreille County

All of Lincoln County

In Spokane County:

T 101 (Mt. Spokane CCD)
T 102 (Colbert CCD)
T 103 (Deer Park CCD)
T 104 (Airway Heights CCD)
T 105 (Part: ED 22)

EIGHTH

The Eighth legislative district shall consist of the following areas:

All of Benton County

In Yakima County:

CCD 29 (part: ED 130)

NINTH

The Ninth legislative district shall consist of the following areas:

All of Adams County

All of Garfield County

All of Asotin County

In Columbia County:

CCD 1
CCD Dayton

In Grant County:

CCD 14

In Whitman County:

CCD 3
CCD 4
CCD 5
CCD 8
CCD 9
CCD 10
CCD 11
CCD 12
CCD 13
CCD 14
CCD Colfax
CCD Pullman

TENTH

The Tenth legislative district shall consist of the following areas:

In Snohomish County:

CCD 2 = T 531, 535
CCD 3 = T 534
CCD 4 = T 533
CCD 5 = T 532
CCD 6 = T 530
CCD 7 = part of T 525
CCD 8 = T 528

CCD 9 = T 527

CCD 13 (part: ED 542) = part T 525

CCD Marysville = T 529

All of Island County

ELEVENTH

The Eleventh legislative district shall consist of the following areas:

In King County:

T 253
T 257
T 258
T 259
T 260 (part: BG 4-8)
T 261 (part: B 109, 201-205, 208-212, BG 3)
T 262 (part: BG 2,3,4)
T 283 (part: B 901-904)
T 292
T 293
T 294
T 295
T 296
T 297
T 298 (part: BG 9)
T 317 (part: BG 1,9)
T 318 (part: ED 313)

TWELFTH

The Twelfth legislative district shall consist of the following areas:

All of Chelan County

All of Douglas County

In Grant County:

CCD 1
CCD 2
CCD 4

In Okanogan County:

CCD 4
CCD 5
CCD 6
CCD 7
CCD 8
CCD 9
CCD 14

THIRTEENTH

The Thirteenth legislative district shall consist of the following areas:

All of Kittitas County

In Grant County:

CCD 5
CCD 7
CCD 9
CCD 10
CCD 11
CCD 12
CCD 15
CCD 16
CCD 17
CCD Ephrata

In Yakima County:

CCD 1
CCD 2
CCD 3 (part: ED 9-13)
CCD 8 (part: ED 20)

FOURTEENTH

The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

- CCD Yakima
- CCD Selah
- CCD 3 (part: ED 14)
- CCD 6 (part: ED 27, 29)
- CCD 7
- CCD 8 (part: ED 21-22)
- CCD 11
- CCD 12

FIFTEENTH

The Fifteenth legislative district shall consist of the following areas:

In Yakima County:

- CCD 4
- CCD 5
- CCD 6 (part: ED 28, 30)
- CCD 13
- CCD 14
- CCD 15
- CCD 16
- CCD 17
- CCD 18
- CCD 19
- CCD 20
- CCD 21
- CCD 22
- CCD 23
- CCD 24
- CCD 25
- CCD 26
- CCD 27
- CCD 28
- CCD 29 (part: ED 131, 132, 133)
- CCD 30
- CCD 31
- CCD 32
- CCD 33
- CCD 34
- CCD 35
- CCD 36
- CCD 37
- CCD 38
- CCD 39
- CCD 40
- CCD Wapato
- CCD Toppenish
- CCD Sunnyside

SIXTEENTH

The Sixteenth legislative district shall consist of the following areas:

- All of Franklin County
- All of Walla Walla County
- In Columbia County:
 - CCD 2
 - CCD 3

SEVENTEENTH

The Seventeenth legislative district shall consist of the following areas:

- All of Skamania County
- All of Klickitat County
- In Clark County:
 - CCD 1
 - CCD 5
 - * CCD 6
 - CCD Camas
 - T 404 (part: ED 610A, B, 611)

- T 407
- T 411.02
- T 412
- T 413
- T 430

*Equivalent to Tracts, T 401, T 405.01, T 405.02, T 405.03, T 406, T 414, T 415.

EIGHTEENTH

The Eighteenth legislative district shall consist of the following areas:

In Clark County:

- T 402
- T 403
- T 404 (part: ED 612, 613)

In Cowlitz County:

- CCD 4 (part: ED 10-14)
- CCD 5
- CCD 6
- CCD 7
- CCD 8
- CCD 9
- CCD Kelso
- CCD Longview

NINETEENTH

The Nineteenth legislative district shall consist of the following areas:

All of Grays Harbor County

In Pacific County:

- CCD 2 (part: ED 25, 26)
- CCD 3
- CCD 4
- CCD Raymond

TWENTIETH

The Twentieth legislative district shall consist of the following areas:

In Cowlitz County:

- CCD 1
- CCD 2
- CCD 3
- CCD 4 (part: ED 15A, B)

All of Lewis County

All of Wahkiakum County

In Pacific County:

- CCD 1
- CCD 2 (part: ED 24)
- CCD 5
- CCD 6
- CCD 7

In Thurston County:

- CCD 12

TWENTY-FIRST

The Twenty-first legislative district shall consist of the following areas:

In Snohomish County:

- T 420
- T 501
- T 502
- T 503
- T 504
- T 505
- T 506
- T 507
- T 508

T 510 (part: BG 5, B 101–104)
 T 512 (part: BG 1, 5)
 T 514
 T 515
 T 516
 T 517
 T 518
 T 519 (part: B 201–207, 210)

TWENTY-SECOND

The Twenty-second legislative district shall consist of the following areas:

In Thurston County:

CCD Olympia
 CCD 1
 CCD 2
 CCD 3 (part: ED 16)
 CCD 4
 CCD 5
 CCD 6
 CCD 7
 CCD 9
 CCD 10
 CCD 11

TWENTY-THIRD

The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

CCD 1
 CCD 2
 CCD 3
 CCD 4
 CCD 7
 CCD 8
 CCD 9
 CCD 10
 CCD 11
 CCD Bremerton

TWENTY-FOURTH

The Twenty-fourth legislative district shall consist of the following areas:

All of Clallam County
 All of Jefferson County
 All of Mason County

In Thurston County:

CCD 3 (part: ED 13–15)

TWENTY-FIFTH

The Twenty-fifth legislative district shall consist of the following areas:

In Pierce County:

T 703
 T 704 (part: ED 17 = BG 9)
 T 705
 T 706
 T 707
 T 709
 T 710
 T 712
 T 733
 T 734
 T 713 (part: BG 1)

In King County:

T 308 (part: BG 2,3, B 105–115)
 T 309
 T 310
 T 311 (part: BG 1,3, B 201–206, 208–212)

TWENTY-SIXTH

The Twenty-sixth legislative district shall consist of the following areas:

In Kitsap County:

CCD 5
 CCD 6
 CCD 12
 CCD 14
 CCD 15
 CCD 16
 CCD Port Orchard

In Pierce County:

CCD Lower Peninsula*
 CCD Gig Harbor Peninsula**
 T 603
 T 604
 T 609
 T 610
 T 735

*Tracts 726, 727

**Tracts 724, 725

TWENTY-SEVENTH

The Twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

T 601
 T 602
 T 605
 T 606
 T 607
 T 608
 T 611
 T 612
 T 613
 T 614
 T 615
 T 616
 T 617
 T 618 (part: BG 1)
 T 619
 T 620
 T 621
 T 627 (part: BG 1)
 T 708

TWENTY-EIGHTH

The Twenty-eighth legislative district shall consist of the following areas:

In Pierce County:

T 718.01 (part: BG 3, 4, 5, 6)
 T 718.02
 T 719.01
 T 719.02
 T 720
 T 721.01
 T 721.02
 T 722
 T 723.01
 T 723.02

TWENTY-NINTH

The Twenty-ninth legislative district shall consist of the following areas:

In Pierce County:

T 618 (part: BG 2,3)
 T 622
 T 623
 T 624
 T 625

T 626
 T 627 (part: BG 2,3)
 T 628
 T 629
 T 630
 T 631
 T 632
 T 633
 T 634
 T 635
 T 716 (part: BG 1,2, B 416-422)
 T 718.01 (part: BG 1,2)

THIRTIETH

The Thirtieth legislative district shall consist of the following areas:

In King County:

T 277 (Vashon)
 T 298 (part: BG 1 - 5)
 T 299
 T 300
 T 301
 T 302
 T 303
 T 304
 T 305
 T 306
 T 307
 T 308 (part: B 101-104)
 T 311 (part: B 207, 213-216)

THIRTY-FIRST

The Thirty-first legislative district shall consist of the following areas:

In King County:

T 112 (part: B 401-414, 421)
 T 113
 T 114 (part: BG 3,4, B 210-218, B 501-511)
 T 121 (part: BG 2,3)
 T 262 (part: BG 1,5)
 T 264
 T 265
 T 266
 T 267
 T 268
 T 269
 T 270
 T 271
 T 272
 T 273
 T 274
 T 275
 T 276
 T 279 (part: BG 1,7, B 607-617)

THIRTY-SECOND

The Thirty-second legislative district shall consist of the following areas:

In King County:

T 18
 T 27 (part: BG 3-6, B 213, B 701-704)
 T 28
 T 29 (part: BG 3, 4, B 205-212)
 T 32
 T 33
 T 34
 T 35
 T 36
 T 45 (part: BG 3)
 T 46
 T 47
 T 48
 T 49

T 50
 T 51
 T 54

THIRTY-THIRD

The Thirty-third legislative district shall consist of the following areas:

In King County:

T 278
 T 279 (part: BG 2-5, B 601-606)
 T 280
 T 281
 T 282
 T 283 (part: BG 1,2, B 905-915)
 T 284
 T 285
 T 286
 T 287
 T 288
 T 289
 T 290
 T 291

THIRTY-FOURTH

The Thirty-fourth legislative district shall consist of the following areas:

In King County:

T 96
 T 97
 T 98
 T 99
 T 105
 T 106
 T 107
 T 108
 T 114 (part: BG 1, B 201-209, B 512-517)
 T 115
 T 116
 T 120
 T 121 (part: BG 1)

THIRTY-FIFTH

The Thirty-fifth legislative district shall consist of the following areas:

In King County:

T 100 (part: BG 2, B 301-312)
 T 101
 T 102
 T 103
 T 104
 T 109
 T 110
 T 111
 T 112 (part: BG 1,2,3, B 415-420, 422-426)
 T 117
 T 118
 T 119
 T 260 (part: BG 1-3)
 T 261 (part: BG 4,5, B 206, 207, B 101-108)
 T 263

THIRTY-SIXTH

The Thirty-sixth legislative district shall consist of the following areas:

In King County:

T 55
 T 56
 T 57
 T 58
 T 59
 T 60
 T 67

T 68
 T 69
 T 70
 T 71
 T 72
 T 73
 T 74 (part: BG 5, 6, B 703)
 T 80
 T 81
 T 82
 T 83
 T 84 (part: BG 3, 4)

THIRTY-SEVENTH

The Thirty-seventh legislative district shall consist of the following areas:

In King County (Seattle):

T 63 (part: BG 2, 3, B 403-406)
 T 74 (part: BG 2, 3, 4)
 T 75
 T 76 (part: BG 1, 2, 3)
 T 77
 T 78
 T 79
 T 84 (part: BG 1, 2)
 T 85
 T 86
 T 87
 T 88
 T 89
 T 90
 T 91
 T 92
 T 93
 T 94
 T 95
 T 100 (part: BG 1,4,5,6,7; B 313-326)

THIRTY-EIGHTH

The Thirty-eighth legislative district shall consist of the following areas:

In Snohomish County:

T 401
 T 402
 T 403
 T 404
 T 405
 T 406
 T 407
 T 408
 T 409
 T 410
 T 411
 T 412
 T 413
 T 414
 T 415
 T 416 (part: in Everett:*)
 T 417
 T 418
 T 419

*B ED 548 + B 202, part B 201 in city limits.

THIRTY-NINTH

The Thirty-ninth legislative district shall consist of the following areas:

In Snohomish County:

CCD 1 = T 537
 CCD 10 = T 526
 CCD 11 = T 536
 CCD 12 = T 523
 CCD 13 (part: ED 543)
 CCD 24 = T 521

CCD 25 = T 522
 CCD 26 }
 CCD 27 } T 538
 CCD 28 }
 CCD Snohomish = T 524
 T 416 (part: outside Everett city limits)
 T 519 (part:*)
 T 520

In King County:

T 329

*519: BG 1,3,4,5,6,7,8,9, ED 558, B 208,209,211-214)

FORTIETH

The Fortieth legislative district shall consist of the following areas:

All of San Juan County

All of Skagit County

In Whatcom County:

CCD 1
 CCD 2
 CCD 3
 CCD 4
 CCD 5
 CCD 18
 CCD 19 (part: ED 85-87)

FORTY-FIRST

The Forty-first legislative district shall consist of the following areas:

In King County:

T 234 (part: BG 5)
 T 235
 T 238 (part: BG 3)
 T 239 (part: BG 2-7, B 104-108)
 T 243
 T 244
 T 245
 T 246
 T 247
 T 248
 T 249
 T 250
 T 251
 T 252
 T 254
 T 255
 T 256

FORTY-SECOND

The Forty-second legislative district shall consist of the following areas:

In Whatcom County:

CCD 6
 CCD 7
 CCD 8
 CCD 9
 CCD 10
 CCD 11
 CCD 12
 CCD 13
 CCD 14
 CCD 15
 CCD 16
 CCD 17
 CCD 19 (part: ED 88)
 CCD Bellingham

FORTY-THIRD

The Forty-third legislative district shall consist of the following areas:

In King County:

- T 41
- T 42
- T 43
- T 44
- T 45 (part: BG 1, 2)
- T 52
- T 53
- T 61
- T 62
- T 63 (part: BG 1, 5, 6, B 401-402, B 407-409)
- T 64
- T 65
- T 66
- T 74 (part: B 101-106, 701-702, B 704-706)
- T 76 (part: BG 4)

FORTY-FOURTH

The Forty-fourth legislative district shall consist of the following areas:

In King County:

- T 3 (part: BG 2, 3)
- T 4
- T 5
- T 6 (part: BG 1, 3 B 201, 209, B 401-410, 412)
- T 13
- T 14
- T 15
- T 16
- T 17
- T 29 (part: BG 1, 5, B 201-204)
- T 30
- T 31
- T 201
- T 202
- T 208
- T 209

FORTY-FIFTH

The Forty-fifth legislative district shall consist of the following areas:

In King County:

- T 217 (part: B 209-210, 212, 901)
- T 218
- T 219
- T 220
- T 221
- T 222
- T 223
- T 224
- T 225
- T 226
- T 228 (part: BG 1,2)
- T 323
- T 324
- T 325
- T 328

FORTY-SIXTH

The Forty-sixth legislative district shall consist of the following areas:

In King County:

- T 1
- T 2
- T 3 (part: BG 1)
- T 6 (part: BG 5, 6, B 202-208 B 210, 411, 413)
- T 7
- T 8
- T 9

- T 10
- T 11
- T 12
- T 19
- T 20
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26
- T 27 (part: BG 1, B 705-709 B 201-211)
- T 37
- T 38
- T 39
- T 40
- T 211 (part: BG 2-4)

FORTY-SEVENTH

The Forty-seventh legislative district shall consist of the following areas:

In King County:

- T 312
- T 313
- T 314
- T 315
- T 316
- T 317 (part: ED 314 A, B)
- T 318 (part: ED 312)
- T 319
- T 320
- T 321
- T 322
- T 326
- T 327
- T 330
- T 331

FORTY-EIGHTH

The Forty-eighth legislative district shall consist of the following areas:

In King County:

- T 227
- T 228 (part: BG 3,9)
- T 229
- T 230
- T 231
- T 232
- T 233
- T 234 (part: BG 1-4)
- T 236
- T 237
- T 238 (part: BG 1,2,4,5)
- T 239 (part: B 101-103)
- T 240
- T 241
- T 242

FORTY-NINTH

The Forty-ninth legislative district shall consist of the following areas:

In Clark County:

- T 408
- T 409
- T 410.01
- T 410.02
- T 411.01
- T 416
- T 417
- T 418
- T 419
- T 420
- T 421
- T 422

T 423
 T 424
 T 425
 T 426
 T 427
 T 428
 T 429
 T 431
 T 404 (part: ED 614 = BG 1)

PLAN FOR CONGRESSIONAL DISTRICTS

4. For the election of United States Congressmen from the State of Washington, the territory of the state shall be divided into seven congressional districts as follows:

FIRST

The first congressional district shall be comprised of the following legislative districts, as above described:

First
 Thirty-Second
 Thirty-Sixth
 Forty-Third
 Forty-Fourth
 Forty-Sixth
 Forty-Eighth

SECOND

The second congressional district shall be comprised of the following legislative districts, as above described:

Tenth
 Twenty-First
 Thirty-Eighth
 Thirty-Ninth
 Fortieth
 Forty-Second
 Forty-Fifth

THIRD

The Third congressional district shall be comprised of the following legislative districts, as above described:

Second
 Eighteenth
 Nineteenth
 Twentieth
 Twenty-Second
 Twenty-Fourth
 Forty-Seventh

FOURTH

The fourth congressional district shall be comprised of the following legislative districts, as above described:

Eighth
 Twelfth
 Thirteenth
 Fourteenth
 Fifteenth
 Seventeenth
 Forty-Ninth

FIFTH

The fifth congressional district shall be comprised of the following legislative districts, as above described:

Third
 Fourth
 Fifth
 Sixth
 Seventh
 Ninth
 Sixteenth

SIXTH

The sixth congressional district shall be comprised of the following legislative districts, as above described:

Twenty-Third
 Twenty-Fifth
 Twenty-Sixth
 Twenty-Seventh
 Twenty-Eighth
 Twenty-Ninth
 Thirtieth

SEVENTH

The Seventh Congressional district shall be comprised of the following legislative districts, as above described:

Eleventh
 Thirty-First
 Thirty-Third
 Thirty-Fourth
 Thirty-Fifth
 Thirty-Seventh
 Forty-First

TIMETABLE FOR SENATORIAL ELECTIONS

5. By virtue of Article II, § 6 of its state constitution, the State of Washington has since its inception followed a system of "staggered terms" for its state senators. Under this system, four-year terms are the norm but approximately one-half of the membership of the senate is to be elected every two years. In accordance therewith, there are at the present time a total of twenty-three senators serving four-year terms to which they were elected in 1970 – prior to this court's ruling that Chapter 6, Laws of 1965, is unconstitutional. A twenty-fourth senator who was similarly elected has since died and been replaced by an appointee who, under the state constitution, would be required to run for the remaining two years of the decedent's unexpired term at the November, 1972, election – were our order enjoining any further elections under Chapter 6, Laws of 1965, *supra*, not in effect. Not deeming it necessary for the "equal protection" of the people of the State of Washington to terminate the terms of these hold-over incumbents prematurely and to thus require all forty-nine new senatorial positions created by this order to be up for election in 1972, we hold that only twenty-six of these positions should be on the ballot at this next election.

We are aware of decisions holding that it is *permissible* for a federal court to proceed in this manner in drawing up a legislative redistricting plan of its own following legislative failure to redistrict. See, *Chavis et al. v. Whitcomb*, 307 F. Supp. 1362 (DC, SD Ind. 1969), and cases cited therein. Such decisions are based upon the accepted proposition that no state senator has a constitutionally vested right to serve out the entire term for which he was elected. *Reynolds v. State*, 233 F. Supp. 323 (DC, WD Okla. 1964); cf., *State ex. rel. Christensen v. Hinkel*, 169 Wash. 1, 13 P. 2d 42 (1932), a case in which the Washington Supreme Court held it *proper* to terminate certain senatorial terms prematurely as a part of a legislative redistricting plan under which (unlike the plan provided for in this order) the total number of senators was increased – rendering it necessary to shorten some existing terms in order to maintain an equal balance between the number of senators to be elected each two years.

However, in a situation such as is presently before us where no increase in the number of senators is involved in the redistricting plan, we find there to be no constitutional mandate, state or federal, which would bar those senators who were elected prior to our adjudication of the unconstitutionality of the act under which they were elected from serving out their full terms. See, *Stout v. Bottorf*, 249 F. Supp. 488 (DC, SD Ind. 1965); and *People v. Kerner*, 33 Ill. 2d 11, 210 N.E. 2d 165 (1965). We are persuaded on balance that under the circumstances now before us, it would be unduly disruptive of the electoral procedures provided for in the Washington constitution for us to require all of the forty-nine legislative districts created by this order to elect new senators at the 1972 election – without regard to the continuing incumbency of those twenty-three senators now holding office for four-year terms to which they were elected in 1970. Therefore, the 1972 election of state senators under the provisions of this order shall be conducted as follows:

(a) Within the legislative districts provided for in this order, one senator shall be elected from each of the following such districts (as above numbered) at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every four years thereafter, for a term of four years: 1, 2, 3, 4, 5, 9, 10, 11, 12, 14, 16, 17, 18, 19, 20, 22, 23, 24, 25, 27, 28, 39, 40, 41 and 49.

(b) In order to maintain the election scheme of Article II, §15, Washington State Constitution, and Amendment 32 thereto, we direct that there shall be elected at the November, 1972 general election, but for a two-year term only, a senator from the Twenty-Ninth legislative district, as created by this Order.

(c) The first election for a full four-year term of the senator from the newly created Twenty-Ninth legislative district, and from all the remaining new districts created by this Order (6, 7, 8, 13, 15, 21, 26, 30, 31, 32, 33, 34, 35, 36, 37, 38, 42, 43, 44, 45, 46, 47, and 48), shall be held on the first Tuesday after the first Monday in November, 1974, and this class of senators shall thereafter be elected every four years for a term of four years.

(d) Consistent with the foregoing and with our interlocutory Order of August, 1971 (declaring the provisions of Chapter 6, Laws of 1965, to be unconstitutional), we hold and direct that those "hold-over" state senators now serving four-year terms to which they were elected in 1970 may continue to serve out their full terms in the newly created legislative districts, the numbers of which appear after the senators' names, to wit:

| | |
|--------------------|----|
| Senator Guess | 6 |
| Senator Twigg | 7 |
| Senator Canfield | 8 |
| Senator Washington | 13 |
| Senator Woodall | 15 |
| Senator Metcalf | 21 |
| Senator Gardner | 26 |
| Senator Stender | 30 |
| Senator Herr | 31 |
| Senator Francis | 32 |
| Senator Connor | 33 |
| Senator Greive | 34 |
| Senator Ridder | 35 |
| Senator Murray | 36 |
| Senator Fleming | 37 |
| Senator Mardesich | 38 |
| Senator Atwood | 42 |
| Senator Whetzel | 43 |
| Senator Peterson | 44 |
| Senator Dore | 45 |
| Senator Scott | 46 |
| Senator Durkan | 47 |
| Senator Andersen | 48 |

(e) We further direct that if any of the above senators now serving four-year terms to which they were elected in 1970 should, for any reason, vacate their offices prior to the commencement of filings for legislative offices on July 31, 1972, the defendant elections officers shall provide for corresponding elections of senators, for two-year terms only, in the newly created districts to which they are assigned.

ELECTION OF STATE REPRESENTATIVES

6. Within the legislative districts provided for in this order, there shall be elected from each, for two-year terms, a total of two state representatives at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter. Candidates shall file and run by position in accordance with RCW 29.18.015.

ELECTION OF MEMBERS OF CONGRESS

7. A single member of the United States Congress shall be elected from each of the seven congressional districts provided for in this order at the general election to be held on the first Tuesday after the first Monday in November, 1972, and every two years thereafter, for two-year terms.

RETENTION OF JURISDICTION

8. The court retains jurisdiction of this action for the purposes of passing upon any future claims of unconstitutionality made by plaintiffs against any future legislative apportionment adopted by the legislature of Washington by reason of this order, and for such other action in the premises as may be necessary.

JUDGE GILBERT H. JERTBERG
United States Court of Appeals
for the Ninth Circuit

JUDGE WILLIAM N. GOODWIN
United States District Court

JUDGE WALTER T. McGOVERN
United States District Court

FOOTNOTES

¹As modified by a stipulation of the parties relating to the discounting of transient military personnel in accordance with Article II, § 3 of the Washington State Constitution and the decision of the United States Supreme Court in *Burns v. Richardson*, *supra*, see, also, *In re Opinion of the Justices*, ----- N.H. -----, 2/6 A. 2d 825 (1971).

²In accordance with a specific instruction in our order of appointment.

44.07A.001 Purpose. The legislature hereby recognizes the emergence of certain hardships and the existence of some unintended distortions and minor inequities occasioned by the legislative district boundaries established by the court plan and order for legislative and congressional redistricting (United States district court, western district of Washington at Seattle, case 9668, filed April 21, 1972, at Seattle). The legislature declares that it is the purpose of RCW 44.07A.001, 44.07A.005, 44.07A.030, 44.07A.040, 44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900 to remedy such hardships and distortions consistent with such plan and in a manner which retains basic population parity, in making minor adjustments in some legislative district boundaries by setting out such districts in RCW 44.07A.001, 44.07A.005, 44.07A.030, 44.07A.040, 44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900: *Provided*, That all legislative and congressional districts shall remain as numbered in such court plan and order. The legislature further declares that the boundaries of all legislative districts not modified by RCW 44.07A.001, 44.07A.005, 44.07A.030, 44.07A.040, 44.07A.050, 44.07A.060, 44.07A.130, 44.07A.140, 44.07A.230, 44.07A.260, 44.07A.270, and 44.07A.900 shall be as described in such court order, until modified by said court or other court having jurisdiction thereof, or until superseded by the legislature. [1974 1st ex.s. c 123 § 1.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.005 Definitions. For the purposes of this chapter each legislative district shall be framed and described in terms of complete, official United States census bureau, census tracts (T), county census districts (CCD), enumeration districts (ED), block (B), and block groups (BG) to accord with the format of such court order. [1974 1st ex.s. c 123 § 2.]

Reviser's note: In official United States census bureau abbreviations used for the 1970 census, "CCD" means "census county division", there being no usage of the term "county census district" referred to in this section.

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.030 Third legislative district. The Third legislative district shall consist of the following areas:

In Spokane City:

- T 1
- T 2
- T 3
- T 13 (part: B 201, B 207)
- T 14 (part: BG 2, BG 3)
- T 15
- T 16
- T 17
- T 18
- T 19
- T 20
- T 21
- T 22
- T 23
- T 24
- T 25
- T 26
- T 27
- T 28
- T 33
- T 34
- T 35
- T 36
- T 37
- T 38

In Spokane County:

- T 112 (Part: ED 30, 80)

[1974 1st ex.s. c 123 § 3.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.040 Fourth legislative district. The Fourth legislative district shall consist of the following areas:

In Spokane County:

- T 112 (part: ED 19, 28, 29, 31, 32, 33)
- T 113
- T 114
- T 115
- T 116
- T 117
- T 118
- T 119
- T 120
- T 121

- T 122
- T 123
- T 124
- T 125
- T 126
- T 127
- T 128
- T 129
- T 130
- T 131
- T 132
- T 133
- T 134 (part: ED 329, 330)
- T 143

In Whitman County:

- CCD 1
- CCD 2
- CCD 6
- CCD 7

[1974 1st ex.s. c 123 § 4.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.050 Fifth legislative district. The Fifth legislative district shall consist of the following areas:

In Spokane City:

- T 4
- T 5
- T 6
- T 7
- T 8
- T 9
- T 10
- T 11
- T 12
- T 13 (part: BG 1, B 202–206, B 208–230, BG 3)
- T 14 (part: BG 1, BG 4)

In Spokane County:

- T 105 (part: BG 1, 2, 9; ED 23, 24, 27)
- T 106
- T 107
- T 108
- T 109
- T 110
- T 111

[1974 1st ex.s. c 123 § 5.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.060 Sixth legislative district. The Sixth legislative district shall consist of the following areas:

In Spokane City:

- T 29
- T 30
- T 31
- T 32
- T 39
- T 40

T 41
T 42
T 43
T 44
T 45
T 46
T 47

In Spokane County:

T 134 (part: ED 249–250, 331–337)
T 135
T 136
T 137
T 138, 141 (CCD Medical Lake Rural)
T 139 (CCD Medical Lake)
T 140 (CCD Cheney)
T 142

[1974 1st ex.s. c 123 § 6.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.130 Thirteenth legislative district. The Thirteenth legislative district shall consist of the following areas:

All of Kittitas County

In Grant County:

CCD 5
CCD 7
CCD 9
CCD 10
CCD 11
CCD 12
CCD 15
CCD 16
CCD 17
CCD Ephrata

In Yakima County:

CCD 1
CCD 2
CCD 3 (part: ED 9–13)
CCD 8 (part: ED 20 except sections 20, 21 and 28, R18E, T14N)

[1974 1st ex.s. c 123 § 7.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.140 Fourteenth legislative district. The Fourteenth legislative district shall consist of the following areas:

In Yakima County:

CCD Yakima
CCD Selah
CCD 3 (part: ED 14)
CCD 6 (part: ED 27, 29)
CCD 7
CCD 8 (part: ED 20, sections 20, 21, 28, R18E, T14N; ED 21–22)
CCD 11
CCD 12

[1974 1st ex.s. c 123 § 8.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.230 Twenty-third legislative district. The Twenty-third legislative district shall consist of the following areas:

In Kitsap County:

CCD 1
CCD 2
CCD 3
CCD 4
CCD 6 (part: ED 26 and that part of ED 31 that lies to the north and east of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the south and west of ED 26, which the legislature, having consulted with the geography section of the United States Census Bureau, hereby determines to consist of only surface waters of Dyes Inlet and to contain no population.)

CCD 7
CCD 8
CCD 9
CCD 10
CCD 11
CCD Bremerton (part: ED 37–64, 66–73)

[1974 1st ex.s. c 123 § 9.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.260 Twenty-sixth legislative district. The Twenty-sixth legislative district shall consist of the following areas:

In Kitsap County:

CCD 5
CCD 6 (part: ED 27–30, 32, 33, and that part of ED 31 that lies to the south and west of ED 26 and that is geographically separated by ED 26 from that part of ED 31 that lies to the north and east of ED 26.)

CCD 12
CCD 14
CCD 15
CCD 16
CCD Bremerton (part: ED 65, 74)
CCD Port Orchard

In Pierce County:

CCD Lower Peninsula
CCD Gig Harbor Peninsula
T 603
T 604
T 605 (part: B 102–107)
T 608 (part: B 101–108)
T 609
T 610
T 735

[1974 1st ex.s. c 123 § 10.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.270 Twenty-seventh legislative district. The Twenty-seventh legislative district shall consist of the following areas:

In Pierce County:

T 601
 T 602
 T 605 (part: B 108–119, BG 2, 3, 4, 5)
 T 606
 T 607
 T 608 (part: B 109–123, BG 2, 3, 4, 5, 6, 7)
 T 611
 T 612
 T 613
 T 614
 T 615
 T 616
 T 617
 T 618 (part: BG 1)
 T 619
 T 620
 T 621
 T 627 (part: BG 1)
 T 708

[1974 1st ex.s. c 123 § 11.]

Severability—1974 1st ex.s. c 123: See RCW 44.07A.900.

44.07A.900 Severability—1974 1st ex.s. c 123. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1974 1st ex.s. c 123 § 12.]

Chapter 44.16 LEGISLATIVE INQUIRY

Sections

| | |
|-----------|--|
| 44.16.010 | Examination of witnesses—Compulsory process. |
| 44.16.020 | Service of process. |
| 44.16.030 | Chairman to administer oaths. |
| 44.16.040 | Commission to examine absent witness. |
| 44.16.050 | Commission executed during recess. |
| 44.16.060 | To whom directed—Interrogatories. |
| 44.16.070 | Oath and powers of commissioner. |
| 44.16.080 | Examination to be private. |
| 44.16.090 | Testimony reduced to writing. |
| 44.16.100 | Return of depositions. |
| 44.16.110 | Fees of commissioner and witnesses. |
| 44.16.120 | Punishment of recalcitrant witness. |
| 44.16.130 | Failure to attend—Contempt. |
| 44.16.140 | Refusal to testify—Contempt. |
| 44.16.150 | Punishment for contempt. |
| 44.16.160 | Warrant of imprisonment. |
| 44.16.170 | Record of proceedings. |

Reviser's note: "Act" has been translated to "chapter" throughout chapter 44.16 RCW as the entire chapter is composed of 1895 c 6 with the exception of 1897 c 33 § 1 which is supplementary thereto.

44.16.010 Examination of witnesses—Compulsory process. Every chairman or presiding member of any committee of either the senate or house of representatives, or any joint committee of the senate or house of representatives, which, by the terms of its appointment, shall be authorized to send for persons and papers, shall have power, under the direction of such committee, to issue compulsory process for the attendance of any witness within the state whom the committee may wish to examine. [1895 c 6 § 1; RRS § 8178.]

44.16.020 Service of process. All process provided for in this chapter may be served in the same manner as is provided by law for the service of process in the superior court; and it shall be the duty of any officer to whom any process may be delivered or issued, to serve the same as directed: *Provided*, That in the service of process a copy thereof shall be delivered to the witness. [1895 c 6 § 15; RRS § 8192.]

Service of summons: RCW 4.28.080.

44.16.030 Chairman to administer oaths. The chairman or presiding member of any committee of either the senate, house of representatives, or any joint committee thereof, shall be authorized to administer oaths to all witnesses coming before such committee for examination; and all witnesses who shall testify in any proceeding provided for in this chapter, shall be under oath or affirmation. [1895 c 6 § 2; RRS § 8179.]

44.16.040 Commission to examine absent witness. Every such chairman or presiding member shall also have power, under the direction of the committee, to issue a commission for the examination of any witness who shall be without the jurisdiction of the state, or if within the state, shall be unable to attend, or who shall, for any reasons, be excused by the committee from attendance. [1895 c 6 § 3; RRS § 8180.]

44.16.050 Commission executed during recess. Whenever such committee shall obtain authority for that purpose, from the senate or house, or legislature, by which it may be appointed, it may issue such commission to be executed during the recess of the legislature. [1895 c 6 § 4; RRS § 8181.]

44.16.060 To whom directed—Interrogatories. Every such commission shall be directed to such magistrate or other person, as the committee may designate, and interrogatories framed by the committee shall be annexed thereto. [1895 c 6 § 5; RRS § 8182.]

44.16.070 Oath and powers of commissioner. The person to whom such commission shall be directed, if he reside within the state and accept the trust, shall, before entering upon the execution of his duties, take the oath of office prescribed in the Constitution. Such commissioner shall have power to issue process to compel the attendance of witnesses, whom he shall be required to examine, and shall have power to administer oaths to such witnesses. [1895 c 6 § 6; RRS § 8183.]

44.16.080 Examination to be private. Unless otherwise directed by the committee, it shall in all cases be the duty of the commissioner to examine, in private, every witness attending before him, and not to make public the particulars of such examination, when so made in private, until the same shall be made public by order of the house or legislature appointing the committee. [1895 c 6 § 7; RRS § 8184.]

44.16.090 Testimony reduced to writing. Every witness so attending shall be examined on oath or affirmation, and his testimony shall be reduced to writing by the commissioner, or by some disinterested person in his presence and under the direction of said commissioner, and signed by the witness. [1895 c 6 § 8; RRS § 8185.]

44.16.100 Return of depositions. When a commission shall have been duly executed, the commissioner shall annex thereto the depositions of the witnesses, duly certified by him, and shall, without delay, transmit the same by mail, inclosed and under seal, or deliver the same, to the chairman of the committee by which the commission shall have been issued, or to such person as by the committee directed. [1895 c 6 § 9; RRS § 8186.]

44.16.110 Fees of commissioner and witnesses. A person executing any such commission shall be paid, out of the state treasury, the same fees that are allowed by law for the taking of depositions on commissions issued out of the superior courts of this state; and any witness attending before either house of the legislature, or any committee or joint committee thereof, or before any such commissioner, shall be so paid two dollars per day for each day in attendance, and five cents a mile for the distance necessarily traveled in attending as such witness. [1895 c 6 § 10; RRS § 8187.]

44.16.120 Punishment of recalcitrant witness. Any person who shall fail to attend as a witness upon any committee appointed by either the house or senate of the state of Washington, or both, after having been duly subpoenaed as provided in this chapter, or who, being in attendance as a witness before such committee, shall refuse to answer any question or produce any paper or document or book which he is required to answer or to produce by such committee, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars, or by imprisonment in the county jail for a term not longer than six months, or by both such fine and imprisonment. [1897 c 33 § 1; RRS § 8194.]

Witness refusing to attend or testify if requested by legislature or committee thereof: RCW 9.55.020.

44.16.130 Failure to attend—Contempt. A person who, being duly summoned to attend as a witness before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, refuses or neglects, without lawful excuse, to attend pursuant to such summons, shall be

punished as for contempt, as hereinafter provided. [1895 c 6 § 11; RRS § 8188.]

44.16.140 Refusal to testify—Contempt. A person who, being present before either house of the legislature, or any committee or joint committee thereof, or commissioner authorized to summon witnesses, wilfully refuses to be sworn or affirmed, or to answer any material and proper question, or to produce, upon reasonable notice, any material and proper books, papers or documents in his possession or under his control, shall be punished as for contempt, as hereinafter provided. [1895 c 6 § 12; RRS § 8189.]

44.16.150 Punishment for contempt. Any person being in contempt, as hereinbefore provided, shall be punished by fine in any sum not less than fifty dollars and not exceeding one thousand dollars, or by imprisonment in the county jail in the county where such examination is being had, for any period of time not extending beyond the legislative session then being held, or by both such fine and imprisonment, as the legislative body which authorized such examination may order. And in case the contempt arises in a joint proceeding of both houses, or before a joint committee thereof, the senate shall prescribe the penalty. [1895 c 6 § 13; RRS § 8190.]

Contempts: Chapters 7.20, 9.23 RCW.

44.16.160 Warrant of imprisonment. If any fine is imposed against any person for contempt, as hereinbefore provided, he shall stand committed to the county jail of the county in which the offense was committed until such fine is paid. The presiding officer of the house, fixing the fine, shall issue a warrant to the sheriff of the county where the offense was committed, commanding him to imprison such person in the county jail until such fine is paid, or until he has been imprisoned in such jail one day for every three dollars of such fine. [1895 c 6 § 14; RRS § 8191.]

44.16.170 Record of proceedings. Every such committee shall keep a record of its proceedings under the provisions of this chapter, which record shall be signed by the chairman or presiding officer of the committee, and the same returned to the legislative body by which the committee was appointed, as a part of the report of such committee. [1895 c 6 § 16; RRS § 8193.]

Chapter 44.18 CLAIMS

Section

44.18.010 Claims against state—Requirements.

44.18.010 Claims against state—Requirements. All claims hereafter made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support thereof. Legislative committees to whom such claims are referred shall make a transcript

or statement of the substance of the evidence given in support of such claim; such statement, together with the transcript of the evidence taken by the committee, shall be filed with the state auditor who shall retain the same as a record of his office. [1903 c 46 § 1; RRS § 8195. Formerly RCW 44.16.010.]

Actions against the state: Chapter 4.92 RCW.

Chapter 44.20 SESSION LAWS

Sections

- 44.20.010 Engrossed bills to be filed with secretary of state.
- 44.20.020 Chapter numbers—Bill copies certified, delivered—Citation by number and year.
- 44.20.030 Temporary publication.
- 44.20.040 Temporary publication—Distribution of copies.
- 44.20.050 Headings, index—Permanent publication.
- 44.20.060 Duty of code reviser in arranging laws.
- 44.20.080 Private publication restricted.
- 44.20.090 Legislative records—Preservation.

Distribution of session laws: RCW 40.04.040.

Public printer to print and bind session laws: RCW 43.78.030.

Revised Code of Washington: Chapter 1.04 RCW.

Salaries for public officials to appear in session laws: RCW 43.03.047.

44.20.010 Engrossed bills to be filed with secretary of state. Whenever any bill shall have passed both houses, the house transmitting the enrolled bill to the governor shall also file with the secretary of state the engrossed bill, together with the history of such bill up to the time of transmission to the governor. [1907 c 136 § 1; RRS § 8196.]

Secretary of state to keep record of acts of the legislature: State Constitution Art. 3 § 17; RCW 43.07.040.

44.20.020 Chapter numbers—Bill copies certified, delivered—Citation by number and year. Whenever any bill shall become a law the secretary of state shall number such bill in the order in which it became a law, commencing with each session of the legislature, and shall forthwith certify and deliver three copies of such bill to the statute law committee. Such number shall be in Arabic numerals, and shall be the chapter number of the act when published. A citation to the chapter number and year of the session laws heretofore or hereafter published shall be a sufficient reference to the act so designated. [1969 c 6 § 1; 1907 c 136 § 2; RRS § 8197.]

44.20.030 Temporary publication. The statute law committee, after each and every legislative session, whether regular or extraordinary, shall cause to be reproduced or printed for temporary use four thousand copies of each act filed in the office of secretary of state within ten days after the filing thereof, and in the order of its chapter number. [1969 c 6 § 2; 1961 c 21 § 1; 1933 ex.s. c 31 § 1; 1933 c 27 § 1; 1925 ex.s. c 35 § 1; 1907 c 136 § 3; RRS § 8198.]

44.20.040 Temporary publication—Distribution of copies. The statute law committee, after each and every legislative session, whether regular or extraordinary, shall furnish one copy of each act as published to each

member of the legislature at which such law was enacted, to each state officer, and to each state institution; five copies to each of the state educational institutions; and to each county auditor for the use of his county; twenty-five copies to the state law library; and such further distribution as may be necessary: *Provided*, That there shall be a charge of one dollar for each of the complete sets of such temporary publications when delivered to any person, firm, corporation or institution excepting the persons and institutions named in this section, and all moneys received from the sale of such temporary sets shall be transmitted to the state treasurer who shall deposit the same in the state treasury to the credit of the general fund. [1969 c 6 § 3; 1933 ex.s. c 31 § 2; 1933 c 27 § 2; 1907 c 136 § 4; RRS § 8199.]

Distribution of permanent edition of session laws: Chapter 40.04 RCW.

44.20.050 Headings, index—Permanent publication. When all of the acts of any session of the legislature and initiative measures enacted by the people since the next preceding session have been certified to the statute law committee, the code reviser employed by the statute law committee shall make the proper headings and index of such acts or laws and, after such work has been completed, the statute law committee shall have published and bound in good buckram at least two thousand copies of such acts and laws, with such headings and indexes, and such other matter as may be deemed essential, including a title page showing the session at which such acts were passed, the date of convening and adjournment of the session, and any other matter deemed proper, including a certificate by the secretary of state of such referendum measures as may have been enacted by the people since the next preceding session. [1969 c 6 § 4; 1951 c 157 § 18; 1915 c 27 § 1; 1907 c 136 § 5; RRS § 8200.]

44.20.060 Duty of code reviser in arranging laws. In arranging the laws, memorials and resolutions for publication, the code reviser is hereby authorized to make such corrections in the orthography, clerical errors and punctuation of the same as in his judgment shall be deemed essential: *Provided*, That when any words or clauses shall be inserted, the same shall be inclosed in brackets; and no correction shall be made which changes the intent or meaning of any sentence, section or act of the legislature. [1969 c 6 § 5; 1890 p 632 § 8; RRS § 8203.]

44.20.080 Private publication restricted. It shall be unlawful for any person to print and publish for sale the session laws of any session in book form within one year after the adjournment of such session, other than those ordered printed by the statute law committee, or to deliver to anyone other than such committee or upon their order any of the session laws so ordered printed by them: *Provided*, This section shall not apply to any general compilation of the laws of this state or to a compilation of any special laws or laws on any special subject. [1969 c 6 § 6; 1907 c 136 § 6; RRS § 8201.]

44.20.090 Legislative records—Preservation. See RCW 40.14.100–40.14.180.

Chapter 44.24 LEGISLATIVE COUNCIL

Sections

- 44.24.010 Council created—Composition.
- 44.24.020 Powers and duties.
- 44.24.030 Examination of records—Testimony—Oaths—
Compelling attendance of witnesses.
- 44.24.040 Meetings.
- 44.24.050 Secretary and assistants.
- 44.24.060 Expenses and mileage.
- 44.24.070 Rules and regulations—Term of office—Vacancies—Special members—Minutes.
- 44.24.900 Severability—1947 c 36.

Data processing advisory committee, chairman member of: RCW 43.105.031.

Interim committee on public employees collective bargaining, council participation: RCW 41.56.410–41.56.420.

44.24.010 Council created—Composition. There is hereby created a "state legislative council" hereinafter referred to as the council, which shall consist of fifteen senators and sixteen representatives from the legislature of the state of Washington, including the president pro tem of the senate and the speaker of the house of representatives, said council to be appointed by the president of the senate and the speaker of the house of representatives at least ten days before the close of the 1947 session of the legislature, and before the close of each regular session thereafter: *Provided*, That if prior to the close of any regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. The president of the senate and the speaker of the house of representatives shall prepare their lists of appointees so that the whole membership of the council shall include at least one individual from each United States congressional district within the state and so that the minority political party in each house shall have seven members on the council. The said lists of appointees shall be subject to confirmation as to the senate members by the senate and as to the house members by the house of representatives. In the event of a failure to appoint council members within the time above stated, or in the event of a refusal by either senate or house of representatives to confirm appointments on the council, then the members on the council from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 1; 1967 ex.s. c 134 § 6; 1965 ex.s. c 148 § 1; 1947 c 36 § 1; Rem. Supp. 1947 § 8207–1.]

44.24.020 Powers and duties. The council shall have the following powers and duties:

(1) To perform, either through the council as a whole or through committees thereof all duties and functions customarily delegated to special interim legislative

committees: *Provided*, That any appointments of committee chairmen shall be approved by not less than fifteen members of the council;

(2) To examine and study the administrative organization and procedures of the state government, its offices, boards, committees, commissions, institutions, and other state agencies and to make recommendations, where found advisable, directed to the elimination of unnecessary overlapping or duplication of functions, procedures and expenditures, and to the promotion of economy and efficiency in state government;

(3) To make such other studies and examinations of the state government and its state agencies as it may find advisable and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto: *Provided*, That no investigation shall be had or public hearing be held without prior approval of two-thirds of the membership of the council: *Provided further*, That any investigation or hearing once commenced may be terminated by a majority vote of the council;

(4) To receive messages and reports in person or in writing from the governor or any other state officials and to attend generally to any and all business addressed to or affecting the legislature during the interim between regular legislative sessions;

(5) To make reports from time to time to the members of the legislature and to the public with respect to any of its findings or recommendations. The council shall keep complete minutes of its meetings. The council shall make and distribute its biennial report to the members of the ensuing legislature at least ten days prior to the convening of the legislature in regular session; and

(6) To cooperate, act, and function with similar councils or committees of other states, with the council of state governments, and with other interstate research organizations. [1967 ex.s. c 134 § 1; 1955 c 206 § 1; 1947 c 36 § 2; Rem. Supp. 1947 § 8207–2.]

44.24.030 Examination of records—Testimony—Oaths—Compelling attendance of witnesses. In the discharge of any duty herein imposed, the council and its committees shall have the authority to examine and inspect all files, records and accounts of any state office, department, institution, board, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior courts. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the council, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the council, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a

refusal to testify therein. Each witness who appears before the state legislative council by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the council. [1967 ex.s. c 134 § 2; 1947 c 36 § 3; Rem. Supp. 1947 § 8207-3.]

Depositions: Rules of court: CR 26-37.

Disobedience of subpoena as grounds for contempt: RCW 7.20.010.

Legislative inquiry: Chapter 44.16 RCW.

Witness fees and mileage: Chapter 2.40 RCW.

Witness refusing to attend or testify before legislature or committee: RCW 9.55.020.

44.24.040 Meetings. The first meeting of the state legislative council shall be held on the third Monday in June, 1947, and thereafter meetings shall be held throughout the legislative interim at such times and at such places as the council may determine. Committees of the council may meet at such additional times and in such places as may be convenient or necessary in carrying out their delegated duties. [1967 ex.s. c 134 § 3; 1947 c 36 § 4; Rem. Supp. 1947 § 8207-4.]

44.24.050 Secretary and assistants. The council shall have authority to select and employ an executive secretary, together with such other clerical, legal, accounting, research, and other assistants as it may deem desirable, whose compensation and salaries shall be fixed by the council. [1947 c 36 § 5; Rem. Supp. 1947 § 8207-5.]

44.24.060 Expenses and mileage. The members of the council shall be reimbursed for their expenses incurred while attending sessions of the council or meetings of any committees of the council or while engaged on other council business authorized by the council in accordance with the provisions of RCW 44.04.120. All expenses incurred by the council, including salaries of employees, shall be paid upon voucher forms as provided by the budget director and signed by the chairman or vice chairman of the council and attested by the secretary of said council, or by an alternate for the secretary who shall be a member of and selected by the executive committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the council. [1967 ex.s. c 134 § 4; 1955 c 206 § 2; 1951 c 142 § 1; 1947 c 36 § 6; Rem. Supp. 1947 § 8207-6.]

Vouchers on public funds: Chapter 42.24 RCW.

44.24.070 Rules and regulations—Term of office—Vacancies—Special members—Minutes. The state legislative council shall have authority to make its own rules and regulations governing the conduct of its business not otherwise prescribed in this chapter. The term of office of all council members shall

be from the time of confirmation or election until (1) their successors have been appointed and confirmed or elected as provided in RCW 44.24.010, or until they cease to be members of the legislature. Vacancies on the council among the senate members of the council may be filled by appointment by the remaining senate members. Vacancies on the council among the members of the house of representatives may be filled by appointment by the remaining house members. All such vacancies shall be filled from the same political party as that of the member whose seat was vacated. The council may appoint not more than twelve additional legislators as special members in the same ratio as membership of the respective parties in the house and senate, to serve on council committees for designated periods of time, and such special members shall be entitled to reimbursement on the same basis as council members for expenses incurred while on council business. All of the minutes, records, and files of the council shall be delivered over by the council to the speaker of the house of representatives or to the president of the senate at the convening of each regular or special session of the legislature, which minutes, records, and files shall be held subject to the order of the senate and house of representatives, and shall thereafter be redelivered to the members of the council forthwith, but in no event later than five days after adjournment sine die of the legislature. [1967 ex.s. c 134 § 5; 1955 c 206 § 3; 1947 c 36 § 7; Rem. Supp. 1947 § 8207-7.]

44.24.900 Severability—1947 c 36. If any section, subsection, paragraph or provision of this chapter shall be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter. [1947 c 36 § 8.]

Chapter 44.28

LEGISLATIVE BUDGET COMMITTEE

Sections

- 44.28.010 Legislative budget committee created—Members.
- 44.28.020 Terms of members—Vacancies.
- 44.28.030 Continuation of memberships and powers.
- 44.28.040 Expenses of members—Reimbursement.
- 44.28.050 Expenses of committee—Vouchers.
- 44.28.060 Powers of committee—General.
- 44.28.080 Powers—State funds, expenses, revenues.
- 44.28.085 Management surveys and program reviews—Review of state auditor's report, recommendations.
- 44.28.086 Management surveys—Reviews of program goals and objectives, performance audits to be included.
- 44.28.087 Agencies to furnish committee with performance reports, internal audits, etc.
- 44.28.090 Powers—Interim sessions of legislature.
- 44.28.100 Powers—Reports, minutes.
- 44.28.110 Examinations—Subpoenas—Depositions.
- 44.28.120 Contempt proceedings—Witnesses failing to appear or testify.
- 44.28.130 Witness fees and mileage.
- 44.28.140 Legislative auditor and other assistants—Employment—Duties of legislative auditor.
- 44.28.150 Cooperation with legislative council and others.
- 44.28.160 Attendance records of school districts may be audited.
- 44.28.900 Severability—1951 c 43.

County treasurer's report to legislative budget committee: RCW 36.29.015.

Data processing advisory committee, chairman member of: RCW 43.105.031.

Director of program planning and fiscal management: Chapter 43.41 RCW.

Personal service contracts, filing with legislative budget committee required: Chapter 39.29 RCW.

State budget and accounting: Chapter 43.88 RCW.

Study of funds related to state transportation programs: RCW 44.40.025.

44.28.010 Legislative budget committee created—Members. There is hereby created a legislative budget committee which shall consist of eight senators and eight representatives from the legislature. The senate members of the committee shall be appointed by the president of the senate and the house members of the committee shall be appointed by the speaker of the house. Not more than four members from each house shall be from the same political party. All members shall be appointed before the close of the 1967 session of the legislature and before the close of each regular session thereafter: *Provided*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such appointments shall be made as a matter of closing business of such extraordinary session. Members shall be subject to confirmation, as to the senate members by the senate, and as to the house members by the house. In the event of a failure to appoint committee members, either on the part of the president of the senate or on the part of the speaker of the house, or in the event of a refusal by either the senate or the house to confirm appointments on the committee, then the members of the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 4; 1967 ex.s. c 114 § 1; 1963 ex.s. c 20 § 1; 1955 c 206 § 4; 1951 c 43 § 1.]

44.28.020 Terms of members—Vacancies. The term of office of the members of the committee who continue to be members of the senate and house shall be from the close of the session in which they were appointed or elected as provided in RCW 44.28.010 until the close of the next regular session or extraordinary session following such regular session, or, in the event that such appointments or elections are not made, until the close of the next regular session during which successors are appointed or elected. The term of office of such committee members as shall not continue to be members of the senate and house shall cease upon the convening of the next regular session of the legislature after their confirmation, election or appointment. Vacancies on the committee shall be filled by appointment by the remaining members. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated. [1969 c 10 § 5; 1955 c 206 § 5; 1951 c 43 § 12.]

44.28.030 Continuation of memberships and powers. On and after the commencement of a succeeding general session of the legislature, those members of the committee who continue to be members of the senate

and house, respectively, shall continue as members of the committee as indicated in RCW 44.28.020 and the committee shall continue with all its powers, duties, authorities, records, papers, personnel and staff, and all funds made available for its use. [1955 c 206 § 6; 1951 c 43 § 13.]

44.28.040 Expenses of members—Reimbursement. The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee, or while engaged on other committee business authorized by the committee to the extent of fifteen dollars per day, plus eight cents per mile in going to and coming from committee sessions or committee meetings or for travel on other committee business when authorized by the committee. [1951 c 43 § 14.]

44.28.050 Expenses of committee—Vouchers. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the auditor and signed by the chairman or vice chairman of the committee and attested by the secretary of said committee, and the authority of said chairman and secretary to sign vouchers shall continue until their successors are selected after each ensuing session of the legislature. Vouchers may be drawn on funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee or both. [1955 c 206 § 7; 1951 c 43 § 15.]

Vouchers on public funds: Chapter 42.24 RCW.

44.28.060 Powers of committee—General. The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee or through the legislative council or through subcommittees of the legislative budget committee, all duties and functions relating to the study of expenditures by the state government, its officers, boards, committees, commissions, institutions, and other state agencies. [1951 c 43 § 2.]

44.28.080 Powers—State funds, expenses, revenues. The committee shall have the following powers:

(1) To make current examination and reports concerning the current condition of all state funds, appropriations and other state moneys; concerning whether or not such appropriations are being currently expended for the purposes and within the statutory restrictions provided by the legislature; concerning the current availability of revenue to meet expenditures under appropriations; and concerning the organization and operation of procedures necessary or desirable to control the expenditures and other fiscal operations of the state government, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.

(2) To make such other studies and examinations of the expenses of the state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto. [1955 c 206 § 10; 1951 c 43 § 4.]

44.28.085 Management surveys and program reviews—Review of state auditor's report, recommendations. The legislative budget committee may make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any officer, administrator, or employee of a state agency subject to RCW 43.09.290 through 43.09.340 has discharged his responsibilities to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of agency programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: *Provided*, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as amended by this 1971 amendatory act. The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate. [1971 ex.s. c 170 § 3.]

Severability—1971 ex.s. c 170: See note following RCW 43.09.050.

44.28.086 Management surveys—Reviews of program goals and objectives, performance audits to be included. The legislative budget committee authority for management surveys contained in RCW 44.28.085 shall include reviews of program goals and objectives of public bodies, officers or employees to determine conformity with legislative intent and shall include comprehensive performance audits to ensure that agency programs are being conducted in accordance with legislative intent and program goals and objectives. [1973 1st ex.s. c 197 § 1.]

44.28.087 Agencies to furnish committee with performance reports, internal audits, etc. All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, as requested by the legislative budget committee, shall be furnished by the agency requested to provide such report. [1973 1st ex.s. c 197 § 2.]

44.28.090 Powers—Interim sessions of legislature. The committee shall have the power to receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to the expenses of state government and its state agencies during the interim between regular legislative sessions. [1951 c 43 § 5.]

44.28.100 Powers—Reports, minutes. The committee shall have the power to make reports from time to time to the members of the legislature, to the legislative council, and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten days prior to the convening of the legislature. [1951 c 43 § 6.]

44.28.110 Examinations—Subpoenas—Depositions. In the discharge of any duty herein imposed, the committee or any personnel under its authority and its subcommittees shall have the authority to examine and inspect all properties, equipment, facilities, files, records and accounts of any state office, department, institution, board, committee, commission or agency, and to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by laws for taking depositions in civil actions in the superior courts. [1955 c 206 § 8; 1951 c 43 § 8.]

Depositions: Rules of court: CR 26–37.

44.28.120 Contempt proceedings—Witnesses failing to appear or testify. In case of the failure on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. [1951 c 43 § 9.]

Disobedience of subpoena as grounds for contempt: RCW 7.20.010.

Legislative inquiry: Chapter 44.16 RCW.

Witness refusing to attend or testify before legislature or committee: RCW 9.55.020.

44.28.130 Witness fees and mileage. Each witness who appears before the committee by its order, other than a state official or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers signed by such witness and approved by the secretary and chairman of the committee. [1951 c 43 § 10.]

Witness fees and mileage: Chapter 2.40 RCW.

44.28.140 Legislative auditor and other assistants—Employment—Duties of legislative auditor. The committee is hereby authorized and empowered to appoint an officer to be known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

The duties of the legislative auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

- (a) state budget;
- (b) revenues and expenditures of the state;
- (c) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the appropriations committees of the house and senate, respectively, in consideration of the budget and all bills carrying express or implied appropriations and all legislation affecting state departments and their efficiency; to appear before any other legislative committee and to assist any other legislative committees upon instruction by the legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee. [1955 c 206 § 9; 1951 c 43 § 11.]

44.28.150 Cooperation with legislative council and others. The committee shall cooperate, act and function with the legislative council and with the councils or committees of other states similar to this committee and with other interstate research organizations. [1951 c 43 § 7.]

44.28.160 Attendance records of school districts may be audited. Attendance records of school districts may be audited by the legislative budget committee. [1959 c 148 § 2.]

44.28.900 Severability—1951 c 43. If any section, subsection, paragraph or provision of this chapter shall be held invalid by any court for any reason, such invalidity shall not in any way affect the validity of the remainder of this chapter. [1951 c 43 § 16.]

Chapter 44.30

JOINT COMMITTEE ON HIGHER EDUCATION

Sections

- 44.30.010 Definitions.
- 44.30.015 Committee created.
- 44.30.020 Composition—Selection and confirmation of members.
- 44.30.025 Representation of political parties limited.
- 44.30.030 Terms.
- 44.30.035 Vacancies.
- 44.30.040 Chairman—Subcommittees—Rules.
- 44.30.045 Executive secretary—Assistants—Compensation.
- 44.30.050 Per diem and expenses—Vouchers.
- 44.30.055 Studies.
- 44.30.060 Liaison with other committees, public agencies, organizations.
- 44.30.065 Citizen subcommittees.
- 44.30.070 Committee recommendations—Minority recommendations.
- 44.30.075 Gifts—Grants—Endowments.

44.30.010 Definitions. As used in this chapter the following definitions shall apply:

(1) "Committee" means the joint committee on higher education of the legislature of the state of Washington.

(2) "Higher education" means all programs and/or courses, whether academic, occupational, professional, adult or special, sponsored or conducted by an institution or agency authorized to grant or award a baccalaureate degree, or a nonbaccalaureate degree or certificate.

(3) "Institution" or "agency" means any public or nonpublic educational institution receiving or eligible of receiving state appropriated funds, or participating in programs which are state authorized, administered or coordinated, and such institutions shall include but not be limited to all four year colleges, and universities, graduate centers, and all state community colleges, and state agencies directing or participating in higher education programs as herein defined. [1969 ex.s. c 265 § 1.]

44.30.015 Committee created. There is hereby created the joint committee on higher education of the legislature of the state of Washington. [1969 ex.s. c 265 § 2.]

44.30.020 Composition—Selection and confirmation of members. The committee shall consist of five senators and five representatives who shall be selected prior to the close of the forty-first session of the legislature, and at least ten days before the close of each regular session thereafter as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to

confirm, the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 ex.s. c 265 § 3.]

44.30.025 Representation of political parties limited. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1969 ex.s. c 265 § 4.]

44.30.030 Terms. Members shall serve until their successors are installed as provided in RCW 44.30.020 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 265 § 5.]

44.30.035 Vacancies. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.30.020 or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated. [1969 ex.s. c 265 § 6.]

44.30.040 Chairman—Subcommittees—Rules. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this chapter. [1969 ex.s. c 265 § 7.]

44.30.045 Executive secretary—Assistants—Compensation. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries. [1969 ex.s. c 265 § 8.]

44.30.050 Per diem and expenses—Vouchers. The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee in accordance with standard legislative per diem and travel rates. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman of the committee, and approved by the secretary of the committee. The authority of said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee. [1969 ex.s. c 265 § 9.]

44.30.055 Studies. The committee is authorized to ascertain and study facts and matters relating to higher education in the state of Washington, including but not limited to:

(1) The statutory responsibilities granted to the council on higher education and the state board for community college education and all other institutions and agencies of higher education;

(2) The functions, facilities, programs, and the method of financing the institutions and agencies of public higher education to insure that there will be sufficient use of resources and avoidance of unnecessary duplication;

(3) The role of private institutions of higher education in the state;

(4) The relationship of adult education and/or continuing education to higher education in the state;

(5) A relationship of occupational programs or vocational and technical schools to higher education in the state;

(6) The impact of increased federal funds on existing or planned programs or operations of institutions or agencies of higher education;

(7) The desirability and relation of student financial aid to higher educational goals of the state.

The committee shall also have the power to require the council on higher education, the state board for community college education, and the individual institutions and agencies of public higher education to submit data and information which they may request on costs, the selection and retention of students, enrollments, planned capacities, and other matters which the committee deems pertinent to the effective planning and coordination of the institutions and agencies of higher education.

The committee is further authorized to review the development of plans for orderly growth of public institutions of higher education or agencies and to review the specific recommendations of any public institution or agencies of higher education on the need for the location of new facilities and programs. [1969 ex.s. c 265 § 10.]

44.30.060 Liaison with other committees, public agencies, organizations. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee, the joint committee on education, and all affected public agencies, and shall seek the participation of all interested and responsible organizations. [1969 ex.s. c 265 § 11.]

44.30.065 Citizen subcommittees. The committee is authorized to appoint such citizen subcommittees as it deems appropriate, and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur. [1969 ex.s. c 265 § 12.]

44.30.070 Committee recommendations—Minority recommendations. The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous

approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members. [1969 ex.s. c 265 § 13.]

44.30.075 Gifts—Grants—Endowments. The committee shall have authority to receive such gifts, grants, and endowments from both federal and private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments within the provisions of chapter 43.88 RCW. [1969 ex.s. c 265 § 14.]

**Chapter 44.33
JOINT COMMITTEE ON EDUCATION**

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| Sections | |
| 44.33.200 | "Committee" defined. |
| 44.33.210 | Committee created. |
| 44.33.220 | Composition—Selection and confirmation of members. |
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| 44.33.320 | Citizen subcommittees. |
| 44.33.330 | Committee recommendations—Minority recommendations. |
| 44.33.340 | Gifts, grants, endowments. |

44.33.200 "Committee" defined. As used in this chapter "committee" means the joint committee on education of the legislature of the state of Washington. [1965 ex.s. c 130 § 1. Prior: 1963 ex.s. c 19 § 1; RCW 44.33.010; prior: 1961 c 296 § 1; 1959 c 299 § 1; RCW 44.32.010.]

44.33.210 Committee created. There is hereby created the joint committee on education of the legislature of the state of Washington. [1965 ex.s. c 130 § 2. Prior: 1963 ex.s. c 19 § 2; RCW 44.33.020; prior: 1961 c 296 § 2; 1959 c 299 § 2; RCW 44.32.020.]

44.33.220 Composition—Selection and confirmation of members. The committee shall consist of five senators and five representatives who shall be selected prior to the close of the thirty-ninth session of the legislature, and before the close of each regular session thereafter as follows: *Provided*, That if prior to the close of each regular session, the governor shall issue a proclamation convening the legislature into extraordinary session following such regular session, then such selections shall be made as a matter of closing business of such extraordinary session.

(1) The president of the senate shall nominate five senators to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon

confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate five members of the house of representatives to serve on the committee, and submit the list of nominees to the house for confirmation. Upon confirmation, the representatives shall be deemed installed as members.

In the event of a failure to appoint members within the time above stated, or in the event of a refusal to confirm, then the members on the committee from either house in which there is a failure to appoint or confirm shall be elected forthwith by the members of such house. [1969 c 10 § 3; 1965 ex.s. c 130 § 3. Prior: 1963 ex.s. c 19 § 3; RCW 44.33.030; prior: 1961 c 296 § 3; 1959 c 299 § 3; RCW 44.32.030.]

44.33.230 Representation of political parties limited. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1965 ex.s. c 130 § 4. Prior: 1963 ex.s. c 19 § 4; RCW 44.33.040; prior: 1961 c 296 § 4; 1959 c 299 § 4; RCW 44.32.040.]

44.33.240 Term. Members shall serve until their successors are installed as provided in RCW 44.33.220 at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner or at the extraordinary session, if any, following the said next succeeding regular session. [1969 c 10 § 6; 1965 ex.s. c 130 § 5. Prior: 1963 ex.s. c 19 § 5; RCW 44.33.050; prior: 1961 c 296 § 5; 1959 c 299 § 5; RCW 44.32.050.]

44.33.250 Vacancies. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.33.220 or until they are no longer members of the legislature, whichever is sooner. All vacancies shall be filled from the same political party as that of the member whose seat was vacated. [1965 ex.s. c 130 § 6. Prior: 1963 ex.s. c 19 § 6; RCW 44.33.060; prior: 1961 c 296 § 6; 1959 c 299 § 6; RCW 44.32.060.]

44.33.260 Chairman—Subcommittees—Rules. The committee shall by majority vote select a chairman, create necessary or appropriate subcommittees, and prescribe rules of procedure for itself and its subcommittees which are not inconsistent with this chapter. [1965 ex.s. c 130 § 7. Prior: 1963 ex.s. c 19 § 7; RCW 44.33.070; prior: 1961 c 296 § 7; 1959 c 299 § 7; RCW 44.32.070.]

44.33.270 Executive secretary—Assistants—Compensation. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation, expenses, and salaries. [1965 ex.s. c 130 § 8. Prior: 1963 ex.s. c 19 § 8; RCW 44.33.080; prior: 1961 c 296 § 8; 1959 c 299 § 8; RCW 44.32.080.]

44.33.280 Per diem and expenses—Vouchers. The members of the committee shall be reimbursed for their expenses incurred while attending sessions of the committee or meetings of any subcommittee of the committee or while engaged in other committee business authorized by the committee to the extent of twenty-five dollars per day plus ten cents per mile in going and coming from committee sessions or subcommittee meetings or for travel on other committee business authorized by the committee. All expenses incurred by the committee including salaries of the employees shall be paid upon voucher forms as provided by the central budget agency and signed by the chairman of the committee and approved by the secretary of the committee and the authority of said chairman or said chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee. [1965 ex.s. c 130 § 9. Prior: 1963 ex.s. c 19 § 9; RCW 44.33.090; prior: 1961 c 296 § 9; 1959 c 299 § 9; RCW 44.32.090.]

44.33.290 Examination of witnesses. When directed by a two-thirds vote of the whole committee witnesses shall be examined privately. [1965 ex.s. c 130 § 10. Prior: 1963 ex.s. c 19 § 10; RCW 44.33.100; prior: 1961 c 296 § 10; 1959 c 299 § 10; RCW 44.32.100.]

44.33.300 Studies. The committee is authorized to ascertain and study facts and matters relating to education in the state of Washington, including but not limited to:

- (1) Inter-relationship of state board of education and superintendent of public instruction;
- (2) Office of county superintendent of schools;
- (3) School districts including relationships to counties and the state;
- (4) Relationship of post high school education to common schools, adult education, community colleges, vocational and technical schools, and colleges and universities.
- (5) Potential for teaching use of new media and devices such as television, teaching machines, and data processing;
- (6) Educational research potential areas leading to improvement in instruction;
- (7) Length of school year and summer school support;
- (8) Vocational and technical education;
- (9) Teacher preparation;
- (10) Student teaching;
- (11) Supervision of beginning teachers;
- (12) Finance; and
- (13) Impact of increased federal funds. [1965 ex.s. c 130 § 11. Prior: 1963 ex.s. c 19 § 11; RCW 44.33.110; prior: 1961 c 296 § 11; 1959 c 299 § 11; RCW 44.32.110.]

44.33.310 Liaison with other committees, public agencies, organizations. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies,

and shall seek the participation of all interested and responsible organizations. [1965 ex.s. c 130 § 12. Prior: 1963 ex.s. c 19 § 14; RCW 44.33.140; prior: 1961 c 296 § 12; 1959 c 299 § 12; RCW 44.32.120.]

44.33.320 Citizen subcommittees. The committee is authorized to appoint such citizen subcommittees as it deems appropriate and to pay approved expenses of subcommittee members and any other authorized expenses such subcommittees may incur. [1965 ex.s. c 130 § 13. Prior: 1963 ex.s. c 19 § 15; RCW 44.33.150; prior: 1961 c 296 § 13; 1959 c 299 § 13; RCW 44.32.130.]

44.33.330 Committee recommendations—Minority recommendations. The committee shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations: *Provided*, That minority recommendations shall not be recognized, acted upon or reported unless joined in by two or more members. [1965 ex.s. c 130 § 14. Prior: 1963 ex.s. c 19 § 16; RCW 44.33.160; prior: 1961 c 296 § 16; 1959 c 299 § 16; RCW 44.32.160.]

44.33.340 Gifts, grants, endowments. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1965 ex.s. c 130 § 15. Prior: 1963 ex.s. c 19 § 17; RCW 44.33.170; prior: 1961 c 296 § 17; 1959 c 299 § 17; RCW 44.32.170.]

Chapter 44.36 JOINT COMMITTEE ON URBAN AREA GOVERNMENT

| Sections | |
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| 44.36.030 | Composition, appointment of members. |
| 44.36.040 | Representation of political parties limited. |
| 44.36.050 | Term. |
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| 44.36.070 | Chairman—Subcommittees—Rules. |
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| 44.36.130 | Powers and duties of legislative council. |
| 44.36.140 | Payment of legislative council's expenses. |
| 44.36.150 | Committee report and recommendations—Minority recommendations. |
| 44.36.160 | Gifts, grants, endowments. |

44.36.010 Definitions. As used in this chapter "committee" means the joint committee on urban area government of the legislature of the state of Washington,

and the term "urban area" shall mean incorporated cities and towns and peripheral areas which have become substantially urban in character. [1961 c 308 § 1.]

44.36.020 Committee created—Time and place of meetings. There is hereby created the joint committee on urban area government of the legislature of the state of Washington which shall meet, act, and conduct its business at any place within the state of Washington during interim periods prior to the 1963 session of the legislature. [1961 c 308 § 2.]

44.36.030 Composition, appointment of members. The committee shall consist of five senators and five representatives who shall be selected as follows:

(1) The president of the senate shall nominate five senators to serve on the committee, who shall be residents of urban areas of the state, and shall submit the list of nominees to the senate for confirmation. In the event that the president does not nominate five senators, or in the event that the senate does not confirm the nominees prior to two days before the close of the regular session of the legislature, the senate shall elect the members by a majority vote of a quorum. Upon confirmation or election, the senators shall be installed as members.

(2) The speaker of the house shall nominate five representatives to serve on the committee, who shall be residents of urban areas of the state, and submit the list of nominees to the house for confirmation. In the event that the speaker does not nominate five representatives, or in the event that the house does not confirm the nominees prior to two days before the close of the regular session of the legislature, the house shall elect the members by a majority vote. Upon confirmation or election, the representatives shall be deemed installed as members. [1961 c 308 § 3.]

44.36.040 Representation of political parties limited. Not more than three members confirmed or elected by the senate, and not more than three members confirmed or elected by the house, shall be affiliated with any one political party. [1961 c 308 § 4.]

44.36.050 Term. Members shall serve until their successors are installed as provided in RCW 44.36.030, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1961 c 308 § 5.]

44.36.060 Vacancies. The committee shall fill any vacancies occurring on the committee by appointment from the legislative chamber whose member departs; members filling vacancies shall serve until their successors are installed as provided in RCW 44.36.030 or until they are no longer members of the legislature, whichever is sooner. [1961 c 308 § 6.]

44.36.070 Chairman—Subcommittees—Rules. The committee shall by majority vote select a chairman, may establish appropriate subcommittees, may prescribe rules of procedure for itself and its subcommittees, and shall create citizen advisory subcommittees, the members of which shall include residents of

Urban areas of more than five hundred thousand population,

Urban areas of less than five hundred thousand population but more than fifty thousand population, and

Urban areas of less than fifty thousand population. The committee may create such additional citizen advisory subcommittees as it may deem appropriate. [1961 c 308 § 7.]

44.36.080 Executive secretary—Assistants—Compensation. The committee may employ an executive secretary and such clerical and other assistants as it finds necessary or appropriate, and fix their compensation. [1961 c 308 § 8.]

44.36.090 Per diem and expenses—Vouchers. Members of the committee and any of its subcommittees shall receive twenty dollars per diem, and ten cents a mile for travel, while attending sessions of the committee or of its subcommittees.

All expenses incurred by the committee or its subcommittees or the members thereof, including salaries of its executive secretary and assistants, shall be paid upon voucher forms signed by the chairman or vice-chairman of the committee. Vouchers may be drawn upon any special appropriation which may be provided by the legislature for the expenses of the committee. [1961 c 308 § 9.]

44.36.100 Examination of witnesses. Unless otherwise directed by a two-thirds vote of the whole committee, all witnesses shall be examined privately. [1961 c 308 § 10.]

44.36.110 Powers. The committee is authorized to ascertain and study laws, facts, trends of urban development and other matters relating to the welfare and government of urban areas of the state including but not limited to:

(1) Incorporations of and annexations to cities and towns;

(2) The functions and powers of the several agencies of local government and their relationship to each other;

(3) The financial support required to carry out the missions of local government and the sources of such support;

(4) The present and future requirements of the residents of urban areas for governmental services and the local governmental machinery best suited to provide such services;

(5) The proper role of the state in local government affairs and finance. [1961 c 308 § 11.]

44.36.120 Liaison with other committees, public agencies, organizations. The committee shall consult and maintain liaison with the legislative council, the legislative budget committee and all affected public agencies, and shall seek the participation of all interested and responsible organizations. [1961 c 308 § 12.]

44.36.130 Powers and duties of legislative council. The legislative council shall consult with, advise, and assist the committee, recommending areas of study, advising as to organizations and persons suitable for subcommittees, and assisting in research and study of urban problems. [1961 c 308 § 13.]

44.36.140 Payment of legislative council's expenses. All expenditures of the legislative council incurred in consulting with, advising and assisting the committee shall be paid upon vouchers approved jointly by the chairman of the council and the chairman of the committee from the appropriation herein provided. [1961 c 308 § 14.]

44.36.150 Committee report and recommendations—Minority recommendations. The committee shall report the findings of its subcommittees to the governor by September, 1962, and shall make such recommendations to the governor and the legislature relating to changes in administrative practices and existing laws as it finds necessary. If the recommendations adopted by the committee do not receive unanimous approval, any dissenting members shall have the privilege of submitting minority recommendations. [1961 c 308 § 15.]

44.36.160 Gifts, grants, endowments. The committee shall have authority to receive such gifts, grants, and endowments from private sources as may be made from time to time in trust or otherwise for the use and benefit of the purposes of the committee and to expend the same or any income therefrom according to the terms of said gifts, grants, or endowments. [1961 c 308 § 16.]

Chapter 44.39

JOINT COMMITTEE ON NUCLEAR ENERGY

Sections

| | |
|-----------|--|
| 44.39.010 | Committee created. |
| 44.39.015 | Composition—Appointment of members. |
| 44.39.020 | Terms. |
| 44.39.025 | Vacancies. |
| 44.39.030 | Meetings. |
| 44.39.035 | Studies—Liaison—Reports to legislature. |
| 44.39.040 | Staff director, clerical and other assistants—Compensation—Information and assistance. |
| 44.39.045 | Expenses and per diem. |
| 44.39.050 | Payment of expenses—Vouchers. |

44.39.010 Committee created. There is hereby created the joint committee on nuclear energy of the legislature of the state of Washington. [1969 ex.s. c 260 § 1.]

44.39.015 Composition—Appointment of members. The committee shall consist of four senators and four representatives who shall be selected biennially as follows:

(1) The president of the senate shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the senate for confirmation. Upon confirmation, the senators shall be deemed installed as members.

(2) The speaker of the house shall nominate four members, two from each major political party, to serve on the committee, and shall submit the list of nominees to the house of representatives for confirmation. Upon confirmation, the representatives shall be deemed installed as members. [1969 ex.s. c 260 § 2.]

44.39.020 Terms. Members shall serve until their successors are installed as provided in RCW 44.39.015, at the next succeeding regular session of the legislature, or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 260 § 3.]

44.39.025 Vacancies. The committee shall fill any vacancies occurring on the committee by appointment from the same political party and legislative chamber as the departing member. Members filling vacancies shall serve until they or their successors are installed as provided in RCW 44.39.015 or until they are no longer members of the legislature, whichever is sooner. [1969 ex.s. c 260 § 4.]

44.39.030 Meetings. The committee shall meet at each regular session of the legislature and at such other times and places as is necessary in carrying out its delegated duties. [1969 ex.s. c 260 § 5.]

44.39.035 Studies—Liaison—Reports to legislature. The committee shall make continuing studies of the problems relating to the development, use, and control of nuclear energy for peaceful purposes. In conducting its studies the committee shall work closely with the state office of nuclear energy development and may work with any other public or private organizations or individuals interested in the development of nuclear energy.

Effective liaison shall be maintained with the governor's advisory council on nuclear energy and radiation. The committee shall prepare an annual report to the legislature, and, from time to time report to the legislature any information deemed worthy of special attention, and any legislative action deemed necessary to enhance the broad purposes of RCW 43.31.280 and to maintain the state's position of leadership in the field of nuclear energy. [1969 ex.s. c 260 § 6.]

Nuclear energy and radiation: Chapter 70.98 RCW.

Nuclear energy promotion and development, powers and duties of department of commerce and economic development: RCW 43.31-280-43.31.330.

44.39.040 Staff director, clerical and other assistants—Compensation—Information and assistance. The committee may employ a staff director and such

clerical and other assistants as it finds necessary or appropriate, and fix their compensation.

The office of nuclear energy development shall, upon request, furnish such technical and policy information and assistance as is necessary to carry out the purposes of this chapter.

The committee may utilize the services of the executive director of the office of nuclear energy development in the capacity of staff director. [1969 ex.s. c 260 § 7.]

44.39.045 Expenses and per diem. The members of the committee shall serve without compensation, but shall be reimbursed for their expenses incurred while attending sessions of the committee or any subcommittee of the committee, or while engaged in other committee business authorized by the committee, as provided for in RCW 44.04.120. [1969 ex.s. c 260 § 8.]

44.39.050 Payment of expenses—Vouchers. All expenses incurred by the committee, including salaries and expenses of employees, shall be paid upon voucher forms as provided by the director of program planning and fiscal management and signed by the chairman of the committee. Vouchers may be drawn upon funds appropriated generally by the legislature for legislative expenses or upon any special appropriation which may be provided by the legislature for the expenses of the committee. [1969 ex.s. c 260 § 9.]

**Chapter 44.40
LEGISLATIVE TRANSPORTATION
COMMITTEE—SENATE AND HOUSE
TRANSPORTATION AND UTILITIES
COMMITTEES**

Sections

- 44.40.010 Creation—Composition—Appointments—Vacancies.
- 44.40.020 Powers, duties and studies.
- 44.40.025 Study of funds related to state transportation programs.
- 44.40.026 Study of alternative methods of financing cross-sound transportation facilities.
- 44.40.030 Participation in activities of interstate agencies.
- 44.40.040 Members' allowances—Procedure for payment of committee's expenses.
- 44.40.050 Additional motor vehicle fees for support of committee activities.
- 44.40.060 Participation in development of data bank.
- 44.40.070 State transportation agencies—Preparation of long range plans, comprehensive programs and financial plans required.
- 44.40.080 State transportation agencies—Recommended budget—Preparation and presentation—Contents.
- 44.40.090 Delegation of powers and duties to senate and house transportation and utilities committees.
- 44.40.100 Contracts authorized.
- 44.40.110 Review and study of taxing structure for transportation programs and activities.

Comprehensive long range plan for cross sound transportation: RCW 47.60.045.

Report (state traffic safety commission) to legislative transportation committee: RCW 43.59.130.

Study reports available to legislators: RCW 47.01.145.

44.40.010 Creation—Composition—Appointments—Vacancies. The joint fact-finding committee on highways, streets, and bridges originally created by

chapter 111, Laws of 1947, recreated and renamed the joint committee on highways by chapter 3, Laws of 1963 extraordinary session, is hereby recreated and renamed the legislative transportation committee. The renaming of said committee shall not affect any powers invested in it or its duties imposed upon it by any other statute. All appropriations made to the committee under its former name shall continue to be available to said committee as renamed, the legislative transportation committee. The committee shall consist of eleven senators to be appointed by the president of the senate and twelve members of the house of representatives to be appointed by the speaker thereof. A list of appointees shall be submitted before the close of each regular legislative session or any successive extraordinary session called by the governor prior to the close of such regular session or successive extraordinary session(s) for confirmation of senate members, by the senate, and house members, by the house. Vacancies occurring shall be filled by the appointing authority. [1971 ex.s. c 195 § 1; 1967 ex.s. c 145 § 68; 1965 ex.s. c 170 § 64; 1963 ex.s. c 3 § 35.]

Severability—1971 ex.s. c 195: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other circumstances is not affected." [1971 ex.s. c 195 § 21.] This applies to RCW 43.59.130, 44.40.010, 44.40.025, 44.40.026, 44.40.030, 44.40.040, 44.40.060, 47.01.145, 47.01.240 and 47.60.045.

44.40.020 Powers, duties and studies. The committee is authorized and directed to continue its studies and for that purpose shall have the powers set forth in chapter 111, Laws of 1947. [1963 ex.s. c 3 § 36.]

Powers and studies set forth in chapter 210, Laws of 1973 1st ex.s.: "NEW SECTION. Section 1. There is added to chapter 44.40 RCW a new section to read as follows:

The legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby authorized to consider the following subjects of study and such other related subjects as it or they deem appropriate, and report its or their findings and recommendations in connection therewith not later than the convening of the 1975 regular legislative session:

- (1) Establishing organizational and policy guidelines for the review of state-wide transportation needs, the interrelationship of all transportation needs and the development and implementation of a state-wide transportation plan;
- (2) A review of the energy crisis problem and its implication with respect to long range transportation planning, and utility planning related to transportation;
- (3) The relationship between the environment and transportation improvements including an analysis of land use patterns and the costs and benefits of environmental impact statements;
- (4) A reevaluation of priority programming criteria including the feasibility of adding short and long-term social, economic, and environmental cost/benefit considerations.
- (5) Feasibility of integrating the Puget Sound reserve, capital construction and ferry operations accounts into a single account or integrating ferry system needs and funding with that of highways;
- (6) An analysis of alternative state funding methods with respect to providing for a balanced and adequate transportation system taking into consideration the direction of federal funding;
- (7) Development of a simplified fee structure for the highway safety fund or consolidation of said fund with the motor vehicle fund;
- (8) A review of the purposes, policies, procedures, and utilization of the highway equipment fund;
- (9) Analysis of alternative financing methods for railroad grade crossing protection;
- (10) Develop methods for determining priorities among high accident locations including railroad grade crossings in cooperation with

the state highway commissioners, and utilities and transportation commissioners;

(11) Develop a pilot project in planning, programming, and budgeting improvement through the development of an interagency traffic safety program in cooperation with transportation agencies and the office of program planning and fiscal management;

(12) The concept of a scenic and recreational highway system considering the provisions of section 8, chapter 195, Laws of 1971 ex. sess. and senate bill 2539 (1973 legislative session);

(13) A continuing analysis of methods to recover for transportation purposes a portion of the increased land values resulting from transportation improvements;

(14) A continuing analysis of the relationship between traffic patrol manpower levels and accidents on state highways and county roads;

(15) An evaluation of alternatives to court adjudication of traffic violations such that the quality and timeliness of both traffic and nontraffic violation judgments may be improved and accelerated;

(16) A continuing review of traffic safety activities and state compliance with federal standards, in general, and effective methods and procedures of implementing and operating a state-wide annual vehicle safety and emission control inspection program;

(17) An investigation to determine a feasible and acceptable procedure for mandatory physician reporting of diagnosed disabilities and conditions tending to create a threat or hazard to the individual and/or the motoring public if unrestricted licensing for motor vehicle operation is granted;

(18) A cost/benefit analysis relating to the acquisition, installation, and operation of on line video display terminals for high density courts which would permit direct and immediate driver record and status look-up capability via the department of motor vehicles driver records computer;

(19) Through stratified representative sampling procedures establish just and equitable customer service guidelines (i.e., time and travel distance) for the examination of license applicants and issuance of vehicle operators licenses;

(20) Feasibility and desirability of establishing a separate assistant directorship for right of way activities in cooperation with the department of highways;

(21) Establish policies and guidelines for biennial highway commission review of highway, street and road sections with respect to whether such sections should be added to or deleted from the state highway system;

(22) Review procedures now required to dispose of surplus real property and possible improvements in such procedures;

(23) Comparison of compensation practices of the state patrol for commissioned personnel with those of other law enforcement agencies;

(24) The desirability and feasibility of regulating signing adjacent to public highways taking into consideration the provisions of senate bills 2209 and 2434 and house bill 289 (1973 legislative session);

(25) Analysis of highway conditions which may justify raising or lowering traffic speeds taking traffic safety and existing studies into consideration, and the feasibility of utilizing electronic variable speed control devices in heavy traffic corridors;

(26) Review of traffic offense penal system, including attitudes and effectiveness;

(27) Feasibility and desirability of installation of emergency public telephone service along public highways in cooperation with the state highway commission;

(28) An evaluation of the need for additional regulation of the visibility of bicycles for safety purposes;

(29) A reevaluation of the functional classification criteria including the feasibility of classifying by function by assessment of percentages of each of the following types of trips:

(a) home-to-work;

(b) commodities movement (including farm to market);

(c) defense, military, emergency;

(d) recreation; and a reevaluation of the criteria for selection of specific projects for priority of construction within each functional class;

(30) Analysis of equity of aviation fuel excise tax provisions, particularly as they relate to third level air carriers and air travel clubs.

(31) Alternative courses of action to reduce and control air pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(32) Alternative courses of action to reduce and control noise pollution resulting from transportation sources, an analysis of their relative effectiveness and cost, and assessment of their relative acceptability by the public;

(33) Desirability and feasibility of establishing a transportation research center taking into consideration costs and benefits, such centers in other states, and state and federal funding sources;

(34) An analysis of the transportation planning process used by cities and counties, including the effects of state requirements thereon, and the adequacy of local planning procedures in meeting the objectives of state planning requirements;

(35) A feasibility study of providing water transportation for commuter foot passengers within the Lake Washington-Lake Union area, including the provision of appropriate terminal facilities and coordination with land transportation facilities;

(36) Evaluation of state highway landscaping practices with respect to safety and beautification purposes. [1973 1st ex.s. c 210 § 1.]

NEW SECTION. Sec. 5. The legislative transportation committee and/or the senate and house transportation and utilities committees and the state highway commission may jointly consider the following proposed highway additions or improvements by undertaking appropriate studies and surveys as may be necessary to evaluate their merits, said studies to be completed prior to September 1, 1974:

(1) A realignment of state route 104 east of Interstate 5 generally along the Snohomish-King county line;

(2) Traffic and safety improvements required on highways adjacent to ports of entry along the Canadian border as provided in Senate Resolution 1972-42;

(3) Alternative corridors to proposed north-south Spokane freeway including social impact and cost/benefit analysis. [1973 1st ex.s. c 210 § 5.]

NEW SECTION. Sec. 6. The department of motor vehicles in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees is or are hereby directed to study the feasibility and desirability, both departmental and public, of implementing a staggered vehicle licensing system. A report including recommendations shall be made to the legislature not later than the convening of the 1975 regular legislative session. [1973 1st ex.s. c 210 § 6.]

NEW SECTION. Sec. 7. The legislative transportation committee or the standing transportation and utilities committees of the senate and house are hereby authorized to make available \$20,000 or so much thereof as may be necessary to the western conference of the council of state governments. Such funds will be made available for use by its subcommittee on short haul air transportation only in the event that the subcommittee is continued by at least seven participating states and that it is evident that federal funds have been secured through the department of transportation for continuation of the short haul air transportation study under the auspices of the western conference of the council of state governments. In the event that the said conference obtains sufficient state and federal funds for continuation of the short haul air transportation study, the state of Washington will be the administrator of the funds for the participating states according to the procedures prescribed by the office of the attorney general.

There is hereby appropriated from the aeronautics account of the general fund the sum of \$20,000 to carry out the provisions of this section. [1973 1st ex.s. c 210 § 7.]

NEW SECTION. Sec. 8. The department of highways, in cooperation with the legislative transportation committee and/or the senate and house transportation and utilities committees, is directed to communicate with all appropriate state agencies and other governmental officials concerning the development of a quad-city airport to serve the cities of Pullman and Clarkston, Washington, and Lewiston and Moscow, Idaho, and to determine the effect such development may have on the priority for construction of SR 193 from Clarkston to Colton. [1973 1st ex.s. c 210 § 8.]

NEW SECTION. Sec. 9. The legislative transportation committee and/or the senate and house transportation and utilities committees, in conjunction with the department of highways, are authorized to consult with the transportation agencies of the states, counties and cities affected, as well as the Columbia Region Association of Governments, and private transportation companies, with respect to the interstate transportation needs of the Vancouver/Portland area and alternative solutions thereto. The committee(s) are further authorized to apply for and receive federal funding and support of said

study, and to negotiate with affected governmental units to obtain such matching funds as may be required. [1973 1st ex.s. c 210 § 9.]

Reviser's note: For other powers, duties and studies contained in 1973 1st ex.s. c 210, see RCW 44.40.090-44.40.110.

Powers set forth in chapter 111, Laws of 1947: "Sec. 2. The committee is hereby authorized and directed to ascertain, study and analyze all available facts and matters relating or pertaining to: (a) A study of the policies relating to and the cost of the administration, operation, construction and maintenance of public highways and streets of the state, with recommendations for such changes as may be deemed necessary;

(b) the need for and cost of bringing the highways and streets in the state to acceptable standards, the cost of maintaining them in such condition, the need and cost of expanding the highway and street systems of the state to meet the increasing demands for travel and the demands arising from the changing economic and industrial development, and the determination of long-range programs to provide the needed construction;

(c) the making of a study of motor vehicle taxation including the assignment of the total highway costs among property owners, general taxpayers and highway users;

(d) the determination of the portion of highway and street operation and construction costs assignable to the various highway users and classes of users so that all vehicles and classes of vehicles shall bear their fair share of such costs;

(e) the determination of the tax basis and rates to be exacted from each vehicle or user;

(f) a determination of what roads should be included in the state highway system and what changes should be made in the existing system;

(g) other studies of motor vehicle transport economics including but not limited to the inspection of motor vehicles to insure the safety of operation upon the highways, the control of loads and weights for the protection of the highway and street investments, and a study of such other factors and conditions as may appear necessary;

(h) the revision of any and all laws bearing upon or relating to the subject of this resolution together with the committee's recommendations for appropriate legislation. [1947 c 111 § 2.]

Sec. 3. The committee is authorized to act during this session of the legislature, including any recess, and after final adjournment until the commencement of the next regular session. It shall file a final report not later than the 15th legislative day of the next regular session. The committee may prepare and submit a preliminary report to the legislature at any extraordinary session which may be convened. [1947 c 111 § 3.]

Sec. 4. The committee and its members shall have and exercise all of the rights, duties and powers conferred upon legislative committees and their members by the provisions of chapter 6, Laws of 1895 and chapter 33, Laws of 1897 (secs. 8178 through 8194, Rem. Rev. Stat.; secs. 722-1, -3, -5, -7, -9, -11, -13, -15, -17, -19, -21, -23, -25, -27, -29, -31, and -33, PPC) [chapter 44.16 RCW] and shall have additional powers: (a) To select a chairman and vice-chairman from its membership;

(b) to employ an executive secretary and such expert, clerical and other help as may be necessary to carry out its duties;

(c) to cooperate with and secure the cooperation of county, city and other local law enforcement agencies in investigating any matter within the scope of this act and to direct the sheriff of any county to serve subpoenas, orders and other process issued by the committee;

(d) to do any and all other things necessary or convenient to enable it fully and adequately to exercise its powers, perform its duties, and accomplish the objects and purposes of this act." [1947 c 111 § 4.]

Reviser's note: Successive study authorizations, not codified in RCW, are to be found in the various session laws subsequent to 1947, for example: 1949 c 213; 1951 c 269; 1953 c 254; 1955 c 384; 1957 c 172; 1959 c 319; 1961 ex.s. c 21; 1963 ex.s. c 3; 1965 ex.s. c 170; 1967 ex.s. c 145; 1969 ex.s. c 281; 1970 ex.s. c 85; 1971 ex.s. c 195; and 1973 1st ex.s. c 210.

44.40.025 Study of funds related to state transportation programs. In addition to the powers and duties authorized in RCW 44.40.020 the committee shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and

matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state. [1971 ex.s. c 195 § 2.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

44.40.026 Study of alternative methods of financing cross-sound transportation facilities. The legislative transportation committee in cooperation with the Washington state highway commission is directed to study alternative methods of financing the construction, maintenance, and operation of cross-sound transportation facilities after July 1, 1973, and report its recommendations to the 1973 legislature as to whether or not the additional one-eighth cent of the motor vehicle fuel taxes allocated by the provisions of RCW 82.36.020 to the Puget Sound reserve account and the excess in said account transferred to the Puget Sound capital construction account for capital construction of ferries and terminal facilities may be restored to the motor vehicle fund to be used for state highway purposes.

The 1973 legislature, upon receiving the recommendations of the legislative transportation committee shall reexamine the program for financing the construction of cross-sound transportation facilities. [1971 ex.s. c 195 § 18; 1970 ex.s. c 85 § 8.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

44.40.030 Participation in activities of interstate agencies. In addition to the powers and duties heretofore conferred upon it, the legislative transportation committee is further authorized and directed to participate in: (1) the activities of committees of the council of state governments concerned with transportation activities; (2) in activities of the national committee on uniform traffic laws and ordinances; and (3) in any interstate reciprocity or proration meetings designated by the Washington reciprocity commission. [1971 ex.s. c 195 § 3; 1963 ex.s. c 3 § 38.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

44.40.040 Members' allowances—Procedure for payment of committee's expenses. The members of the legislative transportation committee shall receive allowances as provided in RCW 44.04.120. All expenses incurred by the committee, including salaries of employees, shall be paid upon voucher forms as provided by the office of program planning and fiscal management and signed by the chairman or vice chairman of the committee and attested by the secretary of the committee, and the authority of said chairman or vice chairman and secretary to sign vouchers shall continue until their successors are selected. Vouchers may be drawn upon funds appropriated for the expenses of the committee. [1971 ex.s. c 195 § 4; 1963 ex.s. c 3 § 39.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

44.40.050 Additional motor vehicle fees for support of committee activities. See RCW 46.16.061.

44.40.060 Participation in development of data bank. The legislative transportation committee may cooperate and participate with the state land commission in the development of a data bank or alternative system for the assembling of information to carry out the provisions of chapter 196, Laws of 1971 first extraordinary session. [1971 ex.s. c 196 § 19.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

State land planning commission: Chapter 43.120 RCW.

44.40.070 State transportation agencies—Preparation of long range plans, comprehensive programs and financial plans required. Prior to October 1 of each even-numbered year all state agencies whose major programs consist of transportation activities, including the state highway commission, the toll bridge authority, the urban arterial board, the Washington state patrol, the department of motor vehicles, the traffic safety commission, the county road administration board, and the aeronautics commission, shall adopt or revise after consultation with the legislative transportation committee, and/or senate and house transportation and utilities committees, a long range plan of not less than six years and comprehensive six-year program and financial plan for all transportation activities under each agency's jurisdiction.

The long range plan shall state the general objectives and needs of each agency's major transportation programs.

The comprehensive six-year program and financial plan shall be prepared in consonance with the long range plan and shall identify that portion of the long range plan to be accomplished within the succeeding six-year period. [1973 1st ex.s. c 201 § 1.]

44.40.080 State transportation agencies—Recommended budget—Preparation and presentation—Contents. Notwithstanding any other provision of law, state transportation agencies shall prepare and present to the governor and to the legislature prior to its convening a recommended budget for the ensuing biennium. The biennial budget shall include details of expenditures, and performance and public service criteria for the transportation programs and activities of each agency in consonance with said agency's adopted six-year comprehensive program and financial plan. [1973 1st ex.s. c 201 § 2.]

44.40.090 Delegation of powers and duties to senate and house transportation and utilities committees. Powers and duties enumerated by this chapter shall be delegated to the senate and house transportation and utilities committees during periods when the legislative transportation committee is not appointed. [1973 1st ex.s. c 210 § 2.]

44.40.100 Contracts authorized. The legislative transportation committee and/or the senate and house transportation and utilities committees may enter into contracts on behalf of the state to carry out the purposes of this 1973 act [1973 1st ex. sess. c 210]; and it or they may enter into contracts to receive federal or other fund grants or gifts. When federal or other funds are received, they shall be deposited with the state treasurer and thereafter expended only upon approval by the committee or committees. [1973 1st ex.s. c 210 § 3.]

44.40.110 Review and study of taxing structure for transportation programs and activities. The senate and house transportation and utilities committees are authorized to undertake a review of the total taxing structure for transportation programs and activities including:

(1) Alternative methods of taxing fuels and establishing license and road use fees;

(2) And the equity of the taxing structure, including but not limited to motor vehicle tonnage and excise taxes, between various classes of vehicles and users.

Said study shall be divided into two phases, a preliminary phase for the purpose of specifically defining the scope and guidelines of the study, and the major study phase for the conduct of the detailed study work.

The committees are authorized to employ a consultant to conduct the study and cooperate with state and federal government agencies in the conduct of said study.

The findings and recommendations of the study shall be submitted to the legislature prior to the convening of the 1975 regular legislative session.

There is hereby appropriated from the motor vehicle fund the sum of five hundred thousand dollars or so much thereof as may be necessary to conduct the study. The committees are directed to seek federal participation and are authorized to receive federal funds for said purpose. [1973 1st ex.s. c 210 § 4.]

Chapter 44.60 LEGISLATIVE ETHICS

| Sections | |
|-----------|--|
| 44.60.010 | Definitions. |
| 44.60.020 | Boards of legislative ethics—Appointment of members—Terms—Vacancies. |
| 44.60.030 | Boards of legislative ethics—Jurisdiction. |
| 44.60.040 | Affidavit to be filed by lay members. |
| 44.60.050 | Meetings—Expenses—Quorum. |
| 44.60.060 | Powers, duties and functions of boards. |
| 44.60.070 | Joint board, duties—Code of ethics. |
| 44.60.080 | Legislative council to provide staff services. |
| 44.60.090 | Discharge of legislative employees. |

44.60.010 Definitions. Definition of terms:

(1) "Legislator" means a current member of the senate or house of representatives of the state of Washington. The term shall include an appointee to either house.

(2) "Board" or "board of ethics" means the senate board of legislative ethics or the house board of legislative ethics, created by this chapter, or the joint board, whichever is appropriate.

(3) "Unethical conduct" means any conduct which constitutes a violation of chapter 42.21 RCW, as now or hereafter amended, or of any other constitutional provision, statute, rule or joint rule prescribing standards of conduct or a code of ethics for legislators.

(4) "Legislative employee" means any person employed by either house on a temporary or permanent basis as well as any employee of a permanent or interim legislative committee. [1967 ex.s. c 150 § 1.]

Campaign reporting act: Chapter 29.83 RCW.

Code of ethics for public officials: Chapter 42.21 RCW.

Financial disclosure: Chapter 42.17 RCW.

44.60.020 Boards of legislative ethics—Appointment of members—Terms—Vacancies. There is created within each house of the legislature a board of legislative ethics composed of eight members. Prior to the close of the present session of the legislature the respective chairmen of the majority and minority senate caucuses shall each appoint two senators from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the senate board, and the eight members so selected shall constitute the senate board of ethics; and the respective chairmen of the majority and minority caucuses in the house of representatives shall each appoint two members from their own caucus and in addition thereto shall each appoint two persons who are not active members of the legislature to serve as lay members of the house board, and the eight members so selected shall constitute the house board of ethics. All such appointments of legislative and lay members shall be subject to the consent of the caucus wherein the appointment is made. The terms of legislative members shall be until they are no longer a member of the legislature or until their successors are appointed, whichever is sooner, and the terms of lay members shall be until their successors are appointed; and no member shall be removed during his term except for cause. Successors to legislative and lay members shall be appointed on the day on which the next succeeding regular session of the legislature shall adjourn sine die: *Provided*, That if prior to such adjournment sine die, the governor shall have proclaimed an extraordinary session of the legislature, the appointments shall not be made until the day on which such extraordinary session shall adjourn sine die. Legislative and lay members shall both be eligible for reappointment. Vacancies in the position of legislative or lay members shall be filled by the same appointing power and in the same manner as for the member vacating. [1967 ex.s. c 150 § 2.]

44.60.030 Boards of legislative ethics—Jurisdiction. The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house and the conduct of employees of its own house. [1967 ex.s. c 150 § 3.]

Reviser's note: The act which amended this section [1972 ex.s. c 82] was referred to and ratified by the people at the November 7, 1972, general election [Referendum Bill No. 24]. Section 50 of Initiative

Measure No. 276 which was approved at the same election repealed 1972 ex.s. c 82 and Referendum Bill No. 24. See RCW 42.17.940.

44.60.040 Affidavit to be filed by lay members. Each lay member appointed by the respective caucus chairmen shall within thirty days after his appointment sign and file an affidavit with the secretary of the senate or the chief clerk of the house of representatives, whichever is appropriate, that during his term of office he will not engage in any legislative activity designed to defeat or enhance the passage of any legislative bill or measure. Upon the failure of a lay member to sign and file an affidavit as required by this section, the chairman of the board to which he was appointed shall declare his seat vacant. [1967 ex.s. c 150 § 4.]

44.60.050 Meetings—Expenses—Quorum. The boards may meet as frequently as they deem necessary, whether or not the legislature is in session. For attendance at meetings during the interim or in attending to other business of his board during the interim, each legislative member shall be entitled to the allowances provided for in RCW 44.04.120, and each lay member shall be entitled to twenty-five dollars per diem and a travel allowance of ten cents per mile from funds appropriated for that purpose.

All expenses incurred by a board or any member thereof shall be paid upon voucher forms as provided by the budget director and signed by the chairman of the board or his designee: *Provided*, That vouchers for the expenses of the joint board shall be signed by the chairman of the legislative council and attested by the chairman of the joint board.

A majority of a board shall constitute a quorum. [1967 ex.s. c 150 § 5.]

44.60.060 Powers, duties and functions of boards. Each board shall have the following powers, duties and functions:

(1) Upon the request of any member of its own house or whenever in a board's judgment the public interest requires, to render advisory opinions with regard to questions arising under the code of legislative ethics or statutes governing legislative ethics or conduct, or other issues involving legislative ethics. Such advisory opinions, with such deletions and changes as shall be necessary to protect the identity of the persons involved or seeking them, shall be published by the board periodically.

(2) Whenever in a board's judgment the public interest requires, to investigate possible unethical conduct by one or more members of its own house or by a legislative employee of its own house as to violations of the code of legislative ethics or statutes governing legislative ethics. Any such investigation shall be conducted in accordance with the following procedures:

(a) When the conduct of a particular legislator or legislative employee is under investigation, and a board decides to hold a hearing thereon, such legislator or legislative employee shall receive at least thirty days' written notice of the matters under investigation, and shall be entitled to present evidence, cross-examine witnesses and be represented by counsel.

(b) Because hearings conducted by a board may, in some cases, involve alleged misconduct by particular legislators or legislative employees, the board shall hold hearings in closed session and the fact that hearings are being held or are to be held shall also be regarded as confidential information. However, any legislator or legislative employee who has received a notice of hearing under the terms of subparagraph (a) above, may advise the board that he elects that such hearing be public and the board shall be bound by the election if such election was made in writing and formally presented to the chairman of the board not less than seven days prior to the date set for the hearing.

(c) A board may designate a subcommittee of the board to conduct hearings. The board, or if designated thereby, any member or subcommittee of the board, may issue subpoenas for the attendance and testimony of witnesses and the production of documentary evidence relating to any matter under examination by the board or involved in any hearing, administer oaths or affirmations, examine witnesses and receive evidence. In case of disobedience to a subpoena, the board may invoke the aid of any superior court of the state. Such court may, in case of refusal to obey a subpoena issued to such person, issue an order requiring such person to appear before the board, or to produce documentary evidence, or to give evidence, and any failure to obey such order may be punished by that court as contempt. Notwithstanding any other provision of law, every public official, state agency, and local governmental unit shall furnish to the board any documents, records, data, statements or information which the board designates as being necessary for the exercise of its functions, powers or duties.

(d) Members of a board shall disqualify themselves in any case involving a legislator or legislative employee whom they cannot judge impartially.

(e) All testimony, documents, records, data, statements or information received by a board in the course of any investigation shall be held private and confidential except in the course of a public hearing. If the board shall make a finding of unethical conduct, it shall transmit its findings and recommendations as provided in subsection (f) of this section.

(f) Whenever a board finds that a legislator or legislative employee has engaged in unethical conduct, the board shall report its findings and recommendations directly to its own house, or to such other officer or committee as may be provided in the rules of such house, for such action as may be appropriate. The report shall include a recommendation as to whether the findings should remain confidential or become a matter of public record. A copy of the report shall be sent, by registered mail, to the legislator or legislative employee under investigation. The board shall notify the appropriate law enforcement agency directly if the board makes a finding that it has reasonable grounds to believe that a criminal violation of chapter 42.21 RCW or chapter 9.18 RCW has occurred.

(3) To provide a continuing program of education, assistance, and information to legislators with regard to legislative ethics.

(4) To make such rules for its own functioning and exercise such powers as may be appropriate for the discharge of the responsibilities of the board not in conflict with this chapter or the joint rules of the legislature. [1967 ex.s. c 150 § 7.]

Bribery and grafting: Chapter 9.18 RCW.

Code of ethics for public officials: Chapter 42.21 RCW.

44.60.070 Joint board, duties—Code of ethics. The boards jointly shall:

(1) Prepare for the adoption by the forty-first legislature a code of ethics to govern the conduct of the members and employees thereof, and may from time to time present to the legislature amendments or revisions to the code. The code of ethics shall follow the following principles: In private transactions, or activities involving an economic benefit to himself, and in the exercise of official responsibility, a legislator should avoid (a) action which destroys his independence of judgment as a legislator, (b) involves undue influence upon any state agency, court, or governmental subdivision, or (c) constitutes an abuse of his official position or a violation of his trust.

The code, and each revision or amendment thereto, shall be prepared in the form of joint rules of the senate and the house of representatives and shall be submitted in the form of a concurrent resolution at the commencement of the forty-first session of the legislature, and any revision or amendment thereto shall be submitted at the next session of the legislature following its preparation. Such code, or revision or amendment thereof, when adopted, shall become effective as standards of conduct for the members and employees of the legislature.

For the purpose of complying with the provisions of this section, the joint board shall select a chairman who may be either a legislator member or a lay member, a vice chairman and a secretary; and meetings of the joint board shall be called by the chairman when deemed necessary for the performance of the duties of the joint board.

The code submitted to the legislature for adoption shall be approved by a majority of the members of the joint board.

(2) To recommend other legislation and other action relating to legislative ethics.

(3) Investigate possible unethical conduct of employees of legislative interim committees in the same manner as hereafter specified for employees of one house. [1967 ex.s. c 150 § 6.]

44.60.080 Legislative council to provide staff services. The legislative council shall provide necessary staff services to the board. [1967 ex.s. c 150 § 8.]

44.60.090 Discharge of legislative employees. Nothing contained in this chapter shall prevent the discharge of any legislative employee without recourse to the provisions hereof. [1967 ex.s. c 150 § 9.]

TITLE 45

TOWNSHIPS

Chapters

- 45.04 Vote on township organization.
- 45.08 Division of county into townships.
- 45.12 Town meetings—Powers of towns.
- 45.16 Qualifications of town officers.
- 45.20 Vacancies in office.
- 45.24 Duties of town supervisors.
- 45.28 Duties of town clerk.
- 45.32 Duties of town treasurer.
- 45.36 Pounds and poundmasters.
- 45.40 Duties of town officers at elections.
- 45.44 Compensation of officers.
- 45.48 Duty of retiring officers.
- 45.52 Claims against towns.
- 45.54 Assessment of property.
- 45.56 Town taxes and charges.
- 45.64 Actions by or against towns.
- 45.68 Guideposts.
- 45.72 Miscellaneous provisions.
- 45.76 Disorganization of townships.
- 45.80 County-wide disorganization of townships.
- 45.82 Ad valorem taxes—Special assessments—
Gifts—Disorganization election.

Elections: Title 29 RCW.

Hospitalization and medical aid for public employees and dependents—Premiums, governmental contributions authorized: RCW 41.04.180, 41.04.190.

Township organization: State Constitution Art. 11 § 4.

Chapter 45.04

VOTE ON TOWNSHIP ORGANIZATION

Sections

- 45.04.010 Petition for township organization.
- 45.04.020 County commissioners to examine petition and order vote at election on township organization.
- 45.04.030 Ballots.

45.04.010 Petition for township organization. When at least thirty days before a general election one hundred or more qualified electors of any county in this state present a petition in writing, signed by them, to the board of county commissioners of their county, asking that the question of township organization in said county be submitted to a vote of the people at the next general election, it shall be the duty of said commissioners to submit the question of adopting township organization in said county to the vote of the electors thereof at the first general election held after such petition is presented to said board of commissioners. [1895 c 175 § 1; RRS § 11360.]

45.04.020 County commissioners to examine petition and order vote at election on township organization. Upon such petition being filed with the clerk of the board of county commissioners, it shall be the duty of said board to examine said petition, and if they find that it has been signed by the requisite number of electors of said county, said board shall, by an order to be entered on their minutes, direct that the question of adopting township organization shall be submitted to the voters of said county at the next general election; said order shall direct that after the names of the candidates for office to be voted for at the next general election, and after any question directed by the state to be voted on, there shall be printed on the ballots the words "For township organization", and "Against township organization". [1895 c 175 § 2; RRS § 11361.]

45.04.030 Ballots. The clerk of the board of county commissioners shall, on preparing the ballots for the general election to be held next after the said petition has been so presented, have the words "For township organization", and "Against township organization" printed on said ballots as above directed. At said election the votes on said question shall be returned by the judges and clerks of election, and shall be canvassed along with the rest of the election returns. [1895 c 175 § 3; RRS § 11362.]

Chapter 45.08

DIVISION OF COUNTY INTO TOWNSHIPS

Sections

- 45.08.010 Division, how made.
- 45.08.020 Dividing towns.
- 45.08.060 Towns to be named.
- 45.08.070 County auditor to send abstract of report to state auditor.
- 45.08.080 Proceedings when two towns have the same name.
- 45.08.090 Boundaries of town to remain as first established.

45.08.010 Division, how made. Should the majority of the votes cast at such general election be in favor of township organization, it shall be the duty of the board of county commissioners, at their next meeting after such election, or as soon thereafter as practicable, to divide all the surveyed portion of the county, outside of incorporated cities, towns and villages, into organized townships. In making such division the county commissioners shall see that each organized township has at least twenty-five inhabitants who are legal voters, and they shall pay due regard to the lines of congressional townships, but wherever it shall be most convenient for

the inhabitants of two or more congressional townships, or portions thereof adjoining each other, that they should be formed into one organized township, the county commissioners may organize a township out of such adjacent congressional townships or portions thereof, and a congressional township may be divided among two or more organized townships. Thereafter, when any township has been surveyed, it shall either be organized into a township or be attached to another township or townships. When any unsurveyed tract of land in a county has a sufficient number of inhabitants who are legal voters to be organized into a township, the board of county commissioners may organize such tract into a township, or any unsurveyed tract may be annexed to an adjoining township. Said board shall fix and determine the boundaries of each of such townships, and shall name the same; and said board shall make a full report of all their proceedings in relation to laying out said towns, and shall have said report entered in full upon their minutes. [1927 c 74 § 1; 1895 c 175 § 4; RRS § 11363.]

Reviser's note: Caption for 1895 c 175 § 4 reads: "Division of counties into townships by county commissioners."

Registration: Chapter 29.07 RCW.

45.08.020 Dividing towns. When rivers or lakes or mountains so divide a township as to make it inconvenient to do town business, the said commissioners may dispose of any fraction so formed by annexing the same to an adjoining township in the same county, if it shall seem to them proper, whenever petitioned to do so by not less than two-thirds of the legal voters residing in such fraction, and the fact that such petition is signed by two-thirds of such voters may be proved by the affidavit of any legal voter residing in such fraction and having knowledge of the fact; and any township having two or more villages, each containing two hundred or more inhabitants, may petition the county commissioners for a division. When the county commissioners are so petitioned, they may, if they think the interest of such town will be subserved thereby, proceed to divide such townships in such manner as will best suit the inhabitants thereof: *Provided, however,* That at least twenty days' notice shall first be given by the county commissioners to the chairman of the board of supervisors of each township affected by the change before action is taken thereon: *Provided further,* That nothing herein contained shall be construed to release any property in or belonging to that part of any township so detached from any tax levied or assessed prior to such division being made: *Provided,* That part of any town annexed to any other town, and any village or city separated from any town under the provisions of this act shall not be released from or in any way discharged from the payment of any bonded or other indebtedness that may exist against the town from which separation has been made. [1895 c 175 § 5; RRS § 11364. Formerly RCW 45.08.020, 45.08.030, 45.08.040 and 45.08.050.]

Reviser's note: "this act", 1895 c 175 is codified in chapters 45.04, 45.08, 45.12, 45.16, 45.20, 45.24 RCW, RCW 45.28.010, 45.28.040 through 45.28.100, 45.32.010 through 45.32.080, chapters 45.36, 45.40, 45.44, 45.48, 45.52 RCW, RCW 45.56.010, 45.56.040, 45.56.060

through 45.56.080, chapters 45.64 and 45.68 RCW, RCW 45.72.010 through 45.72.030 and 45.72.070.

45.08.060 Towns to be named. Towns thus formed shall be named by the county commissioners in accordance with the expressed wish of a majority of the legal voters resident therein; but if they fail to so designate the name, the county commissioners may select a name. [1895 c 175 § 6; RRS § 11365.]

45.08.070 County auditor to send abstract of report to state auditor. Each county auditor shall, within thirty days after such town is organized, transmit by mail to the auditor of state an abstract of such report, giving the bounds of each town, and the name designated; and said county auditor shall record, in a book for that purpose, a full description of each town. [1895 c 175 § 7; RRS § 11366.]

45.08.080 Proceedings when two towns have the same name. If the auditor of state, on comparing the abstracts of the reports from the several counties, finds that any two or more townships have the same name, he shall transmit to the auditor of the proper county the name of the town to be altered; and the board of commissioners shall, at their next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this chapter shall have the same name; and when such name is adopted, the auditor of the county shall inform the state auditor as before directed. [1895 c 175 § 8; RRS § 11367.]

Reviser's note: "this chapter" appears in the session law (1895 c 175) which was divided by Roman numbered subtitles into twenty-one subdivisions. The above section appears in subdivision "II—DIVISION OF COUNTIES INTO TOWNSHIPS" which contains sections 4 through 9 of the 1895 act, codified herein as RCW 45.08.010, 45.08.020 and 45.08.060 through 45.08.090.

45.08.090 Boundaries of town to remain as first established. The limits and boundary lines of every organized township shall remain as first established, until otherwise provided by the board of county commissioners under the authority of law. [1895 c 175 § 9; RRS § 11368.]

Chapter 45.12

TOWN MEETINGS—POWERS OF TOWNS

| Sections | |
|-----------|--|
| 45.12.010 | Place and time of holding first town meeting. |
| 45.12.020 | Powers of towns. |
| 45.12.021 | Joint acquisition, operation and maintenance of public cemeteries. |
| 45.12.030 | Limitation of powers. |
| 45.12.040 | Proceedings to be in name of town. |
| 45.12.050 | Bylaws, when to take effect. |
| 45.12.060 | Electors—Eligibility to office. |
| 45.12.070 | Annual town meetings. |
| 45.12.080 | What officers to be elected at town meeting. |
| 45.12.090 | Supervisors to be fence viewers. |
| 45.12.100 | Powers of electors at town meetings. |
| 45.12.110 | Special town meetings. |
| 45.12.120 | Notice of special town meeting. |
| 45.12.130 | Contents of notice. |
| 45.12.140 | Town meeting, how organized. |
| 45.12.150 | Business, how transacted. |

- 45.12.160 Challenges, how regulated.
- 45.12.170 Proclamation.
- 45.12.180 Officers, how elected.
- 45.12.190 Names voted on to be on one ballot.
- 45.12.200 Method of voting.
- 45.12.210 Manner of conducting canvass.
- 45.12.220 Result of canvass to be read to meeting.
- 45.12.230 Minutes of town meeting to be filed.
- 45.12.240 Persons elected to be notified.

45.12.010 Place and time of holding first town meeting. At the time of dividing any county into organized townships the county commissioners shall make out notices designating a suitable place for holding the first town meeting in each town, which shall be holden on the second Tuesday in January following the election at which township organization was adopted by vote of the county, and the auditor shall deliver such notice to the sheriff of the county, who shall cause the same to be posted in each township not less than ten days before the day set for such town meeting. [1923 c 13 § 1; 1895 c 175 § 10; RRS § 11369.]

45.12.020 Powers of towns. Each town is a body corporate, and has capacity:

- (1) To sue and be sued.
- (2) To purchase, or receive by gift or otherwise, and hold lands within or without its own limits for the use of its inhabitants, subject to the power of the legislature.
- (3) To make contracts, purchase, and hold such personal property as may be necessary for the exercise of its corporate or administrative powers, and convey and dispose of the same.
- (4) To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its own inhabitants.
- (5) To acquire property jointly with adjacent towns to use for the operation of a garbage disposal dump, and to mutually contribute to the cost of operating said garbage disposal dump in such amounts as shall be determined by the electors at the annual town meeting. [1953 c 167 § 1; 1909 c 47 § 1; 1895 c 175 § 11; RRS § 11370.]

45.12.021 Joint acquisition, operation and maintenance of public cemeteries. Two or more townships may agree, contract or combine for the purpose of acquiring, operating and maintaining a public cemetery or cemeteries, and may enter into any necessary negotiations, contracts or agreements with the state or any political subdivision thereof, the federal government or any agency thereof, or any private individual, corporation, partnership or unincorporated association for the joint purchase, operation and maintenance of such public cemetery or cemeteries. [1965 c 119 § 1.]

45.12.030 Limitation of powers. No town shall possess or exercise any corporate powers except such as are enumerated in this chapter or are especially given by law or necessary to the exercise of the powers so enumerated or granted. [1895 c 175 § 12; RRS § 11371.]

Reviser's note: "this chapter" appears in the session law (1895 c 175) which was divided by Roman numbered subtitles into twenty-one subdivisions. The above section appears in subdivision "III—

TOWN MEETINGS, POWERS OF TOWNS" which contains sections 10 through 33 of the 1895 act, codified herein as chapter 45.12 RCW.

45.12.040 Proceedings to be in name of town. All acts or proceedings by or against a town in its corporate capacity shall be in the name of such town; but every conveyance of land within the limits of such town, made in any manner for the use or benefit of its inhabitants, has the same effect as if made to the town by name. [1895 c 175 § 13; RRS § 11372.]

Actions, in what name brought: RCW 45.64.020.

45.12.050 Bylaws, when to take effect. No bylaw made by any town shall take effect before the same is published by posting up copies thereof in three of the most public places in the town; and such bylaws duly made and so published are binding upon all persons coming within the limits of the town, as well as upon the inhabitants thereof, and shall remain in force until altered or repealed at some subsequent town meeting. [1895 c 175 § 14; RRS § 11373.]

45.12.060 Electors—Eligibility to office. Every person possessing the qualifications of an elector in any town is entitled to vote at any town meeting, and is eligible to any town office. [1895 c 175 § 15; RRS § 11374.]

Reviser's note: Caption for 1895 c 175 § 15 reads: "Who are electors at town meeting."

Registration: Chapter 29.07 RCW.

45.12.070 Annual town meetings. The citizens of the several towns of this state qualified to vote at town meetings shall annually assemble and hold town meetings in their several towns on the second Tuesday in January, at such place in each town as the electors thereof, at their annual town meetings from time to time appoint, and notice of the time and place of holding such meeting shall be given by the town clerk by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Every town meeting shall be held at the same place as the last preceding town meeting was held, unless the place of meeting be changed by vote of the town meeting or of the board of supervisors: *Provided*, That before any change of place of holding town meetings is made by the board of supervisors, notice of such contemplated change may be given by any member of the town board to the town clerk, who shall, in his regularly printed or written notices as provided herein, incorporate the notice of the change of place at which said town meeting is to be held. [1923 c 13 § 2; 1895 c 175 § 16; RRS § 11375.]

Supervisors to make report of guideposts: RCW 45.68.020.

45.12.080 What officers to be elected at town meeting. There shall be elected at the annual town meeting in each town, one supervisor and there shall be elected at the annual town meeting in the odd-numbered years one town clerk, one treasurer, one assessor, one justice of the peace and one constable to hold office for the term of two years and until their successors are elected

and qualified: *Provided*, That at the first annual town meeting of every town hereafter organized there shall be elected three supervisors, one to hold office for the term of one year, one to hold office for the term of two years and one to hold office for the term of three years. The board of supervisors shall have power to employ and appoint and to fix the salary of an overseer of highways for said town or an overseer of highways for each road district in said town. Said overseer or overseers may or may not be a resident of said town or road district. [1923 c 13 § 3; 1915 c 90 § 1; 1909 c 47 § 2; 1895 c 175 § 17; RRS § 11376.]

Reviser's note: "overseer of highways", see note (1) following RCW 45.24.010.

Office of township assessor abolished: Chapter 45.54 RCW.

Officers, how elected: RCW 45.12.180.

45.12.090 Supervisors to be fence viewers. The supervisors elected in every town are, by virtue of their office, fence viewers of such town. [1959 c 16 § 5. Prior: 1895 c 175 § 18; RRS § 11377.]

45.12.100 Powers of electors at town meetings. The electors of each town shall have power, at their annual town meeting:

(1) To determine the number of poundmasters, and location of pounds.

(2) To select such town officers as are required to be chosen.

(3) To direct the institution or defense of actions in all controversies where the town is interested.

(4) To direct such sums to be raised in the town for prosecuting or defending such actions as they may deem necessary.

(5) To make all rules and regulations for ascertaining the sufficiency of fences in the town and for impounding animals.

(6) To determine the time and manner in which certain domestic animals, including dogs, may be permitted to go at large.

(7) To impose such penalties on persons offending against any rules and regulations established by the town, except such as relate to the keeping and maintaining of fences, as they think proper not exceeding ten dollars for each offense, unless herein otherwise provided.

(8) To apply such penalties, when collected, in such manner as they may deem conducive to the interests of the town.

(9) To vote to raise such sums of money as they deem necessary for the purchase, repair, maintenance, and operation of snow plows or snow removing equipment, appliances for the prevention of highway dust or debris, and highway lighting, all in cooperation with the state and county authorities: *Provided*, The board of county commissioners of any county wherein township taxing power is abolished under the provisions of this chapter shall annually budget and levy under chapter 36.82 RCW such additional amounts as necessary to maintain street lighting facilities now provided by townships if no other sufficient financial provision has been made for that purpose at the conclusion of the final hearing on

the county's annual road fund budget. Such amount shall be limited to the dollar amount budgeted by the townships in the year 1967 for such street lighting and shall be subject to the same limitations applicable to township levies prior to August 11, 1969. The county shall thereafter maintain such street lighting facilities either as a part of its road fund program or by contract, during the next ensuing year.

(10) To instruct by vote the board to purchase grounds for a town cemetery; to limit the price to be paid therefor, to raise a special assessment for payment thereon and to establish rules for the care and management thereof.

(11) To make such bylaws and regulations as may be deemed conducive to the peace, good order and welfare of the town; to license, tax, regulate and control dogs, hawkers, peddlers, auctioneers, shows, theatricals, circuses, lawful games, merry-go-rounds, ferris wheels, or other amusement devices or places of amusement.

(12) To create a river improvement fund from revenues available for that purpose other than ad valorem taxes. [1969 ex.s. c 243 § 4; 1959 c 16 § 2; 1953 c 165 § 1. Prior: (i) 1927 c 269 § 1; 1923 c 13 § 4; 1919 c 108 § 2; 1913 c 142 § 1; 1911 c 34 § 1, part; 1909 c 47 § 3; 1895 c 175 § 19; RRS § 11378. (ii) 1945 c 148 § 3; 1941 c 226 § 1, part; Rem. Supp. 1945 § 11449-1, part.]

Severability—1969 ex.s. c 243: See note following RCW 45.82.010.

Public places for posting notices: RCW 45.72.010.

Town taxes and charges: Chapter 45.56 RCW.

What officers to be elected at town meeting: RCW 45.12.080.

45.12.110 Special town meetings. Special town meetings may be held for the purpose of transacting any lawful business whenever the supervisors, town clerk and justice of the peace, or any two of them, together with at least twelve other freeholders of the town, file in the office of the town clerk a written statement that a special meeting is necessary for the interest of the town. [1895 c 175 § 20; RRS § 11379.]

45.12.120 Notice of special town meeting. Every town clerk with whom such statement is filed, as required in RCW 45.12.110, shall record the same and immediately cause notice to be posted up in five of the most public places in the town, giving at least ten days' notice of such special meeting; and if there is a newspaper published in said town he shall cause a copy of said notice to be published therein at least three days before the time appointed for such meeting. [1895 c 175 § 21; RRS § 11380.]

45.12.130 Contents of notice. Every notice given for a special town meeting shall specify the purpose for which it is to be held, and no other business shall be transacted at such meeting than such as is specified in such notice. [1895 c 175 § 22; RRS § 11381.]

45.12.140 Town meeting, how organized. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the

town clerk, if there is one present; in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The town clerk last before elected shall be clerk of the meeting, and keep full minutes of its proceedings, in which he shall enter at length every order or direction, and all rules and regulations made by the meeting. If the town clerk is absent, then such person as is elected for that purpose shall act as clerk of the meeting. [1895 c 175 § 23; RRS § 11382.]

45.12.150 Business, how transacted. At the opening of every town meeting, the moderator shall state the business to be transacted and the order in which it shall be entertained, and no proposition to vote a tax shall be acted on out of the order of business as stated by the moderator; and no proposition to reconsider any vote shall be entertained at any town meeting, unless such proposition to reconsider is made within one hour from the time such vote was passed or the motion for such reconsideration is sustained by a number of voters equal to a majority of all the names entered upon the poll list at such election up to the time such motion is made; and all questions upon motions made at town meetings shall be determined by a majority of the electors voting, and the moderator shall ascertain and declare the result of the votes on each question. [1895 c 175 § 24; RRS § 11383.]

45.12.160 Challenges, how regulated. If any person offering to vote at any election or upon any question arising at such town meeting is challenged as unqualified, the judges of the town meeting shall proceed thereupon in like manner as the judges at the general election are required to proceed, adapting the oath to the circumstances of the town meeting. [1895 c 175 § 25; RRS § 11384.]

45.12.170 Proclamation. Before the electors proceed to elect any town officer, proclamation shall be made of the opening of the polls by the moderator, and proclamation shall, in like manner, be made of the adjournment, and the opening and closing of the polls, until the election is ended. [1895 c 175 § 26; RRS § 11385.]

45.12.180 Officers, how elected. The supervisors, treasurer, town clerk, assessor, justices of the peace and constables in each township shall be elected by ballot. All other officers, if not otherwise provided by law, shall be chosen either by yeas or nays or by a division, as the electors determine. [1895 c 175 § 27; RRS § 11386.]

*Office of township assessor abolished: Chapter 45.54 RCW.
What officers to be elected at town meeting: RCW 45.12.080.*

45.12.190 Names voted on to be on one ballot. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for and the offices to which such persons are intended to be chosen. [1895 c 175 § 28; RRS § 11387.]

45.12.200 Method of voting. When the election is by ballot, the elector voting shall fold his ballot so that the names voted for cannot be seen, and hand the ballot to one of the judges of election, who shall, without opening the same or permitting the same to be opened or examined, deposit the ballot in the ballot box, and shall announce the name of the elector in an audible voice. The clerk of the town meeting shall then enter on a poll list to be kept by him the name of the person voting. [1895 c 175 § 29; RRS § 11388.]

Reviser's note: Caption for 1895 c 175 § 28 reads: "Judge to deposit ballot in box—Poll list to be kept."

45.12.210 Manner of conducting canvass. At the close of every election by ballot the judges shall proceed publicly to canvass the votes, which canvass, when commenced, shall continue without adjournment or interruption until the same is completed. The canvass shall be conducted by taking a ballot at a time from the ballot box and counting until the number of ballots is equal to the number of names on the poll list; and if there are any left in the box they shall be immediately destroyed; and the person having the greatest number of votes for any office shall be declared duly elected: *Provided,* That if two or more persons have an equal and the highest number of votes for any office the judges of election shall at once publicly, by lot, determine who of such persons shall be declared elected. If, on opening the ballots, two or more ballots are found to be so folded that it is apparent that the same person voted them, the board shall destroy such votes immediately. [1895 c 175 § 30; RRS § 11389.]

45.12.220 Result of canvass to be read to meeting. The canvass being completed, a statement of the result shall be entered at length by the clerk of the meeting in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting; and such reading shall be deemed notice of the result of the election to every person whose name is entered on the poll list as a voter. [1895 c 175 § 31; RRS § 11390.]

45.12.230 Minutes of town meeting to be filed. The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting and by the judges, shall be filed in the office of the town clerk within two days after such town meeting. [1895 c 175 § 32; RRS § 11391.]

45.12.240 Persons elected to be notified. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office whose name is not entered on the poll list as a voter notice of his election. [1895 c 175 § 33; RRS § 11392.]

Chapter 45.16

QUALIFICATIONS OF TOWN OFFICERS

Sections

| | |
|-----------|------------------------------------|
| 45.16.010 | Officers to take oath. |
| 45.16.020 | Certificate of oath to be filed. |
| 45.16.030 | Effect of not filing oath or bond. |

- 45.16.035 Effect of not filing oath or bond—Treasurer, constable or overseer.
- 45.16.040 Overseers and poundmasters to file acceptance of office.
- 45.16.060 Treasurer to give bond.
- 45.16.070 Bond, when approved, to be filed.
- 45.16.080 Constable to take oath and give bond.
- 45.16.090 Justices to take oath and give bond.
- 45.16.100 Penalty for entering on duties before taking oath.
- 45.16.110 Town officers must not be interested in contracts with towns.
- 45.16.120 Terms of office.

Public officials—Official bonds: Chapter 42.08 RCW.

45.16.010 Officers to take oath. Every person elected or appointed to the office of supervisor, town clerk, assessor, treasurer or constable, within two weeks after he is notified of his election or appointment, shall take and subscribe before the town clerk or justice of the peace an oath to support the Constitution of the United States and of the state of Washington, and faithfully to discharge the duties of his office (naming the same) to the best of his ability. Such oath shall be administered without fee and certified by the officer before whom it was taken, with the date of taking the same. [1895 c 175 § 34; RRS § 11393.]

Office of township assessor abolished: Chapter 45.54 RCW.

45.16.020 Certificate of oath to be filed. The person taking such oath shall immediately, and before entering upon the duties of his office, file the certificate of such oath in the office of the town clerk. [1895 c 175 § 35; RRS § 11394.]

45.16.030 Effect of not filing oath or bond. If any person elected or appointed to any town office, of whom an oath or bond is required, neglects to file the same within the time prescribed by law, such neglect shall be deemed a refusal to serve in such office. [1895 c 175 § 36; RRS § 11395.]

Penalty for entering on duties before taking oath: RCW 45.16.100.

45.16.035 Effect of not filing oath or bond—Treasurer, constable or overseer. If any person elected or appointed to the office of treasurer, constable or overseer of highways does not give such bond and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve. [1913 c 142 § 4; 1895 c 175 § 42; RRS § 11401.]

Reviser's note: (1) Caption for 1895 c 175 § 42 reads: "Effect of neglect to give bond."

(2) "overseer of highways", see note (1) following RCW 45.24.010.
Penalty for entering on duties before taking oath: RCW 45.16.100.

45.16.040 Overseers and poundmasters to file acceptance of office. Every person elected or appointed to the office of overseer of highways or poundmaster, before he enters on the duties of his office, and within two weeks after he is notified of his election or appointment, shall file in the office of the town clerk a notice signifying his acceptance of such office. A neglect to file such notice shall be deemed a refusal to serve. Every person elected or appointed to the office of overseer of highways, before he enters upon the duties of his office, and within two weeks after he is notified of his election or

appointment shall take and subscribe before the town clerk or justice of the peace an oath to support the Constitution of the United States and of the state of Washington, and faithfully to discharge the duties of his office to the best of his ability. Such overseer of highways shall also execute and deliver to the supervisors of the town and their successors in office a bond, with one or more sureties, to be approved by the board of supervisors, in an amount determined by said board, conditioned for the faithful discharge of his duties. [1913 c 142 § 2; 1895 c 175 § 37; RRS § 11396. Formerly RCW 45.16.040 and 45.16.050.]

Reviser's note: "overseer of highways", see note (1) following RCW 45.24.010.

45.16.060 Treasurer to give bond. Every person appointed or elected to the office of treasurer, before he enters upon the duties of his office, shall execute and deliver to the supervisors of the town and their successors in office, a bond, with one or more sureties, to be approved by the board of supervisors, in double the probable amount of money to be in his hands at any one time, which amount shall be determined by said board, conditioned for the faithful execution of his duties as such treasurer. [1913 c 142 § 3; 1895 c 175 § 38; RRS § 11397.]

45.16.070 Bond, when approved, to be filed. The said chairman shall, within six days thereafter, file such bond, with said approval indorsed thereon, in the office of the county clerk, who shall record the same in a book provided for that purpose. [1895 c 175 § 39; RRS § 11398.]

45.16.080 Constable to take oath and give bond. Every person chosen to the office of constable, before he enters upon the duties of his office, and within two weeks after he is notified of his election or appointment, shall take and subscribe the oath of office prescribed by law and execute a bond to the state of Washington in such penal sum as the supervisors direct, with one or more sufficient sureties, to be approved by the chairman of said board or the town clerk, conditioned for the faithful discharge of his duties. The chairman of said board or the town clerk shall, if such bond is approved, indorse his approval thereon and cause such bond to be filed with the town clerk for the benefit of any person aggrieved by acts or omission of said constable; and any person so aggrieved, or the town, may maintain an action on said bond against said constable and sureties. [1895 c 175 § 40; RRS § 11399.]

45.16.090 Justices to take oath and give bond. Every person elected or appointed to the office of justice of the peace shall, within two weeks after receiving notice thereof, take and subscribe before any other officer duly authorized to administer oaths, an oath to support the Constitution of the United States and of the state of Washington and faithfully and impartially to discharge the duties of his office according to the best of his ability. He shall also execute a bond to the state of Washington, with two or more sufficient sureties, to be

approved by the chairman, in the penal sum of not less than five hundred dollars nor more than one thousand dollars, conditioned for the faithful discharge of his official duties. Said chairman shall indorse thereon his approval of the sureties named in such bond, and such justice shall immediately file the same, together with his oath of office, duly certified, with the clerk of the county of the proper county for the benefit of any person aggrieved by the acts of said justice; and any person aggrieved may maintain an action on said bond in his own name against said justice and his sureties. [1895 c 175 § 41; RRS § 11400.]

45.16.100 Penalty for entering on duties before taking oath. If any town officer who is required by law to take the oath of office enters upon the duties of his office before taking such oath, he forfeits to such town the sum of fifty dollars, and the same to go to the county poor fund. [1895 c 175 § 43; RRS § 11402.]

45.16.110 Town officers must not be interested in contracts with towns. No town officer shall become a party to or interested, directly or indirectly, in any contract made by the board of which he may be a member: *Provided*, This shall not be construed to prohibit the employment of a team or teams belonging to a township officer when a required number of teams, owned in the township, are not otherwise obtainable, or the employment of a township officer as a day laborer. Every contract or payment voted for or made contrary to the provisions of this title is void and any violation of this section hereafter committed shall be a malfeasance in office, which will subject the officer so offending to be removed from office. [1913 c 142 § 5; 1895 c 175 § 44; RRS § 11403.]

Reviser's note: "this title" apparently refers to title 505, Pierce's Washington Code, 1912—TOWNSHIP ORGANIZATION, in which 1895 c 175 and amendments thereto were codified.

45.16.120 Terms of office. Town officers, except as otherwise provided, hold their offices for one year and until others are elected or appointed in their places and are qualified. All officers shall qualify and enter upon the duties of their offices at the first regular meeting of the board of supervisors following their election, and such first meeting of the board of supervisors shall be held within thirty days after such election. [1923 c 13 § 5; 1895 c 175 § 45; RRS § 11404.]

**Chapter 45.20
VACANCIES IN OFFICE**

Sections
45.20.010 County commissioners may accept resignations.
45.20.020 Procedure for filling vacancies.

45.20.010 County commissioners may accept resignations. The board of county commissioners of any county may, for sufficient cause shown to them, accept the resignation of any town officer in any township in their county, and whenever they accept any such resignation, they shall forthwith appoint another elector of the town to the office, and shall give notice thereof in writing to

the person so appointed and to the town clerk; or in the case of a vacancy in the office of town clerk or overseer of highways, to the chairman of the board of supervisors of the town. [1913 c 142 § 6; 1895 c 175 § 46; RRS § 11405.]

Reviser's note: (1) Caption for 1895 c 175 § 46 reads: "Vacancies in town offices, how filled."

(2) "overseer of highways", see note (1) following RCW 45.24.010.

45.20.020 Procedure for filling vacancies. Whenever any town fails to elect the proper number of town officers, or when any person elected to a town office fails to qualify, or whenever any vacancy happens in any town office from death, resignation, removal from town or other cause, the town clerk, or in case there is no town clerk, then the chairman or one of the town supervisors shall give notice in writing of such vacancy or vacancies to the board of county commissioners of the county in which such town is situated, and said board, upon such notice being given them, or if they know of any vacancy in any town office in any township in their county, shall forthwith fill the vacancy or vacancies by appointment by warrant, signed by the chairman of the board, and countersigned by the clerk of said board, and shall give notice in writing personally or by mail to the town clerk or the chairman of the board of supervisors, and also to the person so appointed. All persons appointed to office under this act shall qualify as herein provided, and shall hold their offices until the next annual town meeting and until their successors are elected or appointed and qualified in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly elected to such offices. [1895 c 175 § 47; RRS § 11406.]

Reviser's note: (1) "this act", see note following RCW 45.08.020.

(2) Caption for 1895 c 175 § 47 reads: "Fail to elect officers."

**Chapter 45.24
DUTIES OF TOWN SUPERVISORS**

Sections
45.24.010 Powers and duties—General—Powers of police judge.
45.24.030 Town supervisors to be board of health.
45.24.040 Supervisors to prosecute actions on bonds, penalties and trespasses.
45.24.050 Supervisors to audit accounts against towns.
45.24.060 Two supervisors a quorum.
Actions by or against towns—Papers in action, how served: RCW 45.64.030.
Actions by or against towns—Tax levy to pay judgment: RCW 45.64.080.
Division of precinct: RCW 45.40.030.
Guideposts—Supervisors to make report of guideposts: RCW 45.68.020.
Judges and clerks of election—Places of holding elections: RCW 45.40.010.
Office of township assessor abolished: Chapter 45.54 RCW.
Poundmaster—Duties—Fees: RCW 45.36.030.

45.24.010 Powers and duties—General—Powers of police judge. The supervisors shall have charge of such affairs of the town as are not by law committed to

other town officers; and they shall have power to designate the justice of the peace, or other suitable person, as police judge in and for such township; and such police judge shall have the same powers and duties as are conferred by law upon the police judge in cities of the fourth class; and they shall have power to draw orders on the town treasurer for the disbursement of such sums as may be necessary for the purpose of defraying the incidental expenses of the town, and for all moneys raised by the town to be disbursed for any other purpose. They shall have charge of all highways and bridges in their respective townships, and the care and supervision thereof; and shall have power to divide their respective townships into road districts and to appoint one resident elector of each road district as overseer thereof for the first year of township organization; to establish new highways and bridges and to vacate or alter all highways and bridges wholly within the township in the same manner as now provided by law for the establishing of new highways and bridges and the vacation or alteration of the same by the county commissioners in the case of county roads and bridges, except that the duties therein provided to be performed by the county commissioners shall be performed by the township board of supervisors except that all notices therein provided shall be given by the county engineer and all meetings therein provided shall be held at his office in the county court house and all records and files maintained therein, and all expenses for the condemnation and procuring of right of ways therein provided shall be met and paid by the township treasurer on order of the board of township supervisors, and it shall be unlawful for any township funds to be expended upon any roads not established in accordance with said law: *Provided*, Nothing in this act contained shall be construed as prohibiting any county from or denying to any county the power to build, repair, alter and maintain, at the county's expense, such highways and bridges as the county generally is interested in or such as may be of so large cost that a single township could not undertake the construction of, or such as are located in sparsely settled townships as are unable to construct the same. Whenever the electors of any township shall have voted to establish a river improvement fund, such fund shall be expended by the board of township supervisors to acquire by condemnation or otherwise, any land bordering upon or in the vicinity of the banks of any river or stream to be improved, which in their judgment it is advisable to acquire, to strengthen and preserve the banks of any river or stream and prevent overflow thereof, and confine such river or stream within its proper channel, or to straighten the channel by dredging or construction of a new channel; to construct any levee, embankment, channel or other construction at such point where such land is acquired, as in their judgment they may deem necessary or advisable; to protect and render more secure the banks of any river by constructing therein stone or masonry work, contrivance or piling or such other construction as in their judgment is best adapted to accomplish such purpose; to remove log jams or obstructions that may be or hereafter form in such river, and to do any other act to

prevent the formation of any obstruction in such river or stream; to employ such persons as they deem necessary and fix their compensation to patrol such rivers and streams and remove such log jams or obstructions now existing or which may hereafter form, and for the purpose of preventing the formation thereof, and who shall perform such other duties as are contemplated by this act and directed by said board of township supervisors. And such board of supervisors shall be authorized, in the expenditure of such funds for any of the purposes aforesaid, to cooperate with the board of county commissioners of the county acting under the provisions of RCW 86.12.010 through 86.12.030 in making new improvements and to enter into contracts with the county to pay a certain portion of the cost of any improvements made by the county. [1919 c 108 § 2; 1911 c 34 § 1, part; 1909 c 47 § 4; 1895 c 175 § 48; RRS § 11407. Formerly RCW 45.24.010 and 45.24.020.]

Reviser's note: (1) **Powers Relating to Road Purposes:** This section and other sections throughout this title relating to roads should be read in the light of *Great Northern Railway Co. v. Glover*, 194 Wash. 146, 77 P (2d) 598, wherein it is said that ". . . the provisions of the township laws have been impliedly repealed insofar as they are inconsistent with chapters 53, 187, and 207 of the Laws of 1937." Such 1937 laws are comprehensive, general acts relating to highways, roads and bridges.

(2) Caption for 1895 c 175 § 48 reads: "Powers and duties of supervisors."

(3) "this act", see note following RCW 45.08.020.

45.24.030 Town supervisors to be board of health.

The town supervisors shall constitute a board of health, and within their respective towns shall have and exercise all the powers necessary for the preservation of the public health and for the prevention and suppression of public nuisances. [1895 c 175 § 50; RRS § 11409.]

45.24.040 Supervisors to prosecute actions on bonds, penalties and trespasses. The supervisors shall, in the name of their town, prosecute, for the benefit of the town, all actions upon bonds given to them or their predecessors in office; and shall also sue for and collect all penalties and forfeitures, in respect to which no other provision is made, incurred by any officer or inhabitant of the town; and they shall have power, in like manner, to prosecute for any trespass committed on any public inclosure or property belonging to the town, and shall pay all moneys collected under this section to the town treasurer. [1895 c 175 § 51; RRS § 11410.]

Reviser's note: Caption for 1895 c 175 § 51 reads: "Supervisors shall bring actions on official bonds."

Action to recover penalty for trespass: RCW 45.64.050.

Actions by or against towns: Chapter 45.64 RCW.

Powers of electors at town meetings: RCW 45.12.100(3).

Proceedings to be in name of town: RCW 45.12.040.

45.24.050 Supervisors to audit accounts against towns. The supervisors constitute a town board for the purpose of auditing all accounts payable by said town; and if from any cause there are not three supervisors present to constitute said board, the chairman, and, in his absence, either of the other supervisors, may notify the justice of the peace of the town as will, together with the supervisors present, make a board of three;

and the board so constituted shall have authority to act as the town board. [1895 c 175 § 52; RRS § 11411.]

Board to audit and settle town charges: RCW 45.52.050.

Claims against towns: Chapter 45.52 RCW.

45.24.060 Two supervisors a quorum. Any two of the supervisors constitute a quorum for the performance of any duties required by law of the town supervisors, except when otherwise provided. [1895 c 175 § 49; RRS § 11408.]

Chapter 45.28 DUTIES OF TOWN CLERK

Sections

| | |
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| 45.28.010 | Duties in general—Appointment of deputy. |
| 45.28.020 | Annual report of needed supplies. |
| 45.28.030 | Supplies to be furnished at cost. |
| 45.28.040 | To record minutes and preserve accounts. |
| 45.28.050 | Town clerks may take acknowledgments and oaths. |
| 45.28.060 | Official bond. |
| 45.28.070 | Name of constable to be sent to clerk of court. |
| 45.28.080 | Name of justice to be sent to clerk of court. |
| 45.28.090 | Penalty for neglect to return. |
| 45.28.100 | Bylaws to be posted. |

45.28.010 Duties in general—Appointment of deputy. The town clerk shall be clerk of the town board, and shall keep a true record of all their proceedings in his office. He shall have the custody of the record books and papers of the town, when no other provision is made by law, and he shall duly file and safely keep all certificates of oaths and other papers required by law to be filed in his office. The town board may, in case of necessity, appoint a deputy town clerk. Before any deputy town clerk shall enter upon the duties of his office he shall take and subscribe the oath required by law, which oath shall be filed in the office of the county clerk. In the month of March, each year, after the annual town meeting, the town clerk of each town shall make to the county auditor a return of all taxes and sums of money voted at said town meeting to be raised, except such taxes as may be assessed by the supervisors as labor tax, designating the separate amounts to be raised for each purpose; and it shall be the duty of the county auditor to levy such amounts on the tax rolls of that year against the assessed property of such town as hereinafter provided. [1895 c 175 § 53; RRS § 11412.]

Reviser's note: Caption for 1895 c 175 § 53 reads: "Town clerk to be clerk of town board and custodian of books—May appoint deputy."

45.28.020 Annual report of needed supplies. It shall be the duty of each township clerk to report to the county auditor on or before the first day of March in each year the amount and the kind of printing supplies, blank books, etc., other than those furnished by the county assessor, needed by the township for the ensuing year. [1911 c 34 § 2; RRS § 11413.]

45.28.030 Supplies to be furnished at cost. The county auditor upon receiving the estimates of the various townships shall procure from the lowest bidder the

supplies and turn said supplies over to the township ordering the same at actual cost. [1911 c 34 § 3; RRS § 11414.]

45.28.040 To record minutes and preserve accounts. He shall record, in the book of records of his town, minutes of the proceedings of every town meeting, and he shall enter therein every order or direction, and all rules and regulations of any such town meeting; and shall also file and preserve all accounts audited by the town board, or allowed at a town meeting, and enter a statement thereof in such book of records. [1895 c 175 § 54; RRS § 11415.]

Reviser's note: Caption for 1895 c 175 § 54 reads: "Proceedings of town meeting to be recorded."

45.28.050 Town clerks may take acknowledgments and oaths. The town clerks of the several towns in this state are hereby authorized to administer all oaths, and take all acknowledgments of instruments, authorized or required by this act. [1895 c 175 § 55; RRS § 11416.]

Reviser's note: "this act", see note following RCW 45.08.020.

45.28.060 Official bond. Every person elected or appointed to the office of town clerk in any of the towns of this state shall, before he enters upon the duties of his office, and within the time prescribed by law for filing his oath of office, execute a bond with two or more sufficient sureties, to be approved by the town supervisors, in such penal sum as the supervisors direct, conditioned for the faithful discharge of his duties. Said bond so approved shall be filed and recorded in the office of the clerk of the superior court, for the benefit of any person aggrieved by the acts or omissions of said town clerk; and any person so aggrieved, or the town, may maintain an action on said bond against said town clerk and sureties. [1895 c 175 § 56; RRS § 11417.]

Effect of not filing oath or bond: RCW 45.16.030.

Supervisors to prosecute actions on bonds, penalties and trespasses: RCW 45.24.040.

45.28.070 Name of constable to be sent to clerk of court. Every town clerk, immediately after the qualification of any constable elected or appointed in his town, shall transmit to the clerk of the superior court of the county the name of such constable. [1895 c 175 § 57; RRS § 11418.]

45.28.080 Name of justice to be sent to clerk of court. Each town clerk shall, immediately after the election of any justice of the peace in his town, transmit a written notice thereof to the clerk of the superior court of said county, stating therein the name of the person elected, and the term for which he is elected; and if elected to fill a vacancy, he shall state in said notice who was the last incumbent of the office. [1895 c 175 § 58; RRS § 11419.]

45.28.090 Penalty for neglect to return. If any town clerk wilfully neglects to make such return, such omission is hereby declared a misdemeanor, and, on conviction thereof, the person so offending shall be adjudged

to pay a fine not exceeding ten dollars. [1895 c 175 § 59; RRS § 11420.]

45.28.100 Bylaws to be posted. The town clerk shall post in three of the most public places in his town, copies of all bylaws made by such town, and shall make an entry in the town records of the time when, and the place where, such bylaws were posted. [1895 c 175 § 60; RRS § 11421.]

Fees for posting notices: RCW 45.44.010.

Public places for posting notices: RCW 45.72.010.

Chapter 45.32 DUTIES OF TOWN TREASURER

Sections

- 45.32.010 Duties of town treasurer.
- 45.32.020 Shall keep true accounts, and deliver books to successor.
- 45.32.030 Shall draw money from county treasurer—
Compensation.
- 45.32.050 Shall make annual statement.
- 45.32.060 Penalty for noncompliance.
- 45.32.070 Unpaid orders—Indorsement.
- 45.32.080 Order of payment of town orders.
- 45.32.090 Town depository—Bond.

Actions by or against towns—Judgment against town, how collected: RCW 45.64.070.

Treasurer shall pay audited accounts: RCW 45.52.090.

45.32.010 Duties of town treasurer. The town treasurer shall receive and take charge of all moneys belonging to the town or which are by law required to be paid into the town treasury, and shall pay over and account for the same upon the order of such town, or the officers thereof duly authorized in that behalf, made pursuant to law, and shall perform all such duties as may be required of him by law. [1895 c 175 § 70; RRS § 11431.]

45.32.020 Shall keep true accounts, and deliver books to successor. Every town treasurer shall keep a true account of all moneys by him received by virtue of his office, and the manner in which the same are disbursed, in a book provided at the expense of the town for that purpose, and exhibit such account, together with his vouchers, to the town board at its annual meeting for adjustment; and he shall deliver all books and property belonging to his office, the balance of all moneys in his hands as such treasurer, to his successor in office, on demand, after such successor has qualified according to law. [1895 c 175 § 71; RRS § 11432.]

Qualifications of town officers: Chapter 45.16 RCW.

45.32.030 Shall draw money from county treasurer—Compensation. The town treasurer shall from time to time draw from the county treasurer such moneys as have been received by the county treasurer for the use of his town, and on receipt of such moneys shall deliver proper vouchers therefor. Each town treasurer shall be allowed and entitled to retain, as his official compensation, one percent of all moneys paid out in the redemption of warrants: *Provided*, That the compensation of said treasurer shall in no case exceed the sum of seventy-five dollars in any one year: *Provided*

further, That in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or increase such compensation. [1923 c 13 § 6; 1913 c 142 § 7; 1895 c 175 § 72; RRS § 11433.]

Reviser's note: Caption for 1895 c 175 § 72 reads: "Shall draw money from county treasurer—Fees."

45.32.050 Shall make annual statement. Each town treasurer, within five days preceding the annual town meeting, shall make out a statement in writing of the moneys by him received into the town treasury from the county treasurer, and from all other officers and persons, and also of all moneys paid out by him as such treasurer, in which statement he shall set forth particularly from whom and on what account such moneys were received by him, with the amount received from each officer or person and the date of receiving the same; also to whom and for what purpose any moneys have been paid out by him, with the amount and date of each payment. He shall also state therein the amount of moneys remaining in his hands as treasurer. Such statement shall be filed by him in the office of the town clerk and shall be by such clerk carefully preserved and recorded in the town book of records. [1895 c 175 § 73; RRS § 11435.]

45.32.060 Penalty for noncompliance. Every town treasurer who refuses or neglects to comply with the provisions of the four preceding sections shall forfeit not more than two thousand dollars, to be recovered in any court of competent jurisdiction, the amount to be fixed by the jury trying the cause, or by the court if there is no jury impaneled, and may be recovered by civil action in the name of any person who prosecutes the same, with costs of suit; one-half shall go to the person so prosecuting and the remainder to the town of which such delinquent is or has been treasurer. [1895 c 175 § 74; RRS § 11436.]

Reviser's note: (1) "the four preceding sections" are codified as RCW 45.32.010, 45.32.020, 45.32.030 and 45.32.050.

(2) Caption for 1895 c 175 § 74 reads: "Violation of four preceding sections—Penalty."

45.32.070 Unpaid orders—Indorsement. Each and every town treasurer shall keep a suitable book, to be provided at the expense of the town, in which he shall enter the town orders that he cannot pay for want of funds when presented to him for payment, which orders, when presented, shall be indorsed by such treasurer by putting upon the back of the same the words "Not paid for want of funds", giving the date of such indorsement, signing the same as town treasurer. [1895 c 175 § 75; RRS § 11437.]

Reviser's note: Caption for 1895 c 175 § 75 reads: "Unpaid town orders—Record—Interest."

45.32.080 Order of payment of town orders. All town orders shall be paid in the order of their issuance out of the first moneys that come into the town treasurer's hands for such purpose. [1895 c 175 § 76; RRS § 11438.]

45.32.090 Town depository—Bond. Each township treasurer shall annually within thirty days after taking office, designate some bank of the state as a depository of all public funds held and acquired to be kept by him as such treasurer: *Provided*, That the bank designated by the township treasurer shall furnish, if required by the board of supervisors, to the township an indemnity bond equal in amount to the official bond of said treasurer, such designation shall be filed in writing as part of the minutes of the township board. [1913 c 142 § 9; RRS § 11434. Formerly RCW 45.32.040.]

**Chapter 45.36
POUNDS AND POUNDMASTERS**

Sections

- 45.36.010 Pounds to be under care of poundmasters.
- 45.36.020 Pounds discontinued.
- 45.36.030 Poundmaster—Duties—Fees.

Powers of electors at town meetings: RCW 45.12.100(1), (5), (6), (7) and (8).

45.36.010 Pounds to be under care of poundmasters. Whenever the electors of any town determine at their annual meeting to erect one or more pounds therein, the same shall be under the care and direction of such poundmasters as are chosen or appointed for that purpose. [1895 c 175 § 95; RRS § 11458.]

45.36.020 Pounds discontinued. The electors of any town may, at an annual meeting, discontinue any pounds therein. [1895 c 175 § 96; RRS § 11459.]

45.36.030 Poundmaster—Duties—Fees. The poundmaster shall be allowed the following fees, to wit: For taking into pound and discharging therefrom any horse, ass or mule and all meat cattle, fifty cents each; and for every hog, large or small, sheep or lamb, goat or kid, twenty-five cents each; and fifty cents a day for keeping each head of horses, asses, mules or meat cattle twenty-four hours, and twenty cents for keeping each hog, sheep or goat, for each twenty-four hours. And the poundmaster has a lien on all such animals for the full amount of his legal charges and expenses, and shall be entitled to the possession of such animals until the same are paid; and if the same are not paid, and said animals removed, within four days after they are so impounded, the said poundmaster shall give notice by posting the same in three of the most public places in said town, or by personal notice in writing, if the owner is known, that said animals (describing them) are impounded and that, unless the same are taken away and fee paid within fifteen days after the date of such notice, he will sell the same at public vendue at the place where the town meetings of said town are usually held; and on the day designated in such notice the said poundmaster shall expose the said animals for sale, and sell the same to the highest bidder in cash, for which service he shall receive two percent of the purchase money for each animal. Out of the money realized from said sale, the said poundmaster shall deduct all his legal fees and charges, and pay the balance, if any, to the chairman of the

town supervisors, at the same time giving to said supervisors an accurate description of the animals sold, and the amount received by him for each animal, and shall take a receipt and duplicate therefor, and file one of them with the town clerk: *Provided*, That the said supervisors shall, at any time within six months, upon sufficient proof from the owner of any animal so sold, pay to said owner the balance due as received from the said poundmaster; but if said money is not claimed within that time, the sum so received shall be retained for the use of said town. [1911 c 34 § 1, part; 1895 c 175 § 94; RRS § 11457.]

**Chapter 45.40
DUTIES OF TOWN OFFICERS AT ELECTIONS**

Sections

- 45.40.010 Judges and clerks of election—Places of holding elections.
- 45.40.030 Division of precinct.

45.40.010 Judges and clerks of election—Places of holding elections. Each township shall constitute at least one election precinct. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one of the clerks of election in their respective election precinct, and the judges of election shall appoint an additional clerk of election, who shall be of an opposite political party, if practicable, to the town clerk. The election shall be held in such election precinct at the place where the last preceding town meeting was held, except as herein provided; but if in any town a vote is taken to hold it elsewhere the next ensuing election shall be held at the place designated by such vote. When, in any township having over four hundred electors, the supervisors divide the same into two or more election precincts, they shall designate the boundaries thereof, and thereafter shall be elected, at the annual town meeting of such township, three judges of election and two clerks of election in each precinct, and the place of holding said election in each precinct shall be designated by said town meeting, or, in default of such designation, shall be appointed by the judges of election thereof, in which case they shall make such designation at least twenty days before election, and give notice thereof by posting proper notices in the public places in the township. In case the supervisors divide the township into precincts, as herein provided, and no town meeting is thereafter held prior to the election, then the county commissioners shall, twenty-five days before election, appoint the judges and clerks for that election. No more than two judges and one clerk of election, except where town supervisors and town clerks so act, shall belong to the same political party. No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he sits, nor unless he can read, write and speak the English language understandingly. [1895 c 175 § 77; RRS § 11439. Formerly RCW 45.40.010 and 45.40.020.]

45.40.030 Division of precinct. Whenever any town constituting one election precinct is found by the number of votes there cast at any election to contain more than four hundred voters, it shall be the duty of the supervisors of the town to cause such precinct at least six weeks before the next ensuing general or town election, to be divided into two or more districts, each containing as nearly as may be an equal number of voters. [1895 c 175 § 78; RRS § 11440.]

Chapter 45.44 COMPENSATION OF OFFICERS

Sections

45.44.010 Schedule of compensation and fees fixed.

45.44.010 Schedule of compensation and fees fixed. The following town officers are entitled to compensation at the following rates for each day necessarily devoted by them to the service of the town, in the duties of their respective offices. The town assessors shall receive for their services three dollars per day, while engaged in their respective duties as such assessors. Each road overseer shall receive for his services such salary as shall be fixed by the board of supervisors, while engaged in his duties as such road overseer. The town clerks and supervisors shall receive two dollars per day while engaged in their respective duties. No supervisor shall receive more than seventy-five dollars for compensation in any one year, and no clerk shall receive more than one hundred dollars for compensation in any one year: *Provided*, That the town clerks shall be paid fees for the following, and not a per diem: For filing any paper required by law to be filed in his office ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order or any instrument of writing authorized by law, five cents for each one hundred words; for copying any record or instrument on file in his office and certifying the same, five cents for each one hundred words, to be paid for by the person applying for the same: *Provided, further*, That in any town meeting, before the electors commence balloting for officers, they may by resolution, reduce or increase the compensation of officers, and may fix the compensation of the town clerk at an annual salary not to exceed one hundred dollars, in lieu of the compensation per diem and fix his services other than copying and certifying records or instruments on file in his office for which he is paid by the person applying for the same. [1923 c 13 § 9; 1915 c 90 § 2; 1909 c 47 § 9; 1895 c 175 § 93; RRS § 11456.]

Reviser's note: (1) Caption for 1895 c 175 § 93 reads: "Fees of town officers."

(2) "road overseer", see note (1) following RCW 45.24.010.

Bylaws to be posted: RCW 45.28.100.

Office of township assessor abolished: Chapter 45.54 RCW.

Poundmaster—Duties—Fees: RCW 45.36.030.

Public places for posting notices: RCW 45.72.010.

Township treasurer—Compensation: RCW 45.32.030.

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Chapter 45.48 DUTY OF RETIRING OFFICERS

Sections

45.48.010 Incoming officer to demand books and papers.
45.48.020 Same in case of vacancy.
45.48.030 Books to be delivered to successor.
45.48.040 Same in case of death.

45.48.010 Incoming officer to demand books and papers. Whenever the term of any supervisor, town clerk, assessor, justice of the peace, constable, road overseer or other town officer expires and another person is appointed or elected to such office, such successor, immediately after he enters upon the duties of his office, shall demand of his predecessor all books and papers under his control and belonging to such office. [1895 c 175 § 111; RRS § 11474.]

Reviser's note: (1) "road overseer", see note (1) following RCW 45.24.010.

(2) Caption for 1895 c 175 § 111 reads: "Books and papers of outgoing officers."

Office of township assessor abolished: Chapter 45.54 RCW.

Township treasurer to keep true accounts, and deliver books to successor: RCW 45.32.020.

45.48.020 Same in case of vacancy. Whenever either of the officers above named resigns, or the office becomes vacant in any way, and another person is elected or appointed in his stead, the person so elected shall make such demand of his predecessors or of any person having charge of such books and papers. [1895 c 175 § 112; RRS § 11475.]

45.48.030 Books to be delivered to successor. Every person so going out of office, whenever thereto required pursuant to the foregoing provisions, shall deliver, upon oath, all records, books and papers in his possession or in his control belonging to the office held by him, which oath may be administered by the officer to whom such delivery is made. [1895 c 175 § 113; RRS § 11476.]

45.48.040 Same in case of death. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand, as above provided, of the executors or administrators of such deceased officer, and such executors or administrators shall deliver, upon like oath, all records, books, papers or moneys in their possession or under their control, belonging to the office held by their testator or intestate. [1895 c 175 § 114; RRS § 11477.]

Chapter 45.52 CLAIMS AGAINST TOWNS

Sections

45.52.010 Claims to be itemized before allowance.
45.52.020 Verification of claims.
45.52.030 Auditing of claims.
45.52.040 Penalties for allowing claims not verified.
45.52.050 Board to audit and settle town charges.
45.52.060 Shall audit accounts of town officers.
45.52.070 Board shall draw up report.
45.52.080 Report to be read at town meeting.
45.52.090 Treasurer shall pay audited accounts.

Supervisors to audit accounts against towns: RCW 45.24.050.

What are town charges: RCW 45.56.010.

45.52.010 Claims to be itemized before allowance. Before any account, claim or demand against any town of this state, for any property or services for which such town shall be liable, shall be audited or allowed by the board of officers authorized by law to audit and allow the same, the person in whose favor such account, claim or demand shall be, or his agent, shall reduce the same to writing in items, and shall verify the same to the effect that such account, claim or demand is just and true, that the money therein charged was actually paid for the purposes therein stated, that the property therein charged was actually delivered or used for the purposes therein stated, and was of the value therein charged, and that the services therein charged were actually rendered, and of the value therein charged; or, in case such services were official for which fees are prescribed by law, then that the fees or amounts charged therefor are such as are allowed by law, and that no part of such account, claim or demand has been paid: *Provided*, That when the books of the town clerk show the official attendance of a town officer, his claim for per diem for that service need not be verified. [1895 c 175 § 61; RRS § 11422.]

Supervisors to audit accounts against towns: RCW 45.24.050.

45.52.020 Verification of claims. The verification required by RCW 45.52.010 may be made before any officer authorized by law to administer oaths, or before any member of the board to which the account, claim or demand shall be presented to be audited; and every member of any such board is hereby authorized to administer the proper oath in such cases; and every person who shall wilfully or knowingly swear falsely on any such cases, shall be deemed guilty of wilful perjury, and be punished accordingly: *Provided*, That in any case any such account, claim or demand shall be made or presented by any administrator or executor on behalf of the estate of a deceased person, he shall not be required to verify the same, but may prove the same otherwise to the satisfaction of the board. [1895 c 175 § 62; RRS § 11423.]

45.52.030 Auditing of claims. Whenever any account, claim or demand against any town shall have been verified in the manner prescribed in this act, the board of officers to whom the same shall be presented may receive and consider the same, and may allow or disallow the same in whole or in part as to such board or officers shall appear just or lawful, saving to such claimants the right of appeal. [1895 c 175 § 63; RRS § 11424.]

Reviser's note: "this act", see note following RCW 45.08.020.
Verification of claims: RCW 45.52.020.

45.52.040 Penalties for allowing claims not verified. Any member of such board who shall audit and allow any accounts, claim or demand required by this act to be itemized and verified, without the same having been first duly itemized and verified, shall be deemed guilty

of a misdemeanor, and be punished by fine not exceeding five hundred dollars, or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment. [1895 c 175 § 64; RRS § 11425.]

Reviser's note: "this act", see note following RCW 45.08.020.

45.52.050 Board to audit and settle town charges. The town board shall meet annually on the Tuesday next preceding the annual town meeting to be held in said town, and at such other times as they deem necessary and expedient, for the purpose of auditing and settling all charges against said town, and they shall state on each account the amount allowed by them; but no allowance shall be made for any account which does not specifically state each item of the same, and the nature thereof; and all unpaid accounts of town officers for services rendered since the last annual meeting of said board shall be presented to the town board at their annual meeting on the Tuesday next preceding the annual town meeting, to be audited as aforesaid. [1895 c 175 § 65; RRS § 11426.]

Reviser's note: Caption for 1895 c 175 § 65 reads: "Town board to meet, when."

45.52.060 Shall audit accounts of town officers. The said board shall also, at their annual meeting in each year, examine and audit the accounts of the town treasurer for all moneys received and disbursed by him as such officer; and they shall audit the accounts of all other town officers who are authorized by law to receive or disburse any money of the town by virtue of their office. [1895 c 175 § 66; RRS § 11427.]

Duties of town treasurer—Shall make annual statement: RCW 45.32.050.

Poundmaster—Duties—Fees: RCW 45.36.030.

45.52.070 Board shall draw up report. Such board shall draw up a report, stating in detail the items of account audited and allowed since the last annual meeting, the nature of each account and the name of the person to whom such account was allowed, the total amount audited and allowed to each township officer in payment for his services since their last annual meeting, including a statement of all the fiscal concerns of the town. As a part thereof said board shall make an estimate of the sum necessary for the current expenses thereof, and other incidental expenses for the ensuing year. [1895 c 175 § 67; RRS § 11428.]

45.52.080 Report to be read at town meeting. Such report shall be produced and publicly read by the town clerk at the next ensuing town meeting; and the whole or any portion of such report may be referred, by the order of the meeting, to a committee whose duty it shall be to examine the same and report thereon to such meeting. [1895 c 175 § 68; RRS § 11429.]

45.52.090 Treasurer shall pay audited accounts. The amount of any account audited and allowed by the town board, and the amount of any account voted to be allowed at any town meeting, shall be paid by the town treasurer on the order of said board, signed by the

chairman and countersigned by the clerk; and all orders issued to any person by the town board for any sums due from such town shall be received in payment of town taxes of said town. [1895 c 175 § 69; RRS § 11430. Formerly RCW 45.52.090 and 45.52.100.]

Chapter 45.54 ASSESSMENT OF PROPERTY

Sections

- 45.54.010 Assessors and town board of review abolished.
45.54.020 Assessors and town board of review abolished—Powers transferred.

Reviser's note: Assessment of property was regulated by 1895 c 175 §§ 79–82 and amendments thereto, as follows:

Duties of township assessor. "Each township assessor elected or appointed under this title shall take an oath and give a bond as now required of county assessors, the amount of said bond to be fixed, and the said bond to be approved, by the board of supervisors; and each township assessor shall, in his town, perform the same duties and exercise the same rights as are now performed and exercised by county assessors in their respective counties under the laws of this state, and shall be subject to the same penalties as county assessors now are. All township assessors of the respective counties shall meet at the office of the county assessor on the second Tuesday of February of each year, and formulate and adopt by a majority vote of those present a plan and policy for the purpose of securing the equitable and uniform listing and valuation of property throughout the county, and it shall be the duty of all township assessors to make their respective assessments according to the plan and policy adopted at such meeting, and the county assessor shall have supervisory control over said township assessors for the purpose of enforcing the making of assessments according to such plan and policy." [1923 c 13 § 7; 1909 c 47 § 5; 1895 c 175 § 79; RRS § 11441.]

County auditor to furnish assessors' books and blanks. "First. The county assessor shall annually provide the necessary assessment books and blanks at the expense of the county, for and to correspond with each assessment district. He shall make out in the real property assessment book complete lists of all lands or lots subject to taxation, showing the names of the owners, if to him known, and, if unknown, so stated opposite each tract or lot, the number of acres and the lots and parts of lots or blocks included in each description of property. The list of real property becoming subject to assessment and taxation every odd numbered year may be appended to the personal property assessment book. The assessment books and blanks shall be delivered to the county assessor on or before the second Saturday of March in each year, and the town assessors shall meet on that day at the office of the county assessor for the purpose of receiving such books and blanks, and for conference with the said county assessor in reference to the performance of their duties and that all township assessors shall perform their duties under the supervision of the county assessor.

Second. The county assessor shall in making up his work for the county board of equalization, add thereto the assessment rolls of the various townships and the same shall be equalized by the county board of equalization as between townships as other property in such counties is equalized. If it shall be necessary to raise the assessment of a township or townships, the county board of equalization shall serve written notice upon the chairman of the township board of supervisors of its intention so to do and shall also give general notice by publication to the residents of such township or townships at least five days previous to raising such assessment." [1911 c 34 § 1; 1909 c 47 § 6; 1895 c 175 § 80; RRS § 11442.]

Town board of review—Duties. "The board of supervisors of each town shall meet on the second Monday in May at the office of the town clerk for the purpose of reviewing the assessment of property in such town, and they shall immediately proceed to examine, ascertain and see that all taxable property in their town or district has been properly placed upon the list and duly valued by the assessor; and in case any property, real or personal, shall have been omitted by inadvertence or otherwise, it shall be the duty of said board to place the same upon the list, with the true value thereof, and proceed to correct the assessment, so that each tract or lot of real property and each article, parcel or class of personal property shall be entered on the assessment list at the true and full value thereof; but the assessment of the property of any person shall not be raised until such person shall

have been duly notified of the intention of the board so to do. And on the application of any person considering himself aggrieved they shall review the assessment and correct the same as shall appear to them just. Any two of said officers are authorized to act at such meeting, and they may adjourn from day to day until they shall finish the hearing of all cases presented. All complaints and grievances of individuals, residents of the town or district, in reference to the assessment of any property, shall be heard and decided by the town board: *Provided*, That the complaints of nonresidents in reference to the assessment of any property, real or personal, and of others in reference to any assessment made after the meeting of the town board of review, shall be heard and determined by the county board of equalization: *Provided further*, That any person considering himself aggrieved by a decision of the town board of review may present the matter to the county board of equalization for determination." [1909 c 47 § 7; 1895 c 175 § 81; RRS § 11443.]

Notice of meeting of board of review. "The assessor shall cause at least ten days' previous notice of the time and place of the meeting of the town board of review by posting notices in at least three public places in his town or district, but the failure to give such notice or hold such meeting shall not vitiate such assessment, except as to the excess of valuation of tax thereon shown to be unjustly made or levied. It shall be the duty of the assessor to attend the meeting of the town board of review with his assessment books and papers, and note all changes and additions made by the board, and correct his work accordingly, and not later than ten days after the meeting of the board of review said assessor shall return the assessment books of his town, duly verified, along with all the assessment papers in his hands, to the county assessor not later than the fifth day of June." [1909 c 47 § 8; 1895 c 175 § 82; RRS § 11444.]

45.54.010 Assessors and town board of review abolished. Hereafter no assessor shall be elected by the electors of any township at any township meeting; nor shall the board of supervisors of any township hereafter meet and convene, or exercise any powers or perform any duties, as a town board of review, for the purpose of reviewing the assessment of property of the township or for any other purpose. [1937 c 81 § 1; RRS § 11376–1.]

45.54.020 Assessors and town board of review abolished—Powers transferred. On and after March 1, 1937, the office of township assessor and the town board of review for townships shall be and hereby are abolished; and on and after said date all powers and duties of said assessor and said board of review shall be vested in and required to be performed by the county assessor and the county board of equalization, respectively: *Provided*, That the abolishment of said office and said board shall not affect the validity of any act done or performed by any township assessor or any town board of review in assessing and valuing or equalizing property for taxation purposes prior to said date, and shall not affect the validity of any tax levied or based upon any such acts. [1937 c 81 § 2; RRS § 11443–1.]

Chapter 45.56 TOWN TAXES AND CHARGES

Sections

- 45.56.010 What are town charges.
45.56.035 Ad valorem taxes prohibited—Levy by county commissioners.
45.56.040 Limit of debts and outlays.
45.56.050 County aid to townships.
45.56.070 Poll tax to be a town fund.
45.56.080 County treasurer to pay over township moneys quarterly.

Tax levy to pay judgment: RCW 45.64.080.

45.56.010 What are town charges. The following shall be deemed town charges:

- (1) The compensation of town officers for services rendered their respective towns.
- (2) Contingent expenses necessarily incurred for the use and benefit of the town.
- (3) The moneys authorized to be raised by the vote of the town meeting for any town purpose.
- (4) Every sum directed by law to be raised for any town purpose. [1959 c 16 § 3. Prior: 1895 c 175 § 84; RRS § 11446.]

45.56.035 Ad valorem taxes prohibited—Levy by county commissioners. See chapter 45.82 RCW.

45.56.040 Limit of debts and outlays. No town has power to contract debts or make expenditures for any one year in a larger sum than the amount of revenues provided for that year in a formally adopted budget. [1969 ex.s. c 243 § 5; 1895 c 175 § 86; RRS § 11448.]

Severability—1969 ex.s. c 243: See note following RCW 45.82.010.

45.56.050 County aid to townships. Whenever any county of this state shall have adopted township organization it shall be the duty of the board of county commissioners of such county to set aside from the levy of the current year the following sums, which shall be paid to the township treasurer in the manner provided by law: To each township for current expenses, one hundred dollars; to each township for township roads and bridges, twenty-five percent of the amount levied upon the property of said township for construction and repair of roads and bridges. [1913 c 142 § 10; RRS § 11449.]

Reviser's note: "township roads and bridges", see note (1) following RCW 45.24.010.

45.56.070 Poll tax to be a town fund. All poll tax collected by any road overseer or other town officer shall be by him paid to the town treasurer and be part of the township funds. [1895 c 175 § 90; RRS § 11453.]

Reviser's note: "road overseer", see note (1) following RCW 45.24.010.

45.56.080 County treasurer to pay over township moneys quarterly. The county treasurer shall keep an account of the money received for each town, and shall quarterly, after the settlement between the county treasurer and county auditor, pay over any money due a town to its treasurer upon the warrant of the county auditor. [1895 c 175 § 92; RRS § 11455.]

Chapter 45.64

ACTIONS BY OR AGAINST TOWNS

Sections

- 45.64.010 How governed.
- 45.64.020 Actions, in what name brought.
- 45.64.030 Papers in action; how served.

- 45.64.040 Action before justice of peace.
- 45.64.050 Action to recover penalty for trespass.
- 45.64.060 In action over lands court may partition.
- 45.64.070 Judgment against town; how collected.
- 45.64.080 Tax levy to pay judgment.

Powers of electors at town meetings: RCW 45.12.100(3), (4), (7), and (8).

Proceedings to be in name of town: RCW 45.12.040.

Supervisors to prosecute actions on bonds, penalties and trespasses: RCW 45.24.040.

45.64.010 How governed. Whenever any controversy or cause of action exists between towns, or between a town and an individual or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein shall have the like effect, as in other actions or proceedings of a similar kind between individuals and corporations. [1895 c 175 § 97; RRS § 11460.]

Reviser's note: Caption for 1895 c 175 § 97 reads: "Actions between towns; how regulated."

Only one form of action—Civil action: RCW 4.04.020.

45.64.020 Actions, in what name brought. In all such actions and proceedings the town shall sue and be sued in its name. [1895 c 175 § 98; RRS § 11461.]

Powers of towns: RCW 45.12.020(1).

Proceedings to be in name of town: RCW 45.12.040.

45.64.030 Papers in action; how served. In legal proceedings against a town by name, all papers shall be served on the chairman of the board of supervisors, and, in case of his absence, on the town clerk; and whenever any action or proceeding is commenced, said chairman shall attend to the defense thereof, and lay before the electors of the town, at the first town meeting, a full statement of such proceedings, for their direction in regard to the defense thereof. [1895 c 175 § 99; RRS § 11462.]

45.64.040 Action before justice of peace. No action in favor of any town shall be brought before any justice of the peace residing in such town. [1895 c 175 § 100; RRS § 11463.]

45.64.050 Action to recover penalty for trespass. Whenever any action is brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it appears on the trial thereof that the actual amount of injury to such town lands in consequence of such trespass exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage with cost of suit shall be recovered in said action, instead of any penalty for said trespass imposed by the town meeting; and such recovery shall be used as a bar to every other action for the same trespass. [1895 c 175 § 101; RRS § 11464.]

Supervisors to bring actions for trespass: RCW 45.24.040.

Trespass: Chapter 64.12 RCW.

45.64.060 In action over lands court may partition. Whenever by decree or decision, in any action or proceeding brought to settle any controversy in relation to town commons or other lands, the common property of a town, or for the partition thereof, the rights of any town are settled and confirmed, the court in which such proceedings are had may partition such lands according to the right of parties. [1895 c 175 § 102; RRS § 11465.]

Reviser's note: Caption for 1895 c 175 § 102 reads: "Other actions; how regulated."

Special proceedings—Partition: Chapter 7.52 RCW.

45.64.070 Judgment against town; how collected. When a judgment is recovered against any town, or against any town officers, in an action prosecuted by or against them in their name of office, no execution shall be awarded or issued upon such judgment, but the same, unless reversed or stayed on appeal, shall be paid by the town treasurer, upon demand and the delivery to him of the certified copy of the judgment, if there is sufficient money of such town in his hands not otherwise appropriated. If he fails to do so, he shall be personally liable for the amount, unless the collection thereof is afterward stayed upon appeal. If payment is not made within thirty days after the time fixed by law for the county treasurer to pay over to the town treasurer the money in his hands belonging to such town, levied for the purpose of paying such judgment, next after the rendition of such judgment, execution may be issued on such judgment, but only town property shall be liable thereon. [1895 c 175 § 103; RRS § 11466.]

Enforcement of judgments—Executions: Chapter 6.04 RCW.

45.64.080 Tax levy to pay judgment. If judgment for the recovery of money is rendered against any town, and the judgment is not satisfied, or proceedings thereon stayed by appeal or otherwise, before the next annual meeting of said town, a certified copy of the judgment may be presented to said town at said annual meeting. The supervisors of the town shall thereupon cause the amount due on the judgment, with interest from the date of its recovery, to be added to the tax of said town, and the same certified to the county auditor, and collected as other town taxes are collected. [1895 c 175 § 104; RRS § 11467.]

Chapter 45.68 GUIDEPOSTS

Sections

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| 45.68.010 | Guideposts. |
| 45.68.020 | Supervisors to make report of guideposts. |
| 45.68.030 | Town to determine places for guideposts; penalty. |
| 45.68.040 | Guideposts; how erected and marked. |
| 45.68.050 | Penalty for not maintaining guideposts. |

45.68.010 Guideposts. Every township shall, in the manner provided herein, erect and maintain guideposts on the highways and other ways within the township at such places as are necessary or convenient for the direction of travelers. [1895 c 175 § 105; RRS § 11468.]

45.68.020 Supervisors to make report of guideposts. The supervisors shall submit to the electors at every annual meeting a report of all the places at which guideposts are erected and maintained within the town, and of all places at which, in their opinion, they ought to be erected and maintained. For each neglect or refusal to make such report, they shall severally forfeit the sum of ten dollars. [1895 c 175 § 106; RRS § 11469.]

45.68.030 Town to determine places for guideposts; penalty. Upon the report of the supervisors, the town shall determine the several places at which guideposts shall be erected and maintained, which shall be recorded in the town records. A town officer who neglects or refuses to determine such places and to cause a record thereof to be made shall forfeit to the road and bridge fund the sum of five dollars for every month during which it [he] neglects or refuses so to do; and in such case, upon any trial for not erecting or maintaining guideposts reported to be necessary or convenient by the supervisors, the town shall be estopped from alleging that such guideposts were not necessary or convenient. [1895 c 175 § 107; RRS § 11470.]

Reviser's note: "road and bridge fund", see note (1) following RCW 45.24.010.

45.68.040 Guideposts; how erected and marked. At each of the places determined by the town there shall be a substantial post of not less than eight feet in height, near the upper end of which shall be placed a board, and upon such board shall be plainly and legibly painted or otherwise marked the name of the next town or place, and such other town or place of note as the supervisors think proper, to which each of such roads lead, together with the distance or number of miles to the same; and also the figure of a hand with the forefinger thereof pointed towards the towns or places to which said roads lead: *Provided*, That the inhabitants of any town may, at their annual meeting, agree upon some suitable substitute for such guideposts. [1895 c 175 § 108; RRS § 11471.]

45.68.050 Penalty for not maintaining guideposts. Every town officer who neglects or refuses to erect and maintain such guideposts or some suitable substitute therefor shall forfeit annually the sum of five dollars for every guidepost which he so neglects or refuses to maintain, which sum may be sued for and collected by any person before any justice of the peace of the proper county, and the moneys so collected shall be paid into the town treasury for the benefit of the roads and bridges of said town. [1895 c 175 § 109; RRS § 11472.]

Reviser's note: "benefit of the roads and bridges", see note (1) following RCW 45.24.010.

Chapter 45.72 MISCELLANEOUS PROVISIONS

Sections

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| 45.72.010 | Public places for posting notices. |
| 45.72.020 | Conveyances of real estate. |
| 45.72.030 | Former precincts and road districts abolished, etc. |
| 45.72.040 | Payment of outstanding obligations. |

- 45.72.050 Payment of outstanding obligations—Tax levy to pay obligations.
- 45.72.060 Payment of outstanding obligations—Collection of tax—Application of proceeds.
- 45.72.070 Construction of words used in this act.

45.72.010 Public places for posting notices. At the annual town meeting in each year, the legal voters present at each meeting shall determine and designate three places in the town as public or the most public places of such town, and that all legal notices required to be posted in three public or the most public places of a town shall be posted up at such places at least, and they shall make provision for the erection and maintenance of suitable posts on which to post up notices as aforesaid, in all places so designated in which there is no sufficient natural convenience for that purpose. [1895 c 175 § 110; RRS § 11473.]

Bylaws to be posted: RCW 45.28.100.

Fees for posting notices: RCW 45.44.010.

45.72.020 Conveyances of real estate. Whenever any real estate belonging to the town is sold, the conveyances thereof shall be executed by the chairman of the town board in his official capacity and attested by the clerk; and such conveyance, duly witnessed and acknowledged, shall convey to the grantee therein named all of the right, title and estate which the town then has in the real estate conveyed. [1909 c 47 § 11; RRS § 11483.]

Powers of towns: RCW 45.12.020(2).

Proceedings to be in name of town: RCW 45.12.040.

Town supervisors—Powers and duties—General—Powers of police judge: RCW 45.24.010.

45.72.030 Former precincts and road districts abolished, etc. In all townships after they become fully organized under this act, the election precinct or precincts, and road district or districts theretofore organized by the county commissioners shall be abolished, and election precincts and road districts shall be established as provided in this act; and there shall be no election for road overseers in the December following the general election at which township organization is voted, but the road overseers then holding office shall continue to hold their offices till the township road overseers have been elected or appointed and qualified. After townships have been organized, justices of the peace and constables shall not be elected at general elections, but at town meetings as herein provided. The assessment of property in any town made last before any township has been organized shall remain and continue in force till the next assessment has been made by the township assessor. The county assessor shall not assess any property within the limits of an organized township, and the assessment of property made by the township assessors shall have the same force and effect, when reviewed by the town board of review, as the assessment of property now made by county assessors, and shall be acted on and equalized by the county board of equalization as required by law. [1895 c 175 § 116; RRS § 11479.]

Reviser's note: (1) "this act", see note following RCW 45.08.020.

(2) "road districts", "road overseers", see note (1) following RCW 45.24.010.

Office of township assessor abolished: Chapter 45.54 RCW.

45.72.040 Payment of outstanding obligations. Whenever any county has heretofore, or shall hereafter, adopt and take upon itself township organization and government under the provisions of any law passed pursuant to the provisions of section 4, Article XI of the Constitution of this state, authorizing such organization and government, and at the time of the adoption of such form of government there shall exist against any road district in such county, previously created and defined by the commissioners of such county, any obligations for debts incurred in the construction or repair of any roads or bridges in such road district, such change in the government of said county shall not in any way affect such existing obligations of any such road district; but all such obligations shall remain and constitute a valid charge upon and against all of the taxable property included within the territorial limits of such road district as it existed at the time of the adoption of such township organization for the full amount of all of said obligations. For the purposes of this act, the territory which comprised said road district shall thereafter comprise and constitute a road tax district of said county, and said road tax district shall be designated by a like number by which said road district was theretofore known. [1911 c 13 § 1; RRS § 11480.]

Reviser's note: "this act", 1911 c 13, is codified as RCW 45.72.040 through 45.72.060.

Town taxes and charges: Chapter 45.56 RCW.

45.72.050 Payment of outstanding obligations—Tax levy to pay obligations. There shall be levied annually at the same time the levy for general county taxes is made, and by the officers levying the said county tax, a tax of not more than one dollar and twenty-five cents per thousand dollars of assessed value on all taxable property within the territorial limits of every such road district as the same existed at the time of the adoption of such township organization for the payment of and until the full amount of all indebtedness, together with all accrued and accruing interest thereon, existing against any such road district, shall have been paid in full. [1973 1st ex.s. c 195 § 45; 1911 c 13 § 2; RRS § 11481.]

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

Property taxes—Levy of taxes: Chapter 84.52 RCW.

45.72.060 Payment of outstanding obligations—Collection of tax—Application of proceeds. The tax levied, as provided for in RCW 45.72.050, shall be extended upon the tax rolls of the county, and shall be collected by the county treasurer of said county at the same time and in the same manner as other taxes are collected, and said treasurer shall credit to the proper road tax district all sums collected from any such levy, and all sums so collected shall by the said treasurer be applied to the payment, in the order of their issue, of the outstanding warrants against the road district for

the indebtedness of which said levy was made. [1911 c 13 § 3; RRS § 11482.]

Property taxes—Collection of taxes: Chapter 84.56 RCW.

45.72.070 Construction of words used in this act. In this act the words town and township are used with the same meaning, and are used to designate a township organized under this act, unless the contrary appears from the context; and whenever the word oath is used, it shall be understood to mean oath or affirmation.

The word tax means special taxes raised by special assessments and other forms of taxation authorized by law except ad valorem property taxes. [1969 ex.s. c 243 § 6; 1909 c 47 § 10; 1895 c 175 § 115; RRS § 11478.]

Reviser's note: "this act", see note following RCW 45.08.020.

Severability—1969 ex.s. c 243: See note following RCW 45.82.010.

Chapter 45.76 DISORGANIZATION OF TOWNSHIPS

Sections

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| 45.76.020 | Proceedings for disorganization—Petition for election. |
| 45.76.030 | Petition—Canvass by auditor. |
| 45.76.040 | Election—Notice—Precincts. |
| 45.76.050 | Election—Ballots. |
| 45.76.060 | Election—Conduct. |
| 45.76.070 | Order of disorganization—Receiver. |
| 45.76.080 | Powers of receiver. |
| 45.76.090 | Tax levy to pay obligations. |
| 45.76.100 | Final account—Disposition of remaining funds— Order of dissolution. |

45.76.020 Proceedings for disorganization—Petition for election. Proceedings for disorganization of a township may be commenced by petition for an election therein upon the question. A petition for such election shall be filed with the county auditor. It must be signed by registered voters residing within the township sufficient in number to equal twenty percent of the vote of the township at the last general election. [1951 c 173 § 1.]

45.76.030 Petition—Canvass by auditor. The county auditor shall canvass the petition for an election to vote upon the question of disorganization:

(1) By ascertaining the number of votes cast at the last general election by persons residing within such township; and

(2) By ascertaining by comparison whether the handwriting of each signer on the petition and on the registration card bearing his name were made by the same person. [1951 c 173 § 2.]

45.76.040 Election—Notice—Precincts. If the number of valid signatures on the petition are sufficient, the county auditor shall fix a date for holding the election and give at least twenty days' notice thereof. Notices of elections shall contain a statement of the purpose for which the election is called, the time at which it will be held and the location of the voting place or voting places. Regular voting precincts may be divided or combined, or both. The notices shall be

posted in ten of the most public places within the township sought to be disorganized. [1951 c 173 § 3.]

45.76.050 Election—Ballots. Ballots for elections to be held under the provisions of this chapter shall have printed thereon the words "for disorganization" on one line, followed by a printed square bounded on all sides by a line one quarter of an inch long, and the words "against disorganization" on another line, followed by a similar printed square. At the top of the ballot shall appear directions to the voter advising him to place a cross in the square opposite the decision of his choice, or words to that effect. [1951 c 173 § 4.]

45.76.060 Election—Conduct. Elections held under the provisions of this chapter shall be conducted by the county auditor and canvassed by the county election board conformable as nearly as practicable to the requirements for conducting and canvassing the returns of general elections. [1951 c 173 § 5.]

Elections—Canvassing the returns: Chapter 29.62 RCW.

Elections—Generally: Title 29 RCW.

45.76.070 Order of disorganization—Receiver. If, in an election held under the provisions of this chapter, a majority of the votes cast thereat favor disorganization, the county auditor shall certify the results to the presiding judge of the superior court for the county, who shall enter an order of disorganization and shall appoint the chairman of the board of county commissioners who shall act as receiver to wind up the affairs of the disorganized township. [1951 c 173 § 6.]

45.76.080 Powers of receiver. The chairman of the board of county commissioners shall take possession of all the property, moneys, vouchers, records and books of the former township, including those in any manner pertaining to its business, and proceed to wind up its affairs. He shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the former township. He is authorized to sell at public auction, after such public notice as the sheriff is required to give as to property sold on execution, all the property of the former township, except such as is necessary for his use in winding up its affairs. Any personal property may be sold for cash. Real property may be sold for all cash or for one-half cash and deferred payments, the last payment not to be later than one year from date of sale. Title shall not pass until all deferred payments have been fully paid. [1951 c 173 § 7.]

Executions: Chapter 6.04 RCW.

45.76.090 Tax levy to pay obligations. In the same manner and to the same extent as the proper authorities of the former township could have done had it not been disorganized, the chairman of the board of county commissioners may be authorized by the court when necessary to levy taxes on all taxable property therein, to receive the taxes when collected and to apply them together with the proceeds arising from any sales of

property to the extinguishment of the obligations of the former township. [1951 c 173 § 8.]

Town taxes and charges: Chapter 45.56 RCW.

45.76.100 Final account—Disposition of remaining funds—Order of dissolution. Upon the payment of all lawful demands against the former township, the chairman of the board of county commissioners shall file a final account, together with all vouchers, with the clerk of the superior court and pay any funds remaining in his hands to the county treasurer to be placed to the credit of any school district or districts within whose boundaries the township is located, said money to be prorated to such school districts in proportion to their share of assessed value of the real estate located therein: *Provided*, That if within one hundred eighty days after the execution of the order of dissolution any city or town is incorporated within the boundaries of the dissolved township, such remaining funds shall be divided between the operating fund of such city or town and said school district or districts in the proportion that the assessed valuation of the territory included within the boundaries of the city or town bears to the assessed valuation of the entire property lying within the boundaries of the dissolved township. Upon the approval by the court of said final account the court shall sign proper orders dissolving such township. [1957 c 65 § 1; 1951 c 173 § 9.]

Chapter 45.80 COUNTY-WIDE DISORGANIZATION OF TOWNSHIPS

Sections

- 45.80.010 Proceedings for disorganization—Resolution directing election.
- 45.80.020 Election—Date.
- 45.80.030 Election—Conduct and canvass.
- 45.80.040 Election—Order of disorganization—Receiver.
- 45.80.050 Powers and duties of receiver.
- 45.80.060 Tax levy by disorganized township barred—Levy to extinguish obligations.
- 45.80.070 Final account—Payment of demands—Disposition of funds—Order of dissolution—Transfer of cemetery properties.
- 45.80.080 Vesting of property—Management, conditions.
- 45.80.090 Tax levy by fire protection district when township disorganized and no longer making a levy.
- 45.80.100 Chapter additional to other laws.

County-wide disorganization election: RCW 45.82.010(2).

45.80.010 Proceedings for disorganization—Resolution directing election. Proceedings for the disorganization of the township organization of a county may be commenced by the board of county commissioners through its filing a resolution with the county auditor directing that there be an election by the voters of the county upon the question. [1961 c 53 § 1.]

45.80.020 Election—Date. Upon the filing of the resolution the county auditor shall fix a date for holding an election thereon which may be either a special or general election date set not later than the general election next succeeding the filing of the resolution in the office of the county auditor. [1961 c 53 § 2.]

45.80.030 Election—Conduct and canvass. Elections held under the provisions of this chapter shall be conducted by the county auditor and canvassed by the county election board in the manner provided by law for the conducting and canvassing of returns of general elections within the county. [1961 c 53 § 3.]

*Canvassing election returns: Chapter 29.62 RCW.
Elections generally: Title 29 RCW.*

45.80.040 Election—Order of disorganization—Receiver. If a majority of the votes cast upon the question favor disorganization of the township system of the county, the county auditor shall certify the results to the presiding judge of the superior court for the county, who shall enter an order of disorganization effective December 31st of that year and shall appoint the chairman of the board of county commissioners to act as receiver to wind up the affairs of the disorganized township. [1961 c 53 § 4.]

45.80.050 Powers and duties of receiver. The chairman of the board of county commissioners shall take possession of all the property, moneys, vouchers, records and books of the townships of the county, including those in any manner pertaining to its business, and proceed to wind up their affairs. He shall have the right to sue and be sued in all cases necessary or proper for the purpose of winding up the affairs of the townships. He is authorized to sell at public auction, after such public notice as the sheriff is required to give as to property sold on execution, all the property of the former townships, except property granted under the provisions of RCW 45.80.080. [1961 c 53 § 5.]

Executions generally: Chapter 6.04 RCW.

45.80.060 Tax levy by disorganized township barred—Levy to extinguish obligations. A township ordered disorganized by the court will not after the effective date of the order of disorganization levy any tax. However, the chairman of the board of county commissioners may be authorized by the court, when necessary for the extinguishment of the obligations of the township, to levy taxes on all taxable property therein, to receive the taxes when collected and to apply them, together with the proceeds arising from any sales of property, to the extinguishment of the obligations of the townships. [1961 c 53 § 6.]

45.80.070 Final account—Payment of demands—Disposition of funds—Order of dissolution—Transfer of cemetery properties. When an election has resulted in an affirmative vote to disorganize the townships in a county, the chairman of the board of county commissioners shall take the following actions in the order indicated:

First, he shall pay all lawful demands against the townships, and then file a final account together with all vouchers, with the clerk of the superior court;

Second, if prior to the election a tax levy has been made by one or more of the townships, for collection the year following the election, and if a pro rata reduction has been caused in the levy of any junior taxing

district in the county which would [not] have been required had the township made no levy, the chairman shall order the county treasurer to collect the township levy and to disburse to the junior taxing district whose levy was reduced by proration the sum of money by which its levy was so reduced; if the township levy is not sufficient for such payments, any available funds to the credit of the township shall be so paid;

Third, the chairman shall pay any remaining township funds to the county treasurer to be deposited to the credit of the several taxing districts of the county (except the state and county) in the following allocations: Each such taxing district of the county shall receive a share that bears the same proportion to the total amount as its assessed valuation within the township times its authorized levy last in process of collection (excepting excess levies) bears to the total assessed valuation of such taxing districts within the township times the total authorized levy (excepting excess levies) of such districts. Upon approval by the court of said final account the court shall sign proper orders dissolving said township;

Fourth, he shall transfer all cemetery properties, facilities, and funds, real and personal, together with all funds designated or intended for endowment care, perpetual care, or similar purposes to the cemetery authority succeeding to the operation and maintenance of such cemetery. All gifts and donations shall be applied strictly according to the requirements stipulated by the donor. Where donor has not otherwise specified, such funds shall be presumed to be endowment care funds within the meaning of chapter 68.44 RCW, and are to be devoted exclusively to the care, improvement, or embellishment of the cemetery or such other purposes authorized by RCW 68.40.060. [1971 c 19 § 3; 1961 c 53 § 7.]

45.80.080 Vesting of property—Management, conditions. Cemetery real property, buildings, and the furnishings and equipment used in connection with the operation of a cemetery shall pass to the cemetery authority succeeding to the control, management, and operation of the cemetery. All other real property, buildings, and the furnishings and equipment used in connection with buildings owned by the township shall pass to the county in fee upon the effective date of the order of disorganization. Such property, as all other county property, shall be managed and controlled by the board of county commissioners: *Provided*, That the board shall for at least five years maintain and operate township meeting halls for community and public use. [1971 c 19 § 4; 1961 c 53 § 8.]

45.80.090 Tax levy by fire protection district when township disorganized and no longer making a levy. See RCW 52.16.160.

45.80.100 Chapter additional to other laws. This chapter shall not be construed to repeal, amend or modify any law heretofore enacted providing a method of township disorganization in this state, but shall be

held to be an additional and concurrent method providing for such purpose. [1961 c 53 § 10.]

Chapter 45.82
AD VALOREM TAXES—SPECIAL
ASSESSMENTS—GIFTS—
DISORGANIZATION ELECTION

Sections

- 45.82.010 Ad valorem taxes prohibited—Special assessments authorized, procedure—Gifts and grants—Disorganization election.
45.82.020 Levy of property taxes by county commissioners.

45.82.010 Ad valorem taxes prohibited—Special assessments authorized, procedure—Gifts and grants—Disorganization election. (1) Hereafter no township shall assess or levy any ad valorem taxes upon property. Townships may levy and collect special assessments upon property specially benefited by improvements constructed by such townships under their general powers. The procedure for the making of such assessments shall, insofar as applicable, be the same as that prescribed for fire protection districts under chapter 52.20 RCW. A township may also receive and expend gifts and grants from any source for strictly township purposes.

(2) The county auditor of each county which contains one or more townships shall prior to January 1, 1970, fix a date for holding an election which may be either a special or general election at which election the voters of the county shall determine whether all township organizations within the county shall or shall not be disorganized. If a majority of votes cast upon the question favor disorganization of the township system of the county, the ensuing disorganization shall be conducted pursuant to RCW 45.80.040, 45.80.050, 45.80.060, 45.80.070 and 45.80.080: *Provided*, That nothing contained in subsection (1) of this section shall limit the authority of the county commissioners when authorized by the court from levying ad valorem taxes upon real property and using the proceeds therefrom in order to extinguish the obligations of townships disorganized pursuant to this subsection or pursuant to the provisions of chapter 45.80 RCW. [1969 ex.s. c 243 § 1.]

Severability—1969 ex.s. c 243: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1969 ex.s. c 243 § 8.]

This applies to RCW 45.82.010 and 45.82.020, the 1969 amendments to RCW 45.12.100, 45.56.040, 45.72.070, 52.16.160 and to the repeal of RCW 45.56.020, 45.56.030, 45.56.060, 45.60.010, 45.60.030 and 45.60.040.

County-wide disorganization election: RCW 45.80.020.

45.82.020 Levy of property taxes by county commissioners. Any township which at the time that this 1969 amendatory act takes effect has outstanding obligations in excess of anticipated receipts from sources other than general tax levies for the next ensuing year may certify the same to the board of county commissioners and the board shall levy taxes on the property within the township at the rates which the township would have been

permitted to levy except for this 1969 amendatory act until such obligations have been extinguished, and until such time such dollar rate levy will take precedence over any additional dollar rates of fire protection districts under this 1969 amendatory act. [1973 1st ex.s. c 195 § 46; 1969 ex.s. c 243 § 3.]

Reviser's note: (1) The effective date of 1969 ex.s. c 243 was August 11, 1969.

(2) "this 1969 amendatory act" [1969 ex.s. c 243] consists of RCW 45.82.010, 45.82.020, 45.12.100, 45.56.040, 45.72.070, 52.16.160, and the repeal of RCW 45.56.020, 45.56.030, 45.56.060, 45.60.010, 45.60.030 and 45.60.040.

Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.

TITLE 46

MOTOR VEHICLES

Chapters

- 46.01 Department of motor vehicles.
- 46.04 Definitions.
- 46.08 General provisions.
- 46.09 All-terrain vehicles.
- 46.10 Snowmobiles.
- 46.12 Certificates of ownership and registration.
- 46.16 Vehicle licenses.
- 46.20 Drivers' licenses—Identicons.
- 46.21 Driver license compact.
- 46.29 Financial responsibility.
- 46.32 Vehicle inspection.
- 46.37 Vehicle lighting and other equipment.
- 46.38 Vehicle equipment safety compact.
- 46.44 Size, weight, load.
- 46.48 Safety.
- 46.52 Accidents—Reports—Abandoned vehicles.
- 46.61 Rules of the road.
- 46.64 Enforcement.
- 46.65 Washington habitual traffic offenders act.
- 46.68 Disposition of revenue.
- 46.70 Unfair motor vehicle business practices—
Dealers' and salesmen's licenses.
- 46.72 Transportation of passengers in for hire vehicles.
- 46.76 Motor vehicle transporters.
- 46.79 Hulk haulers' or scrap processors' licenses.
- 46.80 Motor vehicle wreckers.
- 46.81 Traffic safety education courses.
- 46.82 Drivers' training schools.
- 46.83 Traffic schools.
- 46.85 Reciprocal or proportional registration of
vehicles.
- 46.86 Interstate commercial vehicles—Single cab
cards.
- 46.88 Out-of-state commercial vehicles—Intrastate
permits.
- 46.98 Construction.

Reviser's note: Throughout Title 46 RCW: (1) "department of licenses" and "director of licenses" have been changed to "department of motor vehicles" and "director of motor vehicles" by authority of chapter 156, Laws of 1965 (chapter 46.01 RCW) which transferred the powers, duties and functions of the department and director of licenses to the department and director of motor vehicles; (2) "state tax commission" has been changed to "state department of revenue" by authority of 1967 ex.s. c 26 § 3; (3) "joint committee on highways, streets and bridges" has been changed to "legislative transportation committee" by authority of RCW 44.40.010; (4) "public service commission" has been changed to "utilities and transportation commission" by authority of 1961 c 290 § 1.

Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.

Aircraft and airman regulations: Chapter 14.16 RCW.

Aircraft dealers: Chapter 14.20 RCW.

Ambulances and drivers: RCW 70.54.060, 70.54.065.

Antifreeze vending: Chapter 19.04 RCW.

Auto transportation companies: Title 81 RCW.

Bicycles, regulation by cities: Chapter 35.75 RCW.

Crimes

carrying pistol in vehicle: RCW 9.41.050–9.41.070.

defacement of motor serial number: RCW 9.54.030.

*driving while intoxicated while engaged in occupational duties:
RCW 9.91.020.*

firearms in vehicle: RCW 77.16.250, 77.16.280.

injury to property: RCW 9.61.010, 9.61.040.

larceny: Chapter 9.54 RCW.

Explosives, regulation: Chapter 70.74 RCW.

Fireworks, regulation, transportation: Chapter 70.77 RCW.

*Highway funds, use, constitutional limitations: State Constitution Art.
2 § 40 (Amendment 18).*

House trailer excise tax: Chapter 82.50 RCW.

Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.

*Juveniles, court to forward record to director of motor vehicles: RCW
13.04.120.*

*Liens for towing, transportation or storage of motor vehicles: RCW
46.52.111, 46.52.114.*

Limited access highways, violations: RCW 47.52.120.

Marine employee commission: Chapter 47.64 RCW.

Motor boat regulation: Chapter 88.12 RCW.

Motor vehicle excise tax: Chapter 82.44 RCW.

Motor vehicle fuel tax: Chapter 82.36 RCW.

*Motor vehicle fund income from United States securities—Exemption
from reserve fund requirement: RCW 43.84.095.*

Motor vehicle, use tax: Chapter 82.12 RCW.

State patrol: Chapter 43.43 RCW.

Toll bridge authority: Chapters 47.56, 47.60 RCW.

Traffic control at work sites: RCW 47.36.200–47.36.230.

Traffic safety commission: Chapter 43.59 RCW.

Chapter 46.01

DEPARTMENT OF MOTOR VEHICLES

Sections

- 46.01.010 Purpose.
- 46.01.020 Department created—Powers, duties and jurisdiction.
- 46.01.030 Department to administer and recommend improvement
of certain motor vehicle laws.
- 46.01.040 Powers, duties and functions of director of licenses relating
to motor vehicle laws vested in department.
- 46.01.050 Other powers, duties and functions of director, department
and division of professional licensing transferred
to business and professional administration—Divisions
created.
- 46.01.055 Business and professions administration—Supervision.
- 46.01.060 Transfer of property, records, funds, appropriations, etc.,
of department of licenses.
- 46.01.070 Functions performed by state patrol as agent for director
of licenses transferred to department.
- 46.01.080 Functions performed by state patrol as agent for director
of licenses transferred to department—Transfer
of certain property, records, funds, etc., of state patrol
to department—Segregation.

- 46.01.090 Director—Appointment—Qualifications.
- 46.01.100 Organization of department.
- 46.01.110 Rules and regulations.
- 46.01.120 Rules and regulations—Continuation of rules and regulations of director of licenses.
- 46.01.130 Powers of department and director—Personnel—Appointment of county auditors as agents.
- 46.01.140 County auditors, others, as agents of director—Disposition of application fees.
- 46.01.150 Branch offices.
- 46.01.160 Forms for applications, licenses and certificates.
- 46.01.170 Seal.
- 46.01.180 Oaths and acknowledgments.
- 46.01.190 Designation of state patrol as agent for surrender of drivers' licenses.
- 46.01.200 Transfer of employees of department of licenses and state patrol to department—Applicability of civil service law.
- 46.01.230 Payment of licenses, certificates, taxes and fees by check or money order authorized—Regulations.
- 46.01.250 Certified copies of records—Fee.
- 46.01.260 Destruction of records by director.
- 46.01.270 Destruction of records by county auditor.
- 46.01.290 Director to make annual reports to governor—Contents.

Director of state lottery, commission, department to provide office, administrative and legal services for—Payment: RCW 67.67.020.

Extension of licensing period authorized—Rules and regulations, manner and content: RCW 43.24.140.

Gambling commission, administrator and staff for: RCW 9.46.080.

Interstate commercial vehicles, single cab cards: Chapter 46.86 RCW.

46.01.010 Purpose. Due to the tremendous increase in motor vehicles on our highways and the attendant tragic death and accident tolls, the effective regulation and control of motor vehicles and drivers is now a major state responsibility.

It is the purpose of this chapter to establish a department of state government to be known as the department of motor vehicles, vested with the power and charged with the responsibility for efficiently administering the motor vehicle laws of this state. [1965 c 156 § 1.]

Reviser's note: The language "this amendatory act" appearing in the second paragraph of 1965 c 156 § 1 has been changed to "this chapter". "This amendatory act" consists of this chapter, the 1965 amendments to RCW 43.17.010, 43.17.020, and the 1965 amendments to RCW 46.08.140, 46.08.090 and 46.08.100, recodified herein pursuant to legislative directive as RCW 46.01.110, 46.01.130 and 46.01.140, respectively.

Effective date—1965 c 156: "The effective date of this amendatory act shall be July 1, 1965." [1965 c 156 § 24.] See above reviser's note for application of this section.

46.01.020 Department created—Powers, duties and jurisdiction. (1) A department of the government of this state to be known as the "department of motor vehicles" is hereby created.

(2) The department shall succeed to and is hereby vested with all powers, duties and jurisdiction relating to motor vehicles now vested in the director of licenses. [1965 c 156 § 2.]

Powers, duties and functions of department of motor vehicles as to licensure of businesses, professions, etc., and regulation of securities: Chapter 43.24 RCW.

46.01.030 Department to administer and recommend improvement of certain motor vehicle laws. The department shall be responsible for administering and recommending the improvement of the motor vehicle laws of this state relating to:

- (1) driver examining and licensing;
- (2) driver improvement;
- (3) driver records;
- (4) financial responsibility;
- (5) certificates of ownership;
- (6) certificates of license registration and license plates;
- (7) proration and reciprocity;
- (8) liquid fuel tax collections;
- (9) licensing of dealers, motor vehicle transporters, motor vehicle wreckers, for hire vehicles, and drivers' schools;
- (10) general highway safety promotion in cooperation with the Washington state patrol and state safety council;
- (11) such other activities as the legislature may provide. [1965 c 156 § 3.]

Reviser's note: Chapter 43.60 RCW, the state safety council, was repealed by 1967 ex.s. c 147 § 15. For provisions relating to the transfer of powers and duties to the traffic safety commission, see chapter 43.59 RCW.

46.01.040 Powers, duties and functions of director of licenses relating to motor vehicle laws vested in department. The department of motor vehicles is vested with all powers, functions, and duties of the director of licenses with respect to and including the following:

- (1) the motor vehicle fuel excise tax as provided in chapter 82.36 RCW;
- (2) the use fuel tax as provided in *chapter 82.40 RCW;
- (3) the motor vehicle excise tax as provided in chapter 82.44 RCW;
- (4) the house trailer excise tax as provided in chapter 82.50 RCW;
- (5) all general powers and duties relating to motor vehicles as provided in chapter 46.08 RCW;
- (6) certificates of ownership and registration as provided in chapters 46.12 and 46.16 RCW;
- (7) the registration and licensing of motor vehicles as provided in chapters 46.12 and 46.16 RCW;
- (8) dealers' licenses as provided in chapter 46.70 RCW;
- (9) the licensing of motor vehicle transporters as provided in chapter 46.76 RCW;
- (10) the licensing of motor vehicle wreckers as provided in chapter 46.80 RCW;
- (11) the administration of the laws relating to the highway user tax structure as provided in **chapter 46.84 RCW;
- (12) the licensing of passenger vehicles for hire as provided in chapter 46.72 RCW;
- (13) operators' licenses as provided in chapter 46.20 RCW;
- (14) commercial driver training schools as provided in chapter 46.82 RCW;

(15) financial responsibility as provided in chapter 46.29 RCW;

(16) accident reporting as provided in chapter 46.52 RCW;

(17) disposition of revenues as provided in chapter 46.68 RCW; and

(18) the administration of all other laws relating to motor vehicles now vested in the director of licenses. [1965 c 156 § 4.]

Reviser's note: *Chapter 82.40 RCW was repealed by 1971 ex.s. c 175 § 33. For provisions relating to taxation of special fuels, see chapter 82.38 RCW.

**Chapter 46.84 RCW was repealed by 1963 c 106 § 32. For provisions relating to reciprocal or proportional registration, see chapter 46.85 RCW.

46.01.050 Other powers, duties and functions of director, department and division of professional licensing transferred to business and professional administration—Divisions created. All powers, functions and duties now vested by law in the director of licenses or the department of licenses or in the division of professional licensing in the department of motor vehicles, other than those enumerated in RCW 46.01.040, shall be transferred to the business and professional administration hereby created consisting of the divisions of securities, real estate, and professional licensing, within the department of motor vehicles. [1969 ex.s. c 281 § 34; 1965 c 156 § 5.]

Delegation of authority to division of professional licensing: RCW 43.24.024.

Powers, duties and functions of director of licenses pursuant to licensing of businesses and professions and the regulation of securities vested in director of motor vehicles: RCW 43.24.022.

46.01.055 Business and professions administration—Supervision. The director of motor vehicles shall appoint and deputize an assistant director of business and professions administration, who shall have charge and supervision of the business and professions administration. [1969 ex.s. c 281 § 35; 1967 c 32 § 117.]

46.01.060 Transfer of property, records, funds, appropriations, etc., of department of licenses. On July 1, 1965, all records, books, accounts, equipment, funds, appropriations, and all other property, real, personal, and mixed now or hereafter held by the department of licenses shall be transferred to the department of motor vehicles. [1965 c 156 § 6.]

46.01.070 Functions performed by state patrol as agent for director of licenses transferred to department. Functions named in RCW 46.01.030 which have heretofore been performed by the state patrol as agent of the director of licenses shall be performed by the department of motor vehicles after June 30, 1965. [1965 c 156 § 7.]

46.01.080 Functions performed by state patrol as agent for director of licenses transferred to department—Transfer of certain property, records, funds, etc., of state patrol to department—Segregation. On July 1, 1965, all records, books, accounts, equipment,

funds and all other personal property now or hereafter held for the use of the Washington state patrol in performing driver licensing and driver improvement functions shall be transferred to the possession and control of the department of motor vehicles. In all cases where any question shall arise as to the proper custody of any such property or pending business, the governor shall determine the question.

Such property used jointly for driver licensing and driver improvement functions, and enforcement functions of the Washington state patrol shall be segregated between the department of motor vehicles and the Washington state patrol as shall be determined by the governor. [1965 c 156 § 8.]

46.01.090 Director—Appointment—Qualifications. The department shall be under the control of an executive officer to be known as the director of motor vehicles. He shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director shall be selected with special reference to his experience, capacity and interest in the field of motor vehicle administration or highway safety. [1965 c 156 § 9.]

Appointment of director: RCW 43.17.020.

Authority of director: RCW 43.24.010.

46.01.100 Organization of department. The director shall organize the department in such manner as he may deem necessary properly to segregate and conduct the work of the department effectively. [1965 c 156 § 10.]

46.01.110 Rules and regulations. The director of motor vehicles is hereby authorized to adopt and enforce such reasonable rules and regulations as may be consistent with and necessary to carry out the provisions relating to vehicle licenses, certificates of ownership and license registration and drivers' licenses not in conflict with the provisions of Title 46 RCW. [1965 c 156 § 11; 1961 c 12 § 46.08.140. Prior: 1937 c 188 § 79; RRS § 6312-79. Formerly RCW 46.08.140.]

46.01.120 Rules and regulations—Continuation of rules and regulations of director of licenses. The lawfully adopted rules and regulations of the director of licenses in effect on June 30, 1965 shall continue to have full force and effect and be applicable until superseded by, or repealed by, rules and regulations lawfully adopted by the director of motor vehicles. Any references in such rules and regulations to the director of licenses shall be considered to be references to the director of motor vehicles. [1965 c 156 § 12.]

46.01.130 Powers of department and director—Personnel—Appointment of county auditors as agents. The department of motor vehicles shall have the general supervision and control of the issuing of vehicle licenses and vehicle license number plates and shall have the full power to do all things necessary and proper to carry out the provisions of the law relating to the licensing of vehicles; the director shall have the power to appoint

and employ deputies, assistants and representatives, and such clerks as may be required from time to time, and to provide for their operation in different parts of the state, and the director shall have the power to appoint the county auditors of the several counties as his agents for the licensing of vehicles. [1973 c 103 § 2; 1971 ex.s. c 231 § 8; 1965 c 156 § 13; 1961 c 12 § 46.08.090. Prior: 1937 c 188 § 26; RRS § 6312-26; prior: 1921 c 96 § 3, part; 1917 c 155 § 2, part; 1915 c 142 § 3, part. Formerly RCW 46.08.090.]

Severability—1973 c 103: "If any provision of this 1973 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1973 c 103 § 9.] This applies to the amendments to RCW 46.01.130, 46.01.140, 46.68.030, 82.50.902, 46.16.104, 46.16.106 and to the repeal of RCW 46.01.300, 46.16.510-46.16.550 by 1973 c 103.

Effective date—1971 ex.s. c 231: "(1) Sections 1 through 7 of this 1971 amendatory act shall take effect on January 1, 1972.

(2) Sections 8 through 23 of this 1971 amendatory act shall take effect on January 1, 1973." [1971 ex.s. c 231 § 24.] Sections 1 through 7 of Laws of 1971 ex. sess. c 231 consist of RCW 46.04.085, 46.04.302, 46.04.303, 46.04.305, 46.12.280, 46.16.111 and 46.16.505; sections 8 through 23 of Laws of 1971 ex. sess. c 231 consist of RCW 46.01.130, 46.01.140, 46.01.300, 46.12.105, 46.12.290, 46.16.100, 46.16.104-46.16.106, 46.16.510-46.16.550, 46.68.030 and 46.70.290.

46.01.140 County auditors, others, as agents of director—Disposition of application fees. The county auditor, if appointed by the director of motor vehicles shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor or other agent pursuant to any law dealing with licenses, certificates of ownership, registration, the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor or other agent a fee of fifty cents for each application in addition to any other fees required by law, which fee of fifty cents, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. In the event that such fee is paid to another agent of the director, such fee shall be used by such agent to defray his expenses in handling the application: *Provided*, That in the event such fee is collected by the state patrol, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund. [1973 c 103 § 1; 1971 ex.s. c 231 § 9; 1971 ex.s. c 91 § 3; 1965 c 156 § 14; 1963 c 85 § 1; 1961 c 12 § 46.08.100. Prior: 1955 c 89 § 3; 1937 c 188 § 27; RRS § 6312-27. Formerly RCW 46.08.100.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.01.150 Branch offices. The department may maintain such branch offices within the state as the director may deem necessary properly to carry out the powers and duties vested in the department. [1965 c 156 § 15.]

Office of department, maintenance at state capitol: RCW 43.17.050.

46.01.160 Forms for applications, licenses and certificates. The director shall prescribe and provide suitable forms of applications, certificates of ownership and registration, drivers' licenses and all other forms and licenses requisite or deemed necessary to carry out the provisions of Title 46 RCW and any other laws the enforcement and administration of which are vested in the department. [1965 c 156 § 16.]

Director to prescribe forms for applications, licenses and certificates: RCW 43.24.040.

46.01.170 Seal. The department shall have an official seal with the words "Department of Motor Vehicles of Washington" engraved thereon. [1965 c 156 § 17.]

46.01.180 Oaths and acknowledgments. Officers and employees of the department designated by the director are, for the purpose of administering the motor vehicle laws, authorized to administer oaths and acknowledge signatures and shall do so without fee. [1965 c 156 § 18.]

Oath of director: RCW 43.17.030.

46.01.190 Designation of state patrol as agent for surrender of drivers' licenses. The director of motor vehicles may designate the Washington state patrol as an agent to secure the surrender of drivers' licenses which have been suspended, revoked, or canceled pursuant to law. [1965 c 156 § 19.]

46.01.200 Transfer of employees of department of licenses and state patrol to department—Applicability of civil service law. (1) All employees of the department of licenses who are employed exclusively or principally in performing the functions vested in the department of motor vehicles shall, upon July 1, 1965, be transferred to the department of motor vehicles.

(2) All civilian employees of the Washington state patrol who are employed exclusively or principally in performing driver examining and licensing functions and driver improvement functions shall, upon July 1, 1965, be transferred to the department of motor vehicles.

(3) All such employees transferred to the department of motor vehicles as provided in this section shall continue to be governed by the provisions of chapter 41.06 RCW, the state civil service law without any loss of rights granted by said law. [1965 c 156 § 22.]

46.01.230 Payment of licenses, certificates, taxes and fees by check or money order authorized—Regulations. The department of motor vehicles is authorized to accept checks and money orders for payment of drivers'

licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees and other fees and taxes collected by the department, in accordance with regulations adopted by the director. The director's regulations shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such regulations shall contain provisions for cancellation of any registrations, licenses or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases. [1965 ex.s. c 170 § 44.]

46.01.250 Certified copies of records—Fee. The director shall have the power and it shall be his duty upon request and payment of the fee as provided herein to furnish under seal of the director certified copies of any records of the department, except those for confidential use only. The director shall charge and collect therefor the actual cost to the department. Any funds accruing to the director of motor vehicles under this section shall be certified and sent to the state treasurer and by him deposited to the credit of the highway safety fund. [1967 c 32 § 3; 1961 c 12 § 46.08.110. Prior: 1937 c 188 § 80; RRS § 6312–80. Formerly RCW 46.08.110.]

46.01.260 Destruction of records by director. The director, in his discretion, may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for drivers' licenses, copies of issued drivers' licenses, certificates of title and registration or other documents, records or supporting papers on file in his office which have been microfilmed or photographed or are more than five years old. [1971 ex.s. c 22 § 1; 1965 ex.s. c 170 § 45; 1961 c 12 § 46.08.120. Prior: 1955 c 76 § 1; 1951 c 241 § 1; 1937 c 188 § 77; RRS § 6312–77. Formerly RCW 46.08.120.]

46.01.270 Destruction of records by county auditor. The county auditor may destroy applications for vehicle licenses, copies of vehicle licenses issued, applications for vehicle driver's licenses, and copies of issued vehicle driver's licenses, if any there be, after such records shall have been on file in his office for a period of three years, unless otherwise directed by the director. [1967 c 32 § 4; 1961 c 12 § 46.08.130. Prior: 1937 c 188 § 78; RRS § 6312–78. Formerly RCW 46.08.130.]

46.01.290 Director to make annual reports to governor—Contents. The director shall, on or before the first day of October of each year, make to the governor a full report of the activities of the department relating to motor vehicle administration for the prior fiscal year, incorporating therein a statement of the program for the ensuing fiscal year. Such report shall contain a statistical analysis of the activities of the department relating to driver licensing and driver improvement, vehicle licensing and liquid fuel tax collections. [1967 c 32 § 5; 1965 c 28 § 1; 1961 ex.s. c 21 § 29. Formerly RCW 46.08.200.]

Chapter 46.04 DEFINITIONS

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|-----------|----------------------------------|
| 46.04.010 | Scope and construction of terms. |
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| 46.04.040 | Authorized emergency vehicle. |
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| 46.04.060 | Axle. |
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| 46.04.080 | Business district. |
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| 46.04.460 | Registered owner. |
| 46.04.470 | Residence district. |
| 46.04.480 | Revoke. |
| 46.04.490 | Road tractor. |
| 46.04.500 | Roadway. |
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| 46.04.540 | Sidewalk. |
| 46.04.550 | Solid tire. |
| 46.04.552 | Special mobile equipment. |
| 46.04.560 | State highway. |
| 46.04.570 | Street car. |

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| 46.04.580 | Suspend. |
| 46.04.585 | Temporarily sojourning. |
| 46.04.590 | Traffic. |
| 46.04.600 | Traffic control signal. |
| 46.04.611 | Traffic-control devices. |
| 46.04.620 | Trailer. |
| 46.04.630 | Train. |
| 46.04.640 | Trolley vehicle. |
| 46.04.650 | Truck tractor. |
| 46.04.660 | Used vehicle. |
| 46.04.670 | Vehicle. |
| 46.04.680 | Director—Department. |
| 46.04.700 | Driver education. |

"Conviction" defined: RCW 46.20.270.

"Motor vehicle dealer" defined: RCW 46.70.011.

46.04.010 Scope and construction of terms. Terms used in this title shall have the meaning given to them in this chapter except where otherwise defined, and unless where used the context thereof shall clearly indicate to the contrary.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [1961 c 12 § 46.04.010. Prior: 1959 c 49 § 2; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.020 Alley. "Alley" means a public highway not designed for general travel and used primarily as a means of access to the rear of residences and business establishments. [1961 c 12 § 46.04.020. Prior: 1959 c 49 § 3; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.030 Arterial highway. "Arterial highway" means every public highway, or portion thereof, designated as such by proper authority. [1961 c 12 § 46.04.030. Prior: 1959 c 49 § 4; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.040 Authorized emergency vehicle. "Authorized emergency vehicle" means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state commission on equipment, or any other vehicle authorized in writing by the state commission on equipment. [1961 c 12 § 46.04.040. Prior: 1959 c 49 § 5; 1953 c 40 § 1; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.050 Auto stage. "Auto stage" means any motor vehicle used for the purpose of carrying passengers together with incidental baggage and freight or either, on a regular schedule of time and rates: *Provided*, That

no motor vehicle shall be considered to be an auto stage where substantially the entire route traveled by such vehicle is within the corporate limits of any city or town or the corporate limits of any adjoining cities or towns. [1961 c 12 § 46.04.050. Prior: 1959 c 49 § 6; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.060 Axle. "Axle" means structure or structures in the same or approximately the same transverse plane with a vehicle supported by wheels and on which or with which such wheels revolve. [1961 c 12 § 46.04.060. Prior: 1959 c 49 § 7; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.071 Bicycle. Bicycle means every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty inches in diameter. [1965 ex.s. c 155 § 86.]

46.04.080 Business district. "Business district" means the territory contiguous to and including the public highway when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business. [1961 c 12 § 46.04.080. Prior: 1959 c 49 § 9; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.085 Camper. "Camper" means a structure designed to be mounted upon a motor vehicle which provides facilities for human habitation or for temporary outdoor or recreational lodging and which is five feet or more in overall length and five feet or more in height from its floor to its ceiling when fully extended, but shall not include motor homes as defined in RCW 46.04.305. [1971 ex.s. c 231 § 2.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.04.090 Cancel. "Cancel," in all its forms, means the invalidation indefinitely and until successful application, but shall be for a period of not less than one year. [1961 c 12 § 46.04.090. Prior: 1959 c 49 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.100 Center line. "Center line" means the line, marked or unmarked, parallel to and equidistant from the sides of the roadway of a public highway. [1961 c 12 § 46.04.100. Prior: 1959 c 49 § 11; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.110 Center of intersection. "Center of intersection" means the point of intersection of the center lines of the roadway of intersecting public highways. [1961 c 12 § 46.04.110. Prior: 1959 c 49 § 12; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.120 City street. "City street" means every public highway, or part thereof located within the limits of cities and towns, except alleys. [1961 c 12 § 46.04.120. Prior: 1959 c 49 § 13; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.130 Combination of vehicles. "Combination of vehicles" means every combination of motor vehicle and motor vehicle, motor vehicle and trailer or motor vehicle and semitrailer. [1963 c 154 § 26; 1961 c 12 § 46.04.130. Prior: 1959 c 49 § 14; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

Effective date—1963 c 154: The effective date of the above amendment is January 1, 1964, see note following RCW 46.37.010.

46.04.140 Commercial vehicle. "Commercial vehicle" means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. [1961 c 12 § 46.04.140. Prior: 1959 c 49 § 15; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.150 County road. "County road" means every public highway or part thereof, outside the limits of cities and towns and which has not been designated as a state highway. [1961 c 12 § 46.04.150. Prior: 1959 c 49 § 16; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.160 Crosswalk. "Crosswalk" means the portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk. [1961 c 12 § 46.04.160. Prior: 1959 c 49 § 17; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.165 Driveaway-towaway operation. "Driveaway-towaway operation" means any operation in which any motor vehicle, trailer or semitrailer, singly or in combination, new or used, constitutes the commodity being transported when one set or more wheels of any such vehicle are on the roadway during the course of transportation, whether or not any such vehicle furnishes the motive power. [1963 c 154 § 27.]

Effective date—1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

46.04.170 Explosives. "Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, and which contains any oxidizing or combustible units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonation of any part of the compound mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. [1961 c 12 § 46.04.170. Prior: 1959 c 49 § 18; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

46.04.180 Farm tractor. "Farm tractor" means every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry. [1961 c 12 § 46.04.180. Prior: 1959 c 49 § 19; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.181 Farm vehicle. "Farm vehicle" means any vehicle other than a farm tractor or farm implement which is designed and/or used primarily in agricultural pursuits on farms for the purpose of transporting machinery, equipment, implements, farm products, supplies and/or farm labor thereon and is only incidentally operated on or moved along public highways for the purpose of going from one farm to another. [1967 c 202 § 1.]

46.04.182 Farmer. "Farmer" means any person, firm, partnership or corporation engaged in farming. If a person, firm, partnership or corporation is engaged in activities in addition to that of farming, the definition shall only apply to that portion of the activity that is defined as farming in RCW 46.04.183. [1969 ex.s. c 281 § 58.]

46.04.183 Farming. "Farming" means the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (except forestry or forestry operations), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices performed on a farm as an incident to or in conjunction with such farming operations. [1969 ex.s. c 281 § 59.]

46.04.190 For hire vehicle. "For hire vehicle" means any motor vehicle other than an auto stage used for the transportation of persons for compensation. [1961 c 12 § 46.04.190. Prior: 1959 c 49 § 20; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.200 Hours of darkness. "Hours of darkness" means the hours from one-half hour after sunset to one-half hour before sunrise, and any other time when persons or objects may not be clearly discernible at a distance of five hundred feet. [1961 c 12 § 46.04.200. Prior: 1959 c 49 § 21; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.210 Flammable liquid. "Flammable liquid" means any liquid which has a flash point of 70° Fahrenheit, or less, as determined by a Tagliabue or equivalent closed cup test device. [1961 c 12 § 46.04.210. Prior: 1959 c 49 § 22; prior: 1937 c 189 § 1, part; RRS § 6360-1, part. Cf. 1951 c 102 § 3.]

46.04.220 Intersection area. "Intersection area" means the area embraced within the prolongation of the lateral curb lines, or, if there are no curb lines, or, if there are no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another. [1961 c 12 § 46.04.220. Prior: 1959 c 49 § 23; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.230 Intersection center marker. "Intersection center marker" means any standard, button, flag, painted or raised marker, or other device located at and intended to designate the approximate center of intersection. [1961 c 12 § 46.04.230. Prior: 1959 c 49 § 24; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.240 Intersection control area. "Intersection control area" means intersection area, together with such modification of the adjacent roadway area as results from the arc of curb corners and together with any marked or unmarked crosswalks adjacent to the intersection. [1961 c 12 § 46.04.240. Prior: 1959 c 49 § 25; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.250 Intersection entrance marker. "Intersection entrance marker" means any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto. [1961 c 12 § 46.04.250. Prior: 1959 c 49 § 26; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.260 Laned highway. "Laned highway" means a highway the roadway of which is divided into clearly marked lanes for vehicular traffic. [1961 c 12 § 46.04.260. Prior: 1959 c 49 § 27; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.270 Legal owner. "Legal owner" means a mortgagee or owner of the legal title to a vehicle. [1961 c 12 § 46.04.270. Prior: 1959 c 49 § 28; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

46.04.280 Local authorities. "Local authorities" includes every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state. [1961 c 12 § 46.04.280. Prior: 1959 c 49 § 29; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.290 Marked crosswalk. "Marked crosswalk" means any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof. [1961 c 12 § 46.04.290. Prior: 1959 c 49 § 30; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.300 Metal tire. "Metal tire" includes every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material. [1961 c 12 § 46.04.300. Prior: 1959 c 49 § 31; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.302 Mobile home. "Mobile home" means all trailers of the type designed as facilities for human habitation and which are capable of being moved upon the public streets and highways and which are more than thirty-five feet in length or more than eight feet in width, except as hereinafter specifically excluded, and excluding modular homes. [1971 ex.s. c 231 § 4.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.04.303 Modular home. "Modular home" means any factory-built housing designed primarily for residential occupancy by human beings which does not contain a permanent frame and must be mounted on a permanent foundation. [1971 ex.s. c 231 § 5.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.04.305 Motor homes. "Motor homes" means motor vehicles originally designed, reconstructed, or permanently altered to provide facilities for human habitation. [1971 ex.s. c 231 § 3.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.04.310 Motor truck. "Motor truck" means any motor vehicle designed or used for the transportation of commodities, merchandise, produce, freight, or animals. [1961 c 12 § 46.04.310. Prior: 1959 c 49 § 32; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.320 Motor vehicle. "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. [1961 c 12 § 46.04.320. Prior: 1959 c 49 § 33; 1955 c 384 § 10; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.330 Motorcycle. "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor. [1961 c 12 § 46.04.330. Prior: 1959 c 49 § 34; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; 1915 c 142 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.332 Motor-driven cycle. "Motor-driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft), and every bicycle with motor attached. [1963 c 154 § 28.]

Effective date—1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

46.04.340 Muffler. "Muffler" means a device consisting of a series of chambers, or other mechanical designs for the purpose of receiving exhaust gas from an internal combustion engine and effective in reducing noise resulting therefrom. [1961 c 12 § 46.04.340. Prior: 1959 c 49 § 35; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.350 Multiple lane highway. "Multiple lane highway" means any public highway the roadway of which is of sufficient width to reasonably accommodate four or more separate lanes of vehicular traffic, two or more lanes in each direction, each lane of which shall be not less than eight feet in width and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking. [1961 c 12 § 46.04.350. Prior: 1959 c 49 § 36; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.355 Municipal transit vehicle. Municipal transit vehicle includes every motor vehicle, street car, train, trolley vehicle, and any other device, which (1) is capable of being moved within, upon, above, or below a public highway, (2) is owned or operated by a city, county, or metropolitan municipal corporation within the state, and (3) is used for the purpose of carrying passengers together with incidental baggage and freight on a regular schedule. [1974 1st ex.s. c 76 § 4.]

46.04.360 Nonresident. "Nonresident" means any person whose residence is outside this state and who is temporarily sojourning within this state. [1961 c 12 § 46.04.360. Prior: 1959 c 49 § 37; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.370 Operator or driver. "Operator or driver" means every person who is in actual physical control of a motor vehicle upon a public highway. [1967 c 32 § 1; 1961 c 12 § 46.04.370. Prior: 1959 c 49 § 38; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.380 Owner. "Owner" means a person who holds a title of ownership of a vehicle, or in the event the vehicle is subject to an agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days. [1961 c 12 § 46.04.380. Prior: 1959 c 49 § 39; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.382 Passenger car. "Passenger car" means every motor vehicle except motorcycles and motor-driven cycles, designed for carrying ten passengers or less and used for the transportation of persons. [1963 c 154 § 29.]

Effective date—1963 c 154: The effective date of this section is January 1, 1964, see note following RCW 46.37.010.

46.04.391 Police officer. Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. [1965 ex.s. c 155 § 89.]

46.04.400 Pedestrian. "Pedestrian" means any person afoot. [1961 c 12 § 46.04.400. Prior: 1959 c 49 § 41; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.405 Person. "Person" includes every natural person, firm, copartnership, corporation, association, or organization. [1961 c 12 § 46.04.405. Prior: 1959 c 49 § 42; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.410 Pneumatic tires. "Pneumatic tires" includes every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon. [1961 c 12 § 46.04.410. Prior: 1959 c 49 § 43; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 §

1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.414 Pole trailer. "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach, or pole, or by being boomed or otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregular shaped loads such as poles, pipes, logs or structural members capable, generally, of sustaining themselves as beams between the supporting connections. [1961 c 12 § 46.04.414. Prior: 1959 c 49 § 44; prior: 1951 c 56 § 1.]

46.04.416 Private carrier bus. "Private carrier bus" means every motor vehicle designed for the purpose of carrying passengers (having a seating capacity for eleven or more persons) used regularly to transport persons in furtherance of any organized agricultural, religious or charitable purpose. Such term does not include buses operated by common carriers under a franchise granted by any city or town or the Washington public utilities commission. [1970 ex.s. c 100 § 3.]

46.04.420 Private road or driveway. "Private road or driveway" includes every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons. [1961 c 12 § 46.04.420. Prior: 1959 c 49 § 45; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.431 Highway. Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. [1965 ex.s. c 155 § 87.]

46.04.435 Public scale. "Public scale" means every scale under public or private ownership which is certified as to its accuracy and which is available for public weighing. [1961 c 12 § 46.04.435. Prior: 1959 c 49 § 47.]

46.04.440 Railroad. "Railroad" means a carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside cities and towns. [1961 c 12 § 46.04.440. Prior: 1959 c 49 § 48; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.450 Railroad sign or signal. "Railroad sign or signal" means any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. [1961 c 12 § 46.04.450. Prior: 1959 c 49 § 49; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.460 Registered owner. "Registered owner" means a person who holds a certificate of ownership of a vehicle, or in the event the vehicle is subject to an

agreement for the conditional sale or lease thereof with a right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then any such conditional vendee or lessee, or mortgagor having a lawful right of possession or use and control for a period of ten or more successive days. [1961 c 12 § 46.04.460. Prior: 1959 c 49 § 50; prior: 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part.]

46.04.470 Residence district. "Residence district" means the territory contiguous to and including a public highway not comprising a business district, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improved with residences or residences and buildings in use for business. [1961 c 12 § 46.04.470. Prior: 1959 c 49 § 51; prior: 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.480 Revoke. "Revoke," in all its forms, means the invalidation for a period of one calendar year and thereafter until reissue. [1961 c 12 § 46.04.480. Prior: 1959 c 49 § 52; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.490 Road tractor. "Road tractor" includes every motor vehicle designed and used primarily as a road building vehicle in drawing road building machinery and devices. [1961 c 12 § 46.04.490. Prior: 1959 c 49 § 53; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.500 Roadway. "Roadway" means the paved, improved, or proper driving portion of a public highway designed, or ordinarily used for vehicular travel. [1961 c 12 § 46.04.500. Prior: 1959 c 49 § 54; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.510 Safety zone. "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards, or otherwise, so as to be plainly discernible. [1961 c 12 § 46.04.510. Prior: 1959 c 49 § 55; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.521 School bus. School bus means every motor vehicle used regularly to transport children to and from school or in connection with school activities, which is subject to the requirements set forth in the most recent edition of "Specifications for School Buses" published by the state superintendent of public instruction, but does not include buses operated by common

carriers in urban transportation of school children. [1965 ex.s. c 155 § 90.]

46.04.530 Semitrailer. "Semitrailer" includes every vehicle without motive power designed to be drawn by a motor vehicle or truck tractor and so constructed that an appreciable part of its weight and that of its load rests upon and is carried by such motor vehicle or truck tractor. [1961 c 12 § 46.04.530. Prior: 1959 c 49 § 57; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.540 Sidewalk. "Sidewalk" means that property between the curb lines or the lateral lines of a roadway and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians. [1961 c 12 § 46.04.540. Prior: 1959 c 49 § 58; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.550 Solid tire. "Solid tire" includes every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon. [1961 c 12 § 46.04.550. Prior: 1959 c 49 § 59; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.552 Special mobile equipment. "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch digging apparatus, well boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth moving carry-alls and scrapers, power shovels and draglines, and self-propelled cranes and earth moving equipment. The term does not include house trailers, dump trucks, truck mounted transit mixers, cranes or shovels or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 1; 1972 ex.s. c 5 § 1; 1963 c 154 § 30.]

Effective date—1963 c 154: The effective date of this section was January 1, 1964, see note following RCW 46.37.010.

46.04.560 State highway. "State highway" includes every primary and secondary state highway or part thereof. [1961 c 12 § 46.04.560. Prior: 1959 c 49 § 60; prior: 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.570 Street car. "Street car" means a vehicle other than a train for transporting persons or property and operated upon stationary rails principally within

cities and towns. [1961 c 12 § 46.04.570. Prior: 1959 c 49 § 61; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.580 Suspend. "Suspend," in all its forms, means invalidation for any period less than one calendar year and thereafter until reinstatement. [1961 c 12 § 46.04.580. Prior: 1959 c 49 § 62; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.585 Temporarily sojourning. "Temporarily sojourning," as the term is used in chapter 46.04 RCW, shall be construed to include any nonresident who is within this state for a period of not to exceed six months in any one year. [1961 c 12 § 46.04.585. Prior: 1959 c 49 § 63; prior: 1955 c 89 § 6.]

46.04.590 Traffic. "Traffic" includes pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together, while using any public highways for purposes of travel. [1961 c 12 § 46.04.590. Prior: 1959 c 49 § 64; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.600 Traffic control signal. "Traffic control signal" means any traffic device, whether manually, electrically, or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled. [1961 c 12 § 46.04.600. Prior: 1959 c 49 § 65; prior: 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.611 Traffic-control devices. Official traffic-control devices means all signs, signals, markings and devices not inconsistent with Title 46 RCW placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. [1965 ex.s. c 155 § 88.]

46.04.620 Trailer. "Trailer" includes every vehicle without motive power designed for being drawn by or used in conjunction with a motor vehicle constructed so that no appreciable part of its weight rests upon or is carried by such motor vehicle, but does not include a municipal transit vehicle, or any portion thereof. [1974 1st ex.s. c 76 § 3; 1961 c 12 § 46.04.620. Prior: 1959 c 49 § 67; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part; 1923 c 181 § 1, part; 1921 c 96 § 2, part; 1919 c 59 § 1, part; 1917 c 155 § 1, part; RRS § 6313, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.630 Train. "Train" means a vehicle propelled by steam, electricity, or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars. [1961 c 12 § 46.04.630. Prior: 1959 c 49 § 68; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.640 Trolley vehicle. "Trolley vehicle" means a vehicle the motive power for which is supplied by means of a trolley line and which may or may not be confined in its operation to a certain portion of the roadway in order to maintain trolley line contact. [1961 c 12 § 46.04.640. Prior: 1959 c 49 § 69; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.650 Truck tractor. "Truck tractor" means any motor truck designed and used primarily for drawing a semitrailer and not constructed to carry a load thereon other than a part of the weight of such semitrailer and load so drawn. [1961 c 12 § 46.04.650. Prior: 1959 c 49 § 70; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.660 Used vehicle. "Used vehicle" means a vehicle which has been sold, bargained, exchanged, given away, or title transferred from the person who first took title to it from the manufacturer or first importer, dealer, or agent of the manufacturer or importer, and so used as to have become what is commonly known as "second-hand" within the ordinary meaning thereof. [1961 c 12 § 46.04.660. Prior: 1959 c 49 § 71; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part.]

46.04.670 Vehicle. "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks. [1961 c 12 § 46.04.670. Prior: 1959 c 49 § 72; prior: (i) 1943 c 153 § 1, part; 1937 c 188 § 1, part; Rem. Supp. 1943 § 6312-1, part. (ii) 1937 c 189 § 1, part; RRS § 6360-1, part; 1929 c 180 § 1, part; 1927 c 309 § 2, part; RRS § 6362-2, part.]

46.04.680 Director—Department. "Director" means the director of motor vehicles and "department" means the department of motor vehicles. [1967 c 32 § 2; 1961 c 12 § 46.04.680. Prior: 1959 c 49 § 73.]

46.04.700 Driver education. Whenever the term "driver education" is used in the code, it shall be defined to mean "traffic safety education". [1969 ex.s. c 218 § 12.]

Chapter 46.08 GENERAL PROVISIONS

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46.08.010 State preempts licensing field. The provisions of this title relating to the certificate of ownership, certificate of license registration, vehicle license, vehicle license plates and vehicle operator's license shall be exclusive and no political subdivision of the state of Washington shall require or issue any licenses or certificates for the same or a similar purpose, nor shall any city or town in this state impose a tax, license, or other fee upon vehicles operating exclusively between points outside of such city or town limits, and to points therein. [1961 c 12 § 46.08.010. Prior: 1937 c 188 § 75; RRS § 6312-75.]

46.08.020 Precedence over local vehicle and traffic regulations. The provisions of this title relating to vehicles shall be applicable and uniform throughout this state and in all incorporated cities and towns and all political subdivisions therein and no local authority shall enact or enforce any law, ordinance, rule or regulation in conflict with the provisions of this title except and unless expressly authorized by law to do so and any laws, ordinances, rules or regulations in conflict with the provisions of this title are hereby declared to be invalid and of no effect. Local authorities may, however, adopt additional vehicle and traffic regulations which are not in conflict with the provisions of this title. [1961 c 12 § 46.08.020. Prior: 1937 c 189 § 2; RRS § 6360-2.]

46.08.030 Uniformity of application. The provisions of this title relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided. [1961 c 12 § 46.08.030. Prior: 1937 c 189 § 3; RRS § 6360-3.]

46.08.060 Classification as emergency vehicles—Approval of operators. Any person, firm, corporation or municipal corporation desiring to have a vehicle registered as an authorized emergency vehicle shall make application for such classification to the state commission on equipment. Following such inquiry as is considered necessary, the state commission on equipment may issue or refuse such authorization. The director of motor vehicles shall further require that there be submitted information concerning any person or persons who will operate such authorized emergency vehicle and it shall be unlawful for any such person, firm, corporation or municipal corporation and the responsible officer thereof to permit the operation of such authorized emergency vehicle by any person not approved as

operator thereof by the director of motor vehicles. [1961 c 12 § 46.08.060. Prior: 1937 c 189 § 132; RRS § 6360-132.]

46.08.065 Publicly owned vehicles to be marked—

Exceptions. It shall be unlawful for any public officer having charge of any vehicle owned by the state of Washington or by any county, city, town or other public body in this state and used in public business to operate the same upon the public highways of this state unless and until there shall be painted upon such automobile or other motor vehicle in letters of contrasting color not less than two inches in height in a conspicuous place on the left side thereof, the words "State of Washington" or the name of such county, city, town or other public body, together with the name of the department or office upon the business of which the said vehicle is used: *Provided*, That this section shall not apply to vehicles of the Washington state patrol, sheriff's office, police department, or any vehicles used by peace officers under public authority for special or general purpose: *Provided further*, That it shall be lawful and constitute compliance with the provisions of this section for any department or office to adopt and use in lieu of the lettering required a distinctive insignia, approved by the state commission on equipment, and bearing substantially the same information as required herein. [1961 c 12 § 46.08.065. Prior: 1937 c 189 § 46; RRS § 6360-46. Formerly RCW 46.36.140.]

46.08.070 Nonresidents, application to. Subject to a compliance with the motor vehicle laws of the state and acceptance of the provisions of this title, nonresident owners and operators of vehicles hereby are granted the privilege of using the public highways of this state, and use of such public highways shall be deemed and construed to be an acceptance by such nonresident owners and operators of the provisions of this title. [1961 c 12 § 46.08.070. Prior: 1937 c 189 § 128; RRS § 6360-128.]

46.08.150 Control of traffic on capitol grounds. The director of general administration shall have power to devise and promulgate rules and regulations for the control of vehicular and pedestrian traffic and the parking of motor vehicles on the state capitol grounds. Such rules and regulations shall be promulgated by publication in one issue of a newspaper published at the state capitol and shall be given such further publicity as the director may deem proper. [1961 c 12 § 46.08.150. Prior: 1955 c 285 § 21; 1947 c 11 § 1; Rem. Supp. 1947 § 7921-20.]

46.08.160 Control of traffic on capitol grounds—Enforcing officer. The chief of the Washington state patrol shall be the chief enforcing officer to assure the proper enforcement of such rules and regulations. [1961 c 12 § 46.08.160. Prior: 1947 c 11 § 2; Rem. Supp. 1947 § 7921-21.]

46.08.170 Control of traffic on capitol grounds—Violations, misdemeanors—Jurisdiction. Any violation of a rule or regulation prescribed under RCW 46.08.150

shall be punishable as a misdemeanor, and the courts of justices of the peace in Thurston county shall have jurisdiction over such offenses. [1963 c 158 § 2; 1961 c 12 § 46.08.170. Prior: 1947 c 11 § 3; Rem. Supp. 1947 § 7921-22.]

46.08.172 Control of traffic on capitol grounds—Disposition of fines and parking revenue—State capitol vehicle parking account. There is hereby established an account within the general fund of the state treasury to be known as the "state capitol vehicle parking account". All unpledged parking rental income and fines collected by the department of general administration from rental of parking space and the enforcement of traffic regulations on the capitol grounds and the east capitol site shall be deposited in the "state capitol vehicle parking account".

The "state capitol vehicle parking account" shall be used to pay costs incurred in the operation, maintenance, regulation and enforcement of vehicle parking and parking facilities at the state capitol. [1963 c 158 § 1.]

46.08.190 Jurisdiction of justices of peace, police court and superior court. Every justice of the peace and police court judge shall have concurrent jurisdiction with superior court judges of the state for all violations of the provisions of this title and may impose any punishment provided therefor. [1961 c 12 § 46.08.190. Prior: 1955 c 393 § 4.]

**Chapter 46.09
ALL-TERRAIN VEHICLES**

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46.09.010 Application of chapter—Permission necessary to enter upon private lands. The provisions of this chapter shall apply to all lands in this state. Nothing in chapter 43.09 RCW, RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 or 67.32.140 shall be deemed to grant to any person the right or authority to enter upon private property without permission of the property owner. [1972 ex.s. c 153 § 2; 1971 ex.s. c 47 § 6.]

Reviser's note: Throughout chapter 46.09 RCW, with the exception of RCW 46.09.010 and 46.09.900, the phrase "this 1971 amendatory act" has been changed to "this chapter". This 1971 amendatory act [1971 ex.s. c 47] consists of chapter 46.09 RCW and RCW 67.32.050, 67.32.080, 67.32.100, 67.32.130 and 67.32.140.

Appropriations—1972 ex.s. c 153: "To carry out the provisions of this 1972 amendatory act, there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account those moneys as provided from ATV permit fees and dealer permit and tag fees, in the sum of one million dollars, or such lesser amounts of the all-terrain vehicle use permit fees and dealer permit and tag fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of this 1972 amendatory act there is appropriated to the interagency committee for outdoor recreation from the outdoor recreation account, those moneys as provided from ATV fuel tax refunds, in the sum of one million dollars, or such lesser amount, as represents the refund of tax on motor vehicle fuel which has been determined to be a tax on all-terrain vehicle fuel, or so much thereof as may be necessary.

To carry out the provisions of this 1972 amendatory act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary." [1972 ex.s. c 153 § 26; 1971 ex.s. c 47 § 27.]

Reviser's note: "this 1972 amendatory act" [1972 ex.s. c 153] as used in the above quoted appropriation section consists of the amendments to RCW 46.09.010–46.09.120, 46.09.150–46.09.210, 46.10.040, 46.10.070, 46.10.080, 46.10.110, and 46.10.120, and to RCW 46.09.220, 46.09.230, and 46.10.185, and the repeal of RCW 46.09.100.

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.020 Definitions. As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicates:

"Person" shall mean any individual, firm, partnership, association or corporation.

"All-terrain vehicle" shall mean any self-propelled vehicle when used for cross-country travel on trails and nonhighway roads or any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include but are not limited to, four-wheel drive vehicles, motorcycles, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, logging and private forestry vehicles, snowmobiles or any military or law enforcement vehicles.

"ATV use permit" means the permit system established for an all-terrain vehicle, in this state, pursuant to this chapter.

"Trail" for the purpose of this chapter, shall mean a corridor designated and maintained for recreational travel; by whatever mode of transportation (foot, animal, or vehicular) authorized by the managing authority of the property that the trail traverses.

"Owner" shall mean the person other than the lienholder, having an interest in or title to an all-terrain vehicle, and entitled to the use or possession thereof.

"Operator" means each person who operates, or is in physical control of, any all-terrain vehicle.

"Dealer" means a person, partnership, association, or corporation engaged in the business of selling all-terrain vehicles at wholesale or retail in this state.

"Department" shall mean the department of motor vehicles.

"Director" shall mean the director of the department of motor vehicles.

"Committee" shall mean the interagency committee for outdoor recreation.

"Hunt" shall mean any effort to kill, injure, capture, or purposely disturb a wild animal or wild bird.

"Nonhighway road" shall mean any road other than a highway generally capable of travel by a conventional two-wheel drive passenger automobile during most of the year and in use by such vehicles and which are private roads or controlled and maintained by the department of natural resources, the state parks and recreation commission and the state game department: *Provided*, That such roads are not built or maintained by appropriations from the motor vehicle fund.

"Highway" for the purpose of this chapter only shall mean the entire width between the boundary lines of every way publicly maintained by the state department of highways or any county or city when any part thereof is generally open to the use of the public for purposes of vehicular travel as a matter of right.

"Organized competitive event" shall mean any competition, advertised in advance, sponsored by recognized clubs, and conducted at a predetermined time and place. [1972 ex.s. c 153 § 3; 1971 ex.s. c 47 § 7.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.030 Use permits—Issuance—Fees. The department shall provide for the issuance of use permits for all-terrain vehicles and may appoint agents for collecting fees and issuing permits. The provisions of RCW 46.01.130 and 46.01.140 shall apply to the issuance of use permits for all-terrain vehicles as they do to the issuance of vehicle licenses, the appointment of agents and the collection of application fees: *Provided*, That filing fees for ATV use permits collected by the director shall be certified to the state treasurer and deposited to the credit of the outdoor recreation account. [1972 ex.s. c 153 § 4; 1971 ex.s. c 47 § 8.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.040 Use permit prerequisite to operation. Except as provided in this chapter, no person shall operate any all-terrain vehicle within this state after February 27, 1972 unless such all-terrain vehicle has been assigned an ATV use permit and displays an ATV tag in accordance with the provisions of this chapter: *Provided*, That the 1972 registration, licensing, and display thereof shall be deemed to have complied with this section for the 1972 registration period. [1972 ex.s. c 153 § 5; 1971 ex.s. c 47 § 9.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.050 Vehicles exempted from ATV use permits and tags. ATV use permits and ATV tags shall be required under the provisions of this chapter except for the following:

(1) All-terrain vehicles owned and operated by the United States, another state, or a political subdivision thereof.

(2) All-terrain vehicles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) An all-terrain vehicle operating in an organized competitive event on privately owned or leased land: *Provided*, That if such leased land is owned by the state of Washington this exemption shall not apply unless the state agency exercising jurisdiction over the land in question specifically authorizes said competitive event: *Provided further*, That such exemption shall be strictly construed.

(4) All-terrain vehicles operated on lands owned or leased by the ATV owner or operator or lands on which the operator has permission to operate without an ATV use permit.

(5) All-terrain vehicles which are validly licensed to operate over a highway of this state or if owned by nonresidents of this state, all-terrain vehicles which are validly licensed for operation over public highways in the state of the owner's residence.

(6) Those two-wheeled vehicles with engines of fifty cubic centimeters or less displacement or those two-wheeled vehicles with engines which develop five or less horsepower, or those two-wheeled vehicles with a wheelbase of forty-two inches or less, or those two-wheeled vehicles which are equipped with wheels of fourteen inches or less rim diameter.

(7) All-terrain vehicles while being used for search and rescue purposes under the authority or direction of an appropriate search and rescue or law enforcement agency.

(8) Vehicles used primarily for construction or inspection purposes during the course of a commercial operation. [1972 ex.s. c 153 § 6; 1971 ex.s. c 47 § 10.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.060 ATV use permit period. The ATV use permit period established by the department shall be concurrent with the registration period established by the department for motor vehicles pursuant to chapter 46.16 RCW. [1972 ex.s. c 153 § 7; 1971 ex.s. c 47 § 11.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.070 Application for ATV use permit—Number—Fee—Renewal—Application when transfer in ownership—Fee—Application for nonresident owners—Fee—Permit. Application for an ATV use permit shall be made to the department or its authorized agent in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the all-terrain vehicle, and shall be signed by at least one such owner, and shall be accompanied by a use permit fee of five dollars.

Upon receipt of the application and the application fee, such all-terrain vehicle shall be assigned a use permit number tag or decal, which shall be affixed to the all-terrain vehicle in a manner prescribed by the department. The department may utilize applications, registration and license forms and registration numbering provided for use prior to February 27, 1972 for the balance of 1972 and such shall constitute use permits, tags or decals for 1972.

The ATV use permit provided in this section shall be valid for a period of one year. Use permits shall be renewable each year in such manner as the department may prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring an all-terrain vehicle for which a use permit has been issued under the provisions of this chapter must, within fifteen days of the acquisition or purchase of such all-terrain vehicle make application to the department or its authorized agent for transfer of such ATV use permit, and such application shall be accompanied by a transfer fee of one dollar.

Any out-of-state owner of an all-terrain vehicle shall, when operating in this state, comply with the provisions of this chapter and if an ATV use permit is required under this chapter, he shall obtain a nonresident ATV use permit number and tag, valid for not more than sixty days or an annual permit and tag. Application for such a permit shall state name and address of each owner of the all-terrain vehicle and shall be signed by at least one such owner and shall be accompanied by a fee of two dollars. The permit shall be carried on the vehicle at all times during its operation in this state. [1972 ex.s. c 153 § 8; 1971 ex.s. c 47 § 12.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.080 ATV dealers—Permits—Fees—Number plates—Violations. (1) Each dealer of all-terrain vehicles in this state who does not have a current "dealer's plate" for vehicle use pursuant to chapter 46.70 RCW, shall obtain a dealer ATV permit from the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for a dealer ATV permit and the fee provided for in subsection (2) of this section, such dealer shall be registered and an ATV dealer permit number assigned.

(2) The ATV fee for dealers shall be twenty-five dollars per year, which shall be deposited in the outdoor recreation account, and such fee shall cover all of the all-terrain vehicles owned by a dealer and not rented: *Provided*, That all-terrain vehicles rented on a regular, commercial basis by a dealer shall have separate use permits under the provisions of *this 1972 amendatory act.

(3) Upon the issuance of an ATV dealer permit each dealer shall purchase, at a cost to be determined by the department, ATV dealer number plates of a size and color to be determined by the department, which shall contain the dealer ATV permit number assigned to the dealer. Each all-terrain vehicle operated by a dealer for the purposes of testing or demonstration shall display such number plates assigned pursuant to the dealer

permit provisions as provided for in chapter 46.70 RCW or this section, in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display number plates as prescribed in subsection (3) of this section, and no dealer or representative thereof shall use such number plates for any purpose other than the purpose prescribed in subsection (3) of this section.

(5) ATV dealer permit numbers shall be nontransferable.

(6) On and after January 1, 1973, it shall be unlawful for any dealer to sell any all-terrain vehicle at wholesale or retail, or to test or demonstrate any all-terrain vehicle within the state, unless he has a motor vehicle dealers' license pursuant to chapter 46.70 RCW or an ATV dealer permit number in accordance with the provisions of this section. [1972 ex.s. c 153 § 9; 1971 ex.s. c 47 § 13.]

***Reviser's note:** "this 1972 amendatory act", see note following RCW 67.32.080.

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.090 Display of use permit and dealer tags. All ATV use permit tags and ATV dealer tags shall be displayed in a manner prescribed by the department on all-terrain vehicles when required by *this 1972 amendatory act except as provided in RCW 46.09.050. [1972 ex.s. c 153 § 10; 1971 ex.s. c 47 § 14.]

***Reviser's note:** "this 1972 amendatory act", see note following RCW 67.32.080.

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.110 Disposition of ATV use permit fees. The moneys collected by the department as ATV use permit fees shall be distributed from time to time but at least once a year in the following manner:

(1) The department shall retain enough money to cover expenses incurred in the administration of this chapter: *Provided*, That such retention shall never exceed eighteen percent of fees collected.

(2) The remaining funds shall be deposited in the outdoor recreation account of the general fund to be distributed by the interagency committee to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. The interagency committee shall prescribe methods, rules, and standards by which such departments, counties or municipalities may apply for and obtain moneys from the outdoor recreation account for defraying expenses and costs for planning, development, acquisition, and management of ATV recreational areas and trails and the committee shall also apply for applicable federal matching funds: *Provided*, That agencies constructing all-terrain vehicle trails, campgrounds, and recreational areas and facilities, shall consider the possibility of contracting with the state parks and recreation commission, the department of natural resources or other agencies to employ the youth development and conservation corps or other youth crews to construct or assist in construction of such all-terrain

vehicle trails, campgrounds and recreational areas and facilities.

The department of natural resources may use up to five percent of the use permit fees for administration cost and for implementing this chapter. [1972 ex.s. c 153 § 11; 1971 ex.s. c 47 § 16.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.120 Operating violations. It shall be unlawful for any person to operate any all-terrain vehicle:

(1) While under the influence of intoxicating liquor or a controlled substance;

(2) In such a manner as to endanger the property of another;

(3) On lands not owned by the operator or owner of the all-terrain vehicle without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others regardless of ownership;

(4) On lands not owned by the operator or owner of the all-terrain vehicle without an adequate braking device or when otherwise required for the safety of others regardless of ownership;

(5) Without a spark arrester approved by the department of natural resources;

(6) Without an adequate, and operating, muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise. All-terrain vehicles manufactured after January 4, 1973, shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol;

(7) On lands not owned by the operator or owner of the all-terrain vehicle upon the shoulder or inside bank or slope of any nonhighway road or highway, or upon the median of any divided highway;

(8) On lands not owned by the operator or owner of the all-terrain vehicle in any area or in such a manner so as to unreasonably expose the underlying soil, or to create an erosion condition, or to injure, damage, or destroy trees, growing crops, or other vegetation;

(9) On lands not owned by the operator or owner of the all-terrain vehicle or on any nonhighway road or trail which is restricted to pedestrian or animal travel;

(10) On any public lands in violation of rules and regulations of the agency administering such lands. [1972 ex.s. c 153 § 12; 1971 ex.s. c 47 § 17.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.130 Additional violations—Penalty. No person shall operate an all-terrain vehicle in such a way as to endanger human life or to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry, transport or convey any loaded weapon in or upon, nor hunt from, any all-terrain vehicle. Violation of this section shall constitute a gross misdemeanor. [1971 ex.s. c 47 § 18.]

46.09.140 Accident reports. The operator of any all-terrain vehicle involved in any accident resulting in injury to or death of any person, or property damage to another in the estimated amount of two hundred dollars or more, or a person acting for the operator shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the provisions of chapter 46.52 RCW shall be applicable to such reports when submitted. [1971 ex.s. c 47 § 19.]

46.09.150 Motor vehicle fuel excise taxes on fuel for all-terrain vehicles not refundable under RCW 82.36.280. Motor vehicle fuel excise taxes paid on fuel used and purchased for providing the motive power for all-terrain vehicles shall not be refundable in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended. [1974 1st ex.s. c 144 § 1; 1972 ex.s. c 153 § 13; 1971 ex.s. c 47 § 20.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.160 Determination of moneys paid as excise taxes on fuel for all-terrain vehicles—Cost offset—Report. From time to time, but at least once each four years the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax which is taxed on fuel used and purchased for providing the motive power for all-terrain vehicles. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four-year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after August 9, 1971, and ten thousand dollars in each succeeding biennium in which such a determination is to be made. [1974 1st ex.s. c 144 § 2; 1972 ex.s. c 153 § 14; 1971 ex.s. c 47 § 21.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.170 Refunds from motor vehicle fund of amounts of tax on fuel for all-terrain vehicles—Distribution—Use. From time to time, but at least once each biennium, the director of the department of motor vehicles shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be the tax on fuel used and purchased for providing the motive power for all-terrain vehicles, but which shall in no event exceed one percent of the motor vehicle fuel tax revenues collected pursuant to chapter 82.36 RCW for the 1973–75 biennium, less proper deductions for refunds and costs of collection as provided in RCW 46.68.090. The treasurer shall refund and place such amounts in the outdoor recreation account of the general fund to be administered by the interagency committee for outdoor recreation, and such amounts shall be distributed to departments of state government, to counties, and to municipalities on a basis determined by the amount of present or proposed ATV trails or areas on which they permit ATV use. Such distribution

shall be reviewed and may be revised by the committee at least once each biennium. These moneys shall be expended by each agency only for all-terrain vehicle trail and area related expenses. [1974 1st ex.s. c 144 § 3; 1972 ex.s. c 153 § 15; 1971 ex.s. c 47 § 22.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.180 Local political subdivisions, state agencies, may regulate operation of all-terrain vehicles. Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of all-terrain vehicles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not less stringent than the provisions of this chapter. [1971 ex.s. c 47 § 23.]

46.09.190 General penalty—Civil liability. (1) Except as provided in RCW 46.09.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to a fine of not less than twenty-five dollars.

(2) In addition to the penalties provided in subsection (1) of this section, the owner and/or the operator of any all-terrain vehicle shall be liable for any damage to property including damage to trees, shrubs, growing crops injured as the result of travel by such all-terrain vehicle. The owner of such property may recover from the person responsible three times the amount of damage. [1972 ex.s. c 153 § 16; 1971 ex.s. c 47 § 24.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.200 Enforcement. The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state wildlife agents and deputy wildlife agents, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, 76.04.060, and 76.04.080. [1971 ex.s. c 47 § 25.]

46.09.210 ATV to include snowmobiles, when. ATV as used in this chapter shall include snowmobiles unless the 1971 legislature specifically provides for the registration and regulation of snowmobiles. [1971 ex.s. c 47 § 28.]

Reviser's note: Snowmobile registration and regulation was provided for by the 1971 legislature in 1971 ex. sess. c 29, codified in chapter 46.10 RCW.

46.09.220 Department of natural resources to coordinate implementation and administration. The department of natural resources shall coordinate the implementation and administration of this chapter. [1972 ex.s. c 153 § 18.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.09.230 Crediting of prior registration fees. All 1971 registration fees collected pursuant to chapter 47, Laws of 1971 ex. sess. and chapter 46.09 RCW by the department of motor vehicles from August 9, 1971, through February 27, 1972 shall be credited to the 1972 or 1973 permit fee. [1972 ex.s. c 153 § 19.]

Purpose— 1972 ex.s. c 153: See RCW 67.32.080.

46.09.900 Severability—1971 ex.s. c 47. If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1971 amendatory act, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 47 § 26.]

Chapter 46.10 SNOWMOBILES

Sections

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46.10.010 Definitions. As used in this chapter the following words and phrases shall have the designated meanings unless a different meaning is expressly provided or the context otherwise clearly indicated:

(1) "Person" shall mean any individual, firm, partnership, association, or corporation.

(2) "Snowmobile" shall mean any self-propelled vehicle capable of traveling over snow or ice, which utilizes as its means of propulsion an endless belt tread, or cleats, or any combination of these or other similar means of contact with the surface upon which it is operated, and which is steered wholly or in part by skis or sled type runners, and which is not otherwise registered as, or subject to the motor vehicle excise tax in the state of Washington.

(3) "All terrain vehicle" shall mean any self-propelled vehicle other than a snowmobile, capable of cross-country travel on or immediately over land, water, snow, ice, marsh, swampland, and other natural terrain, including, but not limited to, four-wheel vehicles, amphibious vehicles, ground effect or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind; except any vehicle designed primarily for travel on, over, or in the water, farm vehicles, or any military or law enforcement vehicles.

(4) "Owner" shall mean the person, other than a lienholder, having the property in or title to a snowmobile or all terrain vehicle, and entitled to the use or possession thereof.

(5) "Operator" means each person who operates, or is in physical control of, any snowmobile or all terrain vehicle.

(6) "Public roadway" shall mean the entire width of the right of way of any road or street designed and ordinarily used for travel or parking of motor vehicles, which is controlled by a public authority other than the Washington state highway commission, and which is open as a matter of right to the general public for ordinary vehicular traffic.

(7) "Highways" shall mean the entire width of the right of way of all primary and secondary state highways, including all portions of the interstate highway system.

(8) "Dealer" means a person, partnership, association, or corporation engaged in the business of selling snowmobiles or all terrain vehicles at wholesale or retail in this state.

(9) "Department" shall mean the department of motor vehicles.

(10) "Director" shall mean the director of the department of motor vehicles.

(11) "Commission" shall mean the Washington state parks and recreation commission.

(12) "Hunt" shall mean any effort to kill, injure, capture, or disturb a wild animal or wild bird. [1971 ex.s. c 29 § 1.]

Appropriation—1971 ex.s. c 29: "To carry out the provisions of section 8(3) of this 1971 act there is appropriated to the commission from the general fund, the sum of one hundred thousand dollars, or such lesser amount as represents fifteen percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 8(4) of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sums of one hundred thousand dollars for each, or such lesser amounts as represent twenty percent per year of the snowmobile registration fees collected by the department, or so much thereof as may be necessary.

To carry out the provisions of section 15 of this 1971 act there is appropriated to the commission, to the department of natural resources, and to the department of game, from the general fund, the sum of one hundred thousand dollars for each, or such lesser amounts as represent one third of the refund of tax on motor vehicle fuel which has been determined to be a tax on snowmobile fuel, or so much thereof as may be necessary.

To carry out the provisions of section 17 of this 1971 act, there is appropriated to the department from the motor vehicle fund, the sum of twenty thousand dollars, or so much thereof as may be necessary."

[1971 ex.s. c 29 § 23.] Sections 8, 15 and 17 of 1971 ex. sess. c 29 are codified as RCW 46.10.080, 46.10.150 and 46.10.170, respectively.

46.10.020 Operation of snowmobile without registration prohibited. Except as provided, in this chapter, no person shall operate any snowmobile within this state after August 9, 1971 unless such snowmobile has been registered in accordance with the provisions of this chapter. [1971 ex.s. c 29 § 2.]

46.10.030 Operation of snowmobile without registration prohibited—Exceptions. No registration shall be required under the provisions of this chapter for the following described snowmobiles:

(1) Snowmobiles owned and operated by the United States, another state, or a political subdivision thereof.

(2) Snowmobiles owned and operated by this state, or by any municipality or political subdivision thereof.

(3) A snowmobile owned by a resident of another state if that snowmobile is registered in accordance with the laws of the state in which its owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for snowmobiles registered in this state: *Provided*, That any snowmobile which is validly registered in another state and which is physically located in this state for a period of more than sixty consecutive days shall be subject to registration under the provisions of this chapter.

(4) Snowmobiles operated exclusively on lands owned and under the control of the owner thereof. [1971 ex.s. c 29 § 3.]

46.10.040 Application for registration—Fee—Registration number—Term—Renewal—Transfer—Nonresident permit—Decals. Application for registration shall be made to the department in such manner and upon such forms as the department shall prescribe, and shall state the name and address of each owner of the snowmobile to be registered, and shall be signed by at least one such owner, and shall be accompanied by a registration fee of five dollars. Upon receipt of the application and the application fee, such snowmobile shall be registered and a registration number assigned, which shall be affixed to the snowmobile in a manner provided in RCW 46.10.070.

The registration provided in this section shall be valid for a period of one year. At the end of such period of registration, every owner of a snowmobile in this state shall renew his registration in such manner as the department shall prescribe, for an additional period of one year, upon payment of a renewal fee of five dollars.

Any person acquiring a snowmobile already validly registered under the provisions of this chapter must, within ten days of the acquisition or purchase of such snowmobile, make application to the department for transfer of such registration, and such application shall be accompanied by a transfer fee of one dollar.

A snowmobile owned by a resident of another state where registration is not required by law may be issued a nonresident registration permit valid for not more than sixty days. Application for such a permit shall state name and address of each owner of the snowmobile to be registered and shall be signed by at least one

such owner and shall be accompanied by a registration fee of two dollars. The registration permit shall be carried on the vehicle at all times during its operation in this state.

The registration fees provided in this section shall be in lieu of any personal property or excise tax heretofore imposed on snowmobiles by this state or any political subdivision thereof, and no city, county, or other municipality, and no state agency shall hereafter impose any other registration or license fee on any snowmobile in this state.

The department shall make available a pair of uniform decals consistent with the provisions of RCW 46.10.070 as now or hereafter amended. In addition to the registration fee provided herein the department shall charge each applicant for registration the actual cost of said decal, up to fifty cents per pair of decals. The department shall make available replacement decals for a fee of one dollar and fifty cents per pair. [1973 1st ex.s. c 128 § 1; 1972 ex.s. c 153 § 20; 1971 ex.s. c 29 § 4.]

~~Purpose~~—1972 ex.s. c 153: See RCW 67.32.080.

46.10.050 Snowmobile dealers' registration—Fee—Dealer number plates—Time limitation on registration. (1) Each dealer of snowmobiles in this state shall register with the department in such manner and upon such forms as the department shall prescribe. Upon receipt of a dealer's application for registration and the registration fee provided for in subsection (2) of this section, such dealer shall be registered and a registration number assigned.

(2) The registration fee for dealers shall be twenty-five dollars per year, and such fee shall cover all of the snowmobiles owned by a dealer and not rented on a regular, commercial basis: *Provided*, That snowmobiles rented on a regular commercial basis by a dealer shall be registered separately under the provisions of RCW 46.10.020, 46.10.040, 46.10.060, and 46.10.070.

(3) Upon registration each dealer shall purchase, at a cost to be determined by the department, dealer number plates of a size and color to be determined by the department, which shall contain the registration number assigned to that dealer. Each snowmobile operated by a dealer for the purposes enumerated in subsection (2) of this section shall display such number plates in a clearly visible manner.

(4) No person other than a dealer or a representative thereof shall display a dealer number plate, and no dealer or a representative thereof shall use a dealer's number plate for any purpose other than the purposes described in subsection (2) of this section.

(5) Dealer registration numbers shall be nontransferable.

(6) Six months after August 9, 1971, it shall be unlawful for any dealer to sell any snowmobile at wholesale or retail, or to test or demonstrate any snowmobile, within the state, unless registered in accordance with the provisions of this section. [1971 ex.s. c 29 § 5.]

46.10.060 Registration number permanent—Certificate of registration, date tags. The registration number assigned to a snowmobile in this state at the time of its

original registration shall remain with that snowmobile until the vehicle is destroyed, abandoned, or permanently removed from this state, or until changed or terminated by the department. The department shall, upon assignment of such registration number, issue and deliver to the owner a certificate of registration, in such form as the department shall prescribe. The certificate of registration shall not be valid unless signed by the person who signed the application for registration.

At the time of the original registration, and at the time of each subsequent renewal thereof, the department shall issue to the registrant a date tag or tags indicating the validity of the current registration and the expiration date thereof, which validating date, tag, or tags shall be affixed to the snowmobile in such manner as the department may prescribe. Notwithstanding the fact that a snowmobile has been assigned a registration number, it shall not be considered as validly registered within the meaning of this section unless a validating date tag and current registration certificate has been issued. [1971 ex.s. c 29 § 6.]

46.10.070 Affixing and displaying registration number. The registration number assigned to each snowmobile shall be permanently affixed to and displayed upon each snowmobile in such manner as provided by rules adopted by the department, and shall be maintained in a legible condition; except dealer number plates as provided for in RCW 46.10.050 may be temporarily affixed. [1973 1st ex.s. c 128 § 2; 1972 ex.s. c 153 § 21; 1971 ex.s. c 29 § 7.]

Purpose— 1972 ex.s. c 153: See RCW 67.32.080.

46.10.080 Distribution of snowmobile registration fees. The moneys collected by the department as snowmobile registration fees shall be distributed in the following manner:

(1) Ten percent each year for the first two years after August 9, 1971, and five percent each year for each year thereafter shall be retained by the department to cover expenses incurred in the administration of this chapter.

(2) Twenty-five percent each year shall be distributed to the treasurers of those counties of this state having significant snowmobile use in such sums or upon such a formula as shall be determined by the director after consulting with and obtaining the advice of the Washington state association of counties, and shall be deposited in the county general fund and expended to defray the cost of administering this chapter.

(3) For the first two years after August 9, 1971, fifteen percent each year shall be remitted to the state treasurer for deposit into the general fund and shall be credited to the commission and shall be expended for snow removal operations at other than developed recreational facilities. Thereafter twenty percent each year shall be so remitted for such purposes: *Provided*, That the unused portion of the moneys allotted to the commission for snow removal operations at other than developed recreational facilities, as provided for in this section and in RCW 46.10.150, from the registration moneys and the gasoline fuel tax, as of March 1 of the second year

of the biennium shall revert to the development and operation fund of the commission.

(4) Fifty percent each year shall be remitted to the state treasurer to be deposited in the general fund, and shall be credited in equal amounts to the commission, the department of natural resources, and the department of game and shall be expended on the development or operation of snowmobile facilities, but not on the acquisition or operation thereof. The commission, the department of natural resources and the department of game shall, not later than March 1st of each year, prepare and submit to the Washington state parks and recreation commission an annual report which shall indicate the purposes for which such amounts were expended. [1973 1st ex.s. c 128 § 3; 1972 ex.s. c 153 § 22; 1971 ex.s. c 29 § 8.]

Purpose— 1972 ex.s. c 153: See RCW 67.32.080.

46.10.090 Operating violations. It shall be unlawful for any person to operate any snowmobile:

(1) At a rate of speed greater than reasonable and prudent under the existing conditions.

(2) While under the influence of intoxicating liquor or narcotics or habit forming drugs.

(3) In a manner so as to endanger the person or property of another.

(4) Without a lighted headlight and taillight between the hours of dusk and dawn, or when otherwise required for the safety of others.

(5) Without an adequate braking device which may be operated either by hand or foot.

(6) Without an adequate and operating muffling device which shall effectively blend the exhaust and motor noise in such a manner so as to preclude excessive or unusual noise, and, on snowmobiles manufactured after January 4, 1973, which shall effectively maintain such noise at a level of eighty-two decibels or below on the "A" scale at one hundred feet under testing procedures as established by the Washington state patrol; except snowmobiles used in organized racing events in an area designated for that purpose may use a bypass or cutout device.

(7) Upon the paved portion or upon the shoulder or inside bank or slope of any public roadway or highway, or upon the median of any divided highway, except as provided in RCW 46.10.100 and 46.10.110.

(8) In any area or in such a manner so as to expose the underlying soil or vegetation, or to injure, damage, or destroy trees or growing crops. [1971 ex.s. c 29 § 9.]

46.10.100 Crossing public roadways and highways lawful, when. It shall be lawful to drive or operate a snowmobile across public roadways and highways other than limited access highways when:

The crossing is made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and

The snowmobile is brought to a complete stop before entering the public roadway or highway; and

The operator of the snowmobile yields the right of way to motor vehicles using the public roadway or highway; and

The crossing is made at a place which is greater than one hundred feet from any public roadway or highway intersection. [1971 ex.s. c 29 § 10.]

46.10.110 Operating upon public road or highway lawful, when. Notwithstanding the provisions of RCW 46.10.100, it shall be lawful to operate a snowmobile upon a public roadway or highway:

Where such roadway or highway is completely covered with snow or ice and has been closed by the responsible governing body to motor vehicle traffic during the winter months; or

When the responsible governing body gives notice that such roadway or highway is open to snowmobiles or all-terrain vehicle use; or

In an emergency during the period of time when and at locations where snow upon the roadway or highway renders such impassible to travel by automobile; or

When traveling along a designated snowmobile trail. [1972 ex.s. c 153 § 23; 1971 ex.s. c 29 § 11.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.10.120 Restrictions on age of operators—Qualifications. No person under twelve years of age shall operate a snowmobile on or across a public roadway or highway in this state, and no person between the ages of twelve and sixteen years of age shall operate a snowmobile on or across a public road or highway in this state unless he has taken a snowmobile safety education course and been certified as qualified to operate a snowmobile by an instructor designated by the commission as qualified to conduct such a course and issue such a certificate, and he has on his person at the time he is operating a snowmobile evidence of such certification: *Provided*, That persons under sixteen years of age who have not been certified as qualified snowmobile operators may operate a snowmobile under the direct supervision of a qualified snowmobile operator. [1972 ex.s. c 153 § 24; 1971 ex.s. c 29 § 12.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.10.130 Additional violations—Penalty. No person shall operate a snowmobile in such a way as to run down or harass deer, elk, or any other wildlife, or any domestic animal, nor shall he carry any loaded weapon upon, nor hunt from, any snowmobile. Any person violating the provisions of this section shall be guilty of a gross misdemeanor. [1971 ex.s. c 29 § 13.]

46.10.140 Accident reports. The operator of any snowmobile involved in any accident resulting in injury to or death of any person, or property damage in the estimated amount of two hundred dollars or more, or a person acting for the operator, or the owner of the snowmobile having knowledge of the accident, should the operator of the snowmobile be unknown, shall submit such reports as are required under chapter 46.52 RCW, as now enacted or as hereafter amended, and the

provisions of chapter 46.52 RCW shall be applicable to such reports when submitted. [1971 ex.s. c 29 § 14.]

46.10.150 Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use. From time to time, but at least once each biennium, the director shall request the state treasurer to refund from the motor vehicle fund amounts which have been determined to be a tax on snowmobile fuel, and the treasurer shall refund such amounts and place them in the general fund[;] twenty-five percent of such amounts shall be credited to the commission and shall be expended by it for snow removal operations at other than developed recreational facilities; seventy-five percent of such amounts shall be credited, in equal amounts, to the commission, department of natural resources, and the department of game, and shall be expended for the development or operation, but not acquisition, of snowmobile facilities. [1973 1st ex.s. c 128 § 4; 1971 ex.s. c 29 § 15.]

Appropriation—1971 ex.s. c 29: See note following RCW 46.10.010.

46.10.160 Snowmobile fuel excise tax nonrefundable. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles shall be considered a nonhighway use of fuel, but persons so purchasing and using motor vehicle fuel shall not be entitled to a refund of the motor vehicle fuel excise tax paid in accordance with the provisions of RCW 82.36.280 as it now exists or is hereafter amended. [1971 ex.s. c 29 § 16.]

46.10.170 Determination of proportion of motor vehicle fuel tax used as snowmobile fuel—Cost offset—Report. From time, to time, but at least once each four years, the department shall determine the amount or proportion of moneys paid to it as motor vehicle fuel tax which is tax on snowmobile fuel. Such determination may be made in any manner which is, in the judgment of the director, reasonable, but the manner used to make such determination shall be reported at the end of each four year period to the legislature. To offset the cost of making such determination the treasurer shall retain in, and the department is authorized to expend from, the motor vehicle fund, the sum of twenty thousand dollars in the first biennium after August 9, 1971, and ten thousand dollars in each succeeding biennium. [1971 ex.s. c 29 § 17.]

Appropriation—1971 ex.s. c 29: See note following RCW 46.10.010.

46.10.180 Political subdivisions, state agencies, may regulate operation of snowmobiles. Notwithstanding any of the provisions of this chapter, any city, county, or other political subdivision of this state, or any state agency, may regulate the operation of snowmobiles on public lands, waters, and other properties under its jurisdiction, and on streets or highways within its boundaries by adopting regulations or ordinances of its governing body, provided such regulations are not inconsistent with the provisions of this chapter; and provided further that no such city, county, or other

political subdivision of this state, nor any state agency, may adopt a regulation or ordinance which imposes a special fee for the use of public lands or waters by snowmobiles, or for the use of any access thereto which is owned by or under the jurisdiction of either the United States, this state, or any such city, county, or other political subdivision. [1971 ex.s. c 29 § 18.]

46.10.185 Local authorities may provide for safety and convenience. Notwithstanding any other provisions of this chapter, the local governing body may provide for the safety and convenience of snowmobiles and snowmobile operators. Such provisions may include, but shall not necessarily be limited to, the clearing of areas for parking automobiles, the construction and maintenance of rest areas, and the designation and development of given areas for snowmobile use. [1972 ex.s. c 153 § 25.]

Purpose—1972 ex.s. c 153: See RCW 67.32.080.

46.10.190 General penalty—Civil liability. (1) Except as provided in RCW 46.10.130, any person violating the provisions of this chapter shall be guilty of a misdemeanor.

(2) In addition to the penalties provided in subsection (1) of this section, the operator and/or the owner of any snowmobile used with the permission of the owner shall be liable for three times the amount of any damage to trees, shrubs, growing crops, or other property injured as the result of travel by such snowmobile over the property involved. [1971 ex.s. c 29 § 19.]

46.10.200 Enforcement. The provisions of this chapter shall be enforced by all persons having the authority to enforce any of the laws of this state, including, without limitation, officers of the state patrol, county sheriffs and their deputies, all municipal law enforcement officers within their respective jurisdictions, state game protectors and deputy game protectors, state park rangers, state fisheries patrolmen, and those employees of the department of natural resources designated by the commissioner of public lands under RCW 43.30.310, as having police powers to enforce the laws of this state. [1971 ex.s. c 29 § 20.]

46.10.210 Administration. With the exception of the registration and licensing provisions, this chapter shall be administered by the Washington state parks and recreation commission. [1973 1st ex.s. c 128 § 5.]

46.10.900 Severability—1971 ex.s. c 29. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 29 § 21.]

46.10.910 Short title. This chapter may be known and cited as the "Snowmobile act". [1971 ex.s. c 29 § 22.]

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Chapter 46.12 CERTIFICATES OF OWNERSHIP AND REGISTRATION

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Defacement of motor serial number: RCW 9.54.030.

Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.

46.12.005 Definitions. As used in this amendatory act, the words "delivery", "notice", "send" and "security interest" shall have the same meaning as these terms are defined in RCW 62A.1-201 as now and hereafter amended; the word, "secured party" shall have the same meaning as this term is defined in RCW 62A.9-105 as now and hereafter amended. [1967 c 140 § 5.]

Reviser's note: "this amendatory act" [1967 c 140] consists of RCW 46.12.005, 46.12.010, 46.12.095, 46.12.101, 46.12.120, 46.12.130, 46.12.151, 46.12.170 and 46.12.181.

Effective date—1967 c 140: See note following RCW 46.12.010.

46.12.010 Certificates required to operate and sell vehicles—Manufacturers or dealers, security interest, how perfected. It shall be unlawful for any person to operate any vehicle in this state under a certificate of license registration of this state without securing and having in full force and effect a certificate of ownership therefor and it shall further be unlawful for any person to sell or transfer any vehicle without complying with all the provisions of this chapter relating to certificates of ownership and license registration of vehicles: *Provided*, No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used for purposes of testing and demonstration, or a vehicle used by a manufacturer solely for testing: *Provided*, That a security interest in a vehicle held as inventory by a manufacturer or dealer shall be perfected in accordance with RCW 62A.9-302(1) and no endorsement on the certificate of title shall be necessary for perfection: *And provided further*, That nothing in this title shall be construed to prevent any person entitled thereto from securing a certificate of ownership upon a vehicle without securing a certificate of license registration and vehicle license plates, when, in the judgment of the director of motor vehicles, it is proper to do so. [1967 c 140 § 1; 1967 c 32 § 6; 1961 c 12 § 46.12.010. Prior: 1937 c 188 § 2; RRS § 6312-2.]

Effective date—1967 c 140: "This act shall become effective at midnight on June 30, 1967. It applies to transactions entered into and events occurring after that date." [1967 c 140 § 11.] This applies to RCW 46.12.005, 46.12.010, 46.12.095, 46.12.101, 46.12.120, 46.12.130, 46.12.151, 46.12.170 and 46.12.181.

Definitions: See RCW 46.12.005.

46.12.020 Prerequisite to issuance of vehicle license and plates. No vehicle license number plates or certificate of license registration, whether original issues or duplicates, shall be issued or furnished by the director unless the applicant therefor shall at the same time make satisfactory application for a certificate of ownership or shall present satisfactory evidence that such a certificate of ownership covering such vehicle has been previously issued. [1967 c 32 § 7; 1961 c 12 § 46.12.020. Prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

46.12.030 Certificate of ownership—Application—Contents—Inspection of vehicle. The application for certificate of ownership shall be upon a blank form to be furnished by the director and shall contain:

(1) A full description of the vehicle, which said description shall contain the proper vehicle identification number, the number of miles indicated on the odometer at the time of delivery of the vehicle, and any distinguishing marks of identification;

(2) A statement of the nature and character of the applicant's ownership, and the character of any and all encumbrances other than statutory liens upon said vehicle;

(3) Such other information as the director may require: *Provided*, That the director may in any instance,

in addition to the information required on said application, require additional information and a physical examination of the vehicle or of any class of vehicles, or either: *Provided further*, That a physical examination of the vehicle is mandatory if it previously was registered in any other state or country. The inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the foreign title and registration certificate. If the vehicle is from a jurisdiction that does not issue titles, the inspection must verify that the vehicle identification number is genuine and agrees with the number shown on the registration certificate. The inspection must also confirm that the license plates on the vehicle are those assigned to the vehicle by the jurisdiction in which the vehicle was previously licensed. The inspection must be made by a member of the Washington state patrol or other person authorized by the director to make such inspections.

Such application shall be subscribed by the applicant and be sworn to by him before a notary public or other officer authorized by law to take acknowledgments of deeds, or other person authorized by the director to certify to the signature of the applicant upon such application. [1974 1st ex.s. c 128 § 1; 1972 ex.s. c 99 § 2; 1967 c 32 § 8; 1961 c 12 § 46.12.030. Prior: 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-2, part.]

Effective date—1974 1st ex.s. c 128: "This 1974 amendatory act shall take effect July 1, 1974." [1974 1st ex.s. c 128 § 3.]

46.12.040 Certificate of ownership—Application and inspection fees. The application accompanied by a draft, money order, or certified bank check for one dollar, together with the last preceding certificates or other satisfactory evidence of ownership, shall be forwarded to the director.

The fee shall be in addition to any other fee for the license registration of the vehicle. The certificate of ownership shall not be required to be renewed annually, or at any other time, except as by law provided.

In addition to the application fee and any other fee for the license registration of a vehicle, there shall be collected from the applicant an inspection fee of ten dollars whenever physical examination of the vehicle is required as a part of the vehicle licensing or titling process. Such fee shall be certified to the state treasurer and deposited to the credit of the highway safety fund. [1974 1st ex.s. c 128 § 2; 1961 c 12 § 46.12.040. Prior: 1951 c 269 § 1; 1947 c 164 § 1, part; 1937 c 188 § 3, part; Rem. Supp. 1947 § 6312-3, part.]

Effective date—1974 1st ex.s. c 128: See note following RCW 46.12.030.

46.12.050 Issuance of certificates—Contents. The director, if satisfied from the statements upon the application that the applicant is the legal owner of the vehicle or otherwise entitled to have the certificate of ownership thereof in his name, shall thereupon issue an appropriate certificate of ownership, over his signature, authenticated by seal, and a new certificate of license registration if certificate of license registration is required.

Both the certificate of ownership and the certificate of license registration shall contain upon the face thereof, the date of issue, the registration number assigned to the registered owner and to the vehicle, the name and address of the registered owner and legal owner, the motor number or proper identification number, if the certificate is for a motor vehicle, or the serial number, if the certificate is for a trailer, and such other description of the vehicle and facts as the director shall require, and in addition thereto, if the vehicle described in such certificates shall have ever been licensed and operated as an exempt vehicle or a taxicab, or if it is less than four years old and has been rebuilt after having been totaled out by an insurance carrier, such fact shall be clearly shown thereon.

A blank space shall be provided on the face of the certificate of license registration for the signature of the registered owner.

Upon issuance of the certificate of license registration and certificate of ownership and upon any reissue thereof, the director shall deliver the certificate of license registration to the registered owner and the certificate of ownership to the legal owner, or both to the person who is both the registered owner and legal owner. [1967 c 32 § 9; 1961 c 12 § 46.12.050. Prior: 1959 c 166 § 1; 1947 c 164 § 2; 1937 c 188 § 4; Rem. Supp. 1947 § 6312-4.]

46.12.060 Procedure when identification number altered or obliterated. Before the director shall issue a certificate of ownership, or reissue such a certificate, covering any vehicle, the identification number of which has been altered, removed, obliterated, defaced, omitted, or is otherwise absent, the registered owner of the vehicle shall file an application with the director, accompanied by a fee of five dollars, upon a form provided, and containing such facts and information as shall be required by the director for the assignment of a special number for such vehicle. Upon receipt of such application, the director, if he is satisfied the applicant is entitled to the assignment of an identification number, shall designate a special identification number for such vehicle, which shall be noted upon the application therefor, and likewise upon a suitable record of the authorization of the use thereof, to be kept by and in the office of the director. This assigned identification number shall be placed or stamped in a conspicuous position upon the vehicle in such manner and form as may be prescribed by the director. Upon receipt by the director of a certificate by an officer of the Washington state patrol, or other person authorized by the director, that he has inspected such vehicle and that the identification number or the special number plate, has been stamped or securely attached in a conspicuous position upon the vehicle, accompanied by an application for a certificate of ownership or application for reissue of such certificate and the required fee therefor, the director shall use such number as the numerical or alpha-numerical identification marks for the vehicle in any certificate of license registration or certificate of ownership he may thereafter issue therefor. [1974 1st ex.s. c 36 § 1; 1961 c 12 § 46.12.060. Prior: 1959 c 166 § 3; prior:

1951 c 269 § 2; 1947 c 164 § 3(a); 1939 c 182 § 1(a); 1937 c 188 § 5(a); Rem. Supp. 1947 § 6312-5(a).]

Effective date—1974 1st ex.s. c 36: "This 1974 amendatory act shall take effect on July 1, 1974." [1974 1st ex.s. c 36 § 2.]

Defacement of motor serial number: RCW 9.54.030.

46.12.070 Destruction of vehicle—Surrender of certificates, penalty—Notice of settlement by insurance company. Upon the destruction of any vehicle covered by certificates of license registration and ownership, the registered owner and the legal owner shall forthwith and within five days thereafter forward and surrender such certificate, together with the vehicle license plates therefor if available, to the director, together with a statement of the reason for such surrender and the time and place of destruction. Failure to notify the director or the possession by any person of any such certificate for a vehicle so destroyed, after five days following its destruction, shall be prima facie evidence of violation of the provisions of this chapter and shall constitute a gross misdemeanor.

Any insurance company settling any insurance claim on any such vehicle as a total loss, less salvage, shall notify the director thereof within five days after the settlement of any such claim under any policy of insurance carried by it on a vehicle covered by certificates of license registration and ownership issued by this state. [1961 c 12 § 46.12.070. Prior: 1959 c 156 § 4; prior: 1947 c 164 § 3(b); 1939 c 182 § 1(b); 1937 c 188 § 5(b); Rem. Supp. 1947 § 6312-5(b).]

46.12.080 Procedure on installation of different motor—Penalty. Any person holding the certificate of license registration for a vehicle in which there has been installed a new or different motor than that with which it was issued certificates of ownership and license registration shall forthwith and within five days after such installation forward and surrender such certificates to the director, together with an application for issue of corrected certificates of ownership and license registration and a fee of one dollar, and a statement of the disposition which was made of the former motor. The possession by any person of any such certificates for a vehicle in which a new or different motor has been installed, after five days following such installation, shall be prima facie evidence of a violation of the provisions of this chapter and shall constitute a misdemeanor. [1961 c 12 § 46.12.080. Prior: 1959 c 166 § 5; prior: 1951 c 269 § 3; 1947 c 164 § 3(c); 1939 c 182 § 1(c); 1937 c 188 § 5(c); Rem. Supp. 1947 § 6312-5(c).]

46.12.090 Procedure when motor or motor block removed—Unlawful acts. Whenever the motor or motor block carrying the identification number is removed from any motor vehicle and the vehicle has not been destroyed or dismantled in such a manner as to come under the provisions of RCW 46.12.070, and there has been issued and is outstanding a certificate of ownership for such vehicle, the registered owner or vehicle dealer having possession of the vehicle shall, within a period of five days after the removal thereof, notify the

director in writing on forms to be prescribed by the director and furnished for that purpose, giving the description of the vehicle from which such motor or motor block has been removed, the date of the removal thereof, and the name and address of the purchaser or holder thereof, or in the event the motor or motor block is not in a condition to be used in a motor vehicle, the disposition made thereof. It shall be unlawful for any dealer or registered owner to fail, neglect, or refuse to comply with the provisions of this section. [1961 c 12 § 46.12.090. Prior: 1959 c 166 § 6; prior: 1947 c 164 § 3(d); 1939 c 182 § 1(d); 1937 c 188 § 5(d); Rem. Supp. 1947 § 6312-5(d).]

46.12.095 Requirements for perfecting security interest. A security interest in a vehicle other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required is perfected only by compliance with the requirements of this section:

(1) A security interest is perfected only by the department's receipt of: (a) The existing certificate, if any, and (b) an application for a certificate of ownership containing the name and address of the secured party and (c) tender of the required fee.

(2) It is perfected as of the time of its creation: (a) if the papers and fee referred to in the preceding subsection are received by this department within eight department business days exclusive of the day on which the security agreement was created; or (b) if the secured party's name and address appear on the outstanding certificate of ownership; otherwise, as of the date on which the department has received the papers and fee required in subsection (1).

(3) If a vehicle is subject to a security interest when brought into this state, perfection of the security interest is determined by the law of the jurisdiction where the vehicle was when the security interest was attached, subject to the following:

(a) If the security interest was perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, the following rules apply:

(b) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state. The name of the secured party shall be shown on the certificate of ownership issued for the vehicle by this state. The security interest continues perfected in this state upon the issuance of such ownership certificate.

(c) If the security interest was not perfected under the law of the jurisdiction where the vehicle was when the security interest was attached, it may be perfected in this state; in that case, perfection dates from the time of perfection in this state. [1969 ex.s. c 170 § 16; 1967 c 140 § 6.]

Effective date—1967 c 140: See note following RCW 46.12.010.
Definitions: See RCW 46.12.005.

46.12.101 Transfer of ownership, how perfected. A transfer of ownership in a motor vehicle is perfected by compliance with the requirements of this section.

(1) If an owner transfers his interest in a vehicle, other than by the creation of a security interest, he shall, at the time of the delivery of the vehicle, execute an assignment to the transferee and inscribe in ink the number of miles indicated on the odometer in the respective spaces provided therefor on the certificate or as the department prescribes, and cause the certificate and assignment to be transmitted to the transferee or to the department.

(2) Except as provided in RCW 46.12.120 the transferee shall within fifteen days after delivery to him of the vehicle, execute the application for a new certificate of ownership in the same space provided therefor on the certificate or as the department prescribes, and cause the certificates and application to be transmitted to the department.

(3) Upon request of the owner or transferee, a secured party in possession of the certificate of ownership shall, unless the transfer was a breach of its security agreement, either deliver the certificate to the transferee for transmission to the department or, when the secured party receives the owner's assignment from the transferee, it shall transmit the transferee's application for a new certificate, the existing certificate, and the required fee to the department. Compliance with this section does not affect the rights of the secured party under his security agreement.

(4) If a security interest is reserved or created at the time of the transfer, the certificate of ownership shall be retained by or delivered to the person who becomes the secured party, and the parties shall comply with the provisions of RCW 46.12.170.

(5) If the purchaser or transferee fails or neglects to transfer such certificate of ownership and license registration within fifteen days after date of delivery of the vehicle to him, he shall on making application for transfer be assessed a five-dollar penalty on the sixteenth day and one dollar additional for each day thereafter, but not to exceed fifteen dollars: *Provided*, That such failure or neglect to transfer within forty-five days after date of delivery of said vehicle shall be a misdemeanor.

(6) Upon receipt of an application for the reissue of a certificate of ownership and transfer of license registration, accompanied by the endorsed certificate of ownership and such other documentary evidence as is deemed necessary, the department shall, if the application is in order and if all provisions relating to the certificate of ownership and license registration have been complied with, issue new certificates of title and license registration as in the case of an original issue and shall transmit the fees together with an itemized detailed report to the state treasurer, to be deposited in the motor vehicle fund. [1972 ex.s. c 99 § 1; 1969 ex.s. c 281 § 38; 1969 ex.s. c 42 § 1; 1967 c 140 § 7.]

Effective date—1967 c 140: See note following RCW 46.12.010.
Definitions: See RCW 46.12.005.

46.12.105 Transfer of ownership of mobile home, county assessor notified. When the ownership of a mobile home is transferred and the new owner thereof applies for a new certificate of ownership for such mobile

home, the director of motor vehicles or his agents, including county auditors, shall notify the county assessor of the county where such mobile home is located of the change in ownership including the name and address of the new owner and the name of the former owner. [1971 ex.s. c 231 § 13.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.12.120 Duty when purchaser or transferee is a dealer. If the purchaser or transferee is a dealer he shall, on selling or otherwise disposing of the vehicle, promptly execute the assignment and warranty of title, in such form as the director shall prescribe, including recording on the application the odometer reading as recorded by the previous owner on the title at the time the dealer obtained the vehicle or, if the previous owner failed to record the mileage on the title, the dealer shall attach a signed statement attesting to the odometer reading as it appeared on the vehicle at the time the vehicle was obtained by the dealer. Such assignment and warranty shall show any secured party holding a security interest created or reserved at the time of resale and the date of his security agreement, to which shall be attached the assigned certificates of ownership and license registration received by the dealer, and mail or deliver them to the department with the transferee's application for the issuance of new certificates of ownership and license registration: *Provided*, That the title certificate issued for a motor vehicle possessed by a dealer and subject to a security interest shall be delivered to the secured party who upon request of the dealer's transferee shall, unless the transfer was a breach of his security agreement, either deliver the certificate to the transferee for transmission to the department, or upon receipt from the transferee of the owner's bill of sale or sale document, the transferee's application for a new certificate and the required fee, mail or deliver to the department: *And provided further*, That failure of a dealer to deliver the title certificate to the secured party does not affect perfection of the security interest. [1972 ex.s. c 99 § 3; 1967 c 140 § 2; 1961 c 12 § 46.12.120. Prior: 1959 c 166 § 10; prior: 1947 c 164 § 4(c); 1937 c 188 § 6(c); Rem. Supp. 1947 § 6312-6(c).]

Effective date—1967 c 140: See note following RCW 46.12.010.
Definitions: See RCW 46.12.005.

46.12.125 Procedure when transferor to a dealer is from out of state or car in inventory. In any case in which the transferor to the dealer is from out of state and has not recorded the mileage at the time of transfer, or a car was in inventory prior to May 23, 1972, the dealer, when mailing or delivering the assigned certificates of ownership and license registration to the department, shall attach a certificate indicating to the best of his knowledge or belief the mileage on the vehicle at the time it was placed into inventory. [1972 ex.s. c 99 § 4.]

46.12.130 Assigned certificate of ownership to be filed by department—Transfer of interest in vehicle. Certificates of ownership when assigned and returned to the

department, together with subsequently assigned issues thereof, shall be retained by the department and appropriately filed and indexed so that at all times it will be possible to trace ownership to the vehicle designated therein:

(1) If the interest of an owner in a vehicle passes to another, other than by voluntary transfer, the transferee shall, except as provided in subsection (3) of this section, promptly mail or deliver to the department the last certificate of ownership if available, proof of transfer, and his application for a new certificate in the form the department prescribes.

(2) If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of ownership, the transferee shall promptly mail or deliver to the department the last certificate of ownership, his application for a new certificate in the form the department prescribes, and an affidavit made by or on the behalf of the secured party that the vehicle was repossessed and that the interest of the owner was lawfully terminated or sold pursuant to the terms of the security agreement.

(3) If the secured party succeeds to the interest of the owner and holds the vehicle for resale, he need not secure a new certificate of ownership but, upon transfer to another person, shall promptly mail or deliver to the transferee or to the department the certificate, affidavit and other documents (and articles) required to be sent to the department by the transferee. [1967 c 140 § 3; 1961 c 12 § 46.12.130. Prior: 1959 c 166 § 11; prior: 1947 c 164 § 4(d); 1937 c 188 § 6(d); Rem. Supp. 1947 § 6312-6(d).]

Effective date—1967 c 140: See note following RCW 46.12.010.
Definitions: See RCW 46.12.005.

46.12.140 Certificates of ownership for dealers' or manufacturers' used vehicles. In the case of dealers in vehicles, including manufacturers who sell to persons other than dealers, a separate certificate of ownership, either of the dealer's immediate vendor properly assigned or of the dealer himself, shall be required covering each used vehicle kept in his possession. [1961 c 12 § 46.12.140. Prior: 1959 c 166 § 12; prior: 1947 c 164 § 4(e); 1937 c 188 § 6(e); Rem. Supp. 1947 § 6312-6(e).]

46.12.151 Procedure when department unsatisfied as to ownership and security interests. If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle but shall either:

(1) Withhold issuance of a certificate of ownership until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(2) As a condition of issuing a certificate of ownership, require the applicant to file with the department a bond in the form prescribed by the department and executed by the applicant, or in lieu thereof a deposit of cash in like amount. The bond shall be in an amount equal to one and one-half times the value of the vehicle as determined by the department and conditioned to

indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit shall be returned at the end of three years or prior thereto if the vehicle is no longer registered in this state and the currently valid certificate of ownership is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond. [1967 c 140 § 9.]

Effective date—1967 c 140: See note following RCW 46.12.010.

Definitions: See RCW 46.12.005.

46.12.160 Director may refuse or cancel certificate—Penalty. If the director determines at any time that an applicant for certificate of ownership or for a certificate of license registration for a vehicle is not entitled thereto, he may refuse to issue such certificate or to license the vehicle and he may, for like reason, after notice, and in the exercise of discretion, cancel license registration already acquired or any outstanding certificate of ownership. The notice shall be served personally or by registered mail. It shall then be unlawful for any person to remove, drive, or operate the vehicle until a proper certificate of ownership or license registration has been issued and any person removing, driving, or operating such vehicle after the refusal of the director to issue certificates or the revocation thereof shall be guilty of a gross misdemeanor. [1961 c 12 § 46.12.160. Prior: 1959 c 166 § 14; prior: 1947 c 164 § 4(g); 1937 c 188 § 6(g); Rem. Supp. 1947 § 6312–6(g).]

46.12.170 Procedure when security agreement is placed on vehicle. If, after a certificate of ownership is issued, a security agreement is placed on the vehicle described therein, the registered owner shall, within ten days thereafter, present his application to the director, signed by the secured party, to which shall be attached the certificate of license registration and the certificate of ownership last issued covering the vehicle, which application shall be upon a form provided by the director and shall be accompanied by a money order, bank draft, or certified bank check for one dollar. The director, if he is satisfied that there should be a reissue of the certificates, shall note such change upon his records and issue to the registered owner a new certificate of license registration and to the secured party a new certificate of ownership.

Whenever there is no outstanding secured obligation and no commitment to make advances and incur obligations or otherwise give value, the secured party must assign the certificate of ownership to the debtor or the

debtor's assignee and transmit the certificate to the department with an accompanying fee of one dollar. The department shall then issue a new certificate of ownership and transmit it to the owner. If the affected secured party fails to either assign or transmit the certificate of ownership to the debtor within ten days after proper demand, he shall be liable to the debtor for one hundred dollars, and in addition for any loss caused to the debtor by such failure. [1967 c 140 § 4; 1961 c 12 § 46.12.170. Prior: 1951 c 269 § 4; 1947 c 164 § 5; 1939 c 182 § 2; 1937 c 188 § 7; Rem. Supp. 1947 § 6312–7.]

Effective date—1967 c 140: See note following RCW 46.12.010.

Definitions: See RCW 46.12.005.

46.12.181 Duplicate for lost, stolen, mutilated, etc., certificates. If a certificate of ownership or a certificate of license registration is lost, stolen, mutilated or destroyed or becomes illegible, the first priority secured party or, if none, the owner or legal representative of the owner named in the certificate, as shown by the records of the department, shall promptly make application for and may obtain a duplicate upon tender of one dollar and upon furnishing information satisfactory to the department. The duplicate certificate of ownership or license registration shall contain the legend, "This is a duplicate certificate." It shall be mailed to the first priority secured party named in it or, if none, to the owner.

The department shall not issue a new certificate of ownership to a transferee upon application made for a duplicate until fifteen department business days after receipt of the application.

A person recovering an original certificate of ownership or title registration for which a duplicate has been issued shall promptly surrender the original certificate to the department. [1969 ex.s. c 170 § 1; 1967 c 140 § 8.]

Effective date—1967 c 140: See note following RCW 46.12.010.

Definitions: See RCW 46.12.005.

46.12.190 Legal owner not liable for acts of registered owner. The person, firm, copartnership, association or corporation to whom a certificate of ownership shall have been issued shall not thereby incur liability or be responsible for damage, or otherwise, resulting from any act or contract made by the registered owner or by any other person acting for, or by or under the authority of such registered owner. [1961 c 12 § 46.12.190. Prior: 1937 c 188 § 10, part; RRS § 6312–10, part.]

46.12.200 State or director not liable for acts in administering chapter. No suit or action shall ever be commenced or prosecuted against the director of motor vehicles or the state of Washington by reason of any act done or omitted to be done in the administration of the duties and responsibilities imposed upon the director under this chapter. [1967 c 32 § 11; 1961 c 12 § 46.12.200. Prior: 1937 c 188 § 10, part; RRS § 6312–10, part.]

46.12.210 Penalty for false statements or illegal transfers. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of ownership or in any assignment thereof, or who with intent to procure or pass ownership to a vehicle which he knows or has reason to believe has been stolen, shall receive or transfer possession of the same from or to another or who shall have in his possession any vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be guilty of a felony and upon conviction shall be punished by a fine of not more than five thousand dollars or by imprisonment for not more than ten years, or both such fine and imprisonment. This provision shall not exclude any other offenses or penalties prescribed by any existing or future law for the larceny or unauthorized taking of a motor vehicle. [1961 c 12 § 46.12.210. Prior: 1937 c 188 § 12; RRS § 6312-12.]

46.12.220 Alteration or forgery—Penalty. Any person who shall alter or forge or cause to be altered or forged any certificate issued by the director pursuant to the provisions of this chapter, or any assignment thereof, or any release or notice of release of any encumbrance referred to therein, or who shall hold or use any such certificate or assignment, or release or notice of release, knowing the same to have been altered or forged, shall be guilty of a felony. [1967 c 32 § 12; 1961 c 12 § 46.12.220. Prior: 1937 c 188 § 13; RRS § 6312-13.]

46.12.230 Permit to licensed wrecker to junk vehicle—Fee. Any licensed wrecker in possession of a motor vehicle ten years old or older, and ownership of which or whose owner's residence is unknown, may apply to the director for a permit to junk or wreck such motor vehicle, or any part thereof. Upon such application, a permit may be issued by the director, upon receipt of a fee of one dollar, in a form to be prescribed by the director to authorize such wrecker to wreck or junk such vehicle, or any part thereof. [1967 c 32 § 13; 1961 c 12 § 46.12.230. Prior: 1957 c 273 § 12.]

46.12.240 Appeals to superior court from suspension, revocation, cancellation or refusal of license or certificate under chapters 46.12 and 46.16 RCW. The suspension, revocation, cancellation, or refusal by the director of any license or certificate provided for in chapters 46.12 and 46.16 RCW shall be conclusive unless the person whose license or certificate is suspended, revoked, canceled, or refused appeals to the superior court of Thurston county, or at his option to the superior court of the county of his residence, for the purpose of having the suspension, revocation, cancellation, or refusal of such license or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, revocation, cancellation, or refusal. Upon the filing of the notice of appeal the court shall issue an order to the director to show cause why the license should not be granted or reinstated, which order shall

be returnable not less than ten days after the date of service thereof upon the director. Service shall be in the manner prescribed for service of summons and complaint in other civil actions. Upon the hearing on the order to show cause, the court shall hear evidence concerning matters with reference to the suspension, revocation, cancellation, or refusal of the license or certificate and shall enter judgment either affirming or setting aside such suspension, revocation, cancellation, or refusal. [1965 ex.s. c 121 § 42; 1961 c 12 § 46.20.340. Prior: 1953 c 23 § 2; 1937 c 188 § 74; RRS § 7312-74. Formerly RCW 46.20.340.]

46.12.250 Ownership of motor vehicle by person under eighteen prohibited—Exceptions. It shall be unlawful for any person under the age of eighteen to be the registered or legal owner of any motor vehicle: *Provided*, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is on active duty in the United States armed forces nor to any minor who is in effect emancipated: *Provided* further, That RCW 46.12.250 through 46.12.270 shall not apply to any person who is the registered owner of a motor vehicle prior to August 11, 1969 or who became the registered or legal owner of a motor vehicle while a nonresident of this state. [1969 ex.s. c 125 § 1.]

46.12.260 Sale or transfer of motor vehicle ownership to person under eighteen prohibited. It shall be unlawful for any person to convey, sell or transfer the ownership of any motor vehicle to any person under the age of eighteen: *Provided*, That this section shall not apply to a vendor if the minor provides the vendor with a certified copy of an original birth registration showing the minor to be over eighteen years of age. Such certified copy shall be transmitted to the department of motor vehicles by the vendor with the application for title to said motor vehicle. [1969 ex.s. c 125 § 2.]

46.12.270 Penalty for violation of RCW 46.12.250 or 46.12.260. Any person violating the provisions of RCW 46.12.250 or 46.12.260 shall be guilty of a misdemeanor and shall be punished by a fine of not more than two hundred fifty dollars or by imprisonment in a county jail for not more than ninety days. [1969 ex.s. c 125 § 3.]

46.12.280 Campers—Application to—Rules and regulations. The provisions of chapter 46.12 RCW concerning the registration and titling of vehicles, and the perfection of security interests therein shall apply to campers, as defined in RCW 46.04.085. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations he deems necessary to implement the registration and titling of campers and the perfection of security interests therein. [1971 ex.s. c 231 § 6.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.12.290 Mobile homes, application of chapter to—Rules and regulations. The provisions of chapter 46.12 RCW insofar as they are not inconsistent with the

provisions of this 1971 amendatory act shall apply to mobile homes regulated by this 1971 amendatory act: *Provided*, That RCW 46.12.080, 46.12.090, and 46.12.250 through 46.12.270 shall not apply to mobile homes. In addition, the director of motor vehicles shall have the power to adopt such rules and regulations as he deems necessary to implement the provisions of chapter 46.12 RCW as they relate to mobile homes. [1971 ex.s. c 231 § 14.]

Reviser's note: "this 1971 amendatory act", see note following RCW 46.01.130.

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

**Chapter 46.16
VEHICLE LICENSES**

Sections

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Auto transportation companies: Chapter 81.68 RCW.

Special license plates—Fee—Hulk haulers or scrap processors: RCW 46.79.060.

46.16.010 Licenses and plates required—Exceptions. It shall be unlawful for a person to operate any vehicle over and along a public highway of this state without first having obtained and having in full force and effect a current and proper vehicle license and display vehicle license number plates therefor as by this chapter provided: *Provided*, That these provisions shall not apply to farm vehicle as defined in RCW 46.04.181 if operated within a radius of fifteen miles of the farm where principally used or garaged, farm tractors and farm implements including trailers designed as cook or

bunk houses used exclusively for animal herding temporarily operating or drawn upon the public highways, and trailers used exclusively to transport farm implements from one farm to another during the daylight hours or at night when such equipment has lights that comply with the law: *Provided further*, That these provisions shall not apply to spray or fertilizer applicator rigs designed and used exclusively for spraying or fertilization in the conduct of agricultural operations and not primarily for the purpose of transportation, and nurse rigs or equipment auxiliary to the use of and designed or modified for the fueling, repairing or loading of spray and fertilizer applicator rigs and not used, designed or modified primarily for the purpose of transportation: *Provided further*, That these provisions shall not apply to equipment defined as follows:

"Special highway construction equipment" is any vehicle which is designed and used primarily for grading of highways, paving of highways, earth moving, and other construction work on highways and which is not designed or used primarily for the transportation of persons or property on a public highway and which is only incidentally operated or moved over the highway. It includes, but is not limited to, road construction and maintenance machinery so designed and used such as portable air compressors, air drills, asphalt spreaders, bituminous mixers, bucket loaders, track laying tractors, ditchers, leveling graders, finishing machines, motor graders, paving mixers, road rollers, scarifiers, earth moving scrapers and carryalls, lighting plants, welders, pumps, power shovels and draglines, self-propelled and tractor-drawn earth moving equipment and machinery, including dump trucks and tractor-dump trailer combinations which either (1) are in excess of the legal width or (2) which, because of their length, height or unladen weight, may not be moved on a public highway without the permit specified in RCW 46.44.090 and which are not operated laden except within the boundaries of the project limits as defined by the contract, and other similar types of construction equipment, or (3) which are driven or moved upon a public highway only for the purpose of crossing such highway from one property to another, provided such movement does not exceed five hundred feet and the vehicle is equipped with wheels or pads which will not damage the roadway surface.

Exclusions:

"Special highway construction equipment" does not include any of the following:

Dump trucks originally designed to comply with the legal size and weight provisions of this code notwithstanding any subsequent modification which would require a permit, as specified in RCW 46.44.090, to operate such vehicles on a public highway, including trailers, truck-mounted transit mixers, cranes and shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached. [1973 1st ex.s. c 17 § 2; 1972 ex.s. c 5 § 2; 1969 c 27 § 3; 1967 c 202 § 2; 1963 ex.s. c 3 § 51; 1961 ex.s. c 21 § 32; 1961 c 12 § 46.16.010. Prior: 1955 c 265 § 1; 1947 c 33 § 1; 1937 c 188 § 15; Rem. Supp. 1947 § 6312-15; 1929 c 99 § 5; RRS § 6324.]

46.16.020 Exemptions—State and publicly owned vehicles—Registration. Any vehicle owned, rented or leased by the state of Washington, or by any county, city, town, school district or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: *Provided, however*, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display upon the vehicles the vehicle license number plates assigned by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar: *Provided, further*, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative. [1973 1st ex.s. c 132 § 22; 1967 c 32 § 14; 1965 ex.s. c 106 § 1; 1961 c 12 § 46.16.020. Prior: 1939 c 182 § 4; 1937 c 188 § 21; RRS § 6312-21; 1925 ex.s. c 47 § 1; 1921 c 96 § 17; 1919 c 46 § 2; 1917 c 155 § 12; 1915 c 142 § 17; RRS § 6329.]

Severability—1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

46.16.025 Identification device for exempt farm vehicles—Application for—Contents—Fee. Before any "farm vehicle", as defined in RCW 46.04.181, shall operate on or move along a public highway, there shall be displayed upon it in a conspicuous manner a decal or other device, as may be prescribed by the director of motor vehicles and issued by the department of motor vehicles, which shall describe in some manner the vehicle and identify it as a vehicle exempt from the licensing requirements of this chapter. Application for such identifying devices shall be made to the department on a form furnished for that purpose by the director. Such application shall be made by the owner or lessee of the vehicle, or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

(1) The name and address of the owner of the vehicle;

(2) The trade name of the vehicle, model, year, type of body, the motor number or the identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;

(3) The purpose for which said vehicle is to be principally used;

(4) Such other information as shall be required upon such application by the director; and

(5) Place where farm vehicle is principally used or garaged.

A fee of five dollars shall be charged for and submitted with such application for an identification decal as in this section provided as to each farm vehicle which fee shall be deposited in the motor vehicle fund and distributed proportionately as otherwise provided for vehicle license fees under RCW 46.68.030. Only one application need be made as to each such vehicle, and the status as an exempt vehicle shall continue until suspended or revoked for misuse, or when such vehicle no longer is used as a farm vehicle. [1967 c 202 § 3.]

46.16.030 Nonresident exemption—Reciprocity. Except as is herein provided for foreign corporations, the provisions relative to the licensing of vehicles and display of vehicle license number plates and license registration certificates shall not apply to any vehicles owned by nonresidents of this state if the owner thereof has complied with the law requiring the licensing of vehicles in the names of the owners thereof in force in the state, foreign country, territory or federal district of his residence; and the vehicle license number plate showing the initial or abbreviation of the name of such state, foreign country, territory or federal district, is displayed on such vehicle substantially as is provided therefor in this state: *Provided*, That the provisions of this section shall be operative as to a vehicle owned by a nonresident of this state only to the extent that under the laws of the state, foreign country, territory or federal district of his residence, like exemptions and privileges are granted to vehicles duly licensed under the laws of and owned by residents of this state. If under the laws of such state, foreign country, territory or federal district, vehicles owned by residents of this state, operating upon the highways of such state, foreign country, territory or federal district, are required to pay the license fee and carry the vehicle license number plates of such state, foreign country, territory or federal district, the vehicles owned by residents of such state, foreign country, territory or federal district, and operating upon the highways of this state, shall comply with the provisions of this state relating to the licensing of vehicles. Foreign corporations owning, maintaining, or operating places of business in this state and using vehicles in connection with such places of business, shall comply with the provisions relating to the licensing of vehicles insofar as vehicles used in connection with such places of business are concerned: *Provided, further*, That the director is empowered to make and enforce rules and regulations for the licensing of nonresident vehicles upon a reciprocal basis and with respect to any character or class of operation. [1967 c 32 § 15; 1961 c 12 § 46.16.030. Prior: 1937 c 188 § 23; RRS § 6312-23; 1931 c 120 § 1; 1929 c 99 § 4; 1921 c 96 § 11; 1919 c 59 § 6; 1917 c 155 § 7; 1915 c 142 § 11; RRS § 6322.]

46.16.040 Form of application—Contents. Application for original vehicle license shall be made on form furnished for the purpose by the director. Such application shall be made by the owner of the vehicle or his duly authorized agent over the signature of such owner

or agent, and he shall certify that the statements therein are true to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the vehicle;
- (2) Trade name of the vehicle, model, year, type of body, the motor number or identification number thereof if such vehicle be a motor vehicle, or the serial number thereof if such vehicle be a trailer;
- (3) The power to be used—whether electric, steam, gas or other power;
- (4) The purpose for which said vehicle is to be used and the nature of the license required;
- (5) The maximum gross license for such vehicle which in case of for hire vehicles and auto stages shall be the maximum adult seating capacity thereof, exclusive of the operator, and in cases of motor trucks, truck tractors, trailers and semitrailers shall be the maximum gross weight declared by the applicant pursuant to the provisions of RCW 46.16.111;
- (6) The weight of such vehicle, if it be a motor truck or trailer, which shall be the shipping weight thereof as given by the manufacturer thereof unless another weight is shown by weight slip verified by a certified weighmaster, which slip shall be attached to the original application;
- (7) Such other information as shall be required upon such application by the director. [1969 ex.s. c 170 § 2. Prior: 1967 ex.s. c 83 § 59; 1967 c 32 § 16; 1961 c 12 § 46.16.040; prior: 1947 c 164 § 8; 1937 c 188 § 29; Rem. Supp. 1947 § 6312-29; 1921 c 96 § 5; 1919 c 178 § 1; 1919 c 59 § 4; 1915 c 142 § 5; RRS § 6316.]

Effective date—1967 ex.s. c 83: See RCW 47.26.910.

Severability—1967 ex.s. c 83: See RCW 47.26.900.

46.16.045 Temporary permits—Authorized. (1) The department in its discretion may grant a temporary permit to operate a vehicle for which application for registration has been made, where such application is accompanied by the proper fee pending action upon said application by the department.

(2) The department may authorize vehicle dealers properly licensed pursuant to chapter 46.70 RCW to issue temporary permits to operate vehicles under such rules and regulations as the department deems appropriate.

(3) The fee for each temporary permit application distributed to an authorized vehicle dealer shall be five dollars which shall be credited to the payment of registration fees at the time application for registration is made. [1973 1st ex.s. c 132 § 23; 1961 c 12 § 46.16.045. Prior: 1959 c 66 § 1.]

Severability—1973 1st ex.s. c 132: See RCW 46.16.900, 46.70.920.

46.16.047 Temporary permits—Form and contents—Duration—Fees. Forms for such temporary permits shall be prescribed and furnished by the department. Temporary permits shall bear consecutive numbers, shall show the name and address of the applicant, trade name of the vehicle, model, year, type of body, identification number and date of application, and shall be such as may be affixed to the vehicle at the

time of issuance, and remain on such vehicle only during the period of such registration and until the receipt of permanent license plates. The application shall be registered in the office of the person issuing the permit and shall be forwarded by him to the department each day together with the fee accompanying it.

A fee of fifty cents shall be charged by the person authorized to issue such permit which shall be accounted for in the same manner as the other fees collected by such officers, provided that such fees collected by county auditors or their agents shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. [1961 c 12 § 46.16.047. Prior: 1959 c 66 § 2.]

46.16.060 License fee, general—House moving dollies. Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each calendar year or fractional part thereof and upon each vehicle a license fee in the sum of nine dollars and forty cents: *Provided, however,* That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon. [1969 ex.s. c 170 § 3; 1969 c 99 § 5; 1965 c 25 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.16.060. Prior: 1957 c 105 § 1; 1955 c 384 § 11; 1951 c 150 § 17; 1949 c 220 § 8; 1937 c 188 § 16; 1931 c 140 § 1; part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-16; RRS § 6326, part.]

Effective date—1965 c 25: "This act shall take effect January 1, 1966." [1965 c 25 § 6.] This applies to the 1965 amendments to RCW 46.16.060, 46.68.030, and 46.68.060, the repeal of 46.68.040, and to 46.68.041.

Free motor vehicle license for certain disabled veterans: RCW 73.04.110.

46.16.061 Additional fees to help defray costs of studies. In addition to all other fees prescribed by law, there shall be paid for each motor vehicle the following amounts at the time of the payment of the registration fee as provided by law:

| | |
|--|---------|
| For each truck under 12,000 lbs. | \$.25 |
| For each truck over 12,000 lbs. and under 20,000 lbs. | \$.50 |
| For each truck over 20,000 lbs. | \$ 1.00 |
| For each trailer 4,000 lbs. to 12,000 lbs. | \$.25 |
| For each trailer 12,000 lbs. to 20,000 lbs. | \$.50 |
| For each trailer, semitrailer or pole trailer over 20,000 lbs. | \$ 1.00 |
| For each diesel truck | \$ 2.00 |
| For each auto stage | \$ 1.00 |
| For each for hire vehicle over 4,000 lbs. | \$.50 |
| For each motor vehicle not otherwise taxed herein | \$.10 |

Such fees shall be deposited in the motor vehicle fund, and shall be used by the legislative transportation committee and the state highway commission to help

defray the costs of special highway studies and other studies as provided for in this act and for other necessary expenses of such committee. [1963 ex.s. c 3 § 40.]

Reviser's note: The language "this act" refers to chapter 3, Laws of 1963 ex.s., several sections of which have not been codified as they are temporary or special in nature. For provisions relating to the legislative transportation committee, see chapter 44.40 RCW.

46.16.065 Small trailer license fee—Conditions. In lieu of the fee provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed for the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only as to trailers operated for personal use of the owners and not trailers held for rental to the public. [1961 ex.s. c 7 § 10; 1961 c 12 § 46.16.065. Prior: 1951 c 269 § 7.]

46.16.070 Gross weight fees on trucks, stages and for hire vehicles. In addition to other fees for the licensing of vehicles there shall be paid and collected annually for each motor truck, truck tractor, and auto stage or for hire vehicle with seating capacity of six or more, based upon the maximum gross weight thereof, the following gross weight fees as indicated in column A: *Provided, however,* That in the case of each motor truck or truck tractor which is propelled by steam, electricity, natural gas or diesel oil the fee shall be as provided in column B:

| | A | B |
|---|-----------|-----------|
| Up to 4,000 lbs. | \$ 6.00 | \$ 6.00 |
| 4,000 or more and less than 6,000 lbs. | \$ 11.00 | \$ 12.25 |
| 6,000 or more and less than 8,000 lbs. | \$ 18.50 | \$ 20.80 |
| 8,000 or more and less than 10,000 lbs. | \$ 23.50 | \$ 26.40 |
| 10,000 or more and less than 12,000 lbs. | \$ 30.50 | \$ 34.30 |
| 12,000 or more and less than 14,000 lbs. | \$ 37.50 | \$ 42.20 |
| 14,000 or more and less than 16,000 lbs. | \$ 44.50 | \$ 50.10 |
| 16,000 or more and less than 18,000 lbs. | \$ 74.00 | \$ 83.25 |
| 18,000 or more and less than 20,000 lbs. | \$ 84.00 | \$ 94.50 |
| 20,000 or more and less than 22,000 lbs. | \$ 92.00 | \$ 103.50 |
| 22,000 or more and less than 24,000 lbs. | \$ 100.00 | \$ 112.50 |
| 24,000 or more and less than 26,000 lbs. | \$ 107.00 | \$ 120.40 |
| 26,000 or more and less than 28,000 lbs. | \$ 128.00 | \$ 144.00 |
| 28,000 or more and less than 30,000 lbs. | \$ 147.00 | \$ 165.40 |
| 30,000 or more and less than 32,000 lbs. | \$ 179.00 | \$ 201.40 |
| 32,000 or more and less than 34,000 lbs. | \$ 191.00 | \$ 214.90 |
| 34,000 or more and less than 36,000 lbs. | \$ 208.00 | \$ 234.00 |
| 36,000 or more and less than 38,000 lbs. | \$ 229.00 | \$ 257.60 |
| 38,000 or more and less than 40,000 lbs. | \$ 255.00 | \$ 286.90 |
| 40,000 or more and less than 42,000 lbs. | \$ 265.00 | \$ 298.10 |
| 42,000 or more and less than 44,000 lbs. | \$ 275.00 | \$ 309.40 |
| 44,000 or more and less than 46,000 lbs. | \$ 295.00 | \$ 331.90 |
| 46,000 or more and less than 48,000 lbs. | \$ 305.00 | \$ 344.25 |
| 48,000 or more and less than 50,000 lbs. | \$ 328.00 | \$ 369.00 |
| 50,000 or more and less than 52,000 lbs. | \$ 346.00 | \$ 389.25 |
| 52,000 or more and less than 54,000 lbs. | \$ 371.00 | \$ 417.40 |
| 54,000 or more and less than 56,000 lbs. | \$ 397.00 | \$ 446.60 |
| 56,000 or more and less than 58,000 lbs. | \$ 417.00 | \$ 469.10 |
| 58,000 or more and less than 60,000 lbs. | \$ 438.00 | \$ 492.75 |
| 60,000 or more and less than 62,000 lbs. | \$ 467.00 | \$ 525.40 |
| 62,000 or more and less than 64,000 lbs. | \$ 478.00 | \$ 537.75 |
| 64,000 or more and less than 66,000 lbs. | \$ 531.00 | \$ 597.40 |
| 66,000 or more and less than 68,000 lbs. | \$ 554.00 | \$ 623.25 |
| 68,000 or more and less than 70,000 lbs. | \$ 603.00 | \$ 675.75 |
| 70,000 or more and less than 72,000 lbs. | \$ 645.50 | \$ 722.45 |

Provided, however, That every motor truck except trucks not exceeding 5,000 pounds empty scale weight

shall be licensed for not less than one hundred fifty percent of its empty weight unless such an amount would be in excess of the legal limits prescribed for such a vehicle in RCW 46.44.040 in which event the vehicle shall be licensed for the maximum gross load specified for such a vehicle. [1969 ex.s. c 281 § 54; 1967 ex.s. c 118 § 1; 1967 ex.s. c 83 § 56; 1961 ex.s. c 7 § 11; 1961 c 12 § 46.16.070. Prior: 1957 c 273 § 1; 1955 c 363 § 2; prior: 1951 c 269 § 9; 1950 ex.s. c 15 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; Rem. Supp. 1949 § 6312-17, part; RRS § 6326, part.]

Effective date—1969 ex.s. c 281: See note following RCW 46.88.010.

Effective date—1967 ex.s. c 118: "This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this 1967 amendatory act." [1967 ex.s. c 118 § 2.] This applies to the 1967 amendment of RCW 46.16.070.

46.16.079 Fixed load vehicle equipped for lifting or towing—Fee in lieu. The licensee of any fixed load vehicle equipped for lifting or towing any disabled, impounded, or abandoned vehicle or part thereof, may pay a fee of twenty-five dollars in lieu of the additional fees provided in RCW 46.16.070 or 46.16.072. [1963 c 18 § 1.]

Reviser's note: RCW 46.16.072 was repealed by 1967 ex.s. c 83 § 61.

46.16.080 Fixed load machines—Fee in lieu—Exception. In lieu of the additional fee provided in RCW 46.16.070 or 46.16.072 there shall be collected a fee of five dollars on any motor truck, truck tractor, trailer or semitrailer used only for the purpose of transporting any well drilling machine, air compressor, rock crusher, conveyor, hoist, wrecker, donkey engine, cook house, tool house, bunk house, or similar machine or structure attached to or made a part of such motor truck, trailer, or semitrailer: *Provided*, That no additional fee shall be collected under this section or under RCW 46.16.070 or 46.16.072 on any house trailer. [1961 c 12 § 46.16.080. Prior: 1957 c 269 § 17; 1955 c 363 § 5; prior: 1955 c 139 § 22; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

Reviser's note: RCW 46.16.072 was repealed by 1967 ex.s. c 83 § 61.

46.16.083 Converter gear—Optional methods of licensing. A converter gear used to convert a semitrailer into a trailer or a two-axle tractor into a three-axle tractor or used in any other manner to increase the number of axles of a vehicle may, at the option of the owner, be licensed as a separate vehicle or the converter

gear and the vehicle with which it is used may be licensed as a combination, in which event the combination of the two will be considered as a single vehicle for the purposes of this chapter.

Where converter gears are licensed separately the maximum gross weight including load must be included in the licensed gross weight of the power unit or in the licensed gross weight of the trailer where the converter gear is used to increase the number of axles of a trailer or semitrailer for which gross weight fees have been separately paid under the provisions of RCW 46.16.115. [1969 ex.s. c 170 § 4; 1961 c 12 § 46.16.083. Prior: 1959 c 319 § 22; 1955 c 384 § 9.]

46.16.090 Gross weight fees on farm trucks—Penalty. Motor trucks or trailers may be specially licensed based on the maximum gross weight thereof for fifty percent of the various amounts set forth in the schedule provided in RCW 46.16.070, when such trucks or trailers are owned and operated by farmers, but only if the following condition or conditions exist:

(1) When such trucks or trailers are to be used for the transportation of such farmer's own farm, orchard or dairy products from point of production to market or warehouse, and of supplies to be used on his farm: *Provided*, That fish and forestry products shall not be considered as farm products; and/or

(2) When such trucks or trailers are to be used for the infrequent or seasonal transportation by one such farmer for another farmer in his neighborhood of products of the farm, orchard or dairy owned by such other farmer from point of production to market or warehouse, or supplies to be used on such other farm, but only if such transportation for another farmer is for compensation other than money: *Provided, however*, That farmers shall be permitted an allowance of an additional eight thousand pounds, within the legal limits, on motor trucks or trailers, when used in the transportation of such farmer's own farm machinery between his own farm or farms and for a distance of not more than thirty-five miles from his farm or farms.

The department shall prepare a special form of application to be used by farmers applying for licenses under this section, which form shall contain a statement to be signed by the farmer to the effect that the vehicle or trailer concerned will be used subject to the limitations of this section. The department shall prepare special insignia which shall be placed upon all such vehicles or trailers to indicate that the vehicle or trailer is specially licensed, or may, in its discretion, substitute a special license plate for such vehicles or trailers for such designation.

Any person who operates such a specially licensed vehicle or trailer in transportation upon public highways in violation of the limitations of this section shall be guilty of a misdemeanor. [1969 ex.s. c 169 § 1; 1961 c 12 § 46.16.090. Prior: 1957 c 273 § 13; 1955 c 363 § 6; prior: 1953 c 227 § 1; 1951 c 269 § 12; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1949 § 6312-17, part; 1931 c 140 §

1, part; 1921 c 96 § 15, part; 1919 c 46 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

46.16.100 Special permits for single movement—

Fee. When any vehicle subject to license is to be moved upon the public highways of this state from one point to another, the director may issue a special permit therefor upon an application presented to him in such form as shall be approved by the director and upon payment therefor of a fee of ten dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, That for each vehicle used exclusively in the transportation of circus, carnival, and show equipment and in the transportation of supplies used in conjunction therewith, there shall be charged in addition to other fees provided for the licensing of vehicles, an annual capacity fee in the amount of ten dollars: *Provided further*, That a special permit or one-transit permit shall be issued for movement of a mobile home as defined in RCW 46.04.085 pursuant to RCW 46.16.105. [1971 ex.s. c 231 § 10; 1969 ex.s. c 170 § 5; 1961 c 12 § 46.16.100. Prior: 1955 c 363 § 7; prior: 1955 c 139 § 23; 1950 ex.s. c 15 § 1, part; 1949 c 220 § 10, part; 1947 c 200 § 15, part; 1941 c 224 § 1, part; 1939 c 182 § 3, part; 1937 c 188 § 17, part; Rem. Supp. 1947 § 6312-17, part; 1931 c 140 § 1, part; 1921 c 96 § 15, part; 1919 c 146 § 1, part; 1917 c 155 § 10, part; 1915 c 142 § 15, part; RRS § 6326, part.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.16.104 Mobile home movement permit, vehicle license plates—Required—Copies to county assessors.

The director of highways shall require every person except a dealer using dealer license plates or a transporter using transporter license number plates moving a mobile home on the public roads and highways of this state to obtain a mobile home movement permit as provided in RCW 46.16.105 and pay the fee therefor. The director of highways shall issue a copy of such permit to the assessor of the county where such mobile home was located and to the assessor of the county where such mobile home will be located: *Provided*, That when a mobile home is to enter this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home will be located and when a mobile home is to leave this state, a copy of such permit shall only be sent to the assessor of the county where such mobile home was located.

Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid. [1973 c 103 § 6; 1971 ex.s. c 231 § 20.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.16.105 Mobile home movement permit, vehicle license plates—Special one-transit permit—Conditions—Fee, disposition. When any mobile home, as defined in RCW 46.04.085, except those displaying dealer license plates or transporter license number plates is to be moved upon the public highways of this state from one point to another, the department of highways may issue a special mobile home movement permit therefor upon an application presented to it in such form as approved by the director of the department of highways and upon payment therefor of a fee of five dollars. Such permit shall be for one transit only between the points of origin and destination as set forth in the application: *Provided*, That no special mobile home movement permit shall be issued for movement of a mobile home unless the applicant therefor can prove to the satisfaction of the director of highways that all taxes and fees have been paid on such mobile home. All mobile home movement permit fees received by the director of highways under the provisions of this section shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report and be by him credited to the motor vehicle fund. [1971 ex.s. c 231 § 21.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.16.106 Mobile home movement without permit or vehicle license plate as misdemeanor—Exception.

Any person who shall move a mobile home on the public roads and highways of this state when such mobile home does not have a mobile home movement permit obtained as required by RCW 46.16.105 or vehicle license plate shall be guilty of a misdemeanor: *Provided*, That such person shall be relieved of such criminal liability if such mobile home displays dealer license plates or transporter license number plates and if within ten days of moving a mobile home, the person notifies the director of the department of highways of the origin and destination of the mobile home. [1973 c 103 § 7; 1971 ex.s. c 231 § 22.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.16.111 Gross weight, how computed. Unless the owner thereof elects to pay tonnage fees separately on his trailer or semitrailer pursuant to RCW 46.16.115 the maximum gross weight in the case of any motor truck or truck tractor shall be the scale weight of the motor truck or truck tractor, plus the scale weight of any trailer, semitrailer or pole trailer to be towed thereby, to which shall be added the maximum load to be carried thereon or towed thereby as set by the licensee in his application or otherwise: *Provided*, That if the sum of the scale weight and maximum load of such trailer is not greater than four thousand pounds, such sum shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: *Provided further*, That where the trailer is a utility trailer, travel trailer, horse trailer, or boat trailer for the personal use of the owner of the truck or truck tractor and not for sale or commercial purposes, the gross weight of such trailer

and its load shall not be computed as part of the maximum gross weight of any motor truck or truck tractor: *Provided, further,* That the weight of any camper as defined in RCW 46.04.085 shall be exempt from the determination of gross weight in the computation of any tonnage fees required under RCW 46.16.070.

The maximum gross weight in the case of any auto stage and for hire vehicle, except taxicabs, with seating capacity over six, shall be the scale weight of each auto stage and for hire vehicle plus an average load factor of fifty percent of the seating capacity computed at one hundred and fifty pounds per seat. [1971 ex.s. c 231 § 1; 1969 ex.s. c 170 § 6; 1967 ex.s. c 83 § 57.]

Effective date—1971 c 231: See note following RCW 46.01.130.

Effective date—1967 ex.s. c 83: See RCW 47.26.910.

Severability—1967 ex.s. c 83: See RCW 47.26.900.

46.16.115 Payment of tonnage fees separately on trailers or semitrailers—Optional. The owner thereof may elect to pay tonnage fees separately on a trailer or semitrailer: *Provided, however,* In order to exercise this option the owner must pay for the maximum permissible gross weight for the vehicle under RCW 46.44.040 and 46.44.042.

The gross weight fee for such trailers and semitrailers shall be as follows:

| <u>Gross Weight</u> | <u>Fee</u> |
|---|---|
| Up to 12,000 pounds | As specified in column A of RCW 46.16.070 |
| More than 12,000 pounds but not more than 18,000 pounds | \$178.00 |
| More than 18,000 pounds but not more than 32,000 pounds | \$401.00 |
| More than 32,000 pounds but not more than 36,000 pounds | \$470.00 |

When vehicles licensed under this section are used with a truck tractor or motor truck the licensed gross weight of the combination shall be the sum of the licensed gross weights of the vehicles forming the combination. [1973 1st ex.s. c 150 § 4; 1969 ex.s. c 170 § 15.]

46.16.121 Seating capacity fees on stages, for hire vehicles. In addition to other fees for the licensing of vehicles, there shall be paid and collected annually, for each auto stage and for hire vehicle, except taxicabs, with a seating capacity of six or less the sum of fifteen dollars. [1967 ex.s. c 83 § 58.]

Effective date—1967 ex.s. c 83: See RCW 47.26.910.

Severability—1967 ex.s. c 83: See RCW 47.26.900.

46.16.125 Mileage fees on stages—Penalty. In addition to the fees required by RCW 46.16.070, operators of auto stages with seating capacity over six shall pay quarterly, at the time they file gross earning returns with the utilities and transportation commission, the sum of fifteen cents for each one hundred vehicle miles operated by each auto stage over the public highways of this state: *Provided,* That in the case of each auto stage propelled by steam, electricity, natural gas, diesel oil, butane or propane, the payment required hereunder

shall be twenty cents per one hundred miles of such operation. The commission shall transmit all such sums so collected to the state treasurer, who shall deposit the same in the motor vehicle fund. Any person failing to make any payment required by this section shall be subject to a penalty of one hundred percent of the payment due hereunder, in addition to any penalty provided for failure to submit a quarterly report. Any penalties so collected shall be credited to the public service revolving fund. [1967 ex.s. c 83 § 60; 1961 c 12 § 46.16.125. Prior: 1951 c 269 § 14.]

Effective date—1967 ex.s. c 83: See RCW 47.26.910.

Severability—1967 ex.s. c 83: See RCW 47.26.900.

46.16.130 Reduction of fees for fractional year. Whenever an application is made for a license on a motor truck, trailer, tractor, semitrailer, for hire vehicle, bus or auto stage subsequent to March thirty-first of any calendar year, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon motor vehicles above described licensed in this state after March thirty-first of any year, but before July first, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state after June thirtieth of any year, but before October first, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state after September thirtieth of any year the license fees shall be reduced by three-fourths thereof: *Provided,* That such reductions shall not apply to special permits. [1961 c 12 § 46.16.130. Prior: 1951 c 269 § 15; 1949 c 220 § 11; 1945 c 171 § 1; 1943 c 194 § 1; Rem. Supp. 1949 § 6312-18a.]

46.16.135 Quarterly license—Penalty. Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for quarterly periods ending on March 31st, June 30th, September 30th, and December 31st at one-fourth of the usual annual tonnage fee: *Provided,* That the fee for the quarter in which the vehicle is licensed shall be reduced by one-twelfth of the usual tonnage fee for each full calendar month of the quarter that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage within ten days after the expiration of the existing tonnage. Any person who operates any such vehicle upon the public highways after the expiration of said ten days, shall be guilty of a misdemeanor, and in addition shall be required to purchase tonnage for the vehicle involved at the fee covering an entire year's operation thereof, less the fees for any quarter or quarters of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required

aforsaid, the Washington state patrol, county sheriff or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1969 ex.s. c 170 § 7; 1961 c 12 § 46.16.135. Prior: 1951 c 269 § 16.]

46.16.137 Monthly license for transportation of logs—Penalty. During the months of October, November, December, January, February and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective from the first day of the month in which it is purchased, through the last day of that calendar month. The director or his authorized agent shall issue a permit stating the month for which the vehicle is licensed, which permit shall be carried in the vehicle throughout the month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such permits. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof within five days after the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the year. Any person who operates any such vehicle upon the public highways after the expiration of said five days, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire year's license for operation thereof, less the fees for any period or periods of the year already paid. If, within five days thereafter, no license for a full year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met. [1974 1st ex.s. c 172 § 1; 1967 c 32 § 17; 1961 c 12 § 46.16.137. Prior: 1959 c 319 § 23; 1957 c 273 § 4.]

Effective date—1974 1st ex.s. c 172: "This 1974 amendatory act shall take effect August 1, 1974." [1974 1st ex.s. c 172 § 2.]

46.16.138 Monthly license for transportation of logs—Penalty for operating vehicle for other purpose. Any person who operates a vehicle, licensed under the provisions of RCW 46.16.137 for the transportation of logs exclusively, for the transportation of any cargo other than logs, shall be guilty of a misdemeanor, and in addition shall be ineligible for a period of two years

from date of conviction for the purchase of a license under the provisions of RCW 46.16.137. [1961 c 12 § 46.16.138. Prior: 1959 c 319 § 24.]

46.16.140 Overloading licensed capacity—Additional license—Penalties. Any person who operates, or causes, permits, or suffers to be operated upon a public highway of this state any auto stage, motor truck, trailer, pole trailer, or semitrailer, with passengers, or with a maximum gross weight, in excess of that for which the vehicle is licensed shall be guilty of a misdemeanor.

Any person who operates or causes to be operated upon a public highway of this state any motor truck, trailer, pole trailer, or semitrailer with a maximum gross weight in excess of the maximum gross weight for which the vehicle is licensed shall be deemed to have set a new maximum gross weight and shall, in addition to any penalties otherwise provided, be required to purchase a new license covering the new maximum gross weight and any such person who fails to secure such new license shall be guilty of a misdemeanor: *Provided*, That this section shall not apply to for hire vehicles or auto stages operating principally within cities and towns: *Provided further*, That upon surrender of the license originally purchased the director shall allow proper credit for the gross weight fee originally paid: *Provided further*, That no such person may be permitted or required to purchase the new license upon a gross weight which would exceed the maximum gross weight allowed by law. [1961 c 12 § 46.16.140. Prior: 1955 c 384 § 16; 1951 c 269 § 18; 1937 c 188 § 25, part; RRS § 6312-25, part.]

46.16.145 Overloading licensed capacity—Penalties. Any person violating any of the provisions of RCW 46.16.140 shall, upon a first conviction, pay a fine of not less than ten dollars nor more than twenty-five dollars; upon a second conviction pay a fine of not less than twenty-five dollars nor more than fifty dollars, and in addition the court may suspend the certificate of license registration of his vehicle for not more than thirty days; upon a third and subsequent conviction pay a fine of not less than fifty dollars nor more than one hundred dollars, and in addition the court shall suspend the certificate of license registration of the vehicle for not less than thirty days nor more than ninety days.

Upon ordering the suspension of any certificate of license registration, the court or judge shall forthwith secure such certificate and mail it to the director. [1961 c 12 § 46.16.145. Prior: 1951 c 269 § 19; 1937 c 188 § 25, part; RRS § 6312-25, part.]

46.16.150 School buses exempt from load and seat capacity fees. No provision of the law of this state shall be construed to require for hire vehicle license or adult seating capacity fees, either directly or indirectly for the transportation of school children or teachers, or both, to and from school and other school activities, or either, whether the same be done in motor vehicles owned, leased, rented or used by the school authority or upon contract to furnish such transportation: *Provided*, That

this section shall apply to vehicles used exclusively for the purpose set forth and in the event that any vehicle so used is also used for any other purpose, such vehicle shall be appropriately licensed for such other purpose, as required by this chapter. [1961 c 12 § 46.16.150. Prior: 1937 c 188 § 22; RRS § 6312-22.]

46.16.160 Fees on out-of-state commercial vehicles—Reciprocity. Any commercial vehicle bearing valid license plates and registration certificate of another state or territory and not registered in this state and which under reciprocal relations with that state would be required to obtain a full or proportional motor vehicle license in this state may, in lieu of a certificate of ownership and license registration, be issued a permit. Such permit shall be valid for the conduct of interstate operations only and shall be issued in such form and under such conditions as the director shall prescribe. Application for the permit shall be made to the director or his designated agent on forms provided by the director. On receiving such application, together with fees as provided herein, a permit may be issued for a period of not to exceed two hundred forty consecutive hours: *Provided, however,* That no permit shall be issued for any period less than twenty-four consecutive hours.

The director, or his designated agent, shall be authorized to issue a further permit on the same vehicle or combination of vehicles upon the expiration of any permit issued for a period less than two hundred forty consecutive hours: *Provided,* Such further permit does not extend the duration thereof to exceed two hundred forty consecutive hours on any series of consecutive permits issued for such vehicle or combination of vehicles: *Provided, further,* That no permit, or series of permits, shall be issued for any period exceeding two hundred forty consecutive hours within any period of thirty days.

For each permit issued to a vehicle or a combination of vehicles the director, or his designated agent, shall assess an administrative charge of five dollars per permit plus the following fees for each period of twenty-four consecutive hours covered by such permit:

Vehicles or combinations of vehicles with gross loads of:

| | | | | |
|--------|-------|-------------|-------|--------|
| 0 | ..... | 9,999 lbs. | ..... | \$0.50 |
| 10,000 | ..... | 19,999 lbs. | ..... | \$1.00 |
| 20,000 | ..... | 29,999 lbs. | ..... | \$1.50 |
| 30,000 | ..... | 35,999 lbs. | ..... | \$2.00 |
| 36,000 | ..... | 45,999 lbs. | ..... | \$2.50 |
| 46,000 | ..... | 59,999 lbs. | ..... | \$3.00 |
| 60,000 | ..... | 72,000 lbs. | ..... | \$4.00 |

These fees shall not be subject to quarterly reduction as provided in RCW 46.16.130. Such vehicles will be subject to all of the laws, rules and regulations affecting the operation of like motor vehicles in this state. The permit shall be displayed at all times in a prominent place on the vehicle, or if the vehicle is a trailer, then the permit shall be at all times in vehicle operator's possession.

The director shall have the authority to adopt rules and regulations whereby such permits can be issued to

qualifying operators in advance of use and paid for as used.

All fees collected under the provisions of this chapter shall be forwarded by the director with a proper identifying detailed report to the state treasurer who shall deposit such fees to the credit of the motor vehicle fund. [1969 ex.s. c 170 § 8; 1961 c 306 § 1; 1961 c 12 § 46.16.160. Prior: 1957 c 273 § 3; 1955 c 384 § 17; 1949 c 174 § 1; 1947 c 176 § 1; 1937 c 188 § 24; Rem. Supp. 1949 § 6312-24.]

46.16.170 Gross weight to be marked on vehicle. Every motor truck, trailer and semitrailer shall have painted or stenciled upon the outside thereof, in a conspicuous place, in letters not less than two inches high, the maximum gross weight for which the same is licensed, as provided in this chapter, and it shall be unlawful for the owner and operator of any such vehicle to display a maximum gross weight for which such vehicle is licensed other than that shown on the certificate of license registration of such vehicle. [1961 c 12 § 46.16.170. Prior: 1937 c 188 § 19; RRS § 6312-19.]

46.16.180 Unlawful to carry passengers for hire without license. It shall be unlawful for the owner or operator of any vehicle not licensed annually for hire or as an auto stage and for which additional seating capacity fee as required by this chapter has not been paid, to carry passengers therein for hire. [1961 c 12 § 46.16.180. Prior: 1937 c 188 § 20; RRS § 6312-20.]

46.16.200 Applications to agents—Transmittal to director. Upon receipt by agents of the director, including county auditors, of original applications for vehicle license accompanied by the proper fees, such agents shall, if the applications are in proper form and accompanied by such information as may be required by the director, immediately forward them, together with the fees to the director. [1961 c 12 § 46.16.200. Prior: 1955 c 259 § 1; 1955 c 89 § 4; 1947 c 164 § 10; 1937 c 188 § 33; Rem. Supp. 1947 § 6312-33; 1921 c 96 § 6, part; 1917 c 155 § 4, part; 1915 c 142 § 6, part; RRS § 6317, part.]

46.16.210 Original applications—Renewals—Fees—Preissuance, when. (1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same

manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the period from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st, secure renewal of a vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund, and excise tax as may be required by law. [1969 ex.s. c 75 § 1; 1961 c 12 § 46.16.210. Prior: 1957 c 273 § 5; 1955 c 89 § 2; 1953 c 252 § 3; 1947 c 164 § 11; 1937 c 188 § 34; Rem. Supp. 1947 § 6312-34.]

46.16.220 Time of issuance of licenses—Duration. Vehicle licenses and vehicle license number plates may be issued for the current registration licensing period on and after the first day thereof and must be used and displayed from the date of issue or from the thirty-fifth day after the expiration of the preceding licensing period whichever date is later. [1969 ex.s. c 170 § 9; 1961 c 12 § 46.16.220. Prior: 1957 c 261 § 8; 1955 c 89 § 1; 1953 c 252 § 4; 1947 c 164 § 12; 1937 c 188 § 35; Rem. Supp. 1947 § 6312-35; 1921 c 96 § 7, part; RRS § 6318, part; 1921 c 6 § 1, part; 1916 c 142 § 7, part.]

46.16.230 License plates to be furnished. The director shall furnish to all persons making satisfactory application for vehicle license as provided by law, two identical vehicle license number plates each containing the vehicle license number to be displayed on such vehicle as by law required: *Provided*, That if the vehicle to be licensed is a trailer, semitrailer or motorcycle only one vehicle license number plate shall be issued for each thereof. The number and plate shall be of such size and color and shall contain such symbols indicative of the registration period for which the same is issued and of the state of Washington, as shall be determined and prescribed by the director. Any vehicle license number plate or plates issued to a dealer shall contain thereon a sufficient and satisfactory indication that such plates have been issued to a dealer in vehicles. All vehicle license number plates shall be obtained by the director from the metal working plant of the state penitentiary at Walla Walla, if available therefrom.

Notwithstanding the foregoing provisions of this section, the director may, in his discretion and under such rules and regulations as he may prescribe, adopt a type of vehicle license number plates whereby the same shall be used as long as legible on the vehicle for which issued, with provision for tabs or emblems to be attached thereto or elsewhere on the vehicle to signify renewals, in which event the term "vehicle license number plate"

as used in any enactment shall be deemed to include in addition to such plate the tab or emblem signifying renewal except when such plate contains the designation of the current year without reference to any tab or emblem. Renewals shall be effected by the issuance and display of such tab or emblem. [1961 c 12 § 46.16.230. Prior: 1957 c 261 § 9; 1949 c 90 § 1; 1939 c 182 § 5; 1937 c 188 § 28; Rem. Supp. 1949 § 6312-28; 1921 c 96 § 12; 1921 c 6 § 2; 1919 c 59 § 7; 1917 c 155 § 8; 1915 c 142 § 12; RRS § 6323.]

46.16.235 License plates to designate name of state of Washington without abbreviation. Vehicle license number plates issued by the state of Washington commencing with the next general issuance of such plates shall be so designed as to designate the name of the state of Washington in full without abbreviation. [1965 ex.s. c 78 § 2.]

46.16.237 License plates to be treated with reflectorized materials—Fee. All vehicle license number plates issued after January 1, 1968, or such earlier date as the director may prescribe with respect to plates issued in any county, shall be treated with reflectorized materials designed to increase the visibility and legibility of such plates at night. In addition to all other fees prescribed by law, there shall be paid and collected for each vehicle license number plate treated with such materials, the sum of fifty cents and for each set of two plates, the sum of one dollar: *Provided, however*, One plate is available only to those vehicles that by law require only one plate. Such fees shall be deposited in the motor vehicle fund. [1967 ex.s. c 145 § 60.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.16.240 Attachment of plates to vehicles—Violations enumerated. The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: *Provided*, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: *Provided, however*, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state commission on equipment. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided. [1969 ex.s. c 170 § 10; 1967 c 32 § 18;

1961 c 12 § 46.16.240. Prior: 1947 c 89 § 1; 1937 c 188 § 36; Rem. Supp. 1947 § 6312-36.]

46.16.260 License registration certificate—Endorsement—Maximum gross weight license—Attachment to vehicle. A certificate of license registration to be valid must have endorsed thereon the signature of the registered owner (if a firm or corporation, the signature of one of its officers or other duly authorized agent) and must be carried in the vehicle for which it is issued, at all times in the manner prescribed by the director. It shall be unlawful for any person to operate or have in his possession a vehicle without carrying thereon such certificate of license registration and/or maximum gross weight license as herein provided. Any person in charge of such vehicle shall, upon demand of any of the local authorities or of any police officer or of any representative of the department, permit an inspection of such certificate of license registration and/or maximum gross weight license. [1969 ex.s. c 170 § 11; 1967 c 32 § 19; 1961 c 12 § 46.16.260. Prior: 1955 c 384 § 18; 1937 c 188 § 8; RRS § 6312-8.]

46.16.270 Loss or defacement of plates—Duplicates. Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new vehicle license number plate where only one was originally issued and one dollar for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed. [1965 ex.s. c 78 § 1; 1961 c 12 § 46.16.270. Prior: 1951 c 269 § 6; 1947 c 164 § 13; 1937 c 188 § 37; Rem. Supp. 1947 § 6312-37; 1929 c 99 § 6; 1921 c 96 § 14; 1919 c 59 § 8; 1915 c 142 § 14; RRS § 6325.]

46.16.280 Sale, loss, or destruction of commercial vehicle—Procedure on change in license classification. In case of loss or destruction, sale or transfer of any for hire vehicle, auto stage, motor truck, trailer, or semi-trailer, the registered owner thereof may retain the right to the load license or seat license to apply in licensing such vehicle as may be procured in replacement thereof and in any case of sale or transfer where load or seat license has not been assigned on the certificate of license registration it will be presumed that the same was intended to be retained by the previous registered owner thereof. Whenever during the calendar year any vehicle has been so altered as to change its license classification, in such a manner that the vehicle license number plates are rendered improper therefor, the current vehicle license number plates shall be surrendered to the director and new and proper vehicle license number plates issued on application therefor accompanied by a fee therefor in the amount of one dollar in addition to any other or different charge by reason of licensing under a new classification. Such application shall be on forms prescribed by the director and forwarded with proper fee to his office or the office of his duly authorized agent. [1967 c 32 § 20; 1961 c 12 § 46.16.280. Prior: 1947 c 164 § 14; 1937 c 188 § 38; Rem. Supp. 1947 § 6312-38.]

46.16.290 License certificate and plates follow vehicle on transfer—Exception. In any case of valid sale or transfer of the ownership of any vehicle, the right to the certificates properly transferable therewith and to the vehicle license number plates shall pass to the purchaser or transferee and it shall be unlawful for the holder of such certificates or vehicle license number plates to fail, neglect or refuse to endorse such certificates and deliver such vehicle license number plates to such purchaser or transferee: *Provided*, That if such sale or transfer be of a vehicle licensed by the state or any county, city, town, school district or other political subdivision entitled to exemption as provided by law, the vehicle license number plates therefor shall be retained and may be displayed upon such vehicle as may be procured in replacement of the vehicle so sold or transferred. [1961 c 12 § 46.16.290. Prior: 1937 c 188 § 39; RRS § 6312-39; 1931 c 138 § 2; 1929 c 99 § 3; 1921 c 96 § 8; 1919 c 59 § 5; 1917 c 155 § 5; 1915 c 142 § 8; RRS § 6319.]

46.16.310 Antique vehicles—"Horseless carriage" licenses. Notwithstanding any other provisions of this chapter, any motor vehicle, manufactured during or prior to the year 1931, and owned and operated primarily as a collector's item shall, upon application and acceptance in the manner and at the time prescribed by the department, be issued a special commemorative license plate in lieu of the regular license plates. Any vehicles to be so licensed must be in good running order. In addition to paying all other initial fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to one permanent license plate valid for the life of the vehicle.

The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Horseless Carriage No. 1." The plates shall be of a distinguishing color.

In the event of defacement, loss or destruction of such special plate, the owner shall apply for a replacement plate in the same manner as prescribed by law for the replacement of regular plates.

All fees collected under this section shall be deposited in the state treasury and credited to the motor vehicle fund. [1971 ex.s. c 114 § 1; 1961 c 12 § 46.16.310. Prior: 1955 c 100 § 1.]

Severability—1971 ex.s. c 114: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 114 § 6.] This applies to RCW 46.16.310, 46.16.311, 46.16.315 and 46.16.355.

46.16.311 Antique vehicles—Application to vehicles manufactured after 1931 and presently licensed. The provisions of RCW 46.16.310 shall not, invalidate or make unlawful the use of "Horseless Carriage" license plates presently used on motor vehicles manufactured and built after 1931, except that in the event of the defacement, loss, or destruction of any commemorative plate issued to a vehicle manufactured after 1931, no replacement commemorative plate shall be issued to such vehicle. [1971 ex.s. c 114 § 2.]

Severability—1971 ex.s. c 114: See note following RCW 46.16.310.

46.16.315 Vehicles more than thirty years old and operated as collector's item, license, plates for—Fees, disposition. Notwithstanding any other provisions of law, any motor vehicle, more than thirty years old, and owned and operated primarily as a collector's item, shall, upon application and acceptance in the manner and at the time prescribed by the department, be authorized in lieu of the regular license plates to carry as the correct license for that vehicle a Washington state license plate or pair of duplicate plates designated for use in the year of the manufacturing of said vehicle, and bearing the date thereof. Any vehicles to be so licensed must be in good running order. In addition to paying all other fees required by law, each applicant shall pay a fee of twenty-five dollars, which fee shall entitle him to have said plate or plates certified as the permanent plate or plates of that vehicle, valid for the life of that vehicle.

All fees collected under this section shall be deposited in the state treasury, and credited to the motor vehicle fund. [1971 ex.s. c 114 § 3.]

Severability—1971 ex.s. c 114: See note following RCW 46.16.310.

46.16.320 License plates for amateur radio operators—Fees—Deposit. Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates similar plates bearing

the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers.

In addition to the annual license fee collected under chapter 46.16 RCW and chapter 82.44 RCW, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license. [1969 ex.s. c 206 § 1; 1967 ex.s. c 145 § 80; 1967 c 32 § 21; 1961 c 12 § 46.16.320. Prior: 1957 c 145 § 1.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.16.330 License plates for amateur radio operators—Disposition of plates upon transfer of interest in vehicle. Whenever the owner of a registered vehicle transfers or assigns his title or interest thereto, the license plates issued under RCW 46.16.320 through 46.16.350 shall be removed from the motor vehicle and, if another vehicle is acquired, attached thereto and the director shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director to be reissued later upon payment of the regular license fee. [1967 c 32 § 22; 1961 c 12 § 46.16.330. Prior: 1957 c 145 § 2.]

46.16.340 License plates for amateur radio operators—Emergency services, state patrol, county sheriffs to be furnished information. The director, from time to time, shall furnish the state department of emergency services, the Washington state patrol and all county sheriffs a list of the names, addresses and license plate or radio station call letters of each person possessing the special amateur radio station license plates so that the facilities of such radio stations may be utilized to the fullest extent in the work of these governmental agencies. [1974 1st ex.s. c 171 § 43; 1967 c 32 § 23; 1961 c 12 § 46.16.340. Prior: 1957 c 145 § 3.]

46.16.350 License plates for amateur radio operators—Duties of holder when radio license expires or is revoked—Penalty. Any radio amateur operator who holds a special call letter license plate as issued under the provisions of RCW 46.16.320 through 46.16.350, and who has allowed his federal communications commission license to expire, or has had it revoked, must notify the director in writing within thirty days and surrender his call letter license plate. Failure to do so will constitute a gross misdemeanor. [1967 c 32 § 24; 1961 c 12 § 46.16.350. Prior: 1957 c 145 § 4.]

46.16.370 Special plates for official representatives of foreign governments—United States citizenship required. (1) Every consul or other official representative

of any foreign government who is a citizen of the United States of America, duly licensed and holding an equatur issued by the department of state of the United States of America is entitled to apply to the director for, and upon satisfactory showing, to receive, in lieu of the regular motor vehicle license plates, such special plates of a distinguishing color and running in a separate numerical series, as the director shall prescribe. In addition to paying all other initial fees required by law there shall be collected from each applicant for such special license plates an additional license fee of twenty-five dollars upon the issue of such plates which fee shall not apply for those years in which tabs are issued. Application for renewal of such license plates must be made by January 10th of each renewal year and all such applications shall be accompanied by a notarized statement of such facts as the director shall deem necessary for issuance thereof.

(2) Whenever such owner or lessee as provided in subsection (1) hereof transfers or assigns his interest or title in the motor vehicle to which the special plates were attached, such plates shall be removed from the motor vehicle and if another vehicle is acquired, attached thereto, and the director shall be immediately notified of such transfer of plates; otherwise the removed plates shall be immediately forwarded to the director to be reissued upon payment of the regular license fee. Whenever such owner or lessee as provided in subsection (1) hereof shall for any reason be relieved of his duties as such consul or official representative of a foreign government he shall immediately forward the special plates to the director who shall upon receipt thereof provide such plates as are otherwise provided by law. [1967 c 32 § 25; 1961 c 201 § 1.]

46.16.380 Decals for certain disabled persons—Qualifications—Transfer of vehicle—Rules—Penalty. Any person who shall submit satisfactory proof to the director that he has lost both of his lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be entitled to receive for one motor vehicle only, a special decal to be affixed to the vehicle in a conspicuous place designated by the director, bearing distinguishing marks, letters or numerals indicating that the vehicle is owned by such a privileged person. Whenever such owner transfers or assigns his interest in such vehicle, the special decal shall be removed. Such person shall immediately surrender the decal to the director together with a notice of the transfer of interest in such vehicle. If another vehicle is acquired by such person, a new decal shall be issued by the director. Application for renewal must be made by January 10th of each renewal year together with satisfactory proof of the right to continued use of such special decal. No additional fees shall be charged for the issuance of such special decal. The director shall promulgate such rules and regulations as he deems necessary to carry into effect this section.

Any unauthorized use of such distinguishing decal shall constitute a gross misdemeanor. [1967 c 32 § 26; 1961 c 128 § 1.]

46.16.450 Appeals to superior court from suspension, revocation, cancellation, or refusal of license or certificate under chapter 46.16 RCW. See RCW 46.12.240.

46.16.460 Nonresident members of armed forces—Temporary motor vehicle license—Issuance authorized. Upon the payment of a fee of ten dollars therefor, the department of motor vehicles shall issue a temporary motor vehicle license for a motor vehicle in this state for a period of forty-five days when such motor vehicle has been or is being purchased by a nonresident member of the armed forces of the United States and an application, accompanied with prepayment of required fees, for out of state registration has been made by the purchaser. [1967 c 202 § 4.]

46.16.470 Nonresident members of armed forces—Display. The temporary license provided for in RCW 46.16.460 shall be carried on the interior of the motor vehicle in such a way as to be clearly visible from outside the vehicle. [1967 c 202 § 5.]

46.16.480 Nonresident members of armed forces—Not liable for sales, use or motor vehicle excise taxes—Extent of exemption. The original purchaser of a motor vehicle, for which a temporary license as provided in RCW 46.16.460 has been issued, shall not be subject to the sales tax, use tax, or motor vehicle excise tax during the effective period of such license or thereafter unless the motor vehicle, after the effective period of such license, is still in this state or within a period of one year after the effective period of such license is returned to this state. [1967 c 202 § 6.]

Motor vehicle excise tax: Chapter 82.44 RCW.

Sales tax exemptions: RCW 82.08.030.

Use tax exemptions: RCW 82.12.030.

46.16.490 Nonresident members of armed forces—Rules and regulations—Proof. The department of motor vehicles shall prescribe rules and regulations governing the administration of RCW 46.16.460 through 46.16.490. The department may require that adequate proof of the facts asserted in the application for a temporary license shall be made before the temporary license shall be granted. [1967 c 202 § 7.]

46.16.500 Liability of operator and/or owner for violations. Whenever an act or omission is declared to be unlawful in chapter 46.16 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner. [1969 ex.s. c 69 § 2.]

46.16.505 Campers—License and plates—Application—Fee. It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) The weight of such camper which shall be the shipping weight thereof as given by the manufacturer thereof;
- (4) Such other information as the director requires.

There shall be paid and collected annually for each calendar year or fractional part thereof and upon each camper a license fee in the sum of three dollars and fifty cents.

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles. [1971 ex.s. c 231 § 7.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.16.555 Personalized license plates—Use of fees for support and aid of wildlife resources—Purpose of act. See RCW 77.12.175.

46.16.560 Personalized license plates—Defined. Personalized license plates, as used in this chapter, means license plates that have displayed upon them the registration number assigned to the passenger motor vehicle for which such registration number was issued in a combination of letters or numbers, or both, requested by the owner of the vehicle. [1973 1st ex.s. c 200 § 2.]

46.16.565 Personalized license plates—Application. Any person who is the registered owner of a passenger motor vehicle registered with the department or who makes application for an original registration of a passenger motor vehicle or renewal registration of a passenger motor vehicle, may, upon payment of the fee prescribed in RCW 46.16.585, apply to the department for personalized license plates, in the manner described in RCW 46.16.580, which plates shall be affixed to the passenger motor vehicle for which registration is sought in lieu of the regular license plates. [1973 1st ex.s. c 200 § 3.]

46.16.570 Personalized license plates—Design. The personalized license plates shall be the same design as regular passenger motor vehicle license plates, and shall consist of numbers or letters, or any combination

thereof not exceeding six positions and not less than two positions: *Provided*, That there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235. [1973 1st ex.s. c 200 § 4.]

46.16.575 Personalized license plates—Issuance to registered owner only. Personalized license plates shall be issued only to the registered owner of a vehicle on which they are to be displayed. [1973 1st ex.s. c 200 § 5.]

46.16.580 Personalized license plates—Application requirements. An applicant for issuance of personalized license plates or renewal of such plates in the subsequent year pursuant to this chapter shall file an application therefor in such form and by such date as the department may require, indicating thereon the combination of letters or numbers, or both, requested as a vehicle license plate number. There shall be no duplication or conflict with existing or projected vehicle license plate series or other numbering systems for records kept by the department, and the department may refuse to issue any combination of letters or numbers, or both, that may carry connotations offensive to good taste and decency or which would be misleading or a duplication of license plates provided for in chapter 46.16 RCW. [1973 1st ex.s. c 200 § 6.]

46.16.585 Personalized license plates—Fees. In addition to the regular registration fee, and any other fees and taxes required to be paid upon registration, the applicant shall be charged a fee of thirty dollars. In addition to the regular renewal fee, and in addition to any other fees and taxes required to be paid, the applicant for a renewal of such plates shall be charged an additional fee of twenty dollars. [1973 1st ex.s. c 200 § 7.]

46.16.590 Personalized license plates—Transfer fees. Whenever any person who has been issued personalized license plates applies to the department for transfer of such plates to a subsequently acquired passenger motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. Such transfer fees shall be deposited in the motor vehicle fund. [1973 1st ex.s. c 200 § 8.]

46.16.595 Personalized license plates—Transfer or surrender of plates upon sale or release of vehicle ownership. When any person who has been issued personalized license plates sells, trades, or otherwise releases ownership of the vehicle upon which the personalized license plates have been displayed, he shall immediately report the transfer of such plates to an acquired passenger motor vehicle pursuant to RCW 46.16.590, or he shall surrender such plates to the department forthwith and release his priority to the letters or numbers, or combination thereof, displayed on the personalized license plates. [1973 1st ex.s. c 200 § 9.]

46.16.600 Personalized license plates—Rules and regulations. The director of motor vehicles may establish such rules and regulations as may be necessary to carry out the purposes of RCW 46.16.560 through 46.16.595. [1973 1st ex.s. c 200 § 10.]

46.16.605 Personalized license plates—Disposition of fees—Costs. All revenue derived from the fees provided for in RCW 46.16.585 shall be forwarded to the state treasurer accompanied by a proper identifying detailed report and by him deposited to the credit of the state game fund.

Administrative costs incurred by the department of motor vehicles as a direct result of *this 1973 amendatory act shall be appropriated by the legislature from the state game fund from those funds deposited therein resulting from the sale of personalized license plates. If the actual costs incurred by the department of motor vehicles are less than that which has been appropriated by the legislature the remainder shall revert to the state game fund. [1973 1st ex.s. c 200 § 11.]

***Reviser's note:** "this 1973 amendatory act" consists of an amendment to RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560-46.16.605, and 77.12.175, all by 1973 1st ex.s. c 200.

State game fund: RCW 77.12.170.

46.16.610 Referral to electorate. This 1973 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the next general election to be held in this state in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof. [1973 1st ex.s. c 200 § 14.]

Reviser's note: This section applies to the amendment of RCW 77.12.170, to the repeal of RCW 46.16.355, and to the enactment of RCW 46.16.560-46.16.605 and 77.12.175, all by 1973 1st ex.s. c 200. The act was adopted and ratified by the people at the November 6, 1973 general election.

46.16.900 Severability—1973 1st ex.s. c 132. If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 24.]

Chapter 46.20

DRIVERS' LICENSES—IDENTICARDS

Sections

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- 46.20.911 Severability, implied consent law—1969 c 1.

46.20.011 Definitions. For the purpose of chapter 46.20 RCW the term "adult driver's license" shall mean the driver's license which shall be issued only to persons eighteen years of age or older; and "minor driver's license" shall mean the driver's license which shall be issued only to persons sixteen years of age or older and under eighteen years of age but shall not mean a juvenile agricultural driving permit as provided for in RCW 46.20.070. "Driver's license" shall include an "adult driver's license" and a "minor's driver's license". [1971 ex.s. c 292 § 42; 1967 c 167 § 8.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

46.20.021 Driver's license required—Surrender of license held from another jurisdiction—Other license not required. (1) No person, except those hereinafter expressly exempted shall drive any motor vehicle upon a highway in this state unless such person has a valid driver's license issued under the provisions of this chapter. No person shall receive a driver's license unless and until he surrenders to the department all valid driver's licenses in his possession issued to him by any

other jurisdiction. All surrendered licenses shall be returned by the department to the issuing department together with information that the licensee is now licensed in a new jurisdiction. No person shall be permitted to have more than one valid driver's license at any time.

(2) Any person licensed as a driver hereunder may exercise the privilege thereby granted upon all streets and highways in this state and shall not be required to obtain any other license to exercise such privilege by any county, municipal or local board, or body having authority to adopt local police regulations. [1965 ex.s. c 121 § 2.]

Reviser's note: Throughout chapter 46.20 RCW the phrases "this 1965 amendatory act" and "this act" have been changed to "this chapter". The 1965 amendatory act [1965 ex.s. c 121] consists of RCW 46.20.021-46.20.055, 46.20.091, 46.20.161-46.20.181, 46.20.205, 46.20.207, 46.20.215, 46.20.285, 46.20.291, 46.20.305-46.20.315, 46.20.322-46.20.336, 46.20.342-46.20.344, 46.20.900, 46.20.910, 46.64.025, the 1965 amendments to 46.20.102-46.20.106, 46.20.120-46.20.140, 46.20.190, 46.20.200, 46.20.270, 46.20.340, and 1965 ex.s. c 121 § 1 footnoted after 46.20.021.

Purpose of 1965 ex.s. c 121—Construction: "With the advent of greatly increased interstate vehicular travel and the migration of motorists between the states, the legislature recognizes the necessity of enacting driver licensing laws which are reasonably uniform with the laws of other states and are at the same time based upon sound, realistic principles, stated in clear explicit language. To achieve these ends the legislature does hereby adopt this 1965 amendatory act relating to driver licensing modeled after the Uniform Vehicle Code subject to such variances as are deemed better suited to the people of this state. It is intended that this 1965 amendatory act be liberally construed to effectuate the purpose of improving the safety of our highways through driver licensing procedures within the framework of the traditional freedoms to which every motorist is entitled." [1965 ex.s. c 121 § 1.] For application of this section see reviser's note above.

46.20.025 Persons exempt from licensing requirement. The following persons are exempt from license hereunder:

(1) Any person in the service of the army, navy, air force, marine corps or coast guard of the United States, or in the service of the national guard of this state or any other state, when furnished with a driver's license by such service when operating an official motor vehicle in such service;

(2) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home state;

(3) A nonresident who is at least sixteen years of age and who has in his immediate possession a valid driver's license issued to him in his home country may operate a motor vehicle in this state for a period not to exceed one year;

(4) Any person operating special highway construction equipment as defined in RCW 46.16.010;

(5) Any person while driving or operating any farm tractor or implement of husbandry which is only incidentally operated or moved over a highway. [1965 ex.s. c 121 § 3.]

46.20.027 Licenses of persons serving in armed forces to remain in force—Duration. A Washington state motor vehicle driver's license issued to any person serving in the armed forces of the United States, if valid and in force and effect while such person is serving in the armed forces, shall remain in full force and effect so

long as such service continues unless the same is sooner suspended, canceled, or revoked for cause as provided by law and for not to exceed ninety days following the date on which the holder of such driver's license is honorably separated from service in the armed forces of the United States. [1967 c 129 § 1.]

46.20.031 Persons ineligible to be licensed. The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of sixteen years;

(2) To any person whose license has been suspended during such suspension, nor to any person whose license has been revoked, except as provided in RCW 46.20.311;

(3) To any person when the department has been notified by a court that such person has violated his written promise to appear in court, unless the department has received a certificate from the court in which such person promised to appear, showing that the case has been adjudicated. The deposit of bail by a person charged with a violation of any law regulating the operation of motor vehicles on highways shall be deemed an appearance in court for the purpose of this section;

(4) To any person who is an habitual drunkard, or is an habitual user of narcotic drugs, or is an habitual user of any other drug to a degree which renders him incapable of safely driving a motor vehicle;

(5) To any person who has previously been adjudged to be mentally ill or insane, or to be incompetent due to any mental disability or disease, and who has not at the time of application been restored to competency by the methods provided by law: *Provided, however,* That no person so adjudged shall be denied a license for such cause if the superior court should find him able to operate a motor vehicle with safety upon the highways during such incompetency;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the department has good and substantial evidence to reasonably conclude that such person by reason of physical or mental disability would not be able to operate a motor vehicle with safety upon the highways; subject to review by a court of competent jurisdiction. [1965 ex.s. c 121 § 4.]

46.20.041 Physically or mentally disabled persons—Procedure—Restrictions—Violations—Penalty. (1) The department shall permit any person suffering from any physical or mental disability or disease which may affect his ability to drive a motor vehicle, to demonstrate personally that notwithstanding such disability or disease he is a proper person to drive a motor vehicle. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department.

(2) The department may issue a driver's license to such a person imposing restrictions suitable to the licensee's driving ability with respect to the special mechanical control devices required on a motor vehicle or the type of motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the department may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(3) The department may either issue a special restricted license or may set forth such restrictions upon the usual license form.

(4) The department may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee shall be entitled to a driver improvement interview and a hearing as upon a suspension or revocation under this chapter.

(5) It is a misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to him. [1965 ex.s. c 121 § 5.]

46.20.045 Age limit for school bus drivers and drivers of for-hire vehicles. No person who is under the age of eighteen years shall drive any school bus transporting school children or shall drive any motor vehicle when in use for the transportation of persons for compensation. [1971 ex.s. c 292 § 43; 1965 ex.s. c 121 § 6.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

46.20.055 Instruction permits and temporary licenses.

(1) Any person who is at least fifteen and a half years of age may apply to the department for an instruction permit for the operation of any motor vehicle except a motorcycle. Any person who is at least sixteen years of age may apply for an instruction permit for the operation of a motorcycle. The department may in its discretion, after the applicant has successfully passed all parts of the examination other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant while having such permit in his immediate possession to drive a motor vehicle upon the public highways for a period of six months when accompanied by a licensed driver who has had at least five years of driving experience and is licensed in the state of Washington and who is occupying a seat beside the driver, except in the event the permittee is operating a motorcycle. Only one additional instruction permit may be issued within a period of twenty-four months after the issuance of the first such permit. The department after investigation may in its discretion issue a third instruction permit within a twenty-four month period where it finds that the permittee is diligently seeking to improve his driving proficiency.

(2) The department upon receiving proper application may in its discretion issue an instruction permit effective for a school semester or other restricted period to an applicant who is at least fifteen years of age and is

enrolled in a traffic safety education program which includes practice driving and which is approved and accredited by the superintendent of public instruction. Such instruction permit shall entitle the permittee when he has such permit in his immediate possession to drive a motor vehicle only when an approved instructor or other driver licensed in Washington with at least five years of driving experience, is occupying a seat beside the permittee.

(3) The department may in its discretion issue a temporary driver's permit to an applicant for a driver's license permitting him to drive a motor vehicle for a period not to exceed sixty days while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his immediate possession while driving a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused. [1969 ex.s. c 218 § 8; 1965 ex.s. c 121 § 7.]

46.20.070 Juvenile agricultural driving permits. Upon receiving a written application on a form provided by the director for permission for a person under the age of eighteen years to operate a motor vehicle under twenty thousand pounds gross weight over and upon the public highways of this state in connection with farm work, the director is hereby authorized to issue a limited driving permit to be known as a juvenile agricultural driving permit, such issuance to be governed by the following procedure:

(1) The application must be signed by the applicant and by the applicant's father, mother or legal guardian.

(2) Upon receipt of the application, the director shall cause an examination of the applicant to be made as by law provided for the issuance of a motor vehicle driver's license.

(3) The director shall cause an investigation to be made of the need for the issuance of such operation by the applicant.

Such permit shall authorize the holder to operate a motor vehicle over and upon the public highways of this state within a restricted farming locality which shall be described upon the face thereof.

A permit issued under this section shall expire one year from date of issue, except that upon reaching the age of eighteen years such person holding a juvenile agricultural driving permit shall be required to make application for a motor vehicle driver's license.

The director shall charge a fee of one dollar for each such permit and renewal thereof to be paid as by law provided for the payment of motor vehicle driver's licenses and deposited to the credit of the traffic safety education account in the general fund.

The director shall have authority to transfer this permit from one farming locality to another but this does not constitute a renewal of the permit.

The director shall have authority to deny the issuance of a juvenile agricultural driving permit to any person whom he shall determine incapable of operating a motor vehicle with safety to himself and to persons and property.

The director shall have authority to suspend, revoke or cancel the juvenile agricultural driving permit of any person when in his sound discretion he has cause to believe such person has committed any offense for which mandatory suspension or revocation of a motor vehicle driver's license is provided by law.

The director shall have authority to suspend, cancel or revoke a juvenile agricultural driving permit when in his sound discretion he is satisfied the restricted character of the permit has been violated. [1969 ex.s. c 218 § 9; 1969 ex.s. c 170 § 12; 1967 c 32 § 27; 1963 c 39 § 9; 1961 c 12 § 46.20.070. Prior: 1947 c 158 § 1, part; 1937 c 188 § 45, part; Rem. Supp. 1947 § 6312-45, part.]

Traffic safety education account created: RCW 46.81.060.

46.20.091 Application for license or instruction permit—Fees—Driving records from other jurisdictions.

(1) Every application for an instruction permit or for an original driver's license shall be made upon a form prescribed and furnished by the department which shall be sworn to and signed by the applicant before a person authorized to administer oaths. Every application for an instruction permit shall be accompanied by a fee of one dollar and fifty cents. The department shall forthwith transmit the fees collected for instruction permits and temporary drivers' permits to the state treasurer.

(2) Every said application shall state the full name, date of birth, sex and residence address of the applicant, and briefly describe the applicant, and shall state whether the applicant has theretofore been licensed as a driver or chauffeur, and, if so, when and by what state or country, and whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal, and shall state such additional information as the department shall require.

(3) Whenever application is received from a person previously licensed in another jurisdiction, the department shall request a copy of such driver's record from such other jurisdiction. When received, the driving record shall become a part of the driver's record in this state.

(4) Whenever the department receives request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge: *Provided, however,* That the other licensing jurisdiction extends the same privilege to the state of Washington[,] otherwise there shall be a reasonable charge for transmittal of record, the amount whereof to be fixed by the director of the department. [1965 ex.s. c 121 § 8.]

46.20.092 Director to furnish applicant with summary of implied consent law. The director of the department of motor vehicles shall furnish every applicant for a driver's license or a driver's license renewal with a written summary of the provisions of RCW 46.20.092, 46.20.308, 46.20.311, 46.20.911, and 46.61.506. [1969 c 1 § 4 (Initiative Measure No. 242 § 4).]

Effective date—1969 c 1: See note following RCW 46.20.308.

Severability—1969 c 1: See RCW 46.20.911.

46.20.100 Application of minor under eighteen years of age—Cosignature required—Traffic safety education course required—Exception. The department of motor vehicles shall not consider the application of any minor under the age of eighteen years for a driver's license unless:

(1) The application is also signed by the father or mother of the applicant, otherwise by the parent or guardian having the custody of such minor, or in the event a minor under the age of eighteen has no father, mother, or guardian, then a driver's license shall not be issued to the minor unless his application is also signed by his employer; and

(2) The minor has satisfactorily completed a traffic safety education course as defined in RCW 46.81.010, conducted by a recognized secondary school, that meets the standards established by the office of the state superintendent of public instruction or the minor has satisfactorily completed a traffic safety education course, conducted by a commercial driving instruction enterprise, that meets the standards established by the office of the superintendent of public instruction and is officially approved by that office on an annual basis: *Provided, however,* That the director may upon a showing that an individual was unable to take or complete a driver education course waive said requirement if the minor shows to the satisfaction of the department that a need exists for him to operate a motor vehicle and he has the ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property, under rules to be promulgated by the department in concert with the supervisor of the traffic safety education section, office of the superintendent of public instruction. [1973 1st ex.s. c 154 § 87; 1972 ex.s. c 71 § 1; 1969 ex.s. c 218 § 10; 1967 c 167 § 1; 1965 ex.s. c 170 § 43; 1961 c 12 § 46.20.100. Prior: 1937 c 188 § 51; RRS § 6312-51; 1921 c 108 § 6, part; RRS § 6368, part.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

46.20.102 Juvenile, minor and adult licenses to be distinguished in color or design. The juvenile driver's license, minor driver's license, and adult driver's license as provided for in this chapter shall each be distinguishable in color or design. [1967 c 167 § 2; 1965 ex.s. c 121 § 12; 1961 c 12 § 46.20.102. Prior: 1957 c 242 § 2.]

46.20.104 Issuance of "adult driver's license" upon attaining age of eighteen. A minor attaining the age of eighteen years prior to the expiration date of his driver's license may upon proper application to the licensing agent have issued to him without fee an "adult driver's license". [1971 ex.s. c 292 § 44; 1967 c 167 § 3; 1965 ex.s. c 121 § 13; 1961 c 12 § 46.20.104. Prior: 1957 c 242 § 3.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

46.20.106 Evidence of applicant's age may be required. Any agent authorized to issue a driver's license in this state is authorized to require satisfactory evidence of the age of the applicant as a condition precedent to the issuance of a driver's license. [1965 ex.s. c 121 § 14; 1961 c 12 § 46.20.106. Prior: 1957 c 242 § 4.]

46.20.115 Photograph on driver's license. The department of motor vehicles shall issue a driver's license containing a photograph of the applicant for an additional fee of fifty cents. Such fee shall be deposited in the highway safety fund. The department shall not adopt any photographic processes incompatible with its pre-bill system of issuing driver's licenses. [1969 ex.s. c 155 § 2; 1967 ex.s. c 145 § 51.]

Purpose—1969 ex.s. c 155: "The identification of the injured or the seriously ill is often difficult. The need for an identification file to facilitate use by proper law enforcement officers has hampered law enforcement. Personal identification for criminal, personal and commercial reasons is becoming most important at a time when it is increasingly difficult to accomplish. The legislature finds that the public health and welfare requires a standard and readily recognizable means of identification of each person living within the state. The legislature further finds that the need for an identification file by law enforcement agencies must be met. The use of photographic drivers' licenses will greatly aid the problem, but some means of identification must be provided for persons who do not possess a driver's license. The purpose of this 1969 amendatory act is to provide for the positive identification of persons, both through an expanded use of drivers' licenses and also through issue of personal identification cards for nondrivers." [1969 ex.s. c 155 § 1.]

Effective date—1969 ex.s. c 155: "This 1969 amendatory act shall take effect September 1, 1969." [1969 ex.s. c 155 § 7.]

The foregoing annotations apply to RCW 46.20.115-46.20.119.

46.20.116 Labeling license "not valid for identification purposes". The department shall plainly label each license "not valid for identification purposes" where the applicant is unable to prove his or her identity commensurate to the regulations adopted by the director. [1969 ex.s. c 155 § 3.]

46.20.117 Identicards—Issuance to nondrivers and public assistance recipients. The department shall issue "identicards", containing a picture, to nondrivers for a fee of three dollars, such fee shall be deposited in the highway safety fund: *Provided,* That the fee shall be the actual cost of production to recipients of continuing public assistance grants under Title 74 RCW who are referred in writing to the department by the secretary of social and health services. To be eligible, each applicant shall produce evidence commensurate to the regulations adopted by the director that positively proves identity. The "identicard" shall be distinctly designed so that it will not be confused with the official driver license. The identicard shall be valid for five years. [1971 ex.s. c 65 § 1; 1969 ex.s. c 155 § 4.]

Purpose—1971 ex.s. c 65: "The efficient and effective operation and administration of state government affects the health, safety, and welfare of the people of this state and it is the intent and purpose of this act to promote the health, safety, and welfare of the people by improving the operation and administration of state government." [1971 ex.s. c 65 § 2.] This applies to RCW 46.20.117.

46.20.118 Negative file. The department shall maintain a negative file. It shall contain negatives of all pictures taken by the department of motor vehicles as authorized by RCW 46.20.115 through 46.20.119. The negative file shall become a part of the driver record file maintained by the department. It shall be available as a reference file to assist official governmental enforcement agencies in the identification of persons suspected of committing crimes. [1969 ex.s. c 155 § 5.]

46.20.119 Rules and regulations to be reasonable. The rules and regulations adopted pursuant to RCW 46.20.115 through 46.20.119 shall be reasonable in view of the purposes to be served by RCW 46.20.115 through 46.20.119. [1969 ex.s. c 155 § 6.]

46.20.120 Applicants for new license or renewal to be examined—Waiver or renewal or issuance of minor or adult license to previous holder—Fee—Examinations. No new driver's license shall be issued and no previously issued license shall be renewed until the applicant therefor has successfully passed a driver licensing examination: *Provided*, That the department may waive all or any part of the examination of any person applying for the renewal of a driver's license or the issuance of a minor driver's license when the applicant previously held a juvenile driver's license or the issuance of an adult driver's license when the applicant previously held a minor driver's license issued under the laws of this state, except when the department determines that an applicant for a driver's license is not qualified to hold a driver's license under this title. For a new license examination a fee of two dollars shall be paid by each applicant, in addition to the fee charged for issuance of his license. A new license shall be one issued to a driver who has not been previously licensed in this state or to a driver whose last previous Washington license has expired.

Any person who is without the state at the time his driver's license expires or who is unable to renew his license due to any incapacity may renew the license within sixty days after his return to this state or within sixty days after the termination of any such incapacity without the payment of a new license examination fee. In such case the department may waive all or any part of the examination as in the case of renewal of driver licenses.

The department shall provide for giving examinations at places and times reasonably available to the people of this state. [1967 c 167 § 4; 1965 ex.s. c 121 § 9; 1961 c 12 § 46.20.120. Prior: 1959 c 284 § 1; 1953 c 221 § 2; 1937 c 188 § 55, part; RRS § 6312-55, part.]

46.20.130 Content and conduct of examinations. The director shall prescribe the content of the driver licensing examination and the manner of conducting the examination, which shall include:

(1) A test of the applicant's eyesight, his ability to understand highway signs regulating, warning, and directing traffic, and his knowledge of the traffic laws of this state;

(2) An actual demonstration of his ability to operate a motor vehicle in such a manner as not to jeopardize the safety of persons or property; and

(3) Such further examination as the director deems necessary (a) to determine whether any facts exist which would bar the issuance of a vehicle operator's license under chapters 46.20, 46.21 and 46.29 RCW, and (b) to determine the applicant's fitness to operate a motor vehicle safely on the highways; and

(4) In addition to the foregoing, when the applicant desires to drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, the applicant shall also demonstrate his ability to operate such motorcycle or motor-driven cycle in such a manner as not to jeopardize the safety of persons or property. [1967 c 232 § 2; 1965 ex.s. c 121 § 10; 1961 c 12 § 46.20.130. Prior: 1959 c 284 § 2; 1943 c 151 § 1; 1937 c 188 § 57; Rem. Supp. 1943 § 6312-57.]

46.20.161 Issuance of license—License contents—Fee. The department shall upon receipt of a fee of five dollars issue to every applicant qualifying therefor a driver's license, which license shall bear thereon a distinguishing number assigned to the licensee, the full name, date of birth, residence address, and a brief description of the licensee, and either a facsimile of the signature of the licensee or a space upon which the licensee shall write his usual signature with pen and ink immediately upon receipt of the license. No license shall be valid until it has been so signed by the licensee. [1969 c 99 § 6; 1965 ex.s. c 121 § 11.]

Effective date—1969 c 99: See note following RCW 43.51.060.

46.20.171 Records of applications, suspensions or revocations, drivers' records to be maintained. (1) The department shall file every application for a license received by it and shall maintain suitable indexes containing the following:

(a) All applications denied and on each thereof note the reasons for such denial;

(b) All applications granted; and

(c) The name of every licensee whose license has been suspended or revoked by the department and after each such name shall note the reasons for such action.

(2) The department shall also maintain a record for every licensed driver which shall include all accident reports and abstracts of court records of convictions received by it under the laws of this state and in connection therewith maintain convenient records in order that an individual record of each licensee showing the convictions of such licensee, the traffic accidents in which he has been involved and any prior actions taken by the department in connection with his driving record shall be readily ascertainable for the consideration of the department. [1965 ex.s. c 121 § 19.]

46.20.181 Expiration date—Renewal—Fee. Every driver's license shall expire on the second anniversary of the licensee's birthdate following the issuance of such license. Every such license shall be renewable on or before its expiration upon application prescribed by the department and the payment of a fee of five dollars.

[1969 c 99 § 7; 1965 ex.s. c 170 § 46; 1965 ex.s. c 121 § 17.]

Effective date—1969 c 99: See note following RCW 43.51.060.

46.20.190 License to be in immediate possession and displayed on demand. Every licensee shall have his driver's license in his immediate possession at all times when operating a motor vehicle and shall display the same upon demand to any police officer or to any other person when and if required by law to do so. [1965 ex.s. c 121 § 15; 1961 c 12 § 46.20.190. Prior: 1937 c 188 § 59; RRS § 6312-59; 1921 c 108 § 7, part; RRS § 6369, part.]

46.20.200 Lost or destroyed licenses or permits—Duplicates—Fee. In the event that an instruction permit or a driver's license shall be lost or destroyed, the person to whom the same was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the department without reexamination upon payment of a fee of fifty cents to the department. [1965 ex.s. c 121 § 16; 1961 c 12 § 46.20.200. Prior: 1947 c 164 § 18; 1937 c 188 § 60; Rem. Supp. 1947 § 6312-60; 1921 c 108 § 11; RRS § 6373.]

46.20.205 Change of address or name—Duty to notify department. Whenever any person after applying for or receiving a driver's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten days thereafter notify the department in writing of his old and new addresses or of such former and new names and of the number of any license then held by him. [1969 ex.s. c 170 § 13; 1965 ex.s. c 121 § 18.]

46.20.207 Cancellation of license where licensee not entitled to issuance or information inadequate or incorrect. (1) The department is hereby authorized to cancel any driver's license upon determining that the licensee was not entitled to the issuance thereof hereunder or that said licensee failed to give the required or correct information in his application.

(2) Upon such cancellation, the licensee must surrender the license so canceled to the department. [1965 ex.s. c 121 § 20.]

46.20.215 Nonresidents—Suspension or revocation of licenses—Reporting convictions. (1) The privilege of driving a motor vehicle on the highways of this state given to a nonresident hereunder shall be subject to suspension or revocation by the department in like manner and for like cause as a driver's license issued hereunder may be suspended or revoked.

(2) The department shall, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a report of such conviction to the motor vehicle administrator in the state wherein the person so convicted is a resident. Such report shall

clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was taken; and indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security. [1965 ex.s. c 121 § 21.]

46.20.220 Unlawful renting of vehicle to unlicensed person—Rental record. (1) It shall be unlawful for any person to rent a motor vehicle of any kind including a motorcycle to any other person unless the latter person is then duly licensed as a vehicle driver for the kind of motor vehicle being rented in this state or, in case of a nonresident, then that he is duly licensed as a driver under the laws of the state or country of his residence except a nonresident whose home state or country does not require that a motor vehicle driver be licensed;

(2) It shall be unlawful for any person to rent a motor vehicle to another person until he has inspected the vehicle driver's license of such other person and compared and verified the signature thereon with the signature of such other person written in his presence;

(3) Every person renting a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person to whom the motor vehicle is rented, the number of the vehicle driver's license of the person renting the vehicle and the date and place when and where such vehicle driver's license was issued. Such record shall be open to inspection by any police officer or anyone acting for the director. [1969 c 27 § 1. Prior: 1967 c 232 § 9; 1967 c 32 § 28; 1961 c 12 § 46.20.220; prior: 1937 c 188 § 63; RRS § 6312-63.]

Helmet requirements when motorcycle rented: RCW 46.37.535.

46.20.270 Conviction of mandatory license suspension or revocation offense—Procedure—Court to forward records of convictions—"Conviction" defined.

(1) Whenever any person is convicted of any offense for which this title makes mandatory the suspension or revocation of the driver's license of such person by the department, the privilege of the person to operate a vehicle is suspended until the department takes the action required by this chapter, and the court in which such conviction is had shall forthwith secure the immediate forfeiture of the driver's license of such convicted person and immediately forward such driver's license to the department, and on failure of such convicted person to deliver such driver's license the judge shall cause such person to be confined for the period of such suspension or revocation or until such driver's license is delivered to such judge: *Provided*, That in the event such convicted person shall testify that he does not and at the time of the offense did not have a current and valid vehicle driver's license, then the judge shall cause such person to be charged with the operation of a motor vehicle without a current and valid driver's license and on conviction punished as by law provided, and the department shall not issue a driver's license to such

persons during the period of such suspension or revocation: *Provided, also*, That in the event that the driver's license of such convicted person has been lost or destroyed and such convicted person shall make an affidavit to that effect, sworn to before the judge, he shall not be so confined, but the department shall not issue or reissue a driver's license for such convicted person during the period of such suspension or revocation: *Provided*, That perfection of notice of appeal shall stay the execution of sentence including the suspension and/or revocation of the driver's license.

(2) Every court having jurisdiction over offenses committed under this chapter, or any other act of this state or municipal ordinance adopted by a local authority regulating the operation of motor vehicles on highways, shall forward to the department within ten days an abstract of court record in the form prescribed by rule of the supreme court, showing the conviction of any person in said court for a violation of any said laws other than regulations governing standing or parking, and may recommend the suspension of the driver's license of the person so convicted.

(3) For the purposes of Title 46 RCW the term "conviction" shall mean a final conviction in either a state or municipal court. An unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty or a finding of guilt on a traffic law violation charge, shall be equivalent to a conviction, under Title 46 RCW regardless of whether the imposition of sentence is deferred or the penalty is suspended. [1967 ex.s. c 145 § 55; 1965 ex.s. c 121 § 22; 1961 c 12 § 46.20.270. Prior: 1937 c 188 § 68; RRS § 6312-68; prior: 1923 c 122 § 2, part; 1921 c 108 § 9, part; RRS § 6371, part.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.20.275 Nonappearance after written promise—Notice to department. See RCW 46.64.025.

46.20.285 Conviction of offenses for which mandatory revocation of license by department required. The department shall forthwith revoke the license of any driver upon receiving a record of such driver's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter (or negligent homicide) resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of five years;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and give information or render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) Perjury or the making of a false affidavit or statement under oath to the department under Title 46

RCW or under any other law relating to the ownership or operation of motor vehicles;

(6) Reckless driving upon a showing by the department's records that the conviction is the third such conviction of such driver within a period of two years. [1965 ex.s. c 121 § 24.]

Negligent homicide by motor vehicle, penalty: RCW 46.61.520.

Suspension or revocation of license for driving under the influence of intoxicating liquor or drugs: RCW 46.61.515.

46.20.291 Authority of department to suspend licenses—Grounds. (1) The department is hereby authorized to suspend the license of a driver upon a showing by its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation or suspension of license is provided by law;

(b) Has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury to any person or serious property damage;

(c) Has been convicted with such frequency of offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;

(d) Is incompetent to drive a motor vehicle for any of the reasons enumerated in subsections (4), (5) and (8) of RCW 46.20.031;

(e) Has committed one of the prohibited practices relating to drivers' licenses defined in RCW 46.20.336. [1965 ex.s. c 121 § 25.]

Negligent homicide by motor vehicle, penalty: RCW 46.61.520.

Reckless driving, suspension of license: RCW 46.61.500.

46.20.292 Suspension, revocation, or restriction of juvenile driver's license—Grounds. The department may suspend, revoke, restrict or condition any juvenile driver's license upon a showing of its records that the juvenile licensee has been found by a juvenile court, chief probation officer or any other duly authorized officer of a juvenile court to have committed any offense or offenses which under Title 46 RCW constitutes grounds for said action. [1967 c 167 § 9.]

46.20.293 Record of traffic charges of juveniles to be furnished juvenile court—Authority of department to furnish other requested services to court, parents or guardians. The department is authorized to provide juvenile courts with the department's record of traffic charges compiled under RCW 46.52.100 and 13.04.120, against any juvenile upon the request of any state juvenile court or duly authorized officer of any juvenile court of this state. Further, the department is authorized to provide any juvenile court with any requested service which the department can reasonably perform which is not inconsistent with its legal authority which substantially aids juvenile courts in handling traffic cases and which promotes highway safety.

The department is authorized to furnish to the parent, parents, or guardian of any person under twenty-one years of age who is not emancipated from such

parent, parents or guardian, the department records of traffic charges compiled against said person and shall collect for said copy a fee of one dollar and fifty cents to be deposited in the highway safety fund. [1971 ex.s. c 292 § 45; 1969 ex.s. c 170 § 14; 1967 c 167 § 10.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

46.20.300 Suspension, etc. for extraterritorial convictions. The director of motor vehicles may suspend, revoke, or cancel the vehicle driver's license of any resident of this state upon receiving notice of the conviction of such person in another state of an offense therein which, if committed in this state, would be ground for the suspension or revocation of the vehicle driver's license. The director may further, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle of any offense under the motor vehicle laws of this state, forward a certified copy of such record to the motor vehicle administrator in the state of which the person so convicted is a resident; such record to consist of a copy of the judgment and sentence in the case. [1967 c 32 § 29; 1961 c 12 § 46-20.300. Prior: 1957 c 273 § 8; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

46.20.305 Reexamination may be required—Certificate of licensee's condition—Action by department. The department, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed may upon notice require him to submit to an examination. The department may in addition require such person to obtain a certificate showing his condition signed by a licensed physician or other proper authority designated by the department. Upon the conclusion of such examination the department shall take driver improvement action as may be appropriate and may suspend or revoke the license of such person or permit him to retain such license, or may issue a license subject to restrictions as permitted under RCW 46.20-.041. The department may suspend or revoke the license of such person who refuses or neglects to submit to such examination. [1965 ex.s. c 121 § 26.]

46.20.308 Implied consent—Revocation, etc. for refusal to submit to chemical tests to determine alcoholic content of blood. (1) Any person who operates a motor vehicle upon the public highways of this state shall be deemed to have given consent, subject to the provisions of RCW 46.61.506, to a chemical test or tests of his breath or blood for the purpose of determining the alcoholic content of his blood if arrested for any offense where, at the time of the arrest, the arresting officer has reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while under the influence of intoxicating liquor. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a motor vehicle upon the public

highways of this state while under the influence of intoxicating liquor. Such officer shall inform the person of his right to refuse the test, and of his right to have additional tests administered by any qualified person of his choosing as provided in RCW 46.61.506. The officer shall warn the driver that his privilege to drive will be revoked or denied if he refuses to submit to the test. Unless the person to be tested is unconscious, the chemical test administered shall be of his breath only.

(2) Any person who is dead, unconscious or who is otherwise in a condition rendering him incapable of refusal, shall be deemed not to have withdrawn the consent provided by subsection (1) of this section and the test or tests may be administered, subject to the provisions of RCW 46.61.506.

(3) If, following his arrest, the person arrested refuses upon the request of a law enforcement officer to submit to a chemical test of his breath, after being informed that his refusal will result in the revocation or denial of his privilege to drive, no test shall be given. The department of motor vehicles, upon the receipt of a sworn report of the law enforcement officer that he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor and that the person had refused to submit to the test upon the request of the law enforcement officer after being informed that such refusal would result in the revocation or denial of his privilege to drive, shall revoke his license or permit to drive or any nonresident operating privilege. If the person is a resident without a license or permit to operate a motor vehicle in this state, the department shall deny to the person the issuance of a license or permit for a period of six months after the date of the alleged violation, subject to review as hereinafter provided.

(4) Upon revoking the license or permit to drive or the nonresident operating privilege of any person, or upon determining that the issuance of a license or permit shall be denied to the person, as hereinbefore in this section directed, the department shall immediately notify the person involved in writing by personal service or by registered or certified mail of its decision and the grounds therefor, and of his right to a hearing, specifying the steps he must take to obtain a hearing. The person upon receiving such notice may, in writing and within ten days therefrom request a formal hearing. Upon receipt of such request, the department shall afford him an opportunity for a hearing as provided in RCW 46.20.329 and RCW 46.20.332. The scope of such hearing for the purposes of this section shall cover the issues of whether a law enforcement officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle upon the public highways of this state while under the influence of intoxicating liquor, whether the person was placed under arrest and whether he refused to submit to the test upon request of the officer after having been informed that such refusal would result in the revocation or denial of his privilege to drive. The department shall order that the revocation or determination that there should be a denial of issuance either be rescinded

or sustained. Any decision by the department revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction for a moving violation during pendency of the hearing and appeal.

(5) If the revocation or determination that there should be a denial of issuance is sustained after such a hearing, the person whose license, privilege or permit is so affected shall have the right to file a petition in the superior court of the county wherein he resides, or, if a nonresident of this state, where the charge arose, to review the final order of revocation or denial by the department in the manner provided in RCW 46.20.334.

(6) When it has been finally determined under the procedures of this section that a nonresident's privilege to operate a motor vehicle in this state has been revoked, the department shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which he has a license. [1969 c 1 § 1 (Initiative Measure No. 242 § 1).]

Reviser's note: Chapter 1, Laws of 1969, codified herein as RCW 46.20.092, 46.20.308, 46.20.311, 46.20.911, and 46.61.506, was Initiative Measure No. 242 which was adopted by the people November 5, 1968. Governor's proclamation declaring approval of measure is dated December 5, 1968. State Constitution Art. 2 § 1(d) provides: ". . . Such measure [initiatives and referendums] shall be in operation on and after the thirtieth day after the election at which it is approved . . ."

Severability—1969 c 1: See RCW 46.20.911.

46.20.311 Duration of suspension or revocation—Conditions for reissuance or renewal. (1) The department shall not suspend a driver's license or privilege to drive a motor vehicle on the public highways for a fixed period of more than one year, except as permitted under RCW 46.20.342. Whenever the license of any person is suspended by reason of a conviction or pursuant to RCW 46.20.291, such suspension shall remain in effect and the department shall not issue to such person any new or renewal of license until such person shall pay a reinstatement fee of ten dollars and shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been revoked shall not be entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that after the expiration of six months in cases of revocation for refusal to submit to a chemical test under the provisions of RCW 46.20.308, and in all other revocation cases after the expiration of one year from the date on which the revoked license was surrendered to and received by the department, such person may make application for a new license as provided by law together with an additional fee in the amount of ten dollars, but the department shall not then issue a new license unless it is satisfied after investigation of the driving ability of such

person that it will be safe to grant the privilege of driving a motor vehicle on the public highways, and until such person shall give and thereafter maintain proof of financial responsibility for the future as provided in chapter 46.29 RCW. [1973 1st ex.s. c 36 § 1; 1969 c 1 § 2 (Initiative Measure No. 242 § 2); 1967 c 167 § 5; 1965 ex.s. c 121 § 27.]

Effective date—1969 c 1: See note following RCW 46.20.308.

Severability—1969 c 1: See RCW 46.20.911.

46.20.315 Surrender of license upon suspension or revocation—Return to licensee. The department upon suspending or revoking a license shall require that such license shall be surrendered to and be retained by the department, except that at the end of the period of suspension such license so surrendered shall be returned to the licensee. [1965 ex.s. c 121 § 28.]

46.20.320 Suspension, etc., effective although certificate not delivered. Any suspension, revocation, or cancellation of a vehicle driver's license shall be in effect notwithstanding the certificate itself is not delivered over or possession thereof obtained by a court, officer, or the director. [1967 c 32 § 30; 1961 c 12 § 46.20.320. Prior: 1957 c 273 § 10; prior: 1937 c 188 § 66, part; RRS § 6312-66, part; 1923 c 122 § 1, part; 1921 c 108 § 9, part; RRS § 6371, part.]

46.20.322 Driver improvement interview required before suspension, revocation, probation, or nonrenewal—Exceptions. (1) Whenever the department proposes to suspend or revoke the driving privilege of any person or proposes to impose terms of probation on his driving privilege or proposes to refuse to renew a driver's license, notice and an opportunity for a driver improvement interview shall be given before taking such action, except as provided in RCW 46.20.324 and 46.20.325.

(2) Whenever the department proposes to suspend, revoke, restrict or condition a juvenile driver's driving privilege the department may require the appearance of the juvenile's legal guardian or father or mother, otherwise the parent or guardian having custody of the minor. [1973 1st ex.s. c 154 § 88; 1967 c 167 § 6; 1965 ex.s. c 121 § 29.]

Severability—1973 1st ex.s. c 154: See note following RCW 2.12.030.

46.20.323 Notice of driver improvement interview—Contents. The notice shall contain a statement setting forth the proposed action and the grounds therefor, and notify the person to appear for a driver improvement interview not less than ten days from the date notice is given. [1965 ex.s. c 121 § 30.]

46.20.324 Persons not entitled to driver improvement interview or formal hearing. A person shall not be entitled to a driver improvement interview or formal hearing as hereinafter provided:

(1) When the action by the department is made mandatory by the provisions of this chapter or other law; or

(2) When the person has refused or neglected to submit to an examination as required by RCW 46.20.305. [1965 ex.s. c 121 § 31.]

46.20.325 Suspension or probation prior to driver improvement interview—Alternative procedure. In the alternative to the procedure set forth in RCW 46.20.322 and 46.20.323 the department, whenever it determines from its records or other sufficient evidence that the safety of persons upon the highways requires such action, shall forthwith and without a driver improvement interview suspend the privilege of a person to operate a motor vehicle or impose reasonable terms and conditions of probation consistent with the safe operation of a motor vehicle. The department shall in such case, immediately notify such licensee in writing and upon his request shall afford him an opportunity for a driver improvement interview as early as practical within not to exceed seven days after receipt of such request, or the department, at the time it gives notice may set the date of a driver improvement interview, giving not less than ten days' notice thereof. [1965 ex.s. c 121 § 32.]

46.20.326 Failure to appear or request driver improvement interview constitutes waiver—Procedure. Failure to appear for a driver improvement interview at the time and place stated by the department in its notice as provided in RCW 46.20.322 and 46.20.323 or failure to request a driver improvement interview within ten days as provided in *section 33 of this 1965 amendatory act shall constitute a waiver of a driver improvement interview, and the department may take action without such driver improvement interview, or the department may, upon request of the person whose privilege to drive may be affected, or at its own option, re-open the case, take evidence, change or set aside any order theretofore made, or grant a driver improvement interview. [1965 ex.s. c 121 § 33.]

***Reviser's note:** The reference to "section 33 of this 1965 amendatory act" appears to be erroneous in that section 33 does not pertain to requesting a driver improvement interview and is the same section in which the reference appears. The reference apparently intended is to section 32, codified herein as RCW 46.20.325.

46.20.327 Conduct of driver improvement interview—Referee—Evidence—Not deemed hearing. A driver improvement interview shall be conducted in a completely informal manner before a driver improvement analyst sitting as a referee. The applicant or licensee shall have the right to make or file a written answer or statement in which he may controvert any point at issue, and present any evidence or arguments for the consideration of the department pertinent to the action taken or proposed to be taken or the grounds therefor. The department may consider its records relating to the applicant or licensee. The driver improvement interview shall not be deemed an agency hearing. [1965 ex.s. c 121 § 34.]

46.20.328 Findings and recommendations following driver improvement interview—Decision of department—Request for formal hearing. Upon the conclusion of a driver improvement interview, the

department's referee shall make findings on the matter under consideration and may prepare and submit recommendations to the department. After a review of the referee's report together with the department's records, the department shall render its decision concerning the matter under consideration and shall notify the person involved in writing by personal service or by registered or certified mail. The decision is effective upon notice. The person upon receiving such notice may, in writing and within ten days request a formal hearing. [1965 ex.s. c 121 § 35.]

Persons not entitled to formal hearing: RCW 46.20.324.

46.20.329 Formal hearing—Time and place—Notice—Stay of suspension or revocation pending hearing or subsequent appeal—Exception—Hearing officers. Upon receiving a request for a formal hearing as provided in RCW 46.20.328, the department shall fix a time and place for hearing as early as may be arranged in the county where the applicant or licensee resides, and shall give ten days' notice of the hearing to the applicant or licensee, except that the hearing may be set for a different place with the concurrence of the applicant or licensee and the period of notice may be waived.

Any decision by the department suspending or revoking a person's driving privilege shall be stayed and shall not take effect while a formal hearing is pending as herein provided or during the pendency of a subsequent appeal to superior court: *Provided*, That this stay shall be effective only so long as there is no conviction of a moving violation during pendency of hearing and appeal: *Provided further*, That nothing in this section shall be construed as prohibiting the department from seeking an order setting aside the stay during the pendency of such appeal in those cases where the action of the department is based upon physical or mental incapacity, or a failure to successfully complete an examination required by this chapter.

A formal hearing shall be conducted by the director or by a referee or hearing board appointed by him from officers or employees of the department. Such referee or hearing board may be authorized by the director to make final determinations regarding the issuance, denial, or suspension, or revocation of a license. [1972 ex.s. c 29 § 1; 1965 ex.s. c 121 § 36.]

46.20.332 Formal hearing—Evidence—Subpoenas—Reexamination—Findings and recommendations. At a formal hearing the department shall consider its records and may receive sworn testimony and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers in the manner and subject to the conditions provided in chapter 5.56 RCW relating to the issuance of subpoenas. In addition the department may require a reexamination of the licensee or applicant. Proceedings at a formal hearing shall be recorded stenographically or by mechanical device. Upon the conclusion of a formal hearing, if not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension or revocation of licenses, the referee or board

shall make findings on the matters under consideration and may prepare and submit recommendations to the director or such person designated by the director who is authorized to make final decisions regarding the issuance, denial, suspension, or revocation of licenses. [1972 ex.s. c 29 § 2; 1965 ex.s. c 121 § 37.]

46.20.333 Formal hearing—Decision of director or designee following hearing. In all cases not heard by the director or a person authorized by him to make final decisions regarding the issuance, denial, suspension, or revocation of licenses the director, or a person so authorized shall review the records, evidence, and the findings after a formal hearing, and shall render a decision sustaining, modifying, or reversing the order of suspension or revocation or the refusal to grant, or renew a license or the order imposing terms or conditions of probation, or may set aside the prior action of the department and may direct that probation be granted to the applicant or licensee and in such case may fix the terms and conditions of the probation. [1972 ex.s. c 29 § 3; 1965 ex.s. c 121 § 38.]

46.20.334 Appeal to superior court following formal hearing. Any person denied a license or a renewal of a license or whose license has been suspended or revoked by the department except where such suspension or revocation is mandatory under the provisions of this chapter shall have the right within thirty days, after receiving notice of the decision following a formal hearing to file a notice of appeal in the superior court in the county of his residence. The hearing on the appeal hereunder shall be de novo. [1972 ex.s. c 29 § 4; 1965 ex.s. c 121 § 39.]

46.20.335 Probation in lieu of suspension or revocation. Whenever by any provision of this chapter the department has discretionary authority to suspend or revoke the privilege of a person to operate a motor vehicle, the department may in lieu of a suspension or revocation place the person on probation, the terms of which may include a suspension as a condition of probation, and upon such other reasonable terms and conditions as shall be deemed by the department to be appropriate. [1965 ex.s. c 121 § 40.]

46.20.336 Violations—Penalty. It is a misdemeanor for any person:

(1) To display or cause or permit to be displayed or have in his possession any canceled, revoked, suspended, fictitious or fraudulently altered driver's license;

(2) To lend his driver's license to any other person or knowingly permit the use thereof by another;

(3) To display or represent as one's own any driver's license not issued to him;

(4) Wilfully to fail or refuse to surrender to the department upon its lawful demand any driver's license which has been suspended, revoked or canceled;

(5) To use a false or fictitious name in any application for a driver's license or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application;

(6) To permit any unlawful use of a driver's license issued to him. [1965 ex.s. c 121 § 41.]

46.20.342 Driving while license suspended or revoked—Penalty—Extension of suspension or revocation period. (1) Any person who drives a motor vehicle on any public highway of this state at a time when his privilege so to do is suspended or revoked or when his policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall be guilty of a misdemeanor. Upon the first conviction therefor, he shall be punished by imprisonment for not less than ten days nor more than six months. Upon the second such conviction therefor, he shall be punished by imprisonment for not less than ninety days nor more than one year. Upon the third such conviction therefor, he shall be punished by imprisonment for one year. There may also be imposed in connection with each such conviction a fine of not more than five hundred dollars.

(2) The department upon receiving a record of conviction of any person or upon receiving an order by any juvenile court or any duly authorized court officer of the conviction of any juvenile under this section upon a charge of driving a vehicle while the license of such person is under suspension shall extend the period of such suspension for an additional like period and if the conviction was upon a charge of driving while a license was revoked the department shall not issue a new license for an additional period of one year from and after the date such person would otherwise have been entitled to apply for a new license. [1969 c 27 § 2. Prior: 1967 ex.s. c 145 § 52; 1967 c 167 § 7; 1965 ex.s. c 121 § 43.]

46.20.343 Unlawful to allow unauthorized minor child or ward to drive. No person shall cause or knowingly permit his child or ward under the age of eighteen years to drive a motor vehicle upon any highway when such minor is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 44.]

46.20.344 Unlawful to allow unauthorized person to drive. No person shall authorize and knowingly permit a motor vehicle owned by him or under his control to be driven upon any highway by any person who is not authorized hereunder or in violation of any of the provisions of this chapter. [1965 ex.s. c 121 § 45.]

46.20.380 Occupational operator's license—Fee. No person shall file a petition for an occupational operator's license as provided in RCW 46.20.390 unless he shall first pay to the director or other person authorized to accept applications and fees for driver's licenses a fee of ten dollars. The applicant shall receive upon payment an official receipt for the payment of such fee. All such fees shall be forwarded to the director who shall transmit such fees to the state treasurer in the same manner as other driver's license fees. [1967 c 32 § 31; 1961 c 12 § 46.20.380. Prior: 1957 c 268 § 1.]

Reviser's note: RCW 46.20.390 was repealed by 1971 ex.s. c 284 § 16; later enactment, see RCW 46.20.391.

46.20.391 Occupational driver's license—Petition—Eligibility—Restrictions—Cancellation. (1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory: *Provided*, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2)(a) and (2)(c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence.

If such petitioner is qualified under the provisions of subsection (2)(b) of this section, and if the judge to whom petition was made believes such petition should be granted, such judge may order the director to issue an occupational driver's license to such petitioner: *Provided*, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: *Provided further*, That such order shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: *Provided*, That the director shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title. [1973 c 5 § 1.]

46.20.400 Occupational operator's license—When new operator's license may be obtained—Surrender of order and occupational operator's license. If an occupational driver's license is issued and is not revoked during the period for which issued the licensee may obtain a new driver's license at the end of such period, but no new driver's permit shall be issued to such person until he surrenders his occupational driver's license and his copy of the order and the director is satisfied that he complies with all other provisions of law relative to the issuance of a driver's license. [1967 c 32 § 33; 1961 c 12 § 46.20.400. Prior: 1957 c 268 § 3.]

46.20.410 Occupational operator's license—Penalty. Any person convicted for violation of any restriction of an occupational driver's license shall in addition to the immediate revocation of such license and any other penalties provided by law be fined not less than fifty nor more than two hundred dollars or imprisoned for not more than six months or both such fine and imprisonment. [1967 c 32 § 34; 1961 c 12 § 46.20.410. Prior: 1957 c 268 § 4.]

46.20.420 Operation of motor vehicle prohibited while license is suspended or revoked. Any resident or nonresident whose driver's license or right or privilege to operate a motor vehicle in this state has been suspended or revoked as provided in this title shall not operate a motor vehicle in this state under a license, permit or registration certificate issued by any other jurisdiction or otherwise during such suspension or after such revocation until a new license is obtained when and as permitted under this chapter. [1967 c 32 § 35; 1961 c 134 § 2.]

46.20.430 Stopping of vehicle registered to person whose driver's license has been suspended or revoked authorized—Display of license. Any police officer who has received notice of the suspension or revocation of a driver's license from the department of motor vehicles, may, during the reported period of such suspension or revocation, stop any motor vehicle identified by its vehicle license number as being registered to the person whose driver's license has been suspended or revoked. The driver of such vehicle shall display his driver's license upon request of the police officer. [1965 ex.s. c 170 § 47.]

46.20.440 Operation of vehicles requiring special skills—Additional examination and special license endorsement required—Exemption—Temporary permit, fee. It shall be unlawful for a person to operate

upon the public highway any motor-truck, truck-tractor, school bus, private carrier bus, auto stage or for-hire vehicle as defined by RCW 46.04.310, 46.04.650, 46.04.521, 46.04.050, 46.04.190 and 46.04.416 respectively, found by the director to require special operating skills as hereafter provided, unless the driver shall have successfully completed an examination, in addition to the examinations in RCW 46.20.130, demonstrating the ability of the driver to operate and maneuver the vehicle or vehicles upon the public highway in a manner not to jeopardize the safety of persons or property: *Provided*, That this requirement shall not apply to any person hauling farm commodities from the farm to the processing plant or shipping point, not to exceed a radius of fifty miles from the farm.

The director may issue a temporary permit to an applicant for a period not to exceed ninety days. This temporary permit may be renewed for one additional ninety-day period. The director shall collect a two dollar fee for said temporary permit, or renewal, and the said fee shall be deposited in the highway safety fund.

The director shall upon completion of such tests specially endorse the driver's license of the applicant to indicate the type of vehicle qualifications met. [1971 ex.s. c 126 § 1; 1970 ex.s. c 100 § 4; 1969 ex.s. c 68 § 1; 1967 ex.s. c 20 § 1.]

Effective date—1967 ex.s. c 20: "Sections 1, 3, and 4 of this amendatory act shall be effective January 1, 1968." [1967 ex.s. c 20 § 5.] This applies to RCW 46.20.440 through 46.20.470.

Age limit for school bus drivers and drivers of for-hire vehicles: RCW 46.20.045.

46.20.450 Operation of vehicles requiring special skills—Rules and regulations—Public hearings to adopt. The director shall, pursuant to chapter 34.04 RCW, hold public hearings to adopt rules and regulations and standards and specifications pertaining to:

(1) A determination of what types of vehicles require special skills for the operation thereof, taking into consideration the extent to which a special knowledge of traffic laws pertaining to the type of vehicle and a special ability to maneuver such vehicles is necessary for the safe operation of the vehicle both alone and in relationship to other types of vehicles on the road;

(2) The establishment of reasonable classifications within one vehicle category or among several categories for the purpose of either requiring or not requiring a special skill test;

(3) The establishment of the type of examinations to be given, taking into consideration that certain categories of equipment may require a more comprehensive testing than others. The director may, however, allow the substitution of a training course or examination given by common carriers or other persons in lieu of the department's examination, if it meets the standards required by the department. [1967 ex.s. c 20 § 2.]

46.20.460 Operation of vehicles requiring special skills—Waiver of requirements. The director may in lieu of the special examination required in RCW 46.20.440 waive the requirement as to:

(1) Any person who is engaged in driving on the public highways a vehicle or vehicles classified pursuant to RCW 46.20.450; if

(a) His employer certifies that the applicant is well qualified by previous driving experience to operate the type of vehicle or vehicles covered by the special endorsement for which he has applied; or

(b) A self-employed driver who has been engaged in driving a vehicle or vehicles for a minimum of one year on the public highways and has passed a department approved driver training course or examination and/or his driving record on file with the department indicates that he is a safe and careful driver;

(c) Where by contract, written or implied, a labor union is required upon notice to furnish qualified and competent drivers, the department may accept the certification of the dispatching union official that the driver is qualified and competent to drive the particular equipment.

(2) Any driver who cannot qualify under subsection (1) of this section; if

(a) His employer certifies that he has satisfactorily completed a training course given by his employer which course has been approved by the director; or

(b) He is a self-employed person who furnishes a certificate that he has satisfactorily completed a course that may be given by a person or persons who have given a training course or examination approved by the director.

The director may, however, notwithstanding subsections (1) and (2) of this section require the examination to be given by the department in any case where the applicant's driving record indicates that he has violated the traffic laws to an extent that it is in the public interest to require said examination. [1971 ex.s. c 126 § 2; 1969 ex.s. c 68 § 2; 1967 ex.s. c 20 § 3.]

46.20.470 Operation of vehicles requiring special skills—Additional fee, disposition. There shall be an additional fee for the special endorsement for each class of vehicle in addition to the prescribed fee required for the issuance of the original driver's license. The additional fee for each endorsement shall not exceed ten dollars for the original endorsement. The said fee shall be deposited in the highway safety fund. [1969 ex.s. c 68 § 3; 1967 ex.s. c 20 § 4.]

46.20.500 Special endorsement for motorcycle operator's license. No person shall drive a motorcycle, as defined in RCW 46.04.330, or a motor-driven cycle, as defined in RCW 46.04.332, unless such person has a valid driver's license specially endorsed by the director to enable the holder to drive such vehicles. [1967 c 232 § 1.]

46.20.505 Special endorsement for motorcycle operator's license—Examination fee. Every person applying for a special endorsement of a driver's license authorizing such person to drive a motorcycle or a motor-driven cycle shall pay a motorcycle examination fee which shall not be refundable. The director of motor vehicles shall prescribe the examination fee at an amount equal

to the cost of administering such examination but in no event more than four dollars for the initial examination nor more than two dollars for a subsequent renewal examination. [1967 ex.s. c 145 § 50.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.20.900 Repeal and saving. Section 46.20.010, chapter 12, Laws of 1961 and RCW 46.20.010, section 46.20.020, chapter 12, Laws of 1961 as amended by section 1, chapter 134, Laws of 1961 and RCW 46.20.020, section 46.20.030, chapter 12, Laws of 1961 as amended by section 12, chapter 39, Laws of 1963 and RCW 46.20.030, section 46.20.060, chapter 12, Laws of 1961 and RCW 46.20.060, sections 46.20.080 through 46.20.090, chapter 12, Laws of 1961 and RCW 46.20.080 through 46.20.090, section 46.20.110, chapter 12, Laws of 1961 as last amended by section 10, chapter 39, Laws of 1963 and RCW 46.20.110, sections 46.20.140 through 46.20.180, chapter 12, Laws of 1961 and RCW 46.20.140 through 46.20.180, section 46.20.210, chapter 12, Laws of 1961 and RCW 46.20.210, sections 46.20.230 through 46.20.250, chapter 12, Laws of 1961 and RCW 46.20.230 through 46.20.250, section 46.20.280, chapter 12, Laws of 1961 and RCW 46.20.280, section 46.20.290, chapter 12, Laws of 1961 and RCW 46.20.290, section 46.20.310, chapter 12, Laws of 1961 and RCW 46.20.310, and section 46.20.330, chapter 12, Laws of 1961 and RCW 46.20.330; section 46.20.350, chapter 12, Laws of 1961 and RCW 46.20.350; section 46.20.360, chapter 12, Laws of 1961 and RCW 46.20.360 are each hereby repealed. Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceedings instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1965 ex.s. c 121 § 46.]

46.20.910 Severability—1965 ex.s. c 121. If any provision of this 1965 amendatory act, or its application to any person or circumstance is held invalid, the remainder of this 1965 amendatory act, or the application of the provision to other persons or circumstances is not affected. [1965 ex.s. c 121 § 47.]

46.20.911 Severability, implied consent law—1969 c 1. If any provision of RCW 46.20.092, 46.20.308, 46.20.311 and 46.61.506 or its application to any person or circumstance is held invalid, the remainder of RCW 46.20.092, 46.20.308, 46.20.311 and 46.61.506, or the application of the provision to other persons or circumstances is not affected. [1969 c 1 § 6 (Initiative Measure No. 242 § 6).]

Chapter 46.21 DRIVER LICENSE COMPACT

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| Sections | |
| 46.21.010 | Compact enacted—Provisions. |
| 46.21.020 | "Licensing authority" defined—Duty to furnish information. |
| 46.21.030 | Expenses of compact administrator. |
| 46.21.040 | "Executive head" defined. |

46.21.010 Compact enacted—Provisions. The driver license compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments is hereby entered into and enacted into law, the terms and provisions of which shall be as follows:

DRIVER LICENSE COMPACT

ARTICLE I—Findings and Declaration of Policy

(a) The party states find that:

(1) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles.

(2) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property.

(3) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(b) It is the policy of each of the party states to:

(1) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles.

(2) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the over-all compliance with motor vehicle laws, ordinances and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II—Definitions

As used in this compact:

(a) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(b) "Home state" means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(c) "Conviction" means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance or administrative rule or regulation, or a forfeiture of bail, bond or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III—Reports of Conviction

The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code or ordinance violated; identify the court in which action was

taken; indicate whether a plea of guilty or not guilty was entered, or the conviction was a result of the forfeiture of bail, bond or other security; and shall include any special findings made in connection therewith.

ARTICLE IV—Effect of Conviction

(a) The licensing authority in the home state, for the purposes of suspension, revocation or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to Article III of this compact, as it would if such conduct had occurred in the home state, in the case of convictions for:

(1) Manslaughter or negligent homicide resulting from the operation of a motor vehicle;

(2) Driving a motor vehicle while under the influence of intoxicating liquor or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle;

(3) Any felony in the commission of which a motor vehicle is used;

(4) Failure to stop and render aid in the event of a motor vehicle accident resulting in the death or personal injury of another.

(b) If the laws of a party state do not provide for offenses or violations denominated or described in precisely the words employed in subdivision (a) of this Article, such party state shall construe the denominations and descriptions appearing in subdivision (a) hereof as being applicable to and identifying those offenses or violations of a substantially similar nature and the laws of such party state shall contain such provisions as may be necessary to ensure that full force and effect is given to this Article.

ARTICLE V—Applications for New Licenses

Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of one year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI—Applicability of Other Laws

Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a non-party state.

ARTICLE VII—Compact Administrator and Interchange of Information

(a) The head of the licensing authority of each party state shall be the administrator of this compact for his state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(b) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII—Entry into Force and Withdrawal

(a) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. [1963 c 120 § 1.]

46.21.020 "Licensing authority" defined—Duty to furnish information. As used in the compact, the term "licensing authority" with reference to this state, shall mean the department of motor vehicles. Said department shall furnish to the appropriate authorities of any other party state any information or documents reasonably necessary to facilitate the administration of Articles III, IV, and V of the compact. [1967 c 32 § 36; 1963 c 120 § 2.]

46.21.030 Expenses of compact administrator. The compact administrator provided for in Article VII of the compact shall not be entitled to any additional compensation on account of his service as such administrator, but shall be entitled to expenses incurred in connection with his duties and responsibilities as such administrator, in the same manner as for expenses incurred in connection with any other duties or responsibilities of his office or employment. [1963 c 120 § 3.]

46.21.040 "Executive head" defined. As used in the compact, with reference to this state, the term "executive head" shall mean governor. [1963 c 120 § 4.]

**Chapter 46.29
FINANCIAL RESPONSIBILITY**

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ADMINISTRATION

46.29.010 Purpose. It is the purpose of this chapter to adopt in substance the provisions of the uniform vehicle code relating to financial responsibility in order to achieve greater uniformity with the laws of other states and thereby reduce the conflicts in laws confronting motorists as they travel between states. [1963 c 169 § 1.]

46.29.020 Definitions. (1) The term "owner" as used in this chapter shall mean registered owner as defined in RCW 46.04.460.

(2) The term "registration" as used in this chapter shall mean the certificate of license registration issued under the laws of this state. [1963 c 169 § 2.]

46.29.030 Director to administer chapter. (1) The director shall administer and enforce the provisions of this chapter and may make rules and regulations necessary for its administration.

(2) The director shall prescribe and provide suitable forms requisite or deemed necessary for the purposes of this chapter. [1963 c 169 § 3.]

46.29.040 Court review. Any order of the director under the provisions of this chapter shall be subject to review, at the instance of any party in interest, by appeal to the superior court of Thurston county, or at his

option to the superior court of the county of his residence. The scope of such review shall be limited to that prescribed by RCW 7.16.120 governing review by certiorari. Notice of appeal must be filed within ten days after receipt of the notice of such order. The court shall determine whether the filing of the appeal shall operate as a stay of any such order of the director. Upon the filing the notice of appeal the court shall issue an order to the director to show cause why the order should not be reversed or modified. The order to show cause shall be returnable not less than ten nor more than thirty days after the date of service thereof upon the director. The court after hearing the matter may modify, affirm or reverse the order of the director in whole or in part. [1963 c 169 § 4.]

46.29.050 Driving record and evidence of ability to respond in damages to be furnished—Fees. (1) The department shall upon request furnish any person or his attorney a certified abstract of his driving record, which abstract shall include enumeration of any motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving, and; whether such vehicles were occupied at the time of the accident; and reference to any convictions of said person for violation of the motor vehicle laws as reported to the department, and a record of any vehicles registered in the name of such person. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund.

(2) The department shall upon request furnish any person who may have been injured in person or property by any motor vehicle, with an abstract of all information of record in the department pertaining to the evidence of the ability of any driver or owner of any motor vehicle to respond in damages. The department shall collect for each abstract the sum of one dollar and fifty cents which shall be deposited in the highway safety fund. [1969 ex.s. c 40 § 1; 1967 c 174 § 1; 1963 c 169 § 5.]

Effective date—1967 c 174: "Sections 1, 2, 3 and 4 of this amendatory act shall become effective July 1, 1967." [1967 c 174 § 7.] This applies to RCW 46.29.050, 46.52.130, 46.68.041 and 46.68.060.

Abstract of operating record to be furnished insurance company: RCW 46.52.130.

SECURITY FOLLOWING ACCIDENT

46.29.060 Application of sections requiring deposit of security and suspensions for failure to deposit security. The provisions of this chapter, requiring deposit of security and suspensions for failure to deposit security, subject to certain exemptions, shall apply to the driver and owner of any vehicle of a type subject to registration under the motor vehicle laws of this state which is in any manner involved in an accident within this state, which accident has resulted in bodily injury or death of any person or damage to the property of any one person of two hundred dollars or more. [1971 ex.s. c 22 § 2; 1963 c 169 § 6.]

46.29.070 Department to determine amount of security required—Notices. (1) The department, not less than twenty days after receipt of a report of an accident as described in the preceding section, shall determine the amount of security which shall be sufficient in its judgment to satisfy any judgment or judgments for damages resulting from such accident as may be recovered against each driver or owner. Such determination shall not be made with respect to drivers or owners who are exempt under succeeding sections of this chapter from the requirements as to security and suspension.

(2) The department shall determine the amount of security deposit required of any person upon the basis of the reports or other information submitted. In the event a person involved in an accident as described in this chapter fails to make a report or submit information indicating the extent of his injuries or the damage to his property within fifty days after the accident and the department does not have sufficient information on which to base an evaluation of such injuries or damage, then the department after reasonable notice to such person, if it is possible to give such notice, otherwise without such notice, shall not require any deposit of security for the benefit or protection of such person.

(3) The department within fifty days after receipt of report of any accident referred to herein and upon determining the amount of security to be required of any person involved in such accident or to be required of the owner of any vehicle involved in such accident shall give written notice to every such person of the amount of security required to be deposited by him and that an order of suspension will be made as hereinafter provided upon the expiration of ten days after the sending of such notice unless within said time security be deposited as required by said notice. [1963 c 169 § 7.]

Proof of financial security for the future required in addition to security after accident: RCW 46.29.420.

46.29.080 Exceptions as to requirement of security. The requirements as to security and suspension in this chapter shall not apply:

(1) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the vehicle involved in the accident, except that a driver shall not be exempt under this subsection if at the time of the accident the vehicle was being operated without the owner's permission, express or implied;

(2) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of vehicles not owned by him;

(3) To the driver, if not the owner of the vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond as to which there is a bona fide dispute concerning coverage of such driver as evidenced by the pendency of litigation seeking a declaration of said driver's coverage under such policy or bond;

(4) To the driver, whether or not the owner, if there is a bona fide claim on the part of the driver that there

was in effect at the time of the accident, an automobile liability policy or bond insuring or covering such driver;

(5) To any person qualifying as a self-insurer under RCW 46.29.630 or to any person operating a vehicle for such self-insurer;

(6) To the driver or the owner of a vehicle involved in an accident wherein no injury or damage was caused to the person or property of anyone other than such driver or owner;

(7) To the driver or owner of a vehicle which at the time of the accident was parked, unless such vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance;

(8) To the owner of a vehicle if at the time of the accident the vehicle was being operated without his permission, express or implied, or was parked by a person who had been operating such vehicle without such permission, except if the vehicle was operated by his minor child or spouse;

(9) To the owner of a vehicle involved in an accident if at the time of the accident such vehicle was owned by or leased to the United States, this state or any political subdivision of this state or a municipality thereof, or to the driver of such vehicle if operating such vehicle with permission; or

(10) To the driver or the owner of a vehicle in the event at the time of the accident the vehicle was being operated by or under the direction of a police officer who, in the performance of his duties, shall have assumed custody of such vehicle. [1965 c 124 § 1; 1963 c 169 § 8.]

46.29.090 Requirements as to policy or bond. (1) No policy or bond shall be effective under RCW 46.29.080 unless issued by an insurance company or surety company authorized to do business in this state, except as provided in subsection (2) of this section, nor unless such policy or bond is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, to a limit of not less than thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and if the accident has resulted in injury to, or destruction of, property to a limit of not less than five thousand dollars because of injury to or destruction of property of others in any one accident.

(2) No policy or bond shall be effective under RCW 46.29.080 with respect to any vehicle which was not registered in this state or was a vehicle which was registered elsewhere than in this state at the effective date of the policy or bond or the most recent renewal thereof, unless the insurance company or surety company issuing such policy or bond is authorized to do business in this state, or if said company is not authorized to do business in this state, unless it shall execute a power of attorney authorizing the director of motor vehicles to accept service on its behalf of notice or process in any

action upon such policy or bond arising out of such accident.

(3) The department may rely upon the accuracy of the information in a required report of an accident as to the existence of insurance or a bond unless and until the department has reason to believe that the information is erroneous. [1967 ex.s. c 3 § 1; 1963 c 169 § 9.]

Effective date—1967 ex.s. c 3: "This amendatory act shall take effect on July 1, 1968." [1967 ex.s. c 3 § 6.] This applies to the 1967 amendments to RCW 46.29.090, 46.29.260, 46.29.390, 46.29.490, and 46.29.550.

46.29.100 Form and amount of security. (1) The security required under this chapter shall be in such form and in such amount as the department may require, but in no case in excess of the limits specified in RCW 46.29.090 in reference to the acceptable limits of a policy or bond.

(2) Every depositor of security shall designate in writing every person in whose name such deposit is made and may at any time change such designation, but any single deposit of security shall be applicable only on behalf of persons required to furnish security because of the same accident. [1963 c 169 § 10.]

46.29.110 Failure to deposit security—Suspensions. In the event that any person required to deposit security under this chapter fails to deposit such security within ten days after the department has sent the notice as hereinbefore provided, the department shall thereupon suspend:

(1) The driver's license of each driver in any manner involved in the accident;

(2) The driver's license of the owner of each vehicle of a type subject to registration under the laws of this state involved in such accident;

(3) If the driver or owner is a nonresident, the privilege of operating within this state a vehicle of a type subject to registration under the laws of this state;

Such suspensions shall be made in respect to persons required by the department to deposit security who fail to deposit such security except as otherwise provided under succeeding sections of this chapter. [1967 c 32 § 37; 1963 c 169 § 11.]

46.29.120 Release from liability. (1) A person shall be relieved from the requirement for deposit of security for the benefit or protection of another person injured or damaged in the accident in the event he is released from liability by such other person.

(2) In the event the department has evaluated the injuries or damage to any minor the department may accept, for the purposes of this chapter only, evidence of a release from liability executed by a natural guardian or a legal guardian on behalf of such minor without the approval of any court or judge. [1965 c 124 § 2; 1963 c 169 § 12.]

46.29.130 Adjudication of nonliability. A person shall be relieved from the requirement for deposit of security in respect to a claim for injury or damage arising out of the accident in the event such person has been finally

adjudicated not to be liable in respect to such claim. [1963 c 169 § 13.]

46.29.140 Agreements for payment of damages. (1) Any two or more of the persons involved in or affected by an accident as described in RCW 46.29.060 may at any time enter into a written agreement for the payment of an agreed amount with respect to all claims of any of such persons because of bodily injury to or death or property damage arising from such accident, which agreement may provide for payment in installments, and may file a signed copy thereof with the department.

(2) The department, to the extent provided by any such written agreement filed with it, shall not require the deposit of security and shall terminate any prior order of suspension, or, if security has previously been deposited, the department shall immediately return such security to the depositor or his personal representative.

(3) In the event of a default in any payment under such agreement and upon notice of such default the department shall take action suspending the license of such person in default as would be appropriate in the event of failure of such person to deposit security when required under this chapter.

(4) Such suspension shall remain in effect and such license shall not be restored unless and until:

(a) Security is deposited as required under this chapter in such amount as the department may then determine,

(b) When, following any such default and suspension, the person in default has paid the balance of the agreed amount, or

(c) One year has elapsed following the effective date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action at law upon such agreement has been instituted and is pending. [1963 c 169 § 14.]

46.29.150 Payment upon judgment. The payment of a judgment arising out of an accident or the payment upon such judgment of an amount equal to the maximum amount which could be required for deposit under this chapter shall, for the purposes of this chapter, release the judgment debtor from the liability evidenced by such judgment. [1963 c 169 § 15.]

46.29.160 Termination of security requirement. The department, if satisfied as to the existence of any fact which under RCW 46.29.120, 46.29.130, 46.29.140 or 46.29.150 would entitle a person to be relieved from the security requirements of this chapter, shall not require the deposit of security by the person so relieved from such requirement, or if security has previously been deposited by such person, the department shall immediately return such deposit to such person or to his personal representative. [1963 c 169 § 16.]

46.29.170 Duration of suspension. Unless a suspension is terminated under other provisions of this chapter, any order of suspension by the department under this chapter shall remain in effect and no license shall

be renewed for or issued to any person whose license is so suspended until

(1) Such person shall deposit or there shall be deposited on his behalf the security required under this chapter, or

(2) One year shall have elapsed following the date of such suspension and evidence satisfactory to the department has been filed with it that during such period no action for damages arising out of the accident resulting in such suspension has been instituted.

An affidavit of the applicant that no action at law for damages arising out of the accident has been filed against him or, if filed, that it is not still pending shall be prima facie evidence of that fact. The department may take whatever steps are necessary to verify the statement set forth in any said affidavit. [1963 c 169 § 17.]

46.29.180 Application to nonresidents, unlicensed drivers, unregistered vehicles and accidents in other states. (1) In case the driver or the owner of a vehicle of a type subject to registration under the laws of this state involved in an accident within this state has no driver's license in this state, then such driver shall not be allowed a driver's license until he has complied with the requirements of this chapter to the same extent that would be necessary if, at the time of the accident, he had held a license or been the owner of a vehicle registered in this state.

(2) When a nonresident's driving privilege is suspended pursuant to RCW 46.29.110, the department shall transmit a certified copy of the record or abstract of such action to the official in charge of the issuance of licenses and registration certificates in the state in which such nonresident resides, if the law of such other state provided for action in relation thereto similar to that provided for in subsection (3) of this section.

(3) Upon receipt of such certification that the driving privilege of a resident of this state has been suspended or revoked in any such other state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle accident, under circumstances which would require the department to suspend a nonresident's driving privilege had the accident occurred in this state, the department shall suspend the license of such resident. Such suspension shall continue until such resident furnishes evidence of his compliance with the law of such other state relating to the deposit of such security. [1967 c 32 § 38; 1963 c 169 § 18.]

46.29.190 Authority of department to decrease amount of security. The department may reduce the amount of security ordered in any case if in its judgment the amount ordered is excessive. In case the security originally ordered has been deposited, the excess deposit over the reduced amount ordered shall be returned to the depositor or his personal representative forthwith. [1965 c 124 § 3; 1963 c 169 § 19.]

46.29.200 Correction of action by department. Whenever the department has taken any action or has failed to take any action under this chapter by reason of having received erroneous information, then upon receiving correct information within three years after the date of an accident the department shall take appropriate action to carry out the purposes and effect of this chapter. The foregoing, however, shall not be deemed to require the department to reevaluate the amount of any deposit required under this chapter. [1967 c 61 § 1; 1965 c 124 § 4; 1963 c 169 § 20.]

46.29.210 Custody of security. The department shall place any security deposited with it under this chapter in the custody of the state treasurer. [1963 c 169 § 21.]

46.29.220 Disposition of security. (1) Such security shall be applicable and available only

(a) For the payment of any settlement agreement covering any claim arising out of the accident upon instruction of the person who made the deposit, or

(b) For the payment of a judgment or judgments, rendered against the person required to make the deposit, for damages arising out of the accident in an action at law begun not later than one year after the deposit of such security, or within one year after the date of deposit of any security following failure to make payments under an agreement to pay.

(2) Every distribution of funds from the security deposits shall be subject to the limits of the department's evaluation on behalf of a claimant. [1963 c 169 § 22.]

46.29.230 Return of deposit. Upon the expiration of one year from the date of any deposit of security any security remaining on deposit shall be returned to the person who made such deposit or to his personal representative if an affidavit or other evidence satisfactory to the department has been filed with it:

(1) That no action for damages arising out of the accident for which deposit was made is pending against any person on whose behalf the deposit was made, and

(2) That there does not exist any unpaid judgment rendered against any such person in such an action.

The foregoing provisions of this section shall not be construed to limit the return of any deposit of security under any other provision of this chapter authorizing such return. [1963 c 169 § 23.]

46.29.240 Matters not to be evidence in civil suits. The report required following an accident, the action taken by the department pursuant to this chapter, the findings, if any, of the department upon which such action is based, and the security filed as provided in this chapter, shall not be referred to in any way, and shall not be any evidence of the negligence or due care of either party, at the trial of any action at law to recover damages. [1963 c 169 § 24.]

PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE

46.29.250 Application of sections requiring deposit of proof of financial responsibility for the future. The provisions of this chapter requiring the deposit of proof of financial responsibility for the future, subject to certain exemptions, shall apply with respect to persons who have been convicted of or forfeited bail for certain offenses under motor vehicle laws, or who have failed to pay judgments upon causes of action arising out of ownership, maintenance or use of vehicles of a type subject to registration under the laws of this state, or who having driven or owned a vehicle involved in an accident are required to deposit security under the provisions of RCW 46.29.070. [1963 c 169 § 25.]

46.29.260 Meaning of "proof of financial responsibility for the future". The term "proof of financial responsibility for the future" as used in this chapter shall mean: Proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a vehicle of a type subject to registration under the laws of this state, in the amount of fifteen thousand dollars because of bodily injury to or death of one person in any one accident, and, subject to said limit for one person, in the amount of thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and in the amount of five thousand dollars because of injury to or destruction of property of others in any one accident. Wherever used in this chapter the terms "proof of financial responsibility" or "proof" shall be synonymous with the term "proof of financial responsibility for the future". [1967 ex.s. c 3 § 2; 1963 c 169 § 26.]

Effective date—1967 ex.s. c 3: See note following RCW 46.29.090.

46.29.270 Meaning of "judgment" and "state". The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section.

(1) The term "judgment" shall mean: Any judgment which shall have become final by expiration without appeal of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any vehicle of a type subject to registration under the laws of this state, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(2) The term "state" shall mean: Any state, territory, or possession of the United States, the District of Columbia, or any province of the Dominion of Canada. [1963 c 169 § 27.]

46.29.280 Suspension continues until proof furnished. Whenever, under any law of this state, the license of any person is suspended or revoked by reason of a conviction or a forfeiture of bail, the suspension or revocation hereinbefore required shall remain in effect and the department shall not issue to such person any new or renewal of license until permitted under the motor vehicle laws of this state, and not then unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. [1963 c 169 § 28.]

46.29.290 Action in respect to unlicensed person. If a person has no license, but by final order or judgment is convicted of or forfeits any bail or collateral deposited to secure an appearance for trial for any offense requiring the suspension or revocation of license, no license shall be thereafter issued to such person unless he shall give and thereafter maintain proof of financial responsibility for the future. [1965 c 124 § 5; 1963 c 169 § 29.]

46.29.300 Action in respect to nonresidents. Whenever the department suspends or revokes a nonresident's driving privilege by reason of a conviction or forfeiture of bail, such privilege shall remain so suspended or revoked unless such person shall have previously given or shall immediately give and thereafter maintain proof of financial responsibility for the future. [1967 c 32 § 39; 1963 c 169 § 30.]

46.29.310 When courts to report nonpayment of judgments. Whenever any person fails within thirty days to satisfy any judgment, then it shall be the duty of the clerk of the court, or of the judge of a court which has no clerk, in which any such judgment is rendered within this state to forward immediately to the department the following:

- (1) A certified copy or abstract of such judgment;
- (2) A certificate of facts relative to such judgment;
- (3) Where the judgment is by default, a certified copy or abstract of that portion of the record which indicates the manner in which service of summons was effectuated and all the measures taken to provide the defendant with timely and actual notice of the suit against him. [1969 ex.s. c 44 § 1; 1963 c 169 § 31.]

46.29.320 Further action with respect to nonresidents. If the defendant named in any certified copy or abstract of a judgment reported to the department is a nonresident, the department shall transmit those certificates furnished to it under RCW 46.29.310 to the official in charge of the issuance of licenses and registrations of the state of which the defendant is a resident. [1969 ex.s. c 44 § 2; 1963 c 169 § 32.]

46.29.330 Suspension for nonpayment of judgments—Hearing after default judgment. The department upon receipt of the certificates provided for by RCW 46.29.310, on a form provided by the department, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom

such judgment was rendered, except as hereinafter otherwise provided in this section or in other sections of this chapter.

When the certificates transmitted to the department under RCW 46.29.310 indicate that a default judgment has been entered against the defendant but do not indicate clearly that service of summons was on the person of the defendant, then the department shall promptly notify the defendant by first class mail addressed to the address in the department's records under RCW 46.20.205 (if a nonresident, then to the comparable record in his home state) that within twenty-five days of the mailing date, which shall be indicated on the notice, he may request a hearing on the question of the suspension of his license or nonresident driving privilege. If the defendant does not make a timely request for a hearing, then the suspension shall be forthwith executed. Should a hearing be timely requested, then the department shall convene a hearing in conformity with chapter 34.04 RCW, as now law or hereafter amended. The defendant's license or nonresident driving privilege shall not be suspended if at such hearing he overcomes the following presumptions:

(a) That he received actual and timely notice of the suit against him.

(b) That he would have received actual and timely notice had he conformed to the provisions of RCW 46.20.205.

(c) That he would have received actual and timely notice had he not thwarted the attempt or attempts to so notify him. [1969 ex.s. c 44 § 3; 1967 c 32 § 40; 1963 c 169 § 33.]

46.29.340 Exception in relation to government vehicles. The provisions of RCW 46.29.330 shall not apply with respect to any such judgment arising out of an accident caused by the ownership or operation, with permission, of a vehicle owned or leased to the United States, this state or any political subdivision of this state or a municipality thereof. [1963 c 169 § 34.]

46.29.350 Exception when consent granted by judgment creditor. If the judgment creditor consents in writing, in such form as the department may prescribe, that the judgment debtor be allowed a license or nonresident's driving privilege, the same may be allowed by the department, in its discretion, for six months from the date of such consent and thereafter until such consent is revoked in writing, notwithstanding default in the payment of such judgment, or of any installments thereof prescribed in RCW 46.29.400, provided the judgment debtor furnishes proof of financial responsibility. [1967 c 32 § 41; 1963 c 169 § 35.]

46.29.360 Exception when insurer liable. No license or nonresident's driving privilege of any person shall be suspended under the provisions of this chapter if the department shall find that an insurer was obligated to pay the judgment upon which suspension is based, at least to the extent and for the amounts required in this chapter, but has not paid such judgment for any reason. A finding by the department that an insurer is obligated

to pay a judgment shall not be binding upon such insurer and shall have no legal effect whatever except for the purpose of administering this section. If the department finds that no insurer is obligated to pay such a judgment, the judgment debtor may file with the department a written notice of his intention to contest such finding by an action in the superior court. In such a case the license or the nonresident's driving privilege of such judgment debtor shall not be suspended by the department under the provisions of this chapter for thirty days from the receipt of such notice nor during the pendency of any judicial proceedings brought in good faith to determine the liability of an insurer so long as the proceedings are being diligently prosecuted to final judgment by such judgment debtor. Whenever in any judicial proceedings it shall be determined by any final judgment, decree or order that an insurer is not obligated to pay any such judgment, the department, notwithstanding any contrary finding theretofore made by it, shall forthwith suspend the license and any nonresident's driving privilege of any person against whom such judgment was rendered, as provided in RCW 46.29.330. [1967 c 32 § 42; 1963 c 169 § 36.]

46.29.370 Suspension to continue until judgments paid and proof given. Such license and nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including any such person not previously licensed, unless and until every such judgment is stayed, satisfied in full or to the extent hereinafter provided and until the said person gives proof of financial responsibility subject to the exemptions stated in RCW 46.29.350, 46.29.360 and 46.29.400. [1967 c 32 § 43; 1963 c 169 § 37.]

46.29.380 Discharge in bankruptcy. A discharge in bankruptcy following the rendering of any such judgment or a judgment of dismissal of a civil action based upon a discharge in bankruptcy shall not relieve the judgment debtor from any of the requirements of this chapter. [1963 c 169 § 38.]

46.29.390 Payments sufficient to satisfy requirements.

(1) Judgments herein referred to shall, for the purpose of this chapter only, be deemed satisfied:

(a) When fifteen thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of one person as the result of any one accident; or

(b) When, subject to such limit of ten thousand dollars because of bodily injury to or death of one person, the sum of thirty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of bodily injury to or death of two or more persons as the result of any one accident; or

(c) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount because of injury to or destruction of property of others as a result of any one accident;

(2) Provided, however, payments made in settlements of any claims because of bodily injury, death or property damage arising from such accident shall be credited in reduction of the amounts provided for in this section. [1967 ex.s. c 3 § 3; 1963 c 169 § 39.]

Effective date—1967 ex.s. c 3: See note following RCW 46.29.090.

46.29.400 Installment payment of judgments—Default. (1) A judgment debtor upon due notice to the judgment creditor may apply to the court in which such judgment was rendered for the privilege of paying such judgment in installments and the court, in its discretion and without prejudice to any other legal remedies which the judgment creditor may have, may so order and fix the amounts and times of payment of the installments.

(2) The department shall not suspend a license or nonresident's driving privilege, and shall restore any license or nonresident's driving privilege suspended following nonpayment of a judgment, when the judgment debtor gives proof of financial responsibility and obtain such an order permitting the payment of such judgment in installments, and while the payment of any said installments is not in default. [1967 c 32 § 44; 1963 c 169 § 40.]

46.29.410 Action if breach of agreement. In the event the judgment debtor fails to pay any installment as specified by such order, then upon notice of such default, the department shall forthwith suspend the license or nonresident's driving privilege of the judgment debtor until such judgment is satisfied, as provided in this chapter. [1967 c 32 § 45; 1963 c 169 § 41.]

46.29.420 Proof required in addition to deposit of security after accident. Any person required to deposit security under RCW 46.29.070, for the benefit or protection of another person injured or damaged in an accident, shall in addition be required to give proof of financial responsibility for the future. The department shall give written notice of such additional requirement to every such person at the time and in the manner provided in RCW 46.29.070 for giving notice of the requirement for security. [1963 c 169 § 42.]

46.29.430 Proof required in addition to deposit of security after accident—Suspension or revocation for failure to give proof. In the event that any person required to give proof of financial responsibility under RCW 46.29.420 fails to give such proof within ten days after the department has sent notice as hereinbefore provided, the department shall suspend, or continue in effect any existing suspension or revocation of, the license or any nonresident's driving privilege of such person. [1967 c 32 § 46; 1963 c 169 § 43.]

46.29.440 Proof required in addition to deposit of security after accident—Suspension to continue until proof given and maintained. Such license or nonresident's driving privilege shall remain so suspended and shall not be renewed, nor shall any such license be thereafter issued in the name of such person, including

any such person not previously licensed, unless and until such person shall give and thereafter maintain proof of financial responsibility for the future. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person or may issue a new license containing such restrictions. [1967 c 32 § 47; 1965 c 124 § 6; 1963 c 169 § 44.]

46.29.450 Alternate methods of giving proof. Proof of financial responsibility when required under this chapter, with respect to such a vehicle or with respect to a person who is not the owner of such a vehicle, may be given by filing:

(1) A certificate of insurance as provided in RCW 46.29.460 or 46.29.470;

(2) A bond as provided in RCW 46.29.520;

(3) A certificate of deposit of money or securities as provided in RCW 46.29.550; or

(4) A certificate of self-insurance, as provided in RCW 46.29.630, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obliged to pay under an owner's motor vehicle liability policy if it had issued such a policy to said self-insurer. [1963 c 169 § 45.]

46.29.460 Certificate of insurance as proof. Proof of financial responsibility for the future may be furnished by filing with the department the written certificate of any insurance carrier duly authorized to do business in this state certifying that there is in effect a motor vehicle liability policy for the benefit of the person required to furnish proof of financial responsibility. Such certificate shall give the effective date of such motor vehicle liability policy, which date shall be the same as the effective date of the certificate, and shall designate by explicit description or by appropriate reference all vehicles covered thereby, unless the policy is issued to a person who is not the owner of a motor vehicle. [1963 c 169 § 46.]

46.29.470 Certificate furnished by nonresident as proof. A nonresident may give proof of financial responsibility by filing with the department a written certificate or certificates of an insurance carrier authorized to transact business in the state in which the vehicle, or vehicles, owned by such nonresident is registered, or in the state in which such nonresident resides, if he does not own a vehicle, provided such certificate otherwise conforms with the provisions of this chapter, and the department shall accept the same upon condition that said insurance carrier complies with the following provisions with respect to the policies so certified:

(1) Said insurance carrier shall execute a power of attorney authorizing the director to accept service on its behalf of notice or process in any action arising out of a motor vehicle accident in this state;

(2) Said insurance carrier shall agree in writing that such policies shall be deemed to conform with the laws

of this state relating to the terms of motor vehicle liability policies issued therein. [1963 c 169 § 47.]

46.29.480 Default by nonresident insurer. If any insurance carrier not authorized to transact business in this state, which has qualified to furnish proof of financial responsibility, defaults in any said undertakings or agreements, the department shall not thereafter accept as proof any certificate of said carrier whether theretofore filed or thereafter tendered as proof, so long as such default continues. [1963 c 169 § 48.]

46.29.490 "Motor-vehicle liability policy" defined. (1) Certification. A "motor vehicle liability policy" as said term is used in this chapter shall mean an "owner's policy" or an "operator's policy" of liability insurance, certified as provided in RCW 46.29.460 or 46.29.470 as proof of financial responsibility for the future, and issued, except as otherwise provided in RCW 46.29.470, by an insurance carrier duly authorized to transact business in this state, to or for the benefit of the person named therein as insured.

(2) Owner's policy. Such owner's policy of liability insurance:

(a) Shall designate by explicit description or by appropriate reference all vehicles with respect to which coverage is thereby to be granted; and

(b) Shall insure the person named therein and any other person, as insured, using any such vehicle or vehicles with the express or implied permission of such named insured, against loss from the liability imposed by law for damages arising out of the ownership, maintenance or use of such vehicle or vehicles within the United States of America or the Dominion of Canada, subject to limits exclusive of interest and costs, with respect to each such vehicle as follows: Fifteen thousand dollars because of bodily injury to or death of one person in any one accident and, subject to said limit for one person, thirty thousand dollars because of bodily injury to or death of two or more persons in any one accident, and five thousand dollars because of injury to or destruction of property of others in any one accident.

(3) Operator's policy. Such operator's policy of liability insurance shall insure the person named as insured therein against loss from the liability imposed upon him by law for damages arising out of the use by him of any motor vehicle not owned by him, within the same territorial limits and subject to the same limits of liability as are set forth above with respect to an owner's policy of liability insurance.

(4) Required statements in policies. Such motor vehicle liability policy shall state the name and address of the named insured, the coverage afforded by the policy, the premium charged therefor, the policy period and the limits of liability, and shall contain an agreement or be endorsed that insurance is provided thereunder in accordance with the coverage defined in this chapter as respects bodily injury and death or property damage, or both, and is subject to all the provisions of this chapter.

(5) Policy need not insure workmen's compensation, etc. Such motor vehicle liability policy need not insure any liability under any workmen's compensation law

nor any liability on account of bodily injury or death of an employee of the insured while engaged in the employment, other than domestic, of the insured, or while engaged in the operation, maintenance or repair of any such vehicle nor any liability for damage to property owned by, rented to, in charge of or transported by the insured.

(6) Provisions incorporated in policy. Every motor vehicle liability policy shall be subject to the following provisions which need not be contained therein:

(a) The liability of the insurance carrier with respect to the insurance required by this chapter shall become absolute whenever injury or damage covered by said motor vehicle liability policy occurs; said policy may not be canceled or annulled as to such liability by any agreement between the insurance carrier and the insured after the occurrence of the injury or damage; no statement made by the insured or on his behalf and no violation of said policy shall defeat or void said policy.

(b) The satisfaction by the insured of a judgment for such injury or damage shall not be a condition precedent to the right or duty of the insurance carrier to make payment on account of such injury or damage.

(c) The insurance carrier shall have the right to settle any claim covered by the policy, and if such settlement is made in good faith, the amount thereof shall be deductible from the limits of liability specified in subdivision (b) of subsection (2) of this section.

(d) The policy, the written application therefor, if any, and any rider or endorsement which does not conflict with the provisions of this chapter shall constitute the entire contract between the parties.

(7) Excess or additional coverage. Any policy which grants the coverage required for a motor vehicle liability policy may also grant any lawful coverage in excess of or in addition to the coverage specified for a motor vehicle liability policy and such excess or additional coverage shall not be subject to the provisions of this chapter. With respect to a policy which grants such excess or additional coverage the term "motor vehicle liability policy" shall apply only to that part of the coverage which is required by this section.

(8) Reimbursement provision permitted. Any motor vehicle liability policy may provide that the insured shall reimburse the insurance carrier for any payment the insurance carrier would not have been obligated to make under the terms of the policy except for the provisions of this chapter.

(9) Proration of insurance permitted. Any motor vehicle liability policy may provide for the prorating of the insurance thereunder with other valid and collectible insurance.

(10) Multiple policies. The requirements for a motor vehicle liability policy may be fulfilled by the policies of one or more insurance carrier which policies together meet such requirements.

(11) Binders. Any binder issued pending the issuance of a motor vehicle liability policy shall be deemed to fulfill the requirements for such a policy. [1967 ex.s. c 3 § 4; 1963 c 169 § 49.]

Effective date—1967 ex.s. c 3: See note following RCW 46.29.090.

46.29.500 Notice of cancellation or termination of certified policy. When an insurance carrier has certified a motor vehicle liability policy under RCW 46.29.460 or 46.29.470 the insurance so certified shall not be canceled or terminated until at least ten days after a notice of cancellation or termination of the insurance so certified shall be filed in the department, except that such a policy subsequently procured and certified shall, on the effective date of its certification, terminate the insurance previously certified with respect to any vehicle designated in both certificates. [1963 c 169 § 50.]

46.29.510 Chapter not to affect other policies. (1) This chapter shall not be held to apply to or affect policies of automobile insurance against liability which may now or hereafter be required by any other law of this state, and such policies, if they contain an agreement or are endorsed to conform with the requirements of this chapter, may be certified as proof of financial responsibility under this chapter.

(2) This chapter shall not be held to apply to or affect policies insuring solely the insured named in the policy against liability resulting from the maintenance or use by persons in the insured's employ or on his behalf of vehicles not owned by the insured. [1963 c 169 § 51.]

46.29.520 Bond as proof. Proof of financial responsibility may be evidenced by the bond of a surety company duly authorized to transact business within this state, or a bond with at least two individual sureties each owning real estate within this state, and together having equities equal in value to at least twice the amount of the bond, which real estate shall be scheduled in the bond approved by a judge of the superior court, which said bond shall be conditioned for payment of the amounts specified in RCW 46.29.260. Such bond shall be filed with the department and shall not be cancellable except after ten days written notice to the department. [1963 c 169 § 52.]

46.29.530 When bond shall constitute a lien. Before a bond with individual sureties is accepted by the department it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate scheduled in such bond is located. Such bond shall constitute a lien from the date of such recording in favor of the state upon the real estate so scheduled of any surety, which lien shall exist in favor of any holder of a final judgment against the person who has filed such bond, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damage because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such bond was filed. [1963 c 169 § 53.]

46.29.540 Action on bond. If a judgment, rendered against the principal on any bond described in RCW 46.29.520, shall not be satisfied within thirty days after it has become final, the judgment creditor may, for his

own use and benefit and at his sole expense, bring an action or actions in the name of the state against the company or persons executing such bond, including an action or proceeding to foreclose any lien that may exist upon the real estate of a person who has executed such bond. Such an action to foreclose a lien shall be prosecuted in the same manner as an action to foreclose a mortgage on real estate. [1963 c 169 § 54.]

46.29.550 Money or securities as proof. Proof of financial responsibility may be evidenced by the certificate of the state treasurer that the person named therein has deposited with him thirty-five thousand dollars in cash, or securities such as may legally be purchased by savings banks or for trust funds of a market value of thirty-five thousand dollars. The state treasurer shall not accept any such deposit and issue a certificate therefor and the department shall not accept such certificate unless accompanied by evidence that there are no unsatisfied judgments of any character against the depositor in the county where the depositor resides. [1967 ex.s. c 3 § 5; 1963 c 169 § 55.]

Effective date—1967 ex.s. c 3: See note following RCW 46.29.090.

46.29.560 Application of deposit. Such deposit shall be held by the state treasurer to satisfy, in accordance with the provisions of this chapter, any execution on a judgment issued against such person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, resulting from the ownership, maintenance, use or operation of a vehicle of a type subject to registration under the laws of this state after such deposit was made. Money or securities so deposited shall not be subject to attachment or execution unless such attachment or execution shall arise out of a suit for damages as aforesaid. Any interest or other income accruing to such money or securities, so deposited, shall be paid by the state treasurer to the depositor, or his order, as received. [1963 c 169 § 56.]

46.29.570 Owner may give proof for others. The owner of a motor vehicle may give proof of financial responsibility on behalf of his employee or a member of his immediate family or household in lieu of the furnishing of proof by any said person. The furnishing of such proof shall permit such person to operate only a motor vehicle covered by such proof. The department shall endorse appropriate restrictions on the license held by such person, or may issue a new license containing such restrictions. [1963 c 169 § 57.]

46.29.580 Substitution of proof. The department shall consent to the cancellation of any bond or certificate of insurance or the department shall direct and the state treasurer shall return any money or securities to the person entitled thereto upon the substitution and acceptance of other adequate proof of financial responsibility pursuant to this chapter. [1963 c 169 § 58.]

46.29.590 Other proof may be required. Whenever any proof of financial responsibility filed under the provisions of this chapter no longer fulfills the purposes for which required, the department shall, for the purpose of this chapter, require other proof as required by this chapter and shall suspend the license and registration pending the filing of such other proof. [1963 c 169 § 59.]

46.29.600 Duration of proof—When proof may be canceled or returned. (1) The department shall upon request consent to the immediate cancellation of any bond or certificate of insurance, or the department shall direct and the state treasurer shall return to the person entitled thereto any money or securities deposited pursuant to this chapter as proof of financial responsibility, or the department shall waive the requirement of filing proof, in any of the following events:

(a) At any time after three years from the date such proof was required when, during the three-year period preceding the request, the department has not received record of a conviction or a forfeiture of bail which would require or permit the suspension or revocation of the license of the person by or for whom such proof was furnished; or

(b) In the event of the death of the person on whose behalf such proof was filed or the permanent incapacity of such person to operate a motor vehicle; or

(c) In the event the person who has given proof surrenders his license to the department;

(2) Provided, however, that the department shall not consent to the cancellation of any bond or the return of any money or securities in the event any action for damages upon a liability covered by such proof is then pending or any judgment upon any such liability is then unsatisfied, or in the event the person who has filed such bond or deposited such money or securities has within one year immediately preceding such request been involved as a driver or owner in any motor vehicle accident resulting in injury or damage to the person or property of others. An affidavit of the applicant as to the nonexistence of such facts, or that he has been released from all of his liability, or has been finally adjudicated not to be liable, for such injury or damage, shall be sufficient evidence thereof in the absence of evidence to the contrary in the records of the department.

(3) Whenever any person whose proof has been canceled or returned under subdivision (1)(c) of this section applies for a license within a period of three years from the date proof was originally required, any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such three-year period. [1963 c 169 § 60.]

VIOLATIONS OF THIS CHAPTER

46.29.610 Surrender of license and registration—Penalty. (1) Any person whose license shall have been suspended under any provision of this chapter, or whose policy of insurance or bond, when required under this chapter, shall have been canceled or terminated, shall immediately return his license to the

department. If any person shall fail to return to the department the license as provided herein, the department shall forthwith direct any peace officer to secure possession thereof and to return the same to the department.

(2) Any person wilfully failing to return license as required in paragraph (1) of this section shall be guilty of a misdemeanor. [1963 c 169 § 61.]

46.29.620 Forged proof—Penalty. Any person who shall forge, or, without authority, sign any evidence of proof of financial responsibility for the future, or who files or offers for filing any such evidence of proof knowing or having reason to believe that it is forged or signed without authority, shall be guilty of a gross misdemeanor. [1963 c 169 § 62.]

46.29.625 Driving when license suspended or revoked until proof of ability to respond in damages furnished—Penalty. Any person whose driver's license or other privilege to operate a motor vehicle has been suspended or revoked and restoration thereof or issuance of a new license is contingent upon the furnishing of proof of ability to respond in damages and who in the absence of full authorization from the director, drives a motor vehicle upon any highway shall be punished by imprisonment for not less than ten days nor more than six months and there may be imposed in addition thereto a fine of not more than five hundred dollars. [1969 ex.s. c 281 § 21.]

Revoked license not to be renewed or restored until proof of financial responsibility given: RCW 46.20.311.

MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY

46.29.630 Self-insurers. (1) Any person in whose name more than twenty-five vehicles are registered in this state may qualify as a self-insurer by obtaining a certificate of self-insurance issued by the department as provided in subsection (2) of this section.

(2) The department may, in its discretion, upon the application of such a person, issue a certificate of self-insurance when it is satisfied that such person is possessed and will continue to be possessed of ability to pay judgment obtained against such person. Such certificate may be issued authorizing a person to act as a self-insurer for either property damage or bodily injury, or both.

(3) Upon not less than five days' notice and a hearing pursuant to such notice, the department may upon reasonable grounds cancel a certificate of self-insurance. Failure to pay any judgment within thirty days after such judgment shall have become final shall constitute a reasonable ground for the cancellation of a certificate of self-insurance. [1963 c 169 § 63.]

46.29.640 Chapter not to prevent other process. Nothing in this chapter shall be construed as preventing the plaintiff in any action at law from relying for relief upon the other processes provided by law. [1963 c 169 § 64.]

46.29.900 Construction—1963 c 169. RCW 46.29-.010 through 46.29.640 shall be codified as a single chapter of the Revised Code of Washington. RCW 46.29.010 through 46.29.050 shall be captioned "ADMINISTRATION." RCW 46.29.060 through 46.29.240 shall be captioned "SECURITY FOLLOWING ACCIDENT." RCW 46.29.250 through 46.29.600 shall be captioned "PROOF OF FINANCIAL RESPONSIBILITY FOR THE FUTURE." RCW 46.29.610 through 46.29.620 shall be captioned "VIOLATIONS OF THIS CHAPTER." RCW 46.29.630 through 46.29.640 shall be captioned "MISCELLANEOUS PROVISIONS RELATING TO FINANCIAL RESPONSIBILITY." Such captions and subsection headings, as used in this chapter, do not constitute any part of the law. [1963 c 169 § 67.]

46.29.910 Severability—1963 c 169. If any provision of this chapter, or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1963 c 169 § 68.]

Reviser's note: Chapter 169, Laws of 1963 also amended RCW 46.52.130 and 46.52.140.

46.29.920 Repeals and saving. Sections 46.24.010 through 46.24.910 and sections 46.28.010 through 46.28.200, chapter 12, Laws of 1961 and RCW 46.24.010 through 46.24.910 and RCW 46.28.010 through 46.28.200 are each repealed.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder. [1963 c 169 § 69.]

Chapter 46.32
VEHICLE INSPECTION

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| Sections | |
| 46.32.010 | Inspection authorized—Stations—Duties of state patrol—Penalties. |
| 46.32.020 | Rules and regulations—Local stations to conform—Supplies—Assistants. |
| 46.32.030 | Acquisition of property. |
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46.32.010 Inspection authorized—Stations—Duties of state patrol—Penalties. The chief of the Washington state patrol is hereby empowered to constitute, erect, operate and maintain, throughout the state of Washington, stations for the inspection of vehicle equipment, and to set a date, at a reasonable time subsequent to the installation of such stations, when inspection of vehicles shall commence, and it shall be unlawful for any vehicle to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. The chief of the

Washington state patrol shall establish periods of vehicle equipment inspection. In the event of any such inspection, the same shall be in charge of a responsible employee of the chief of the Washington state patrol, who shall be duly authorized as a police officer and who shall have authority to secure and withhold, with written notice to the director of motor vehicles, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until the same has been placed in a condition satisfactory to subsequent equipment inspection; the police officer in charge of such vehicle equipment inspection station shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

In the event any insignia, sticker or other marker should be adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, the same shall be displayed as required by the rules and regulations of the chief of the Washington state patrol and it shall be a gross misdemeanor for any person to mutilate, destroy, remove or otherwise interfere with the display thereof.

Any person who refuses to have his motor vehicle examined, or, after having had it examined, refuses to place a certificate of approval, or a certificate of condemnation, if issued, upon his windshield, or who fraudulently obtains a certificate of approval, or who refuses to place his motor vehicle in proper condition after having had the same examined, or who, in any manner, fails to conform to the provisions of this chapter, shall be guilty of a gross misdemeanor.

Any person who performs false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle, shall be guilty of a gross misdemeanor. [1967 c 32 § 48; 1961 c 12 § 46.32.010. Prior: 1947 c 267 § 1; 1945 c 44 § 1; 1937 c 189 § 7; Rem. Supp. 1947 § 6360-7.]

46.32.020 Rules and regulations—Local stations to conform—Supplies—Assistants. The chief of the Washington state patrol is empowered to provide reasonable rules and regulations regarding times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspection stations.

In the event that any municipality or other political subdivision of this state has installed and placed in operation any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the chief of the Washington state patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the chief of the Washington state patrol and there shall be maintained and submitted as and when prescribed such records and

reports as shall be required by the chief of the Washington state patrol.

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation. [1961 c 12 § 46.32.020. Prior: 1945 c 44 § 2; 1937 c 189 § 8; Rem. Supp. 1945 § 6360-8.]

46.32.030 Acquisition of property. The chief of the Washington state patrol is empowered to acquire land for such vehicle equipment inspection stations by purchase, gift, or condemnation, with or without structures thereon. In the event land is acquired by condemnation the same shall be acquired in the manner provided by law for the acquisition of private property for public use. The chief of the Washington state patrol is empowered to erect structures and to acquire and install such equipment and mechanical devices as shall from time to time be necessary or convenient for the inspection of vehicle equipment.

In the event that the chief of the Washington state patrol should deem it advisable to acquire any vehicle equipment inspection station which is owned and operated by any municipality or other political subdivision of this state, and funds being available therefor, the chief of the Washington state patrol is empowered to acquire such vehicle equipment inspection station in the name of the state of Washington upon an agreed cost with such municipality or other political subdivision not in excess of the reasonable value thereof. [1961 c 12 § 46.32.030. Prior: 1945 c 44 § 3; 1937 c 189 § 9; Rem. Supp. 1945 § 6360-9.]

46.32.040 Frequency of inspection—Inspection free. Vehicle equipment inspection shall be at such periodic intervals as shall be required by the chief of the Washington state patrol and shall be without charge for such periodic inspection. [1961 c 12 § 46.32.040. Prior: 1945 c 44 § 4; 1937 c 189 § 10; Rem. Supp. 1945 § 6360-10.]

46.32.050 Prohibited practices—Penalty. It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, in any vehicle equipment inspection station, to directly or indirectly, or in any manner whatsoever, order, direct, recommend or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol or by any municipality or other political subdivision, while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the

property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Any person violating any of the provisions of this section shall be guilty of a gross misdemeanor. [1961 c 12 § 46.32.050. Prior: 1945 c 44 § 5; 1937 c 189 § 11; Rem. Supp. 1945 § 6360-11.]

46.32.060 Moving defective vehicle unlawful—Impounding authorized. It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment. [1961 c 12 § 46.32-.060. Prior: 1937 c 189 § 12; RRS § 6360-12.]

46.32.070 Inspection of damaged vehicle. In the event that any vehicle shall become damaged in such a manner that such vehicle shall have become unsafe for operation upon the public highways of this state, it shall be unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator shall have presented such vehicle for inspection of equipment within twenty-four hours after its return to service. [1961 c 12 § 46.32.070. Prior: 1937 c 189 § 13; RRS § 6360-13.]

Chapter 46.37

VEHICLE LIGHTING AND OTHER EQUIPMENT

Sections

- 46.37.005 Commission on equipment—Powers and duties.
- 46.37.010 Scope and effect of regulations—General penalty.
- 46.37.020 When lighted lamps and signaling devices are required.
- 46.37.030 Visibility distance and mounted height of lamps.
- 46.37.040 Head lamps on motor vehicles.
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- 46.37.110 Mounting of reflectors, clearance lamps and side marker lamps.

- 46.37.120 Visibility of reflectors, clearance lamps, identification lamps and side marker lamps.
- 46.37.130 Obstructed lights not required.
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- 46.37.200 Stop lamps and electric turn signals.
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- 46.37.535 Motorcycles or motor-driven cycles—Helmet requirements when motorcycle rented.
- 46.37.540 Odometers—Disconnecting, resetting or turning back prohibited.
- 46.37.550 Odometers—Selling motor vehicle knowing odometer turned back unlawful.
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- 46.37.580 Odometers—Disconnection for accommodation sales by dealers.
- 46.37.590 Odometers—Purchaser plaintiff to recover costs and attorney's fee, when.
- 46.37.600 Liability of operator and/or owner for violations.

46.37.005 Commission on equipment—Powers and duties. There is hereby constituted a state commission on equipment which shall consist of the director of the department of motor vehicles, the chief of the Washington state patrol, and the director of the department of highways. The chief of the Washington state patrol shall act as the chairman of the state commission on equipment. He shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission and the issuance of certificates of approval for vehicle equipment requiring approval.

In addition to those powers and duties elsewhere granted by the provisions of this title the state commission on equipment shall have the power and the duty to adopt, apply and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The state commission on equipment is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment, issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards. [1967 ex.s. c 145 § 56; 1967 c 32 § 49; 1961 c 12 § 46.37.005. Prior: 1943 c 133 § 1; 1937 c 189 § 6; Rem. Supp. 1943 § 6360-6; 1927 c 309 § 14, part; RRS § 6362-14, part. Formerly RCW 46.36.010.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.37.010 Scope and effect of regulations—General penalty. (1) It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition

and adjustment as required in this chapter, or which is equipped in any manner in violation of this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

(2) Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter.

(3) The provisions of the chapter with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable. [1963 c 154 § 1; 1961 c 12 § 46.37.010. Prior: 1955 c 269 § 1; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Effective date—1963 c 154: "This act shall take effect on January 1, 1964." [1963 c 154 § 32.] This applies to RCW 46.04.130, 46.04.165, 46.04.332, 46.04.382, 46.04.552, 46.37.010, 46.37.020, 46.37.050 through 46.37.090, 46.37.120, 46.37.140 through 46.37.180, 46.37.190, 46.37.200, 46.37.210, 46.37.230, 46.37.240, 46.37.280, 46.37.300, 46.37.340, 46.37.351, 46.37.365, 46.37.370, and 46.37.400.

46.37.020 When lighted lamps and signaling devices are required. Every vehicle upon a highway within this state at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the highway are not clearly discernible at a distance of five hundred feet ahead shall display lighted lamps and illuminating devices as hereinafter respectively required for different classes of vehicles, subject to exceptions with respect to parked vehicles, and further that stop lights, turn signals and other signaling devices shall be lighted as prescribed for the use of such devices: *Provided*, That every motorcycle and every motor-driven cycle shall have its head and tail lamps lighted whenever such vehicle is in motion upon a highway. [1974 1st ex.s. c 124 § 2; 1963 c 154 § 2; 1961 c 12 § 46.37.020. Prior: 1955 c 269 § 2; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.030 Visibility distance and mounted height of lamps. (1) Whenever requirement is hereinafter declared as to distance from which certain lamps and devices shall render objects visible or within which such lamps or devices shall be visible, said provisions shall apply during the times stated in RCW 46.37.020 in respect to a vehicle without load when upon a straight, level, unlighted highway under normal atmospheric conditions unless a different time or condition is expressly stated.

(2) Whenever requirement is hereinafter declared as to the mounted height of lamps or devices it shall mean from the center of such lamp or device to the level ground upon which the vehicle stands when such vehicle is without a load. [1961 c 12 § 46.37.030. Prior: 1955

c 269 § 3; prior: 1937 c 189 § 14, part; RRS § 6360-14, part; RCW 46.40.010, part.]

46.37.040 Head lamps on motor vehicles. (1) Every motor vehicle other than a motorcycle or motor-driven cycle shall be equipped with at least two head lamps with at least one on each side of the front of the motor vehicle, which head lamps shall comply with the requirements and limitations set forth in this chapter.

(2) Every motorcycle and every motor-driven cycle shall be equipped with at least one and not more than two head lamps which shall comply with the requirements and limitations of this chapter.

(3) Every head lamp upon every motor vehicle, including every motorcycle and motor-driven cycle, shall be located at a height measured from the center of the head lamp of not more than fifty-four inches nor less than twenty-four inches to be measured as set forth in RCW 46.37.030(2). [1961 c 12 § 46.37.040. Prior: 1955 c 269 § 4; prior: 1937 c 189 § 15; RRS § 6360-15; RCW 46.40.020; 1933 c 156 § 1, part; 1929 c 178 § 3, part; 1927 c 309 §§ 20, part, 24; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS §§ 6362-20, part, 6362-24.]

46.37.050 Tail lamps. (1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and any other vehicle which is being drawn at the end of a combination of vehicles, shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear, except that passenger cars manufactured or assembled prior to January 1, 1939, and motorcycles and motor-driven cycles, shall have at least one tail lamp. On a combination of vehicles only the tail lamps on the rearmost vehicle need actually be seen from the distance specified. On vehicles equipped with more than one tail lamp, the lamps shall be mounted on the same level and as widely spaced laterally as practicable.

(2) Every tail lamp upon every vehicle shall be located at a height of not more than seventy-two inches nor less than twenty inches.

(3) Either a tail lamp or a separate lamp shall be so constructed and placed as to illuminate with a white light the rear registration plate and render it clearly legible from a distance of fifty feet to the rear. Any tail lamp or tail lamps, together with any separate lamp or lamps for illuminating the rear registration plate, shall be so wired as to be lighted whenever the head lamps or auxiliary driving lamps are lighted. [1963 c 154 § 3; 1961 c 12 § 46.37.050. Prior: 1955 c 269 § 5; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part; 1929 c 178 § 7; 1927 c 309 § 27; RRS § 6362-27; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.060 Reflectors. (1) Every motor vehicle, trailer, semitrailer and pole trailer shall carry on the rear, either as a part of the tail lamps or separately, two or more red reflectors meeting the requirements of this section, except that motorcycles and motor-driven cycles shall carry at least one such reflector: *Provided, however,* That vehicles of the types mentioned in RCW 46.37.090 shall be equipped with reflectors meeting the requirements of RCW 46.37.110 and 46.37.120.

(2) Every such reflector shall be mounted on the vehicle at a height not less than twenty inches nor more than sixty inches measured as set forth in RCW 46.37.030(2), and shall be of such size and characteristics and so mounted as to be visible at night from all distances within three hundred fifty feet to one hundred feet from such vehicle when directly in front of lawful upper beams of head lamps, except that visibility from a greater distance is hereinafter required of reflectors on certain types of vehicles. [1963 c 154 § 4; 1961 c 12 § 46.37.060. Prior: 1955 c 269 § 6; prior: 1947 c 267 § 2, part; 1937 c 189 § 16, part; Rem. Supp. 1947 § 6360-16, part; RCW 46.40.030, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.070 Stop lamps and turn signals required. (1) After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with two or more stop lamps meeting the requirements of RCW 46.37.200, except that passenger cars manufactured or assembled prior to January 1, 1964, and motorcycles and motor-driven cycles shall be equipped with at least one such stop lamp. On a combination of vehicles, only the stop lamps on the rearmost vehicle need actually be seen from the distance specified in RCW 46.37.200(1).

(2) After January 1, 1960, every motor vehicle, trailer, semitrailer and pole trailer shall be equipped with electric turn signal lamps meeting the requirements of RCW 46.37.200(2), except that motor vehicles, trailers, semitrailers and pole trailers manufactured or assembled prior to January 1, 1954, and motorcycles and motor-driven cycles need not be equipped with electric turn signal lamps. [1963 c 154 § 5; 1961 c 12 § 46.37.070. Prior: 1959 c 319 § 32; 1955 c 269 § 7; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.080 Application of succeeding sections. Those sections of this chapter which follow immediately, including RCW 46.37.090, 46.37.100, 46.37.110, 46.37.120 and 46.37.130, relating to clearance lamps, marker lamps, and reflectors, shall apply as stated in said sections to vehicles of the type therein enumerated, namely buses, trucks, truck tractors, and trailers, semitrailers and pole trailers, respectively, when operated upon any highway, and said vehicles shall be equipped as required and all lamp equipment required shall be lighted at the times mentioned in RCW 46.37.020. [1963 c 154 § 6; 1961 c 12 § 46.37.080. Prior: 1955 c 269 § 8; prior:

1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.090 Additional equipment required on certain vehicles. In addition to other equipment required in RCW 46.37.040, 46.37.050, 46.37.060 and 46.37.070, the following vehicles shall be equipped as herein stated under the conditions stated in RCW 46.37.080, and in addition, the reflectors elsewhere enumerated for such vehicles shall conform to the requirements of RCW 46.37.120(1).

(1) Buses and trucks eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(2) Trailers and semitrailers eighty inches or more in over-all width:

(a) On the front, two clearance lamps, one at each side.

(b) On the rear, two clearance lamps, one at each side, and after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(c) On each side, two side marker lamps, one at or near the front and one at or near the rear.

(d) On each side, two reflectors, one at or near the front and one at or near the rear.

(3) Truck tractors:

On the front, two cab clearance lamps, one at each side, and on vehicles manufactured or assembled after January 1, 1964, three identification lamps meeting the specifications of subdivision (6) of this section.

(4) Trailers, semitrailers and pole trailers thirty feet or more in over-all length:

On each side, one amber side marker lamp and one amber reflector, centrally located with respect to the length of the vehicle.

(5) Pole trailers:

(a) On each side, one amber side marker lamp at or near the front of the load.

(b) One amber reflector at or near the front of the load.

(c) On the rearmost support for the load, one combination marker lamp showing amber to the front and red to the rear and side, mounted to indicate maximum width of the pole trailer.

(6) Whenever required or permitted by this chapter, identification lamps shall be grouped in a horizontal row, with lamp centers spaced not less than six nor more than twelve inches apart, and mounted on the

permanent structure of the vehicle as close as practicable to the vertical centerline: *Provided, however,* That where the cab of a vehicle is not more than forty-two inches wide at the front roof line, a single identification lamp at the center of the cab shall be deemed to comply with the requirements for front identification lamps. [1963 c 154 § 7; 1961 c 12 § 46.37.090. Prior: 1955 c 269 § 9; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15 part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.100 Color of clearance lamps, side marker lamps, back-up lamps and reflectors. (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle shall display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle shall display or reflect a red color.

(3) All lighting devices and reflectors mounted on the rear of any vehicle shall display or reflect a red color, except the stop lamp or other signal device, which may be red, amber or yellow, and except that the light illuminating the license plate shall be white and the light emitted by a back-up lamp shall be white or amber. [1961 c 12 § 46.37.100. Prior: 1955 c 269 § 10; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part.]

46.37.110 Mounting of reflectors, clearance lamps and side marker lamps. (1) Reflectors when required by RCW 46.37.090 shall be mounted at a height not less than twenty-four inches and not higher than sixty inches above the ground on which the vehicle stands, except that if the highest part of the permanent structure of the vehicle is less than twenty-four inches the reflector at such point shall be mounted as high as that part of the permanent structure will permit.

The rear reflectors on a pole trailer may be mounted on each side of the bolster or load.

Any required red reflector on the rear of a vehicle may be incorporated with the tail lamp, but such reflector shall meet all the other reflector requirements of this chapter.

(2) Clearance lamps shall be mounted on the permanent structure of the vehicle in such a manner as to indicate its extreme width and as near the top thereof as practicable. Clearance lamps and side marker lamps may be mounted in combination provided illumination is given as required herein with reference to both. [1961 c 12 § 46.37.110. Prior: 1955 c 269 § 11; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309

§§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

46.37.120 Visibility of reflectors, clearance lamps, identification lamps and side marker lamps. (1) Every reflector upon any vehicle referred to in RCW 46.37.090 shall be of such size and characteristics and so maintained as to be readily visible at nighttime from all distances within six hundred feet to one hundred feet from the vehicle when directly in front of lawful upper beams of head lamps. Reflectors required to be mounted on the sides of the vehicle shall reflect the required color of light to the sides, and those mounted on the rear shall reflect a red color to the rear.

(2) Front and rear clearance lamps and identification lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the front and rear, respectively, of the vehicle.

(3) Side marker lamps shall be capable of being seen and distinguished under normal atmospheric conditions at the times lights are required at all distances between five hundred feet and fifty feet from the side of the vehicle on which mounted. [1963 c 154 § 8; 1961 c 12 § 46.37.120. Prior: 1955 c 269 § 12; prior: 1947 c 267 § 3, part; 1937 c 189 § 17, part; Rem. Supp. 1947 § 6360-17, part; RCW 46.40.040, part; 1933 c 156 §§ 5, part, 6, part; 1929 c 178 §§ 7, part, 8, part; 1927 c 309 §§ 27, part, 28, part; RRS §§ 6362-27, part, 6362-28, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.130 Obstructed lights not required. Whenever motor and other vehicles are operated in combination during the time that lights are required, any lamp (except tail lamps) need not be lighted which, by reason of its location on a vehicle of the combination, would be obscured by another vehicle of the combination, but this shall not affect the requirement that lighted clearance lamps be displayed on the front of the foremost vehicle required to have clearance lamps, nor that all lights required on the rear of the rearmost vehicle of any combination shall be lighted. [1961 c 12 § 46.37.130. Prior: 1955 c 269 § 13.]

46.37.140 Lamps, reflectors, and flags on projecting load. Whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle there shall be displayed at the extreme rear end of the load, at the times specified in RCW 46.37.020, two red lamps, visible from a distance of at least five hundred feet to the rear, two red reflectors meeting the requirements of RCW 46.37.120(1), visible from the rear and located so as to indicate maximum width, and on each side one red lamp, visible from a distance of at least five hundred feet to the side, located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than four feet beyond its rear,

red flags, not less than twelve inches square, marking the extremities of such loads, at each point where a lamp would otherwise be required by this section, under RCW 46.37.020. [1963 c 154 § 9; 1961 c 12 § 46.37.140. Prior: 1955 c 269 § 14; prior: 1937 c 189 § 18; RRS § 6360-18; RCW 46.40.050; 1929 c 178 § 11, part; 1927 c 309 § 32, part, RRS § 6362-32, part; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.150 Lamps on vehicles—Parked or stopped vehicles, lighting requirements. (1) Every vehicle shall be equipped with one or more lamps, which, when lighted, shall display a white or amber light visible from a distance of one thousand feet to the front of the vehicle, and a red light visible from a distance of one thousand feet to the rear of the vehicle. The location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this section is installed as near as practicable to the side of the vehicle which is closest to passing traffic. The foregoing provisions shall not apply to a motor-driven cycle.

(2) Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the event there is sufficient light to reveal any person or object within a distance of one thousand feet upon such street or highway, no lights need be displayed upon such parked vehicle.

(3) Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, outside an incorporated city or town, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is insufficient light to reveal any person or object within a distance of one thousand feet upon such highway, such vehicle so parked or stopped shall be equipped with and shall display lamps meeting the requirements of subsection (1) of this section.

(4) Any lighted head lamps upon a parked vehicle shall be depressed or dimmed. [1963 c 154 § 10; 1961 c 12 § 46.37.150. Prior: 1955 c 269 § 15; prior: 1937 c 189 § 19; RRS § 6360-19; RCW 46.40.060; 1933 c 156 § 8; 1929 c 178 § 10; 1927 c 309 § 31; RRS § 6362-31.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.160 Lamps and reflectors on farm tractors, farm equipment and implements of husbandry—Slow moving vehicle emblem. (1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with two single-beam or multiple-beam head lamps meeting the requirements of RCW 46.37.220 or 46.37.250, respectively, or, as an alternative, RCW 46.37.260, and at least two red lamps visible when lighted from a distance of not less than one thousand feet to the rear; and at least two red reflectors visible from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(2) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsection (1) of this section.

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps.

(c) Said combinations shall also be equipped with a lamp displaying a white or amber light, or any shade of color between white and amber, visible when lighted from a distance of not less than one thousand feet to the front. This lamp shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the combination carrying it.

(3) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them.

(4) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (5).

(5) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem.

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(6) The emblem required by subsections (4) and (5) shall comply with current standards and specifications as promulgated by the state commission on equipment. [1969 ex.s. c 281 § 22; 1963 c 154 § 11; 1961 c 12 § 46.37.160. Prior: 1955 c 269 § 16.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.170 Lamps and reflectors on other vehicles and equipment. Every vehicle, including animal-drawn vehicles and vehicles referred to in RCW 46.37.010(3), not specifically required by the provisions of RCW 46.37.020 through 46.37.330 to be equipped with lamps, or

other lighting devices, shall at all times specified in RCW 46.37.020 be equipped with at least one lamp displaying a white light visible from a distance of not less than one thousand feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than one thousand feet to the rear of said vehicle, or as an alternative, one lamp displaying a red light visible from a distance of not less than one thousand feet to the rear and two red reflectors visible from all distances of six hundred to one hundred feet to the rear when illuminated by the upper beams of head lamps. [1963 c 154 § 12; 1961 c 12 § 46.37.170. Prior: 1955 c 269 § 17; prior: 1937 c 189 § 21; RRS § 6360-21; RCW 46.40.080; 1927 c 309 § 34; 1921 c 96 § 22, part; 1917 c 40 § 1; RRS § 6362-34.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.180 Spot lamps and auxiliary lamps. (1) Spot lamps. Any motor vehicle may be equipped with not to exceed two spot lamps and every lighted spot lamp shall be so aimed and used that no part of the high intensity portion of the beam will strike the windshield, or any windows, mirror, or occupant of another vehicle in use.

(2) Fog lamps. Any motor vehicle may be equipped with not to exceed two fog lamps mounted on the front at a height of not less than twelve inches nor more than thirty inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high intensity portion of the light to the left of the center of the vehicle shall at a distance of twenty-five feet ahead project higher than a level of four inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the above requirements may be used with lower head lamp beams as specified in RCW 46.37.220.

(3) Auxiliary passing lamps. Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than twenty-four inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combinations of head lamps and auxiliary passing lamps.

(4) Auxiliary driving lamps. Any motor vehicle may be equipped with not to exceed two auxiliary driving lamps mounted on the front at a height not less than sixteen inches nor more than forty-two inches above the level surface upon which the vehicle stands. The provisions of RCW 46.37.220 shall apply to any combination of head lamps and auxiliary driving lamps. [1963 c 154 § 13; 1961 c 12 § 46.37.180. Prior: 1955 c 269 § 18; prior: 1949 c 157 § 1; Rem. Supp. 1949 § 6360-22a; RCW 46.40.110, 46.40.120.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.184 Red flashing lights on fire department vehicles. All fire department vehicles in service shall be identified by red lights of an intermittent flashing type, visible from both front and rear for a distance of five hundred feet under normal atmospheric conditions. Such red flashing lights shall be well separated from the

headlights so that they will not black out when headlights are on. Such red flashing lights shall be in operation at all times when such vehicle is on emergency status. [1961 c 12 § 46.37.184. Prior: 1953 c 161 § 1. Formerly RCW 46.40.220.]

46.37.185 Green light on firemen's private cars. Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the commission on equipment. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles. [1971 ex.s. c 92 § 3; 1961 c 12 § 46.37.185. Prior: 1953 c 161 § 2. Formerly RCW 46.40.230.]

46.37.186 Fire department sign or plate on private car. (1) No private vehicle, bearing a sign or plate indicating a fire department connection, shall be driven or operated on any public highway, except when the owner thereof is a bona fide member of a fire department.

(2) Any sign or plate indicating fire department connection on a private car of any member of a fire department shall include the name of the municipality or fire department organization to which the owner belongs. [1961 c 12 § 46.37.186. Prior: 1953 c 161 § 3. Formerly RCW 46.40.240.]

46.37.187 Green light, sign or plate—Identification card required. Any individual displaying a green light as authorized in RCW 46.37.185, or a sign or plate as authorized in RCW 46.37.186, shall also carry attached to a convenient location on the private vehicle to which the green light or sign or plate is attached, an identification card showing the name of the owner of said vehicle, the organization to which he or she belongs and bearing the signature of the chief of the service involved. [1971 ex.s. c 92 § 2; 1961 c 12 § 46.37.187. Prior: 1953 c 161 § 4. Formerly RCW 46.40.250.]

46.37.188 Penalty for violation of RCW 46.37.184 through 46.37.188. Every violation of RCW 46.37.184, 46.37.185, 46.37.186 or 46.37.187 is a misdemeanor. [1961 c 12 § 46.37.188. Prior: 1953 c 161 § 5. Formerly RCW 46.40.260.]

46.37.190 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles—Sirens on emergency vehicles—Blue lights authorized on certain police vehicles—Driver's duty to yield and stop. (1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a "stop" signal upon a background not less than fourteen by eighteen inches displaying the word "stop" in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) A police vehicle when used as an authorized emergency vehicle, may but need not be equipped with alternately flashing red lights specified herein. A police vehicle may, in addition to or in lieu of the red light specified in subsection (1), be equipped with one or more blue lights.

(4) The alternately flashing red lights described in subsections (2) and (3) of this section shall not be used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency vehicle. The blue lights described in subsection (3) of this section may only be used on publicly owned police vehicles of a police department, sheriff's office and the Washington state patrol.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350. [1971 ex.s. c 92 § 1; 1970 ex.s. c 100 § 5; 1965 ex.s. c 155 § 53; 1963 c 154 § 14; 1961 c 12 § 46.37.190. Prior: 1957 c 66 § 1; 1955 c 269 § 19.]

46.37.194 Red lights on emergency vehicles, school buses, private carrier buses, police vehicles—Authorized emergency vehicles—Rules, tests, approval by commission on equipment. The state commission on equipment may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles. [1961 c 12 § 46.37.194. Prior: 1957 c 66 § 3.]

46.37.200 Stop lamps and electric turn signals. (1) Any vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than one hundred feet and on any vehicle manufactured or assembled after January 1, 1964, three hundred feet to the rear in normal sunlight, and which shall be actuated upon application of a service brake, and which may but need not be incorporated with one or more other rear lamps.

(2) Any vehicle may be equipped and when required under RCW 46.37.070(2) shall be equipped with electric turn signals which shall indicate an intention to turn by flashing lights showing to the front and rear of a vehicle

or on a combination of vehicles on the side of the vehicle or combination toward which the turn is to be made. The lamps showing to the front shall be mounted on the same level and as widely spaced laterally as practicable and, when signaling, shall emit white or amber light, or any shade of color between white and amber. The lamp showing to the rear shall be mounted on the same level and as widely spaced laterally as practicable, and, when signaling, shall emit a red or amber light, or any shade of color between red and amber. Turn signal lamps on vehicles eighty inches or more in over-all width shall be visible from a distance of not less than five hundred feet in normal sunlight. Turn signal lamps on vehicles less than eighty inches wide shall be visible at a distance of not less than three hundred feet in normal sunlight. Turn signal lamps may, but need not be, incorporated in other lamps on the vehicle. [1963 c 154 § 15; 1961 c 12 § 46.37.200. Prior: 1955 c 269 § 20; prior: 1953 c 248 § 2, part; 1947 c 267 § 4, part; 1937 c 189 § 23, part; Rem. Supp. 1947 § 6360-23, part; RCW 46.40.090, part; 1929 c 178 § 1, part; 1927 c 309 § 15, part; RRS § 6362-15.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.210 Additional lighting equipment. (1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with lamps which may be used for the purpose of warning the operators of other vehicles of the presence of a vehicular traffic hazard requiring the exercise of unusual care in approaching, overtaking or passing, and when so equipped may display such warning in addition to any other warning signals required by this chapter. The lamps used to display such warning to the front shall be mounted at the same level and as widely spaced laterally as practicable, and shall display simultaneously flashing white or amber lights, or any shade of color between white and amber. The lamps used to display such warning to the rear shall be mounted at the same level and as widely spaced laterally as practicable, and shall show simultaneously flashing amber or red lights, or any shade of color between amber and red. These warning lights shall be visible from a distance of not less than fifteen hundred feet under normal atmospheric conditions at night.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall

emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090(6). [1963 c 154 § 16; 1961 c 12 § 46.37.210. Prior: 1955 c 269 § 21; prior: 1937 c 189 § 24; RRS § 6360-24; RCW 46.40.100.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.220 Multiple-beam road-lighting equipment. Except as hereinafter provided, the head lamps or the auxiliary driving lamp or the auxiliary passing lamp or combination thereof on motor vehicles other than motorcycles or motor-driven cycles shall be so arranged that the driver may select at will between distributions of light projected to different elevations and such lamps may be so arranged that such selection can be made automatically subject to the following limitations:

(1) There shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of three hundred fifty feet ahead for all conditions of loading.

(2) There shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of one hundred feet ahead; and on a straight level road under any conditions of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver.

(3) Every new motor vehicle, other than a motorcycle or motor-driven cycle, registered in this state after January 1, 1948, which has multiple-beam road-lighting equipment shall be equipped with a beam indicator, which shall be lighted whenever the uppermost distribution of light from the head lamps is in use, and shall not otherwise be lighted. Said indicator shall be so designed and located that when lighted it will be readily visible without glare to the driver of the vehicle so equipped. [1961 c 12 § 46.37.220. Prior: 1955 c 269 § 22; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

46.37.230 Use of multiple-beam road-lighting equipment. (1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in RCW 46.37.020, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(2) Whenever a driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in RCW 46.37.220(2) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(3) Whenever the driver of a vehicle approaches another vehicle from the rear within three hundred feet such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in RCW 46.37.220(1). [1963 c 154

§ 17; 1961 c 12 § 46.37.230. Prior: 1955 c 269 § 23; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.240 Single-beam road-lighting equipment. Head lamp systems which provide only a single distribution of light shall be permitted on motor vehicles manufactured and sold prior to one year after March 18, 1955 in lieu of multiple-beam road-lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(1) The head lamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(2) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet. [1963 c 154 § 18; 1961 c 12 § 46.37.240. Prior: 1955 c 269 § 24; prior: 1947 c 267 § 5, part; Rem. Supp. 1947 § 6360-25a, part; RCW 46.40.140, part; 1933 c 156 § 3, part; 1929 c 178 § 5, part; 1927 c 309 § 22, part; RRS § 6362-22, part.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.250 Lighting equipment on motor-driven cycles. The head lamp or head lamps upon every motor-driven cycle may be of the single-beam or multiple-beam type but in either event shall comply with the requirements and limitations as follows:

(1) Every said head lamp or head lamps on a motor-driven cycle shall be of a sufficient intensity to reveal a person or a vehicle at a distance of not less than one hundred feet when the motor-driven cycle is operated at any speed less than twenty-five miles per hour and at a distance of not less than two hundred feet when the motor-driven cycle is operated at a speed of twenty-five or more miles per hour, and at a distance of not less than three hundred feet when the motor-driven cycle is operated at a speed of thirty-five or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam head lamp or head lamps the upper beam shall meet the minimum requirements set forth above and shall not exceed the limitations set forth in RCW 46.37.220(1) and the lowermost beam shall meet the requirements applicable to a lowermost distribution of light as set forth in RCW 46.37.220(2).

(3) In the event the motor-driven cycle is equipped with a single-beam lamp or lamps, said lamp or lamps shall be so aimed that when the vehicle is loaded none of the high-intensity portion of light, at a distance of twenty-five feet ahead, shall project higher than the

level of the center of the lamp from which it comes. [1961 c 12 § 46.37.250. Prior: 1955 c 269 § 25.]

46.37.260 Alternate road lighting equipment. Any motor vehicle may be operated under the conditions specified in RCW 46.37.020 when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects seventy-five feet ahead in lieu of lamps required in RCW 46.37.220 or 46.37.240: *Provided, however,* That at no time shall it be operated at a speed in excess of twenty miles per hour. [1961 c 12 § 46.37.260. Prior: 1955 c 269 § 26; prior: 1937 c 189 § 27; RRS § 6360-27; RCW 46.40.150.]

46.37.270 Number of driving lamps required or permitted. (1) At all times specified in RCW 46.37.020, at least two lighted lamps shall be displayed, one on each side at the front of every motor vehicle other than a motorcycle or motor-driven cycle, except when such vehicle is parked subject to the regulations governing lights on parked vehicles.

(2) Whenever a motor vehicle equipped with head lamps as herein required is also equipped with any auxiliary lamps or a spot lamp or any other lamp on the front thereof projecting a beam of intensity greater than three hundred candlepower, not more than a total of four of any such lamps on the front of a vehicle shall be lighted at any one time when upon a highway. [1961 c 12 § 46.37.270. Prior: 1955 c 269 § 27; prior: 1937 c 189 § 28; RRS § 6360-28; RCW 46.40.160; 1929 c 178 § 2; 1927 c 309 § 19; 1921 c 96 § 22, part; 1919 c 59 § 10, part; 1917 c 155 § 15, part; 1915 c 142 § 21, part; RRS § 6362-19.]

46.37.280 Special restrictions on lamps. (1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state commission on equipment and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, and 46.37.300, and warning lamps authorized by the state commission on equipment. [1963 c 154 § 19; 1961 c 12 § 46.37.280. Prior: 1955 c 269 § 28; prior: 1949 c 157 § 2; 1947 c 267 § 6; 1947 c 200 § 2; 1937 c 189 § 29; Rem. Supp. 1949 § 6360-29; RCW 46.40.170; 1927 c 309 § 33; RRS § 6362-33.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.290 Special lighting equipment on school buses and private carrier buses. (1) The state commission on equipment is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

(2) It shall be unlawful to operate any flashing warning signal light on any school bus or private carrier bus except when any said bus is stopped on a highway for the purpose of permitting passengers to board or alight from said bus. The term flashing signal as used herein shall not include an electric turn signal. [1970 ex.s. c 100 § 6; 1961 c 12 § 46.37.290. Prior: 1955 c 269 § 29; prior: 1937 c 189 § 25, part; RRS § 6360-25, part; RCW 46.40.130, part; 1929 c 178 § 3, part; 1927 c 309 § 20, part; RRS § 6362-20, part.]

46.37.300 Standards for lights on snow-removal or highway maintenance and service equipment. (1) The state commission on equipment shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section. [1963 c 154 § 20; 1961 c 12 § 46.37.300. Prior: 1955 c 269 § 30.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.310 Selling or using lamps or equipment. (1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state commission on equipment and approved by it.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the state commission on equipment unless such lamp or

device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state commission on equipment. [1961 c 12 § 46.37.310. Prior: 1955 c 269 § 31; prior: 1937 c 189 § 30; RRS § 6360-30; RCW 46.40.180; 1929 c 178 § 12; 1927 c 309 § 35; RRS § 6362-35.]

46.37.320 Authority of state commission on equipment with reference to lighting devices. (1) The state commission on equipment is hereby authorized to approve or disapprove lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, their installation, adjustment and aiming, and adjustment when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment.

(2) The state commission on equipment is hereby required to approve or disapprove any lighting device, of a type on which approval is specifically required in this chapter, within a reasonable time after such device has been submitted.

(3) The state commission on equipment is further authorized to set up the procedure which shall be followed when any device is submitted for approval.

(4) The state commission on equipment upon approving any such lamp or device shall issue to the applicant a certificate of approval together with any instructions determined by it.

(5) The state commission on equipment shall publish lists of all lamps and devices by name and type which have been approved by it. [1961 c 12 § 46.37.320. Prior: 1955 c 269 § 32; prior: 1937 c 189 § 31; RRS § 6360-31; RCW 46.40.190; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

46.37.330 Revocation of certificate of approval on lighting devices. When the state commission on equipment has reason to believe that an approved device as being sold commercially does not comply with the requirements of this chapter, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state commission on equipment shall determine whether said approved device meets the requirements of this chapter. If said device does not meet the requirements of this chapter it shall give notice to the person holding the certificate of approval for such device in this state.

If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state commission on equipment that said approved device as thereafter to be sold meets the requirements of this chapter, the state commission on equipment shall suspend or revoke the

approval issued therefor until or unless such device is resubmitted to and retested by an authorized testing agency and is found to meet the requirements of this chapter, and may require that all said devices sold since the notification following the hearing be replaced with devices that do comply with the requirements of this chapter. The state commission on equipment may at the time of the retest purchase in the open market and submit to the testing agency one or more sets of such approved devices, and if such device upon such retest fails to meet the requirements of this chapter, the state commission on equipment may refuse to renew the certificate of approval of such device. [1961 c 12 § 46.37.330. Prior: 1955 c 269 § 33; prior: 1937 c 189 § 32; RRS § 6360-32; RCW 46.40.200; 1933 c 156 § 4, part; 1929 c 178 § 6, part; 1927 c 309 § 23, part; RRS § 6362-23, part.]

46.37.340 Braking equipment required. Every motor vehicle, trailer, semitrailer and pole trailer, and any combination of such vehicle operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(1) Service brakes—adequacy. Every such vehicle and combination of vehicles, except special mobile equipment as defined in RCW 46.04.552, shall be equipped with service brakes complying with the performance requirements of RCW 46.37.351 and adequate to control the movement of and to stop and hold such vehicle under all conditions of loading, and on any grade incident to its operation.

(2) Parking brakes—adequacy. Every such vehicle and combination of vehicles, except motorcycles and motor-driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice, or loose material. The parking brakes shall be capable of being applied in conformance with the foregoing requirements by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the foregoing requirements. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes.

(3) Brakes on all wheels. Every vehicle shall be equipped with brakes acting on all wheels except:

(a) Trailers, semitrailers, or pole trailers of a gross weight not exceeding three thousand pounds, provided that:

(i) The total weight on and including the wheels of the trailer or trailers shall not exceed forty percent of the gross weight of the towing vehicle when connected to the trailer or trailers, and

(ii) The combination of vehicles consisting of the towing vehicle and its total towed load, is capable of complying with the performance requirements of RCW 46.37.351.

(b) Trailers, semitrailers, or pole trailers manufactured and assembled prior to July 1, 1965 shall not be required to be equipped with brakes when the total weight on and including the wheels of the trailer or trailers does not exceed two thousand pounds.

(c) Any vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of RCW 46.37.351.

(d) Trucks and truck-tractors having three or more axles need not have brakes on the front wheels, except that when such vehicles are equipped with at least two steerable axles, the wheels of one steerable axle need not have brakes. However, such trucks and truck-tractors must be capable of complying with the performance requirements of RCW 46.37.351.

(e) Special mobile equipment as defined in RCW 46.04.552.

(f) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of RCW 46.37.351.

(4) Automatic trailer brake application upon breakaway. Every trailer, semitrailer, and pole trailer equipped with air or vacuum actuated brakes and every trailer, semitrailer, and pole trailer with a gross weight in excess of three thousand pounds, manufactured or assembled after January 1, 1964, shall be equipped with brakes acting on all wheels and of such character as to be applied automatically and promptly, and remain applied for at least fifteen minutes, upon breakaway from the towing vehicle.

(5) Tractor brakes protected. Every motor vehicle manufactured or assembled after January 1, 1964, and used to tow a trailer, semitrailer or pole trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of the towed vehicle, the towing vehicle will be capable of being stopped by the use of its service brakes.

(6) Trailer air reservoirs safeguarded. Air brake systems installed on trailers manufactured or assembled after January 1, 1964, shall be so designed that the supply reservoir used to provide air for the brakes shall be safeguarded against backflow of air from the reservoir through the supply line.

(7) Two means of emergency brake operation.

(a) Air brakes. After January 1, 1964, every towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or

towaway operations, shall be equipped with two means for emergency application of the trailer brakes. One of these means shall apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than twenty pounds per square inch nor higher than forty-five pounds per square inch. The other means shall be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and the manual means required by this section may be, but are not required to be, separate.

(b) Vacuum brakes. After January 1, 1964, every towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, shall have, in addition to the single control device required by subsection (8) of this section, a second control device which can be used to operate the brakes on towed vehicles in emergencies. The second control shall be independent of brake air, hydraulic and other pressure, and independent of other controls, unless the braking system be so arranged that failure of the pressure upon which the second control depends will cause the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking.

(8) Single control to operate all brakes. After January 1, 1964, every motor vehicle, trailer, semitrailer and pole trailer, and every combination of such vehicles, except motorcycles and motor-driven cycles, equipped with brakes shall have the braking system so arranged that one control device can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device to be used to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles are designed to be operated by a single control in the towing vehicle.

(9) Reservoir capacity and check valve.

(a) Air brakes. Every bus, truck or truck-tractor with air operated brakes shall be equipped with at least one reservoir sufficient to insure that, when fully charged to the maximum pressure as regulated by the air compressor governor cut-out setting, a full service brake application may be made without lowering such reservoir pressure by more than twenty percent. Each reservoir shall be provided with means for readily draining accumulated oil or water.

(b) Vacuum brakes. After January 1, 1964, every truck with three or more axles equipped with vacuum assistor type brakes and every truck-tractor and truck used for towing a vehicle equipped with vacuum brakes shall be equipped with a reserve capacity or a vacuum reservoir sufficient to insure that, with the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application may be made without depleting the vacuum supply by more than forty percent.

(c) Reservoir safeguarded. All motor vehicles, trailers, semitrailers and pole trailers, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, shall have such reservoirs or reserve capacity so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum, the stored air or vacuum shall not be depleted by the leak or failure.

(10) Warning devices.

(a) Air brakes. Every bus, truck or truck-tractor using compressed air for the operation of its own brakes or the brakes on any towed vehicle, shall be provided with a warning signal, other than a pressure gauge, readily audible or visible to the driver, which will operate at any time the air reservoir pressure of the vehicle is below fifty percent of the air compressor governor cut-out pressure. In addition, each such vehicle shall be equipped with a pressure gauge visible to the driver, which indicates in pounds per square inch the pressure available for braking.

(b) Vacuum brakes. After January 1, 1964, every truck-tractor and truck used for towing a vehicle equipped with vacuum operated brakes and every truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, shall be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver, which will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than eight inches of mercury.

(c) Combination of warning devices. When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be, but are not required to be, combined into a single device which will serve both purposes. A gauge or gauges indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement. [1965 ex.s. c 170 § 49; 1963 c 154 § 21; 1961 c 12 § 46.37.340. Prior: 1955 c 269 § 34; prior: 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c 180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

46.37.351 Performance ability of brakes. Every motor vehicle and combination of vehicles, at all times and under all conditions of loading, upon application of the service brakes, shall be capable of:

(1) Developing a braking force that is not less than the percentage of its gross weight tabulated herein for its classification,

(2) Decelerating to a stop from not more than twenty miles per hour at not less than the feet per second per second tabulated herein for its classification, and

(3) Stopping from a speed of twenty miles per hour in not more than the distance tabulated herein for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.

Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus one percent grade), dry, smooth, hard surface that is free from loose material.

| Classification of Vehicles | Braking force as a percentage of gross vehicle or combination weight | Deceleration in feet per second per second | Brake system application and braking distance in feet from an initial speed of 20 m.p.h. |
|---|--|--|--|
| A Passenger vehicles with a seating capacity of 10 people or less including driver, not having a manufacturer's gross vehicle weight rating | 52.8% | 17 | 25 |
| B-1 All motorcycles and motor-driven cycles . . | 43.5% | 14 | 30 |
| B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of 10,000 pounds or less | 43.5% | 14 | 30 |
| C-1 Single unit vehicles with a manufacturer's gross weight rating of more than 10,000 pounds | 43.5% | 14 | 40 |
| C-2 Combinations of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less . . | 43.5% | 14 | 40 |
| C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating | 43.5% | 14 | 40 |
| C-4 All combinations of vehicles in driveway-towaway operations. . | 43.5% | 14 | 40 |
| D All other vehicles and combinations of vehicles | 43.5% | 14 | 50 |

[1963 c 154 § 22.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.360 Maintenance of brakes. All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. [1961 c 12 § 46.37.360. Prior: 1955 c 269 § 36; prior: 1951 c 56 § 2, part; 1937 c 189 § 34, part; RRS § 6360-34, part; RCW 46.36.020, 46.36.030, part; 1929 c

180 § 6; 1927 c 309 § 16; 1923 c 181 § 5; 1921 c 96 § 23; 1915 c 142 § 22; RRS § 6362-16.]

46.37.365 Hydraulic brake fluid—Defined—Standards and specifications. (1) The term "hydraulic brake fluid" as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The state commission on equipment shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state commission on equipment. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state commission on equipment. [1963 c 154 § 24.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.370 Brakes on motor-driven cycles. (1) The state commission on equipment is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to insure reasonable and reliable performance in actual use.

(2) The director of motor vehicles may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when he determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state commission on equipment has disapproved the braking system upon such vehicle. [1963 c 154 § 23; 1961 c 12 § 46.37.370. Prior: 1955 c 269 § 37.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.380 Horns and warning devices. (1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of

a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle or bell, except as otherwise permitted in this section.

(3) It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state commission on equipment, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof. [1961 c 12 § 46.37.380. Prior: 1955 c 269 § 38; prior: 1937 c 189 § 35; RRS § 6360-35; RCW 46.36.040.]

46.37.390 Mufflers, prevention of noise—Smoke and air contaminants—Standards—Definitions. (1) Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise, and no person shall use a muffler cut-out, bypass or similar device upon a motor vehicle on a highway.

(2) (a) No motor vehicle first sold and registered as a new motor vehicle on or after January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 1 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (a)(i) above.

(b) No motor vehicle first sold and registered prior to January 1, 1971 shall discharge into the atmosphere at elevations of less than three thousand feet any air contaminant for a period of more than ten seconds which is:

(i) As dark as or darker than the shade designated as No. 2 on the Ringelmann chart, as published by the United States bureau of mines; or

(ii) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in subsection (b)(i) above.

(c) For the purposes of this subsection the following definitions shall apply:

(i) "Opacity" means the degree to which an emission reduces the transmission of light and obscures the view of an object in the background;

(ii) "Ringelmann chart" means the Ringelmann smoke chart with instructions for use as published by

the United States bureau of mines in May 1967 and as thereafter amended, information circular 7718.

(3) No person shall modify the exhaust system of a motorcycle in a manner which will amplify or increase the noise emitted by the engine of such vehicle above that emitted by the muffler originally installed on the vehicle, and it shall be unlawful for any person to operate a motorcycle not equipped as required by this subsection, or which has been amplified as prohibited by this subsection. [1972 ex.s. c 135 § 1; 1967 c 232 § 3; 1961 c 12 § 46.37.390. Prior: 1955 c 269 § 39; prior: 1937 c 189 § 36; RRS § 6360-36; RCW 46.36.050; 1927 c 309 § 17; 1921 c 96 § 21; 1915 c 142 § 20; RRS § 6362-17.]

46.37.400 Mirrors. Every motor vehicle shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of such vehicle. [1963 c 154 § 25; 1961 c 12 § 46.37.400. Prior: 1955 c 269 § 40; prior: 1937 c 189 § 37; RRS § 6360-37; RCW 46.36.060.]

Effective date—1963 c 154: See note following RCW 46.37.010.

46.37.410 Windshields must be unobstructed and equipped with wipers. (1) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.

(2) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle. After January 1, 1938, it shall be unlawful for any person to operate a new motor vehicle first sold or delivered after that date which is not equipped with such device or devices in good working order capable of cleaning the windshield thereof over two separate arcs, one each on the left and right side of the windshield, each capable of cleaning a surface of not less than one hundred twenty square inches, or other device or devices capable of accomplishing substantially the same result.

(3) Every windshield wiper upon a motor vehicle shall be maintained in good working order. [1961 c 12 § 46.37.410. Prior: 1955 c 269 § 41; prior: (i) 1937 c 189 § 38; RRS § 6360-38; RCW 46.36.070. (ii) 1937 c 189 § 39; RRS § 6360-39; RCW 46.36.080.]

46.37.420 Restrictions as to tire equipment. (1) After January 1, 1938, it shall be unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway shall have on its periphery any block, flange, cleat or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it shall be permissible to use farm machinery with tires having protuberances which will not injure the highway, and except also that it shall

be permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state commission on equipment, upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to skid: *Provided*, That it shall be unlawful to use metal studs imbedded within the tire between April 1 and November 1: *Provided further*, That the state highway commission may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein shall be lawful.

(3) The state highway commission and local authorities in their respective jurisdictions may in their discretion issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of such movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1 and April 1 upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding. [1971 ex.s. c 32 § 1; 1969 ex.s. c 7 § 1; 1961 c 12 § 46.37.420. Prior: 1955 c 269 § 42; prior: (i) 1937 c 189 § 41; RRS § 6360-41; RCW 46.36.100. (ii) 1937 c 189 § 42; RRS § 6360-42; RCW 46.36.120; 1929 c 180 § 7; 1927 c 309 § 46; RRS § 6362-46.]

Dangerous road conditions requiring special tires, chains, metal studs: RCW 47.36.250.

46.37.423 Pneumatic passenger car tires—Standards—Exception for off-highway use—Penalty. No person, firm or corporation shall sell or offer for sale for use on the public highways of this state any new pneumatic passenger car tire which does not meet the standards established by federal motor vehicle safety standard No. 109, as promulgated by the United States department of transportation under authority of the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of standard No. 109 in effect at the time of manufacture of the tire.

Any person, firm or corporation who shall sell or offer for sale any new pneumatic passenger car tire which does not meet the standards prescribed in this section shall be guilty of a misdemeanor unless such tires are sold for off-highway use, as evidenced by a statement signed by the purchaser at the time of sale certifying that he is not purchasing such tires for use on the public highways of this state. [1971 c 77 § 1.]

46.37.424 Regrooved tires—Standards—Exception for off-highway use—Penalty. No person, firm or corporation shall sell or offer for sale any regrooved tire or shall regroove any tire for use on the public highways of this state which does not meet the standard established by federal motor vehicle standard part 369—regrooved tires, as promulgated by the United States department of transportation under authority of

the National Traffic and Motor Vehicle Safety Act of 1966 (80 Stat. 719, 728; 15 U.S.C. 1392, 1407).

The applicable standard shall be the version of the federal regrooved tire standard in effect at the time of regrooving.

Any person, firm or corporation who shall sell or offer for sale any regrooved tire or shall regroove any tire which does not meet the standards prescribed in this section shall be guilty of a misdemeanor unless such tires are sold or regrooved for off-highway use, as evidenced by a statement signed by the purchaser or regroover at the time of sale or regrooving certifying that he is not purchasing or regrooving such tires for use on the public highways of this state. [1971 c 77 § 2.]

46.37.425 Authority of state commission on equipment with reference to tires—Rules and regulations—Penalty. No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by the state commission on equipment.

The state commission on equipment shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

- (1) Any ply or cord exposed; or
- (2) Any bump, bulge or knot, affecting the tire structure; or
- (3) Any break repaired with a boot; or
- (4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or
- (5) A legend which indicates the tire is not intended for use on public highways such as, "not for highway use", or "for racing purposes only"; or
- (6) Such condition as may be reasonably demonstrated to render it unsafe.

No person, firm or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

Any person operating a vehicle on the public highways of this state, or selling a vehicle for use on the public highways of this state, which is equipped with a

tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state commission on equipment hereunder shall be guilty of a misdemeanor: *Provided, however,* That if the violation relates to items (1) to (6) inclusive of this section that the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges. [1971 c 77 § 3.]

Effective date—1971 c 77: "The provisions of RCW 46.37.425 shall have an effective date of January 1, 1972, but the state commission on equipment shall have the authority to proceed with the promulgation of the rules and regulations provided for in RCW 46.37.425 so the rules and regulations may have an effective date of January 1, 1972." [1971 c 77 § 4.]

46.37.430 Safety glazing materials in motor vehicles.

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows and windshields in the drivers' compartments of such vehicles except as provided by paragraph (4).

(2) The term "safety glazing materials" means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state commission on equipment shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of motor vehicles shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state commission on equipment wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material of any kind, which reduces light transmittance to any degree, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

(a) Windshields,

(b) Windows to the immediate right and left of the driver including windwings or,

(c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state commission on equipment for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state commission on equipment shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material. [1969 ex.s. c 281 § 47; 1961 c 12 § 46.37.430. Prior: 1955 c 269 § 43; prior: 1947 c 220 § 1; 1937 c 189 § 40; Rem. Supp. 1947 § 6360-40; RCW 46.36.090.]

46.37.440 Certain vehicles to carry flares or other warning devices.

(1) No person shall operate any motor truck, passenger bus or truck tractor over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state commission on equipment and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state commission on equipment and approved by it.

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried.

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees or signal produced by flame. [1971 ex.s. c 97 § 1; 1961 c 12 § 46.37.440. Prior: 1955 c 269 § 44; prior: 1947 c 267 § 7,

part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40-.210, part.]

46.37.450 Display of warning devices when vehicle disabled. (1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside of any municipality at any time when lighted lamps are required on vehicles the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2):

(a) A lighted fusee, a lighted red electric lantern or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), or three lighted red electric lanterns or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside of any municipality at any time when the display of fusees, flares, red electric lanterns or portable red emergency reflectors is not

required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fusees or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this paragraph.

(6) The flares, fusees, red electric lanterns, portable red emergency reflectors and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto. [1961 c 12 § 46.37.450. Prior: 1955 c 269 § 45; prior: 1947 c 267 § 7, part; Rem. Supp. 1947 § 6360-32a, part; RCW 46.40.210, part.]

46.37.460 Vehicles transporting explosives. Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(1) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "danger" in white letters six inches high.

(2) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used. [1961 c 12 § 46.37.460. Prior: 1955 c 269 § 46.]

46.37.470 Air-conditioning equipment. (1) The term "air-conditioning equipment" as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state commission on equipment may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with

and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section. [1961 c 12 § 46.37.470. Prior: 1955 c 269 § 47.]

46.37.480 Television viewers. No person shall drive any motor vehicle equipped with any television viewer, screen or other means of visually receiving a television broadcast which is located in the motor vehicle at any point forward of the back of the driver's seat, or which is visible to the driver while operating the motor vehicle. [1961 c 12 § 46.37.480. Prior: 1949 c 196 § 11; Rem. Supp. 1949 § 6360-98d. Formerly RCW 46.36.150.]

46.37.490 Safety load chains and devices required. It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The state commission on equipment is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles. [1961 c 12 § 46.37.490. Prior: 1937 c 189 § 43; RRS § 6360-43; 1927 c 309 § 18; RRS § 6362-18. Formerly RCW 46.36.110.]

46.37.500 Splash guards. Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. [1961 c 12 § 46.37.500. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.36.130 (second paragraph).]

46.37.510 Seat belts. No person shall sell any automobile manufactured or assembled after January 1, 1964 nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state commission on equipment. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state commission on equipment shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on the effective date of this act. [1963 c 117 § 1.]

Reviser's note: "the effective date of this act" was June 13, 1963 (midnight June 12), see preface, 1963 session laws.

46.37.520 Beach used vehicles with soft tires—"Dune buggies"—Inspection and approval required—Fee. It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state commission on equipment, which commission may charge a reasonable fee therefor to go into the motor vehicle fund. [1971 ex.s. c 91 § 4; 1965 ex.s. c 170 § 61.]

46.37.530 Motorcycles or motor-driven cycles—Mirrors, glasses, goggles, face shields, and helmets—Regulations and specifications by state commission on equipment. (1) It shall be unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with a mirror on the left side of the handlebars which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle.

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless he wears glasses, goggles, or a face shield of a type approved by the state commission on equipment.

(c) For any person to operate or ride upon a motorcycle or motor-driven cycle unless he wears upon his head a protective helmet of a type approved by the state commission on equipment. Such a helmet must be equipped with either a neck or chin strap which shall be fastened securely while the motorcycle or motor-driven cycle is in motion.

(2) The state commission on equipment is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields and protective helmets required in this section. The state commission on equipment shall maintain and publish a list of those devices which the commission on equipment has approved. [1971 ex.s. c 150 § 1; 1969 c 42 § 1; 1967 c 232 § 4.]

Maximum height for handlebars: RCW 46.61.611.

Riding on motorcycles: RCW 46.61.610.

46.37.535 Motorcycles or motor-driven cycles—Helmet requirements when motorcycle rented. It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the commission on equipment.

No motorcycle shall be rented out unless the renter thereof has in his possession a helmet of a type approved by the commission on equipment regardless from whom the helmet is obtained. [1967 c 232 § 10.]

Reviser's note: This section was prefaced by "There is added to chapter 46.48 RCW a new section to read as follows:" The various sections of chapter 46.48 RCW were removed from that chapter or were repealed by 1965 ex.s. c 155. As the sections remaining in chapter 46.48 RCW pertain to transportation of explosives and flammables, this section has been codified following RCW 46.37.530 which is amended in a preceding section of the same act and sets forth the helmet requirements for drivers and riders of motorcycles.

License requirement for person renting motorcycle: RCW 46.20.220.

46.37.540 Odometers—Disconnecting, resetting or turning back prohibited. Except as provided by RCW 46.37.580, it shall be unlawful for any person to disconnect, turn back or reset the odometer of any motor vehicle with the intent to reduce the number of miles indicated on the odometer gauge. [1969 c 112 § 2.]

Motor vehicle dealers, unlawful acts and practices: RCW 46.70.180.

46.37.550 Odometers—Selling motor vehicle knowing odometer turned back unlawful. It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been turned back and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been turned back or that he had reason to believe that the odometer has been turned back. [1969 c 112 § 3.]

46.37.560 Odometers—Selling motor vehicle knowing odometer replaced unlawful. It shall be unlawful for any person to sell a motor vehicle in this state if such person has knowledge that the odometer on such motor vehicle has been replaced with another odometer and if such person fails to notify the buyer, prior to the time of sale, that the odometer has been replaced or that he believes the odometer to have been replaced. [1969 c 112 § 4.]

46.37.570 Odometers—Selling, advertising, using or installing device which causes other than true mileage to be registered. It shall be unlawful for any person to advertise for sale, to sell, to use, or to install on any part of a motor vehicle or on an odometer in a motor vehicle any device which causes the odometer to register any mileage other than the true mileage driven. For the purposes of this section the true mileage driven is that driven by the car as registered by the odometer within the manufacturer's designed tolerance. [1969 c 112 § 5.]

46.37.580 Odometers—Disconnection for accommodation sales by dealers. Where the seller is a motor vehicle dealer regularly engaged in the sale of new motor vehicles at retail and where an accommodation transfer as defined in this section is made, the seller may disconnect the odometer on such motor vehicle for the duration of such transfer. For purposes of this section an accommodation transfer shall mean a sale by one motor vehicle dealer to another dealer for resale by the latter dealer and where: (1) the sale is made as an accommodation to the latter dealer to enable him to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the latter dealer to the former dealer; (2) the amount paid by the latter dealer does not exceed the amount paid by the former dealer to his vendor in the acquisition of the motor vehicle; (3) the total distance which the motor vehicle is driven pursuant to the transfer does not exceed five hundred miles; and (4) the motor vehicle transferred has never previously been owned by, rented to or leased to any person

other than the manufacturer of the motor vehicle or a motor vehicle dealer.

The definitions in RCW 46.70.011, as now or hereafter amended, shall apply to this section. [1969 c 112 § 6.]

46.37.590 Odometers—Purchaser plaintiff to recover costs and attorney's fee, when. In any suit brought by the purchaser of a motor vehicle against the seller of such vehicle, the purchaser shall be entitled to recover his court costs and a reasonable attorney's fee fixed by the court, if: (1) the suit or claim is based substantially upon the purchaser's allegation that the odometer on such vehicle has been tampered with contrary to RCW 46.37.540 and 46.37.550; and (2) it is found in such suit that the seller of such vehicle or any of his employees or agents knew or had reason to know that the odometer on such vehicle had been so tampered with and failed to disclose such knowledge to the purchaser prior to the time of sale. [1969 c 112 § 7.]

46.37.600 Liability of operator and/or owner for violations. Whenever an act or omission is declared to be unlawful in chapter 46.37 RCW, if the operator of the vehicle is not the owner of such vehicle, but is so operating or moving the same with the express or implied permission of the owner, then the operator and/or owner shall both be subject to the provisions of this chapter with the primary responsibility to be that of the owner. [1969 ex.s. c 69 § 3.]

Chapter 46.38

VEHICLE EQUIPMENT SAFETY COMPACT

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46.38.010 Compact enacted—Provisions. The vehicle equipment safety compact prepared pursuant to resolutions of the western governors' conference and the western interstate committee on highway policy problems of the council of state governments, is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I—Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles.

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II—Definitions

As used in this compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of such vehicle or the safety of the occupants.

ARTICLE III—The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the

Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually, from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize, and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold, and convey real and personal property and any interest therein.

(j) The Commission shall adopt bylaws for the conduct of its business and shall have the power to amend and rescind these bylaws. The Commission shall publish its bylaws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The bylaws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV—Research and Testing

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highway safety problems.

ARTICLE V—Vehicular Equipment

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item

or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI—Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its

judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII—Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigations or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member on the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance

of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII—Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with and use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX—Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X—Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters. [1963 c 204 § 1.]

46.38.020 Legislative findings. The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state commission on equipment, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of

promoting the public safety in the manner and within the scope contemplated by this chapter. [1963 c 204 § 2.]

46.38.030 Rules, etc., of vehicle safety equipment commission not effective until approved by legislature. Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the Administrative Procedure Act by the state commission on equipment. [1967 ex.s. c 145 § 57; 1963 c 204 § 3.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.38.040 Appointment of commissioner and alternate commissioner. The commissioner of this state on the vehicle equipment safety commission shall be appointed by the members of the state commission on equipment to serve at their pleasure. The members of the state commission on equipment may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the state commission on equipment. [1963 c 204 § 4.]

46.38.050 Cooperation of state agencies with vehicle equipment safety commission. Within appropriations available therefor, the departments, agencies and officers of the government of this state may cooperate with and assist the vehicle equipment safety commission within the scope contemplated by Article III(h) of the compact. The departments, agencies and officers of the government of this state are authorized generally to cooperate with said commission. [1963 c 204 § 5.]

46.38.060 State officers for the filing of documents and receipt of notices. Filing of documents as required by Article III(j) of the compact shall be with the secretary of the state commission on equipment. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the secretary of the state commission on equipment. [1963 c 204 § 6.]

46.38.070 Vehicle equipment safety commission to submit budgets to budget director. Pursuant to Article VI(a) of the compact, the vehicle equipment safety commission shall submit its budgets to the budget director. [1963 c 204 § 7.]

46.38.080 State auditor to inspect accounts of vehicle equipment safety commission. Pursuant to Article VI(e) of the compact, the state auditor is hereby empowered and authorized to inspect the accounts of the vehicle equipment safety commission. [1963 c 204 § 8.]

46.38.090 Withdrawal from compact, "executive head" defined. The term "executive head" as used in Article IX(b) of the compact shall, with reference to this state, mean the governor. [1963 c 204 § 9.]

Chapter 46.44 SIZE, WEIGHT, LOAD

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| 46.44.020 | Maximum height—Impaired clearance signs. |
| 46.44.030 | Maximum lengths. |
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Auto transportation companies: Chapter 81.68 RCW.

46.44.010 Outside width limit. The total outside width of any vehicle or load thereon shall not exceed eight feet: *Provided*, That in any instance where it is necessary to extend a rear vision mirror beyond the extreme left or right of the body the same may be done despite the fact that this results in a width in excess of eight feet, but no rear vision mirror shall extend more

than five inches beyond the extreme limits of the body: *Provided further*, That in those instances where it is necessary to install fenders on the rear wheels of vehicles to reduce wheel spray the same may be done despite the fact that this results in a width in excess of eight feet providing such fenders are made of rubber and do not extend more than two inches beyond either side of the body: *And provided further*, That a tolerance of two inches in width will be allowed on the tires of all vehicles where such overwidth is due entirely to the expansion of the tires: *Provided further, however*, That safety appliances such as clearance lights, rub rails, binder chains and appurtenances such as door handles, door hinges and turning signal brackets, may extend beyond the extreme left or right of the body despite the fact that this results in a width in excess of eight feet but no appliances or appurtenances can extend more than two inches beyond the extreme limits of the body. [1961 c 12 § 46.44.010. Prior: 1947 c 200 § 4; 1937 c 189 § 47; Rem. Supp. 1947 § 6360-47; 1923 c 181 § 4, part; RRS § 6362-8, part.]

46.44.020 Maximum height—Impaired clearance signs. It shall be unlawful for any vehicle unladen or with load to exceed a height of thirteen feet and six inches above the level surface upon which the vehicle stands: *Provided*, That automobile transporters and boat transporters shall not exceed fourteen feet and that these height limitations shall not apply to authorized emergency vehicles or repair equipment of a public utility engaged in reasonably necessary operation. The provisions of this section shall not relieve the owner or operator of a vehicle or combination of vehicles from the exercise of due care in determining that sufficient vertical clearance is provided upon the public highways where such vehicle or combination of vehicles is being operated; and no liability shall attach to the state or to any county, city, town or other political subdivision by reason of any damage or injury to persons or property by reason of the existence of any structure over or across any public highway where the vertical clearance above the roadway is thirteen feet six inches or more; or, where such vertical clearance is less than thirteen feet six inches, if impaired clearance signs of a design approved by the Washington state highway commission are erected and maintained on the right side of any such public highway: In cities and towns at a distance of not less than two hundred feet and not more than three hundred feet; and in rural areas at a distance of not less than three hundred fifty feet and not more than five hundred feet, from each side of such structure. If any structure over or across any public highway is not owned by the state or by a county, city, town or other political subdivision, it shall be the duty of the owner thereof when billed therefor to reimburse the Washington state highway commission or the county, city, town or other political subdivision having jurisdiction over such highway for the actual cost of erecting and maintaining such impaired clearance signs, but no liability shall attach to such owner by reason of any damage or injury to persons or property caused by impaired vertical clearance above the roadway. [1971 ex.s.

c 248 § 1; 1965 c 43 § 1; 1961 c 12 § 46.44.020. Prior: 1959 c 319 § 26; 1955 c 384 § 1; 1953 c 125 § 1; 1951 c 269 § 20; 1937 c 189 § 48; RRS § 6360-48.]

46.44.030 Maximum lengths. It is unlawful for any person to operate upon the public highways of this state any vehicle other than a municipal transit vehicle having an overall length, with or without load, in excess of thirty-five feet, except that an auto stage shall not exceed an overall length, inclusive of front and rear bumpers, of forty feet, but the operation of any such auto stage upon the public highways shall be limited as determined by the state highway commission.

It is unlawful for any person to operate on the highways of this state any combination of vehicles which contains a vehicle of which the permanent structure is in excess of forty-five feet.

It is unlawful for any person to operate upon the public highways of this state any combination consisting of a nonstinger steered tractor and semitrailer which has an overall length in excess of sixty-five feet.

It is unlawful for any person to operate on the highways of this state any combination consisting of a truck and trailer, or any lawful combination of three vehicles, with an overall length, with or without load, in excess of sixty-five feet, or a combination consisting of a tractor and a stinger steered semitrailer which has an overall length in excess of sixty-five feet without load or in excess of seventy feet with load.

"Stinger steered" as used in this section shall mean a tractor and semitrailer combination which has the coupling connecting the semitrailer to the tractor located to the rear of the center line of the rear axle of the tractor.

These length limitations shall not apply to vehicles transporting poles, pipe, machinery or other objects of a structural nature which cannot be dismembered and operated by a public utility when required for emergency repair of public service facilities or properties but in respect to night transportation every such vehicle and load thereon shall be equipped with a sufficient number of clearance lamps on both sides and marker lamps upon the extreme ends of any projecting load to clearly mark the dimensions of such load. [1974 1st ex.s. c 76 § 2; 1971 ex.s. c 248 § 2; 1967 ex.s. c 145 § 61; 1963 ex.s. c 3 § 52; 1961 ex.s. c 21 § 36; 1961 c 12 § 46.44.030. Prior: 1959 c 319 § 25; 1957 c 273 § 14; 1951 c 269 § 22; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

Severability—1967 ex.s. c 145: RCW 47.98.043.

46.44.034 Maximum lengths—Front and rear protrusions. The load, or any portion of any vehicle, operated alone upon the public highway of this state, or the load, or any portion of the front vehicle of a combination of vehicles, shall not extend more than three feet beyond the front wheels of such vehicle, or the front bumper, if equipped with front bumper.

No vehicle shall be operated upon the public highways with any part of the permanent structure or load extending in excess of fifteen feet beyond the center of

the last axle of such vehicle. [1961 c 12 § 46.44.034. Prior: 1957 c 273 § 15; 1951 c 269 § 24; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

46.44.036 Combination of units—Limitation. Except as provided in RCW 46.44.037, it is unlawful for any person to operate upon the public highways of this state any combination of vehicles consisting of more than two vehicles. For the purposes of this section a truck tractor-semitrailer and/or pole trailer combination will be considered as two vehicles but the addition of another axle to the tractor of a truck tractor-semitrailer and/or pole trailer combination in such a way that it supports a proportional share of the load of the semitrailer and/or pole trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the truck tractor. For the purposes of this section a converter gear used in converting a semitrailer to a full trailer shall not be deemed a separate vehicle but for all purposes shall be considered a part of the trailer. [1961 c 12 § 46.44.036. Prior: 1955 c 384 § 2; 1951 c 269 § 23; prior: 1949 c 221 § 1, part; 1947 c 200 § 5, part; 1941 c 116 § 1, part; 1937 c 189 § 49, part; Rem. Supp. 1949 § 6360-49, part.]

46.44.037 Combination of units—Lawful operations—Special permits. Notwithstanding the provisions of RCW 46.44.036 and subject to such rules and regulations governing their operation as may be adopted by the state highway commission operation of the following combinations shall be lawful:

(1) A combination consisting of a truck tractor, a semitrailer, and a full trailer. In this connection a converter gear used to convert a semitrailer into a full trailer shall be considered to be a part of the full trailer and not a separate vehicle. A converter gear being pulled without load and not used to convert a semitrailer into a full trailer may be substituted in lieu of a full trailer or a semitrailer in any lawful combination.

(2) A combination consisting of three trucks or truck tractors used in driveway service where two of the vehicles are towed by the third in double saddlemount position.

A combination consisting of a truck tractor, a semitrailer, and a full trailer when licensed for a total gross weight of seventy-two thousand pounds may be entitled to either an annual or temporary special permit authorizing the combination to carry not more than four thousand pounds of gross weight in excess of the maximum allowed in RCW 46.44.044 upon the payment of the fees set forth in RCW 46.44.095 and on such highways and subject to such terms and conditions as the state highway commission shall prescribe pursuant to the provisions of RCW 46.44.095: *Provided*, That any state patrol officer who shall find any person operating a vehicle in violation of the conditions of a special permit issued under this section may confiscate such permit and forward it to the state highway commission which may return it to the permittee or revoke, cancel, or suspend it. [1965 ex.s. c 170 § 37; 1963 ex.s. c 3 § 53;

1961 c 12 § 46.44.037. Prior: 1957 c 273 § 16; 1955 c 384 § 3.]

46.44.038 Width, height, length and combinations restrictions—Special permits to exceed authorized. Subject to such terms and conditions as it shall consider proper and on such highways as it shall deem suitable, and when it finds it to be in the public interest, the state highway commission may by special permit authorize the operation of vehicles and combinations of vehicles other than school buses which exceed the restrictions set forth in RCW 46.44.010, 46.44.020, 46.44.030 and 46.44.036. The fee for such permits shall be those set forth in RCW 46.44.094, as amended. [1967 ex.s. c 145 § 62.]

Severability—1967 ex.s. c 145: See RCW 47.98.043.

46.44.040 Maximum gross weights—Axle factor. (1) Except as provided in RCW 46.44.047 and 46.44.095 it is unlawful to operate any vehicle upon the public highways with a gross weight including load upon any one axle thereof in excess of eighteen thousand pounds: *Provided*, That a tolerance of two thousand pounds may be allowed on the rear axle of a two axle garbage truck and an additional two thousand pounds tolerance may be purchased for a compactor type two axle garbage truck for an amount not to exceed thirty dollars per thousand. The axle weight tolerance allowed to a garbage truck herein shall not be construed to authorize a vehicle gross weight in excess of the weight for which the vehicle is licensed pursuant to chapter 46.16 RCW: *Provided further*, That this tolerance shall not be valid or permitted on any part of the federal interstate highway system where the maximum single axle load shall not exceed eighteen thousand pounds.

It is unlawful to operate any one axle semitrailer upon the public highways with a gross weight including load upon such one axle in excess of eighteen thousand pounds.

It is unlawful to operate any truck or truck tractor upon the public highways of this state supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds.

It is unlawful to operate any semitrailer or pole trailer upon the public highway supported upon two axles with a gross weight including load in excess of thirty-two thousand pounds unless such axles are not less than one hundred and two inches apart, in which case, notwithstanding the provisions of RCW 46.44.045, the allowable gross weight including load shall be thirty-six thousand pounds. It is unlawful to operate any two axle trailer upon the public highways with a gross weight, including load, in excess of thirty-six thousand pounds.

Except as provided in RCW 46.44.095 it is unlawful to operate any vehicle upon the public highways supported upon three axles or more with a gross weight including load in excess of forty thousand pounds.

(2) The maximum axle and gross weight specified in subsection (1) above are subject to the braking requirements set up for the service brakes upon any motor vehicle or combination of vehicles as provided by law.

(3) It is unlawful to operate any vehicle upon the public highways equipped with two axles spaced less than seven feet apart, unless the two axles are so constructed and mounted in such a manner to provide oscillation between the two axles and that either one of the two axles will not at any one time carry more than the maximum gross weight allowed for one axle or two axles specified in subsection (1) above. [1974 1st ex.s. c 86 § 1; 1973 1st ex.s. c 150 § 1; 1971 ex.s. c 244 § 1; 1961 c 12 § 46.44.040. Prior: 1957 c 273 § 17; 1955 c 384 § 4; 1951 c 269 § 26; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

46.44.042 Maximum gross weights—Tire factor. Subject to the maximum gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any vehicle upon the public highways with a gross weight, including load, upon any tire concentrated upon the surface of the highway in excess of five hundred fifty pounds per inch width of such tire, up to a maximum width of twelve inches, and for a tire having a width of twelve inches or more there shall be allowed a twenty percent tolerance above five hundred fifty pounds per inch width of such tire. For the purpose of this section, the width of tire in case of solid rubber or hollow center cushion tires, so long as the use thereof may be permitted by the law, shall be measured between the flanges of the rim. For the purpose of this section, the width of tires in case of pneumatic tires shall be the maximum overall normal inflated width as stipulated by the manufacturer when inflated to the pressure specified and without load thereon. [1961 c 12 § 46.44.042. Prior: 1959 c 319 § 27; 1951 c 269 § 27; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

46.44.044 Maximum gross weights—Wheelbase factor. Subject to the maximum axle and gross weights specified in subsection (1) of RCW 46.44.040, it is unlawful to operate any motor vehicle or combination of vehicles unless the same comply with both subdivisions (1) and (2) of this section.

(1) The total gross weight, including load, on any group of axles of a vehicle or combination of vehicles, where the distance between the first and last axles of any group of axles is eighteen feet or under, shall not exceed that set forth in the following table:

| Wheelbase of any group of axles of a vehicle or combination of vehicles (feet) | Allowed load in pounds on group of axles |
|--|--|
| 3 feet 6 inches | 32,000 |
| 4 | 32,000 |
| 5 | 32,000 |
| 6 | 32,000 |

| Wheelbase of any group of axles of a vehicle or combination of vehicles (feet) | Allowed load in pounds on group of axles |
|--|--|
| 7 | 32,000 |
| 8 | 32,610 |
| 9 | 33,580 |
| 10 | 34,550 |
| 11 | 35,550 |
| 12 | 36,830 |
| 13 | 38,350 |
| 14 | 39,870 |
| 15 | 41,400 |
| 16 | 42,930 |
| 17 | 44,459 |
| 18 | 46,000 |

(2) Where the wheelbase of any vehicle or combination of vehicles is eighteen feet or more, the gross weight including load of the vehicle or combination of vehicles must not exceed that given for the respective distances in the following table:

| Wheelbase of vehicle or combination of vehicles in feet | Allowed load in pounds |
|---|------------------------|
| 18 | 46,000 |
| 19 | 47,000 |
| 20 | 48,000 |
| 21 | 49,000 |
| 22 | 50,000 |
| 23 | 51,340 |
| 24 | 52,670 |
| 25 | 54,000 |
| 26 | 55,100 |
| 27 | 56,200 |
| 28 | 57,400 |
| 29 | 58,500 |
| 30 | 59,500 |
| 31 | 60,300 |
| 32 | 61,140 |
| 33 | 61,710 |
| 34 | 62,280 |
| 35 | 62,860 |
| 36 | 63,430 |
| 37 | 64,000 |
| 38 | 64,500 |
| 39 | 65,000 |
| 40 | 65,500 |
| 41 | 66,000 |
| 42 | 66,500 |
| 43 | 67,000 |
| 44 | 67,500 |
| 45 | 68,000 |
| 46 | 68,500 |
| 47 | 69,000 |
| 48 | 69,500 |
| 49 | 70,000 |
| 50 | 70,500 |
| 51 | 71,000 |
| 52 | 71,500 |
| 53 or over | 72,000 |

When inches are involved: Under six inches take lower; six inches or over take higher. [1961 c 12 § 46.44.044. Prior: 1953 c 72 § 1; 1951 c 269 § 28; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

46.44.045 Maximum gross weights—Penalties for violations. (1) Any person violating any of the provisions of RCW 46.44.040 through 46.44.044 shall be guilty of a misdemeanor and upon first conviction thereof shall be fined a basic fine of not less than twenty-five dollars nor more than fifty dollars; upon second conviction thereof shall be fined a basic fine of not less than fifty dollars nor more than one hundred dollars; and upon a third or subsequent conviction shall be fined a basic fine of not less than one hundred dollars.

(2) In addition to, but not in lieu of, the above basic fines, such person shall be fined two cents per pound for each pound of excess weight up to five thousand pounds; if such excess weight is five thousand pounds and not in excess of ten thousand pounds, the additional fine shall be three cents per pound for each pound of excess weight; and if the excess weight is ten thousand pounds or over, the additional fine shall be four cents per pound for each pound of excess weight: *Provided*, That upon first conviction, the court in its discretion may suspend the additional fine for excess weight up to five thousand pounds and for excess weight over five thousand pounds may apply the schedule of additional fines as if the excess weight over five thousand pounds were the only excess weight, but in no case shall the basic fine be suspended.

(3) The court may suspend the certificate of license registration of the vehicle or combination of vehicles upon the second conviction for a period of not to exceed thirty days and the court shall suspend the certificate of license registration of the vehicle or combination of vehicles upon a third or subsequent conviction for a period of not less than thirty days. For the purpose of this section bail forfeiture shall be given the same effect as a conviction. For the purpose of suspension of license registration conviction or bail forfeiture shall be on the same vehicle or combination of vehicles during any twelve month period regardless of ownership.

(4) Any person convicted of violating any posted limitations of a highway or section of highway shall be fined not less than one hundred dollars and the court shall in addition thereto suspend the driver's license for not less than thirty days. Whenever the driver's license and/or the certificate of license registration are suspended under the provisions of this section the judge shall secure such certificates and immediately forward the same to the director with information concerning the suspension thereof.

(5) Any other provision of law to the contrary notwithstanding, justice courts having venue shall have concurrent jurisdiction with the superior courts for the imposition of any penalties authorized under this section.

(6) For the purpose of determining additional fines as provided by subsection (2), "excess weight" shall mean the poundage in excess of the maximum gross weight prescribed by RCW 46.44.040 through 46.44.044 plus the weights allowed by RCW 46.44.046, 46.44.047, and 46.44.095.

(7) The basic fine provided in subsection (1) shall be distributed as prescribed in RCW 46.68.050: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. For the purpose of computing the basic fines and additional fines to be imposed under the provisions of subsections (1) and (2) the convictions shall be on the same vehicle or combination of vehicles within a twelve months period under the same ownership.

(8) The additional fine for excess poundage provided in subsection (2) shall be transmitted by the court to the county treasurer and by him transmitted to the state treasurer for deposit in the motor vehicle fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. It shall then be allocated annually on or before June 30th of each year in the amounts prescribed in RCW 46.68-.100 as now or hereafter amended. [1971 c 17 § 1; 1969 ex.s. c 199 § 22; 1967 c 32 § 50; 1961 ex.s. c 21 § 34; 1961 c 12 § 46.44.045. Prior: 1959 c 138 § 1; 1953 c 254 § 2; 1951 c 269 § 29; prior: 1949 c 221 § 2, part; 1947 c 200 § 6, part; 1941 c 116 § 2, part; 1937 c 189 § 50, part; Rem. Supp. 1949 § 6360-50, part; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; 1921 c 96 § 20, part; RRS § 6362-8, part.]

46.44.046 Excess weight—Discretion of arresting officer. In addition to the limitations of RCW 46.44.040 through 46.44.044, if the gross axle weight is not more than five hundred pounds in excess of the maximum gross axle weight for one axle, and if the gross weight of two axles spaced less than seven feet apart is not more than one thousand pounds in excess of the maximum gross weight for two axles spaced less than seven feet apart, and if the gross weight of any group of axles is not more than fifteen hundred pounds in excess of the maximum gross weight for any group of axles according to the wheelbase spacing of the group of axles as shown in the maximum gross load table of RCW 46.44.044 and if the gross weight of a two-axle vehicle is not more than one thousand pounds in excess of the legal gross weight for such two-axle vehicle, and if the gross weight of a three-axle vehicle is not more than fifteen hundred pounds in excess of the maximum legal gross weight for such three-axle vehicle, and if the maximum gross weight of the combination of vehicles is not more than two thousand pounds in excess of the maximum legal gross weight of the combination of vehicles, the arresting officer may, within his discretion, permit the operator to proceed with his vehicle or vehicles in combination without penalty. For the purposes of determining gross weights the actual scale weight taken by

the arresting officer shall be prima facie evidence of such total gross weight.

It being the intention of the legislature to recognize that occasional weight discrepancies in cargo will occur, and to provide the arresting officer with authority and discretion to determine the same; but to prevent the habitual and consistent loading of vehicles above the maximum legal gross weight provided for in RCW 46.44.040 through 46.44.044.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section. [1961 c 12 § 46.44.046. Prior: 1953 c 254 § 3; 1951 c 269 § 30.]

46.44.047 Excess weight—Logging trucks—Special permits—County or city permits—Fees—Discretion of arresting officer. In addition to the limitations of RCW 46.44.040, 46.44.042 and 46.44.044, a three-axle truck tractor and a two-axle pole trailer combination engaged in the operation of hauling logs, shall have an allowable variation in wheelbase length of six feet for the distance between the first and last axle of the vehicle in combination which has a wheelbase overall length of thirty-seven feet or more and upon special permit the gross weight of two axles spaced less than seven feet apart may exceed by not more than sixteen hundred pounds the maximum gross axle weight specified for two axles spaced less than seven feet apart, being thirty-two thousand pounds as provided in RCW 46.44.040, and the gross weight of the combination of vehicles may exceed by not more than six thousand eight hundred pounds the legal gross weight of the combination of vehicles, when licensed as permitted by law, for sixty-eight thousand pounds.

Such additional allowances shall be permitted by a special permit to be issued by the state highway commission valid only on state primary or secondary highways authorized by the state highway commission and under such rules, regulations, terms and conditions prescribed by the state highway commission. The fee for such special permit shall be fifty dollars for a twelve-month period beginning and ending on April 1st of each calendar year. Permits may be issued at any time but if issued after July 1st of any year the fee shall be thirty-seven dollars and fifty cents. If issued on or after October 1st the fee shall be twenty-five dollars, and if issued on or after January 1st the fee shall be twelve dollars and fifty cents. A copy of such special permit covering the vehicle involved shall be carried in the cab of the vehicle at all times. Upon the third conviction within a calendar year for violation of the terms and conditions of the special permit, the special permit shall be canceled. The vehicle covered by such canceled special permit shall not be eligible for a new special permit until thirty days after the cancellation of the special permit issued to said vehicle. The fee for such renewal shall be at the same rate as set forth in this section which covers the original issuance of such special permit. Each special permit shall be assigned to a three-axle truck tractor in combination with a two-axle pole trailer and may be transferred upon application to the

department of highways with payment of a two dollar fee.

All fees collected hereinabove shall be deposited with the state treasurer and credited to the motor vehicle fund.

Permits involving city streets or county roads or using city streets or county roads to reach or leave state highways, authorized for permit by the state highway department may be issued by the city or county or counties involved. A fee of five dollars for such city or county permit may be assessed by the city or by the board of county commissioners which shall be deposited in the city or county road fund. The special permit provided for herein shall be known as a "log tolerance permit" and shall designate the route or routes to be used, which shall first be approved by the city or county engineer involved. Authorization of additional route or routes may be made at the discretion of the city or county by amending the original permit or by issuing a new permit. Said permits shall be issued on a yearly basis expiring on March 31st of each calendar year. Any person, firm or corporation who uses any city street or county road for the purpose of transporting logs with weights authorized by state highway log tolerance permits, to reach or leave a state highway route, without first obtaining a city or county permit when required by the city or board of county commissioners shall be subject to the penalties prescribed by RCW 46.44.045. For the purpose of determining gross weight the actual scale weight taken by the officer shall be prima facie evidence of such total gross weight. In the event the gross weight is in excess of the weight permitted by law, the officer may, within his discretion, permit the operator to proceed with his vehicles in combination.

The chief of the state patrol, with the advice of the state highway commission, may make reasonable rules and regulations to aid in the enforcement of the provisions of this section. [1973 1st ex.s. c 150 § 2; 1971 ex.s. c 249 § 2; 1961 ex.s. c 21 § 35; 1961 c 12 § 46.44.047. Prior: 1955 c 384 § 19; 1953 c 254 § 10; 1951 c 269 § 31.]

46.44.049 Effect of weight on highways—Study authorized. The highway commission is authorized to make and enter into agreements with the federal government or any state or group of states or agencies thereof, or any nonprofit association, on a joint or cooperative basis, to study, analyze or test the effects of weight on highway construction. Such studies or tests may be made either by designating existing highways or the construction of test strips including natural resource roads to the end that a proper solution of the many problems connected with the imposition on highways of motor vehicle weights may be determined.

Such studies may include the determination of values to be assigned various highway-user groups according to their gross weight or use. [1961 c 12 § 46.44.049. Prior: 1951 c 269 § 47.]

46.44.050 Minimum length of wheelbase. It shall be unlawful to operate any vehicle with a wheelbase between any two axles thereof of less than three feet, six inches.

For the purposes of this section, wheelbase shall be measured upon a straight line from center to center of the vehicle axles designated. [1961 c 12 § 46.44.050. Prior: 1941 c 116 § 3; 1937 c 189 § 51; Rem. Supp. 1941 § 6360-51; 1929 c 180 § 3, part; 1927 c 309 § 8, part; 1923 c 181 § 4, part; RRS § 6362-8, part.]

46.44.060 Outside load limits for passenger vehicles. No passenger type vehicle shall be operated on any public highway with any load carried thereon extending beyond the line of the fenders on the left side of such vehicle nor extending more than six inches beyond the line of the fenders on the right side thereof. [1961 c 12 § 46.44.060. Prior: 1937 c 189 § 52; RRS § 6360-52; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part.]

46.44.070 Drawbar requirements—Trailer whipping or weaving—Towing flag. The drawbar or other connection between vehicles in combination shall be of sufficient strength to hold the weight of the towed vehicle on any grade where operated. No trailer shall whip, weave or oscillate or fail to follow substantially in the course of the towing vehicle. When a disabled vehicle is being towed by means of bar, chain, rope, cable or similar means and the distance between the towed vehicle and the towing vehicle exceeds fifteen feet there shall be fastened on such connection in approximately the center thereof a white flag or cloth not less than twelve inches square. [1961 c 12 § 46.44.070. Prior: 1937 c 189 § 53; RRS § 6360-53; 1929 c 180 § 5, part; 1927 c 309 § 10, part; RRS § 6362-10, part; 1923 c 181 § 4, part.]

46.44.080 Local regulations—State highway regulations. Local authorities with respect to public highways under their jurisdiction may prohibit the operation thereon of motor trucks or other vehicles or may impose limits as to the weight thereof, or any other restrictions as may be deemed necessary, whenever any such public highway by reason of rain, snow, climatic or other conditions, will be seriously damaged or destroyed unless the operation of vehicles thereon be prohibited or restricted or the permissible weights thereof reduced: *Provided*, That whenever a highway has been closed generally to vehicles or specified classes of vehicles, local authorities shall by general rule or by special permit authorize the operation thereon of school buses, emergency vehicles, and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under such weight and speed restrictions as the local authorities deem necessary to protect the highway from undue damage: *Provided further*, That the governing authorities of incorporated cities and towns shall not prohibit the use of any city street designated by the state highway commission as forming a part of the route of any primary state highway through any such incorporated city or

town by vehicles or any class of vehicles or impose any restrictions or reductions in permissible weights unless such restriction, limitation, or prohibition, or reduction in permissible weights be first approved in writing by the highway commission.

The local authorities imposing any such restrictions or limitations, or prohibiting any use or reducing the permissible weights shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution in each end of the portion of any public highway affected thereby, and no such ordinance or resolution shall be effective unless and until such signs are erected and maintained.

The highway commission shall have the same authority as hereinabove granted to local authorities to prohibit or restrict the operation of vehicles upon state highways, which rules shall be administered by the department of highways. The department of highways shall give public notice of closure or restriction. The highway commission may further authorize the department of highways to issue special permits for the operation of school buses and motor trucks transporting perishable commodities or commodities necessary for the health and welfare of local residents under specified weight and speed restrictions as may be necessary to protect any state highway from undue damage. [1973 2nd ex.s. c 15 § 1; 1961 c 12 § 46.44.080. Prior: 1937 c 189 § 54; RRS § 6360-54.]

46.44.090 Special permits for oversize or overweight movements. The state highway commission with respect to primary and secondary state highways and local authorities with respect to public highways under their jurisdiction may, upon application in writing and good cause being shown therefor, issue a special permit in writing authorizing the applicant to operate or move a vehicle or combination of vehicles of a size, weight of vehicle or load exceeding the maximum specified in this chapter or otherwise not in conformity with the provisions of this chapter upon any public highway under the jurisdiction of the authority granting such permit and for the maintenance of which such authority is responsible.

No overweight permit shall be issued to any vehicle or combination of vehicles unless such vehicle or combination of vehicles is licensed for the maximum gross weight allowed by law. [1961 c 12 § 46.44.090. Prior: 1951 c 269 § 34; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.091 Special permits for oversize or overweight movements—Gross weight limit. No special permit shall be issued for movement on any primary or secondary state highway or route of state primary or secondary highway within the limits of any city or town where the gross weight, including load, exceeds twenty-two thousand pounds on a single axle or forty-three thousand pounds on any group of axles having a wheelbase between the first and last axle thereof less than ten feet: *Provided*, That the weight limitations

pertaining to single axles may be exceeded to permit the movement of equipment operating upon single pneumatic tires having a rim width of twenty inches or more and a rim diameter of twenty-four inches or more or dual pneumatic tires having a rim width of sixteen inches or more and a rim diameter of twenty-four inches or more: *Provided further*, That permits may be issued for weights in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for weights in excess of such limitations; or these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission such movement or action is a necessary movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining weights in excess of such limitations. Application shall be made in writing on special forms provided by the highway commission and shall be submitted at least thirty-six hours in advance of the proposed movement. [1969 ex.s. c 281 § 30; 1961 c 12 § 46.44.091. Prior: 1959 c 319 § 28; 1953 c 254 § 12; 1951 c 269 § 35; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.092 Special permits for oversize or overweight movements—Overall width limits—Application for permit. No special permit shall be issued for movement on any two lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: *Provided*, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: *Provided further*, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions: (a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to exceed the five-mile limit: *Provided*, That when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible

conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: *Provided further*, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: *Provided*, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation. [1970 ex.s. c 9 § 1; 1969 ex.s. c 281 § 60; 1965 ex.s. c 170 § 39; 1963 ex.s. c 3 § 54; 1961 c 12 § 46.44.092. Prior: 1959 c 319 § 29; 1955 c 146 § 2; 1951 c 269 § 36; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.093 Special permits for oversize or overweight movements—Discretion of issuer—Conditions. The highway commission or local authority is authorized to issue or withhold such special permit at his or its discretion; or, if such permit is issued, to limit the number of trips, or to establish seasonal or other time limitations within which the vehicle described may be operated on the public highways indicated, or otherwise to limit or prescribe conditions of operation of such vehicle or vehicles when necessary to assure against undue damage to the road foundation, surfaces or structures or safety of traffic and may require such undertaking or other security as may be deemed necessary to compensate for injury to any roadway or road structure. [1961 c 12 § 46.44.093. Prior: 1951 c 69 § 37; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.0941 Special permits for oversize or overweight movements—Fees. The following fees, in addition to the regular license and tonnage fees, shall be paid for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle fund:

| | |
|--|----------|
| All overlegal loads, except overweight, single trip | \$ 5.00 |
| Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days | \$ 20.00 |
| Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days | \$ 10.00 |
| Continuous operation of a vehicle having a maximum height not to exceed fourteen feet for a period of one year | \$150.00 |
| Continuous operation of a combination of vehicles not to exceed seventy-three feet overall length for a period of one year | \$ 60.00 |
| Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by: | |
| (1) Farmers in the course of farming activities for any three-month period | \$ 10.00 |
| (2) Farmers in the course of farming activities for a period not to exceed one year | \$ 25.00 |
| (3) Persons engaged in the business of the sale, repair or maintenance of such farm implements for any three-month period | \$ 25.00 |
| (4) Persons engaged in the business of the sale, repair or maintenance of such farm implements for a period not to exceed one year | \$100.00 |

Overweight Fee Schedule

| | |
|---|--------------------------------|
| Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits. | Fee per mile on state highways |
| 1- 5,999 pounds | \$.05 |
| 6,000-11,999 pounds | \$.10 |
| 12,000-17,999 pounds | \$.15 |
| 18,000-23,999 pounds | \$.25 |
| 24,000-29,999 pounds | \$.35 |
| 30,000-35,999 pounds | \$.45 |
| 36,000-41,999 pounds | \$.60 |
| 42,000-47,999 pounds | \$.75 |
| 48,000-53,999 pounds | \$.90 |
| 54,000-59,999 pounds | \$ 1.05 |
| 60,000-65,999 pounds | \$ 1.20 |
| 66,000-71,999 pounds | \$ 1.45 |
| 72,000-77,999 pounds | \$ 1.70 |
| 80,000 pounds or more | \$ 2.00 |

Provided: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under. [1973 1st ex.s. c 1 § 3; 1971 ex.s. c 148 § 3; 1967 c 174 § 8; 1965 c 137 § 2.]

46.44.095 Special permits for oversize or overweight movements—Additional gross load—Fees. When fully licensed to the maximum gross weight permitted under RCW 46.44.040, a two-axle truck or a three-axle truck operated as a solo unit and not in combination shall be eligible to carry gross weight in excess of that permitted for such a vehicle in RCW 46.44.040 upon the payment to the state highway commission of a fee of thirty dollars for each one thousand pounds of excess weight: *Provided,* That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042 or the wheelbase requirements specified in RCW 46.44.044.

When fully licensed to a minimum gross weight of seventy-two thousand pounds a three or more axle truck tractor and a three or more axle dromedary truck tractor, and a three or more axle truck, when operating in combination with another vehicle or vehicles (the licensed gross weight of which, if any, shall be included when computing the minimum gross weights set forth above), shall be eligible under special permits to be issued by the state highway commission to carry additional gross loads beyond the licensed capacity of the combination of vehicles upon the payment of a fee based upon thirty dollars per year for each one thousand pounds of such additional gross weight but not to exceed one hundred and twenty dollars for the total additional weight: *Provided,* That the axle loads of such vehicles shall not exceed the limits specified in RCW 46.44.040 and the tire limits specified in RCW 46.44.042: *And provided further,* That the gross weight of a three or more axle truck operated in combination with a two or three-axle trailer shall not exceed seventy-six thousand pounds, and the gross weight for a three or more axle truck tractor operated in combination with a semitrailer shall not exceed seventy-three thousand two hundred eighty pounds except where the semitrailer is eligible to carry a gross load of thirty-six thousand pounds pursuant to the provisions of RCW 46.44.040, in which event the maximum gross weight of the combination shall not exceed seventy-six thousand pounds. The minimum additional tonnage to be purchased pursuant to this paragraph for a three or more axle tractor to be operated in combination with a semitrailer shall be not less than one thousand two hundred and eighty pounds. The permits provided for in the two preceding paragraphs shall be known as class A additional tonnage permits.

In addition to the gross weight purchased pursuant to RCW 46.16.070, 46.16.115, 46.44.037, and the foregoing provisions of this section and where, in the case of combinations of vehicles, the maximum gross weight permitted by law, including the preceding provisions of this section, has been purchased, a special permit for

additional gross weight may be issued by the state highway commission upon the payment of thirty-seven dollars and fifty cents per year for each one thousand pounds of such additional gross weight: *Provided*, The

tire limits specified in RCW 46.44.042 shall apply, and the gross weight on any single axle shall not exceed twenty thousand pounds and the gross load on any group of axles shall not exceed the following table:

| Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles | Maximum load in pounds carried on any group of 2 or more consecutive axles | | | | | | | | |
|---|--|------------|------------|------------|------------|------------|------------|------------|--|
| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles | 9 axles | |
| 4 | 34,000 | | | | | | | | |
| 5 | 34,000 | | | | | | | | |
| 6 | 34,000 | | | | | | | | |
| 7 | 34,000 | | | | | | | | |
| 8 | 34,000 | 42,000 | | | | | | | |
| 9 | 39,000 | 42,500 | | | | | | | |
| 10 | 40,000 | 43,500 | | | | | | | |
| 11 | | 44,000 | | | | | | | |
| 12 | | 45,000 | 50,000 | | | | | | |
| 13 | | 45,500 | 50,500 | | | | | | |
| 14 | | 46,500 | 51,500 | | | | | | |
| 15 | | 47,000 | 52,000 | | | | | | |
| 16 | | 48,000 | 52,500 | 58,000 | | | | | |
| 17 | | 48,500 | 53,500 | 58,500 | | | | | |
| 18 | | 49,500 | 54,000 | 59,000 | | | | | |
| 19 | | 50,000 | 54,500 | 60,000 | | | | | |
| 20 | | 51,000 | 55,500 | 60,500 | 66,000 | | | | |
| 21 | | 51,500 | 56,000 | 61,000 | 66,500 | | | | |
| 22 | | 52,500 | 56,500 | 61,500 | 67,000 | | | | |
| 23 | | 53,000 | 57,500 | 62,500 | 68,000 | | | | |
| 24 | | 54,000 | 58,000 | 63,000 | 68,500 | 74,000 | | | |
| 25 | | 54,500 | 58,500 | 64,500 | 69,000 | 74,500 | | | |
| 26 | | 55,500 | 59,500 | 65,000 | 69,500 | 75,000 | | | |
| 27 | | 56,000 | 60,000 | 65,000 | 70,000 | 75,500 | | | |
| 28 | | 57,000 | 60,500 | 65,500 | 71,000 | 76,500 | 82,000 | | |
| 29 | | 57,500 | 61,500 | 66,000 | 71,500 | 77,000 | 82,500 | | |
| 30 | | 58,500 | 62,000 | 66,500 | 72,000 | 77,500 | 83,000 | | |
| 31 | | 59,000 | 62,500 | 67,500 | 72,500 | 78,000 | 83,500 | | |
| 32 | | 60,000 | 63,500 | 68,000 | 73,000 | 78,500 | 84,500 | 90,000 | |
| 33 | | | 64,000 | 68,500 | 74,000 | 79,000 | 85,000 | 90,500 | |
| 34 | | | 64,500 | 69,000 | 74,500 | 80,000 | 85,500 | 91,000 | |
| 35 | | | 65,500 | 70,000 | 75,000 | 80,500 | 86,000 | 91,500 | |
| 36 | | | 66,000 | 70,500 | 75,500 | 81,000 | 86,500 | 92,000 | |
| 37 | | | 66,500 | 71,000 | 76,000 | 81,500 | 87,000 | 93,000 | |
| 38 | | | 67,500 | 72,000 | 77,000 | 82,000 | 87,500 | 93,500 | |
| 39 | | | 68,000 | 72,500 | 77,500 | 82,500 | 88,500 | 94,000 | |
| 40 | | | 68,500 | 73,000 | 78,000 | 83,500 | 89,000 | 94,500 | |
| 41 | | | 69,500 | 73,500 | 78,500 | 84,000 | 89,500 | 95,000 | |
| 42 | | | 70,000 | 74,000 | 79,000 | 84,500 | 90,000 | 95,500 | |
| 43 | | | 70,500 | 75,000 | 80,000 | 85,000 | 90,500 | 96,000 | |
| 44 | | | 71,500 | 75,500 | 80,500 | 85,500 | 91,000 | 96,500 | |
| 45 | | | 72,000 | 76,000 | 81,000 | 86,000 | 91,500 | 97,500 | |
| 46 | | | 72,500 | 76,500 | 81,500 | 87,000 | 92,500 | 98,000 | |

| Dis- tance in feet between the ex- tremes of any group of 2 or more consecu- tive axles | Maximum load in pounds carried on any group of 2 or more consecutive axles | | | | | | | |
|---|--|------------|------------|------------|------------|------------|------------|------------|
| | 2 axles | 3 axles | 4 axles | 5 axles | 6 axles | 7 axles | 8 axles | 9 axles |
| 47 | | | 73,500 | 77,500 | 82,000 | 87,500 | 93,000 | 98,500 |
| 48 | | | 74,000 | 78,000 | 83,000 | 88,000 | 93,500 | 99,000 |
| 49 | | | 74,500 | 78,500 | 83,500 | 88,500 | 94,000 | 99,500 |
| 50 | | | 75,500 | 79,000 | 84,000 | 89,000 | 94,500 | 100,000 |
| 51 | | | 76,000 | 80,000 | 84,500 | 89,500 | 95,000 | 100,500 |
| 52 | | | 76,500 | 80,500 | 85,000 | 90,500 | 95,500 | 101,000 |
| 53 | | | 77,500 | 81,000 | 86,000 | 91,000 | 96,500 | 102,000 |
| 54 | | | 78,000 | 81,500 | 86,500 | 91,500 | 97,000 | 102,500 |
| 55 | | | 78,500 | 82,500 | 87,500 | 92,000 | 97,500 | 103,000 |
| 56 | | | 79,500 | 83,000 | 87,500 | 92,500 | 98,000 | 103,500 |
| 57 | | | 80,000 | 83,500 | 88,000 | 93,000 | 98,500 | 104,000 |
| 58 | | | | 84,000 | 89,000 | 94,000 | 99,000 | 104,500 |
| 59 | | | | 85,000 | 89,500 | 94,500 | 99,500 | 105,000 |
| 60 | | | | 85,500 | 90,000 | 95,000 | 100,500 | 105,500 |

Permits issued pursuant to the foregoing paragraph shall be known as class B additional tonnage permits.

The special permits provided for in this section shall be issued under such rules and regulations and upon such terms and conditions as may be prescribed by the state highway commission. Such special permits shall entitle the permittee to carry such additional load in such an amount and upon such highways or sections of highways as may be determined by the state highway commission to be capable of withstanding such increased gross load without undue injury to the highway: *Provided*, That the permits shall not be valid on any highway where the use of such permits would deprive this state of federal funds for highway purposes.

The annual additional tonnage permits provided for in this section shall commence on the first of January of each year. The permits may be purchased at any time, and if they are purchased for less than a full year, the fee shall be one-twelfth of the full fee multiplied by the number of months, including any fraction thereof, covered by the permit. When the department issues a duplicate permit to replace a lost or destroyed permit and where the department transfers a permit from one vehicle to another a fee of five dollars shall be charged for each such duplicate issued or each such transfer. The state highway commission shall issue such special permits on a temporary basis for periods not less than ten days at a fee of one dollar per day in the case of class A permits and not less than five days at two dollars per day in the case of class B permits.

The fees levied in RCW 46.44.094 and this section shall not apply to any vehicles owned and operated by the state of Washington, any county within the state or

any city or town or metropolitan municipal corporation within the state, or by the federal government.

In the case of fleets prorating license fees under the provisions of chapter 46.85 RCW the fees provided for in RCW 46.44.037 and 46.44.095 shall be computed by the state highway commission by applying the proportion of the Washington mileage of the fleet in question to the total mileage of the fleet as reported pursuant to chapter 46.85 RCW to the fees that would be required to purchase the additional weight allowance for all eligible vehicles or combinations of vehicles for which the extra weight allowance is requested.

The state highway commission shall prorate the fees provided in RCW 46.44.037 and 46.44.095 only if the name of the operator or owner is submitted on official listings of authorized fleet operators furnished by the department of motor vehicles. Listings furnished shall also include the percentage of mileage operated in Washington, which shall be the same percentage as determined by the department of motor vehicles, for purposes of prorating license fees. [1974 1st ex.s. c 76 § 1; 1973 1st ex.s. c 150 § 3; 1969 ex.s. c 281 § 55; 1967 ex.s. c 94 § 15; 1967 c 32 § 51; 1965 ex.s. c 170 § 38; 1961 ex.s. c 7 § 15; 1961 c 12 § 46.44.095. Prior: 1959 c 319 § 31; 1957 c 273 § 18; 1955 c 185 § 1; 1953 c 254 § 13; 1951 c 269 § 39; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Single cab card in lieu of special weight permit: RCW 46.86.040.

46.44.096 Special permits for oversize or overweight movements—Determining fee—To whom paid. In determining fees according to RCW 46.44.094, mileage

on state primary and secondary highways shall be determined from the planning survey records of the department of highways and the gross weight of the vehicle or vehicles, including load, shall be declared by the applicant. Overweight on which fees shall be paid will be gross loadings in excess of loadings authorized by law or axle loadings in excess of loadings authorized by law, whichever is the greater. Loads which are overweight and oversize shall be charged the fee for the overweight permit without additional fees being assessed for the oversize features.

Fees established in RCW 46.44.094 shall be paid to the political body issuing the permit if the entire movement is to be confined to roads, streets or highways for which that political body is responsible; when a movement involves a combination of state highways, county roads and/or city streets the fee shall be paid to the state highway commission. When a movement is confined within the city limits of a city or town upon city streets, including routes of state highways on city streets, all fees shall be paid to the city or town involved. A permit will not be required from city or town authorities for a move involving a combination of city or town streets and state highways when the move through a city or town is being confined to the route of the state highway. When a move involves a combination of county roads and city streets the fee shall be paid to the county authorities, but the fee shall not be collected nor the county permit issued until valid permits are presented showing the city or town authorities approve of the move in question. When the movement involves only county roads the fees collected shall be paid to the county involved. Fees established shall be paid to the political body issuing the permit if the entire use of the vehicle during the period covered by the permit shall be confined to the roads, streets, or highways for which that political body is responsible.

If, pursuant to RCW 46.44.090, cities or counties issue additional tonnage permits similar to those provided for issuance by the state highway commission in RCW 46.44.095, the state highway commission shall authorize the use of such additional tonnage permits on state highways subject to the following conditions:

(1) The owner of the vehicle covered by such permit shall establish to the satisfaction of the state highway department that the primary use of the vehicle is on the streets or roads of the city or county issuing the additional tonnage permit.

(2) That the fees paid for such additional tonnage are not less than those established in RCW 46.44.095.

(3) That the city or county issuing such permit shall allow the use of permits issued by the state pursuant to RCW 46.44.095 on the streets or roads under its jurisdiction.

(4) That all of the provisions of RCW 46.44.040, 46.44.042 and 46.44.044 shall be observed.

When the department of highways is satisfied that the above conditions have been complied with the state highway department by suitable endorsement on the permit shall authorize its use on such highways as the state highway commission has authorized for such permits pursuant to RCW 46.44.095, and all such use of

such highways shall be subject to whatever rules and regulations the state highway commission has adopted for such permits. [1971 ex.s. c 248 § 4; 1969 ex.s. c 281 § 31; 1961 c 12 § 46.44.096. Prior: 1955 c 185 § 2; 1951 c 269 § 40; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

Reviser's note: The provisions of RCW 41.44.094 expired July 1, 1967; later enactment see RCW 46.44.0941.

46.44.097 Special permits for oversize or overweight movements—Misrepresentation and violations—Penalty—Display of special permit—Cancellation—Time limitation on issuance of new permit. Any person who misrepresents the size or weight of any load in obtaining a special permit or does not follow the requirements and conditions of the special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars or more than one hundred dollars.

Any person who operates any vehicle, the gross weight of which is in excess of the maximum for which such vehicle may be eligible for license, or in excess of legal size limitations, without first obtaining a special permit is guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars.

Every special permit issued hereunder shall be carried in the vehicle or combination of vehicles to which it refers and shall be open to inspection by any peace officer or authorized agent of any authority granting such permit.

Upon the third conviction within a calendar year for violation of the requirements and conditions of a special permit issued under RCW 46.44.095 as now or hereafter amended, the special permit shall be canceled, and the canceled conditions of a special permit issued permit shall be immediately transmitted by the court or the arresting officer to the department of highways, and for the purposes of this section bail forfeiture shall be considered as a conviction. The vehicle covered by such canceled special permit shall not be eligible for a new special permit for a period of thirty days. [1971 ex.s. c 249 § 1; 1961 c 12 § 46.44.097. Prior: 1957 c 273 § 19; 1953 c 254 § 14; 1951 c 269 § 41; prior: 1949 c 221 § 3, part; 1947 c 200 § 7, part; 1945 c 177 § 1, part; 1937 c 189 § 55, part; Rem. Supp. 1949 § 6360-55, part.]

46.44.098 Special permits for operation of oversize and overweight vehicles on interstate system and state highways—Conditions and limitations—Eligibility—Exceptions—Fees. In the event the congress of the United States further amends section 127, Title 23 of the United States Code, authorizing increased sizes and weights, the Washington state highway commission may authorize, by permit, the operation of vehicles and combinations of vehicles upon completed portions of the interstate highway system and other designated state highways as the commission may authorize if determined to be capable of accommodating the increased sizes and weights in excess of those prescribed in RCW 46.44.040 and 46.44.044, or as provided in RCW 46.44.010 and 46.44.037. Such permitted increases shall not

in any way exceed the federal limits which would jeopardize the state's allotment of federal funds. Permits issued under this provision may be issued upon payment of a fee in the amount of sixty dollars per two thousand pounds in excess weight per year over and above the maximum fees levied in RCW 46.44.037, 46.44.047 and 46.44.095 relating to permits issued to combinations of vehicles. Other vehicles or combinations of vehicles, to be eligible for said permit, must be licensed to the maximum limits prescribed in RCW 46.44.040. The fees provided herein shall be subject to quarterly reduction and proration as provided in RCW 46.44.047 and 46.44.095. The fees levied in this section shall not apply to vehicles owned and operated by the state of Washington, any county within the state or any city or town within the state, or by the federal government. All fees collected shall be deposited in the motor vehicle fund. [1965 c 38 § 1.]

46.44.099 Special permits for operation of oversize and overweight vehicles on interstate system and state highways—Violation of permit conditions—Confiscation—Hearing. Any state highway patrol officer who shall find any person operating a vehicle or a combination of vehicles in violation of the conditions of the special permit issued under RCW 46.44.098 may confiscate such permit and forward the same to the state highway commission which may return it to the permittee or revoke, cancel or suspend it without refund. The state highway commission shall keep a record of all action taken upon permits so confiscated and if a permit shall be returned to the permittee the action taken by the commission shall be endorsed thereon. Any permittee whose permit is suspended or revoked may upon request receive a hearing before the commission or person designated by the commission. The commission after such hearing may reinstate any permit or revise its previous action. [1965 c 38 § 2.]

46.44.100 Enforcement—Weighing and lightening. Any police officer is authorized to require the driver of any vehicle or combination of vehicles to stop and submit to a weighing of the same either by means of a portable or stationary scale and may require that such vehicle be driven to the nearest public scale.

Whenever a police officer, upon weighing a vehicle and load, as above provided, determines that the weight is unlawful, such officer may, in addition to any other penalty provided, require the driver to stop the vehicle in a suitable place and remain standing until such portion of the load is removed as may be necessary to reduce the gross weight of such vehicle to such limit as permitted under this chapter: *Provided*, That in the event such vehicle is loaded with grain or other perishable commodities, the driver shall be permitted to proceed without removing any of such load, unless the gross weight of the vehicle and load exceeds by more than ten percent the limit permitted by this chapter. All materials unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator.

It shall be unlawful for any driver of a vehicle to fail or refuse to stop and submit the vehicle and load to a weighing, or to fail or refuse, when directed by an officer upon a weighing of the vehicle to stop the vehicle and otherwise comply with the provisions of this section. [1971 ex.s. c 148 § 2; 1967 c 32 § 52; 1961 c 12 § 46.44.100. Prior: 1937 c 189 § 56; RRS § 6360–56.]

46.44.110 Liability for damage to highways, bridges, etc. Any person operating any vehicle or moving any object or conveyance upon any public highway in this state or upon any bridge or elevated structure which is a part of any such public highway shall be liable for all damages which said public highway, bridge or elevated structure may sustain as a result of any illegal operation of such vehicle or the moving of any such object or conveyance or as a result of the operation or moving of any vehicle, object or conveyance weighing in excess of the legal weight limits allowed by law. This section shall apply to any person operating any vehicle or moving any object or contrivance in any illegal or negligent manner or without a special permit as by law provided for vehicles, objects or contrivances of overweight, overwidth, overheight or overlength. Any person operating any vehicle shall be liable for any damage to any public highway, bridge or elevated structure sustained as the result of any negligent operation thereof. When such operator is not the owner of such vehicle, object or contrivance but is so operating or moving the same with the express or implied permission of the owner thereof, then said owner and the operator shall be jointly and severally liable for any such damage. Such damage to any state highway or structure may be recovered in a civil action instituted in the name of the state of Washington by the state highway commission. Any measure of damage to any public highway determined by the state highway commission by reason of this section shall be prima facie the amount of damage caused thereby and shall be presumed to be the amount recoverable in any civil action therefor. [1961 c 12 § 46.44.110. Prior: 1937 c 189 § 57; RRS 6360–57.]

46.44.120 Liability of owner, others, for violations. Whenever an act or omission is declared to be unlawful in chapter 46.44 RCW, the owner of any motor vehicle involved in such act or omission shall be responsible therefor. Any person operating such vehicle, and any persons knowingly and intentionally participating in creating an unlawful condition of use, shall also be subject to the penalties provided in this chapter for such unlawful act or omission. [1971 ex.s. c 148 § 1; 1969 ex.s. c 69 § 1.]

46.44.130 Farm implements—Gross weight limitation exception—Penalty. The limitations of RCW 46.44.010, 46.44.020 and 46.44.040 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission and the statutes. Violation

of a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1973 1st ex.s. c 1 § 1.]

46.44.140 Farm implements—Special permits—Penalty. In addition to any other special permits authorized by law, special permits may be issued by the highway commission for a quarterly or annual period upon such terms and conditions as it shall find proper for the movement of (1) farm implements used for the cutting or threshing of mature crops; or (2) other farm implements as may be identified by rule of the highway commission. Any farm implement moved under this section must have a gross weight less than forty-five thousand pounds and a total outside width of less than twenty feet while being moved and such movement must be patrolled, flagged, lighted, signed, at a time of day and otherwise in accordance with rules hereby authorized to be adopted by the highway commission for the control of such movements.

Applications for and permits issued under this section shall provide for a description of the farm implements to be moved, the approximate dates of movement and the routes of movement so far as they are reasonably known to the applicant at the time of application, but the permit shall not be limited to these circumstances but shall be general in its application except as limited by the statutes and rules adopted by the highway commission.

A copy of the governing permit shall be carried on the farm implement being moved during the period of its movement. The highway commission shall collect a fee as provided in RCW 46.44.0941.

Violation of a term or condition under which a permit was issued, or a rule adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor. [1973 1st ex.s. c 1 § 2.]

Chapter 46.48 SAFETY

Sections

EXPLOSIVES AND FLAMMABLES

- 46.48.170 State patrol jurisdiction over safety in transport of dangerous articles—Rules and regulations.
46.48.175 State patrol jurisdiction over safety in transport of dangerous articles—Violation of rules, misdemeanor.
46.48.180 State patrol jurisdiction over safety in transport of dangerous articles—Study directed to insure uniformity of regulations.
46.48.190 Advisory committee to be created.

EXPLOSIVES AND FLAMMABLES

46.48.170 State patrol jurisdiction over safety in transport of dangerous articles—Rules and regulations. The Washington state patrol acting by and through the chief of the Washington state patrol, together with the committee created by RCW 46.48.190 shall have jurisdiction over the safety in the transportation of explosives, flammable materials, corrosives, compressed gases, poisons, oxidizing materials and other dangerous articles upon the public highways of this state and shall

have power to make rules and regulations pertaining thereto, sufficient to protect persons and property from unreasonable risk of harm or damage. No such rules or regulations shall be inconsistent with the rules and regulations of the interstate commerce commission issued under authority of the "Transportation of Explosives act" (62 Stat. 738, 18 U.S.C.A., pp. 831-835). The chief of the Washington state patrol shall appoint the necessary qualified personnel to carry out the provisions of RCW 46.48.170 through 46.48.190. [1961 c 12 § 46.48.170. Prior: 1951 c 102 § 1; 1949 c 101 § 1; Rem. Supp. 1949 § 6360-63a.]

46.48.175 State patrol jurisdiction over safety in transport of dangerous articles—Violation of rules, misdemeanor. Each violation of any rules and/or regulations made pursuant to RCW 46.48.170 shall be a misdemeanor. [1961 c 12 § 46.48.175. Prior: 1951 c 102 § 2.]

46.48.180 State patrol jurisdiction over safety in transport of dangerous articles—Study directed to insure uniformity of regulations. It shall be the duty of the Washington state patrol to make a study of the interstate commerce commission regulations pertaining to the transportation of the materials described in RCW 46.48.170, and the laws of this state pertaining to the same subject in order that the chief of the Washington state patrol may make necessary and proper recommendations to the legislature and state departments from time to time to bring about uniformity between the laws and regulations of the federal government and this state in regard to the transportation of such materials. [1961 c 12 § 46.48.180. Prior: 1949 c 101 § 2; Rem. Supp. 1949 § 6360-63b.]

46.48.190 Advisory committee to be created. The chief of the Washington state patrol shall appoint a committee to serve in a purely technical advisory capacity to aid in the study and evaluation of proposed regulations concerning safety in the transportation of materials described in RCW 46.48.170. The technical advisory committee shall consist of five citizens of the state employed in the following designated enterprises: One appointed each from the explosive industry, the petroleum industry, the chemical industry, the trucking industry and a representative appointed by the Washington state association of fire chiefs. [1961 c 12 § 46.48.190. Prior: 1949 c 101 § 3; Rem. Supp. 1949 § 6360-63c.]

Chapter 46.52 ACCIDENTS—REPORTS—ABANDONED VEHICLES

Sections

- 46.52.010 Duty on striking unattended car or other property.
46.52.020 Duty in case of injury to or death of person or damage to attended vehicle.
46.52.030 Accident reports.
46.52.035 Accident reports—Suspension of license or permit for failure to make report.
46.52.040 Accident reports—Report when operator disabled.
46.52.050 Coroner's reports to sheriff and state patrol.

- 46.52.060 Tabulation and analysis of reports—Availability for use.
- 46.52.065 Coroners to submit blood samples to state toxicologist—Analysis—Utilization of reports.
- 46.52.070 Police officer's report.
- 46.52.080 Confidentiality of reports—Information required to be disclosed—Evidence.
- 46.52.083 Confidentiality of reports—Availability of factual data to interested parties.
- 46.52.085 Confidentiality of reports—Fee for written information.
- 46.52.090 Reports by repairmen, storage men and appraisers—Violations, penalties.
- 46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs, penalty.
- 46.52.102 Definitions.
- 46.52.104 Registered owner transferring vehicle relieved of liability upon compliance with section.
- 46.52.106 Owner of record presumed liable for costs when vehicle abandoned—Exception.
- 46.52.108 Appointment of tow truck operator to dispose of vehicles and hulks—Bond—Compliance required.
- 46.52.110 Stolen and abandoned vehicles—Reports of—Notice—Disposition.
- 46.52.111 Removal and storage of vehicle or hulk—Lien—Notices—Contents.
- 46.52.112 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency.
- 46.52.113 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal.
- 46.52.114 Tow truck operator's lien—Unclaimed vehicle deemed abandoned.
- 46.52.115 Rules and regulations of department of motor vehicles—Establishment.
- 46.52.116 City or county ordinances for disposition of abandoned vehicles authorized—When vehicles deemed abandoned—Procedure.
- 46.52.117 City or county ordinances for abatement and removal of abandoned vehicles or hulks on private property authorized—Contents.
- 46.52.119 Person owning or in possession of real property may have abandoned vehicle removed and impounded—Report—Lien.
- 46.52.120 Case record of convictions—Cross reference to accident reports.
- 46.52.130 Abstract of driving record to be furnished insurance company, employers—Confidentiality—Fees—Penalty.
- 46.52.145 Abandoned junk motor vehicles—Definitions.
- 46.52.150 Abandoned junk motor vehicles—Authorizing disposal of—Record—Disposition of moneys from.
- 46.52.160 Abandoned junk motor vehicles—Violations constituting abandoning—Evidence—Penalty.

Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.

Motor vehicle wreckers: Chapter 46.80 RCW.

46.52.010 Duty on striking unattended car or other property. The operator of any vehicle which collided with any other vehicle which is unattended shall immediately stop and shall then and there either locate and notify the operator or owner of such vehicle of the name and address of the operator and owner of the vehicle striking the unattended vehicle or shall leave in a conspicuous place in the vehicle struck a written notice, giving the name and address of the operator and of the owner of the vehicle striking such other vehicle.

The driver of any vehicle involved in an accident resulting only in damage to property fixed or placed upon or adjacent to any public highway shall take reasonable steps to locate and notify the owner or person in charge of such property of such fact and of the name and address of the operator and owner of the vehicle striking

such property, or shall leave in a conspicuous place upon the property struck a written notice, giving the name and address of the operator and of the owner of the vehicle so striking the property, and such person shall further make report of such accident as in the case of other accidents upon the public highways of this state. [1961 c 12 § 46.52.010. Prior: 1937 c 189 § 133; RRS § 6360-133; 1927 c 309 § 50, part; RRS § 6362-50, part.]

46.52.020 Duty in case of injury to or death of person or damage to attended vehicle. (1) A driver of any vehicle involved in an accident resulting in the injury to or death of any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to, and in every event remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(2) The driver of any vehicle involved in an accident resulting only in damage to a vehicle which is driven or attended by any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible and shall forthwith return to, and in any event shall remain at, the scene of such accident until he has fulfilled the requirements of subdivision (3) of this section;

(3) The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and vehicle license number and shall exhibit his vehicle driver's license to any person struck or injured or the driver or any occupant of, or any person attending, any such vehicle collided with and shall render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician or hospital for medical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person or on his behalf. Under no circumstances shall the rendering of assistance or other compliance with the provisions of this subsection be evidence of the liability of any driver for such accident;

(4) Any person failing to stop or to comply with any of the requirements of subdivision (3) of this section under said circumstances shall, upon conviction, be punished by imprisonment for not less than thirty days nor more than one year or by a fine of not less than one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment: *Provided*, That this provision shall not apply to any person injured or incapacitated by such accident to the extent of being physically incapable of complying herewith;

(5) Upon notice of conviction of any person under the provisions of this section, the vehicle driver's license of the person so convicted shall be revoked by the director. [1967 c 32 § 53; 1961 c 12 § 46.52.020. Prior: 1937 c 189 § 134; RRS § 6360-134; 1927 c 309 § 50, part; RRS § 6362-50, part.]

46.52.030 Accident reports. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to the property of any one person to an apparent extent of one hundred dollars or more, shall, within twenty-four hours after such accident, make a written report of such accident to the chief of police of the city or town if such accident occurred within an incorporated city or town or the county sheriff or state patrol if such accident occurred outside incorporated cities and towns, the original of such report to be immediately forwarded by the authority receiving such report to the chief of the Washington state patrol at Olympia, Washington, and the second copy of such report to be forwarded to the department of motor vehicles at Olympia, Washington. The chief of the Washington state patrol may require any driver of any vehicle involved in an accident, of which report must be made as provided in this section, to file supplemental reports whenever the original report in his opinion is insufficient and may likewise require witnesses of any such accident to render reports. For this purpose, the chief of the Washington state patrol shall prepare and, upon request, supply to any police department, coroner, sheriff and any other suitable agency or individual, sample forms of accident reports required hereunder, which reports shall be upon a form devised by the chief of the Washington state patrol and shall call for sufficiently detailed information to disclose all material facts with reference to the accident to be reported thereon, including the location, the cause, the conditions then existing, and the persons and vehicles involved, personal injury or death, if any, the amounts of property damage claimed, the total number of vehicles involved, whether the vehicles were legally parked or moving, and whether such vehicles were occupied at the time of the accident. Every required accident report shall be made on a form prescribed by the chief of the Washington state patrol and each authority charged with the duty of receiving such reports shall provide sufficient report forms in compliance with the form devised. The report forms shall be designated so as to provide that a copy may be retained by the reporting person. [1969 ex.s. c 40 § 2; 1967 c 32 § 54; 1965 ex.s. c 119 § 1; 1961 c 12 § 46.52.030. Prior: 1943 c 154 § 1; 1937 c 189 § 135; RRS § 6360-135.]

46.52.035 Accident reports—Suspension of license or permit for failure to make report. The director shall suspend the license or permit to drive and any nonresident operating privileges of any person failing to report an accident as provided in RCW 46.52.030 until such report has been filed. [1965 ex.s. c 119 § 2.]

46.52.040 Accident reports—Report when operator disabled. Whenever the driver of the vehicle involved in any accident, concerning which accident report is required, is physically incapable of making the required accident report and there is another occupant other than a passenger for hire therein, in the vehicle at the time of the accident capable of making a report, such occupant shall make or cause to be made such report. Upon recovery such driver shall make such report in

the manner required by law. [1967 c 32 § 55; 1961 c 12 § 46.52.040. Prior: 1937 c 189 § 136; RRS § 6360-136.]

46.52.050 Coroner's reports to sheriff and state patrol. Every coroner or other official performing like functions shall on or before the tenth day of each month, report in writing to the sheriff of the county in which he holds office and to the chief of the Washington state patrol the death of any person within his jurisdiction during the preceding calendar month as a result of an accident involving any vehicle, together with the circumstances of such accident. [1961 c 12 § 46.52.050. Prior: 1937 c 189 § 137; RRS § 6360-137.]

46.52.060 Tabulation and analysis of reports—Availability for use. It shall be the duty of the chief of the Washington state patrol to file, tabulate and analyze all accident reports and to publish annually, immediately following the close of each calendar year, and monthly during the course of the calendar year, statistical information based thereon showing the number of accidents, the location, the frequency and circumstances thereof and other statistical information which may prove of assistance in determining the cause of vehicular accidents.

Such accident reports and analysis or reports thereof shall be available to the director of motor vehicles, the highway commission, the utilities and transportation commission, or their duly authorized representatives, for further tabulation and analysis for pertinent data relating to the regulation of highway traffic, highway construction, vehicle operators and all other purposes, and to publish information so derived as may be deemed of publication value. [1967 c 32 § 56; 1961 c 12 § 46.52.060. Prior: 1937 c 189 § 138; RRS § 6360-138.]

46.52.065 Coroners to submit blood samples to state toxicologist—Analysis—Utilization of reports. Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians age fifteen years and older who are killed in any traffic accident where the death occurred within four hours after the accident. Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential, and shall not be utilized as evidence in any civil or criminal action, except that the results of these analyses shall be reported to the state patrol, and may be made available to the prosecuting attorney or law enforcement agencies having jurisdiction in any case in which an autopsy or post mortem is performed. [1971 ex.s. c 270 § 1.]

46.52.070 Police officer's report. Any police officer of the state of Washington or of any county, city, town or other political subdivision, present at the scene of any accident or in possession of any facts concerning

any accident whether by way of official investigation or otherwise shall make report thereof in the same manner as required of the parties to such accident and as fully as the facts in his possession concerning such accident will permit. [1967 c 32 § 57; 1961 c 12 § 46.52.070. Prior: 1937 c 189 § 139; RRS § 6360-139.]

46.52.080 Confidentiality of reports—Information required to be disclosed—Evidence. All required accident reports and supplemental reports and copies thereof shall be without prejudice to the individual so reporting and shall be for the confidential use of the county prosecuting attorney and chief of police or county sheriff, as the case may be, and the director of motor vehicles and the chief of the Washington state patrol, and other officer or commission as authorized by law, except that any such officer shall disclose the names and addresses of persons reported as involved in an accident or as witnesses thereto, the vehicle license plate numbers and descriptions of vehicles involved, and the date, time and location of an accident, to any person who may have a proper interest therein, including the driver or drivers involved, or the legal guardian thereof, the parent of a minor driver, any person injured therein, the owner of vehicles or property damaged thereby, or any authorized representative of such an interested party, or the attorney or insurer thereof. No such accident report or copy thereof shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that any officer above named for receiving accident reports shall furnish, upon demand of any person who has, or who claims to have, made such a report, or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the chief of the Washington state patrol solely to prove a compliance or a failure to comply with the requirement that such a report be made in the manner required by law. [1967 c 32 § 58; 1965 ex.s. c 119 § 3; 1961 c 12 § 46.52.080. Prior: 1937 c 189 § 140; RRS § 6360-140.]

46.52.083 Confidentiality of reports—Availability of factual data to interested parties. All of the factual data submitted in report form by the officers, together with the signed statements of all witnesses, except the reports signed by the drivers involved in the accident, shall be made available upon request to the interested parties named in RCW 46.52.080. [1965 ex.s. c 119 § 4.]

46.52.085 Confidentiality of reports—Fee for written information. Any information authorized for release under RCW 46.52.080 and 46.52.083 may be furnished in written form for a fee of two dollars. All fees received by the Washington state patrol for such copies shall be deposited in the motor vehicle fund. [1971 ex.s. c 91 § 5; 1965 ex.s. c 119 § 5.]

46.52.090 Reports by repairmen, storage men and appraisers—Violations, penalties. Any person, firm, corporation or association engaged in the business of repair to motor vehicles or any person, firm, corporation or association which may at any time engage in the

repair of any motor vehicle or other vehicle owned by any other person, firm, corporation, or association, shall be and is hereby required to maintain a complete record of any and all vehicles repaired, the nature of the repair to which indicates the damage or injury could have been caused by collision with any person or property. Such report shall be made out and kept posted currently in duplicate, showing the name of the person for whom such repair is done, the date of such repair, the motor number of the vehicle if it be a motor vehicle, or the serial number of the vehicle if it be a trailer or semitrailer, the license number of the vehicle, a brief statement of the nature of such repair and the cost thereof. Such report should be certified by the person or a duly authorized representative of the firm, corporation or association performing such repairs, such certification stating that the foregoing report is a true and accurate report of all such repairs, performed during the period covered by said report and in any wise indicating that the injury or damage to such vehicle could have been caused by collision with any person or property. Any person, firm, corporation or association failing to submit such report shall be guilty of a gross misdemeanor and any person certifying to any such report containing fraudulent or untrue information or omitting any required information in any material respect shall be guilty of forgery. Such report shall be submitted on Monday of each week for the preceding calendar week, to the local authority to whom accident reports are required to be made. When such local authority shall have checked such reports for their own informational purposes, such reports shall be forwarded to the chief of the Washington state patrol, and such reports shall be forwarded within a period of ten days from the date of submission to such local authority. The person, firm, corporation or association performing such repairs shall retain the duplicate copy of such report in their permanent files and the same shall be open to inspection during business hours by any police officer or any person authorized by the chief of the Washington state patrol. Such report shall also be made by persons, firms or corporations providing storage or furnishing appraisals and shall contain the same record as required above of any such vehicles brought in for appraisal or storage. Forms for such records shall be prescribed by the chief of the Washington state patrol and may be obtained from the local authority to whom accident reports are made.

It shall be unlawful for any person to destroy or conceal any evidence of damage to a vehicle indicating that such damage could be the result of collision with any person or property without adequate record thereof and any person so doing shall be guilty of a gross misdemeanor. [1967 c 32 § 59; 1961 c 12 § 46.52.090. Prior: 1937 c 189 § 141; RRS § 6360-141.]

46.52.100 Record of traffic charges—Reports of convictions by courts—Venue in justice courts—Driving under influence of liquor or drugs, penalty. Every justice of the peace, police judge and clerk of superior court shall keep or cause to be kept a record of every traffic complaint, traffic citation or other legal form of

traffic charge deposited with or presented to said justice of the peace, police judge, superior court or a traffic violations bureau, and shall keep a record of every official action by said court or its traffic violations bureau in reference thereto, including but not limited to a record of every conviction, forfeiture of bail, judgment of acquittal and the amount of fine or forfeiture resulting from every said traffic complaint or citation deposited with or presented to the justice of the peace, police judge, superior court or traffic violations bureau.

The Monday following the conviction or forfeiture of bail of a person upon a charge of violating any provisions of this chapter or other law regulating the operating of vehicles on highways, every said magistrate of the court or clerk of the court of record in which such conviction was had or bail was forfeited shall prepare and immediately forward to the director of motor vehicles at Olympia an abstract of the record of said court covering the case in which said person was so convicted or forfeited bail, which abstract must be certified by the person so required to prepare the same to be true and correct. Report need not be made of any conviction involving the illegal parking or standing of a vehicle.

Said abstract must be made upon a form furnished by the director and shall include the name and address of the party charged, the number, if any, of his driver's or chauffeur's license, the registration number of the vehicle involved, the nature of the offense, the date of hearing, the plea, the judgment, or whether bail forfeited and the amount of the fine or forfeiture as the case may be.

Every court of record shall also forward a like report to the director upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

The failure of any such judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be grounds for removal therefrom.

The director shall keep all abstracts received hereunder at his office in Olympia and the same shall be open to public inspection during reasonable business hours.

Venue in all justice courts shall be before one of the two nearest justices of the peace in incorporated cities and towns nearest to the point the violation allegedly occurred: *Provided*, That in counties of class A and of the first class such cases may be tried in the county seat at the request of the defendant.

It shall be the duty of the officer, prosecuting attorney or city attorney signing the charge or information in any case involving a charge of driving under the influence of intoxicating liquor or any narcotic drug immediately to make request to the director for an abstract of convictions and forfeitures which the director shall furnish.

If a driver has a record of two or more convictions or forfeitures of the offense of operating a vehicle under the influence of or affected by the use of intoxicating liquor or any narcotic drug within a five year period, he shall, upon conviction, be fined not less than one hundred dollars and not more than one thousand dollars, and shall be sentenced to not less than thirty days and

not more than one year in the county jail and neither fine nor sentence shall be suspended; and the court shall revoke the driver's license.

If the driver at the time of the offense charged was without a driver's license because of a previous suspension or revocation, the minimum mandatory jail sentence and fine shall be ninety days in the county jail and a two hundred dollar fine. The penalty so imposed shall not be suspended. [1967 c 32 § 60; 1961 c 12 § 46.52.100. Prior: 1955 c 393 § 2; 1949 c 196 § 15; 1937 c 189 § 142; Rem. Supp. 1949 § 6360-142.]

46.52.102 Definitions. An "abandoned vehicle" for the purposes of this chapter shall mean any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance. An "abandoned automobile hulk" for the purposes of this chapter shall mean the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of vital parts or mechanisms and the application of a substantial amount of labor to effect repairs. [1969 ex.s. c 42 § 3.]

46.52.104 Registered owner transferring vehicle relieved of liability upon compliance with section. A registered owner transferring a motor vehicle shall be relieved from personal liability under RCW 46.52.106, 46.52.111, 46.52.112 and 46.52.117 if within five days of the transfer he transmits to the department of motor vehicles, on a form prescribed by the director of motor vehicles, notice that he has transferred his interest in the vehicle, the name of the transferee, and the date on which the transaction was made. [1969 ex.s. c 281 § 39.]

46.52.106 Owner of record presumed liable for costs when vehicle abandoned—Exception. The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing and disposing of such motor vehicle or automobile hulk. A registered owner who has complied with the requirements of RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section. [1969 ex.s. c 281 § 40; 1969 ex.s. c 42 § 4.]

46.52.108 Appointment of tow truck operator to dispose of vehicles and hulks—Bond—Compliance required. The director of the department of motor vehicles may appoint any tow truck operator engaged in removing and storing of abandoned motor vehicles for the purpose of disposing of certain abandoned vehicles and automobile hulks. Each such appointment shall be contingent upon the submission of an application to the director and the making of subsequent reports in such form and frequency as may be required by rule and regulation and upon the posting of a surety bond in the

amount of three thousand dollars to ensure compliance with RCW 46.52.111 and to compensate the owner of any vehicle that has been unlawfully sold as a result of any negligence or misconduct of the tow truck operator.

Any appointment may be canceled by the director upon evidence that the appointed tow truck operator is not complying with all laws, rules and regulations relative to the handling and disposition of abandoned motor vehicles.

Any tow truck operator under contract to a city or county for the impounding of vehicles shall comply with such administrative regulations relative to the handling and disposing of vehicles as may be promulgated by such city or county and as hereinafter set forth. [1969 ex.s. c 281 § 44; 1969 ex.s. c 42 § 5.]

46.52.110 Stolen and abandoned vehicles—Reports of—Notice—Disposition. It shall be the duty of the sheriff of every county, the chief of police or chief police officer of every incorporated city and town of this state, constables and members of the Washington state patrol to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, the person so reporting the same as stolen shall be guilty of a misdemeanor unless he shall report the recovery thereof to the sheriff, chief of police, or other chief police officer to whom such motor vehicle was reported as stolen.

Upon receipt of such information the chief of the Washington state patrol shall file the same in a "stolen vehicle index". He shall also file any reports of vehicles stolen in other states and reported to him as such. It shall be the duty of the chief of the Washington state patrol to keep a file record of all vehicles reported to him as recovered.

The chief of the Washington state patrol shall publish at least once a month a list of all vehicles reported as stolen and not reported as having been recovered and all abandoned vehicles and forward a copy of such list to every sheriff in this state, the chief of police or chief police officer of every incorporated city and town with a population in excess of three thousand inhabitants, each member of the Washington state patrol and the cognizant state officer of each state in the United States.

Such information shall be provided by the chief of the Washington state patrol for the use of the director of motor vehicles as will permit the director to check the motor or serial number set forth in any application for certificate of ownership or certificate of license registration against such "stolen vehicle index" and no such certificates shall be issued upon any vehicle recorded as stolen and the director shall immediately inform the chief of the Washington state patrol of any application upon any such vehicle.

It shall be the duty of the sheriff of every county, the chief of police or chief police officer of each incorporated city and town, members of the Washington state patrol and constables to report to the chief of the Washington state patrol all vehicles or automobile hulks

found abandoned on a public highway or at any other place and the same shall thereafter, at the direction of such law enforcement officer, be placed in the custody of a tow truck operator. [1969 ex.s. c 42 § 6; 1967 c 32 § 61; 1965 ex.s. c 23 § 2; 1963 c 44 § 1; 1961 c 12 § 46.52.110. Prior: 1937 c 189 § 143; RRS § 6360-143.]

46.52.111 Removal and storage of vehicle or hulk—Lien—Notices—Contents. Such tow truck operator shall take custody of such abandoned vehicle or automobile hulk, remove the same to the established place of business of the tow truck operator where the same shall be stored, and such tow truck operator shall have a lien upon such vehicle or hulk for services provided in the towing and storage of the same, and shall also have a claim against the last registered owner of such vehicle or hulk for services provided in the towing and storage of the same, not to exceed the sum of one hundred dollars. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

Within five days after receiving custody of such abandoned vehicle or automobile hulk, the tow truck operator shall give notice of his custody to the department of motor vehicles and the chief of the Washington state patrol and within five days after having received the name and address of the owner, he shall notify the registered and legal owner of the same with copies of such notice being sent to the chief of the Washington state patrol and to the department of motor vehicles. The notice to the registered and legal owner shall be sent by the tow truck operator to the last known address of said owner appearing on the records of the department of motor vehicles, and such notice shall be sent to the registered and legal owner by certified or registered mail with a five-day return receipt requested. Such notice shall contain a description of the vehicle or hulk including its license number and/or motor number if obtainable, and shall state the amount due the tow truck operator for services in the towing and storage of the same and the time and place of public sale if the amount remains unpaid.

The department of motor vehicles shall supply the last known names and addresses of registered and legal owners of abandoned vehicles or automobile hulks appearing on the records of the department to tow truck operators on request without charge. [1969 ex.s. c 281 § 41; 1969 ex.s. c 42 § 7.]

46.52.112 Sale of unclaimed vehicle or hulk—Procedure—Proceeds—Deficiency. If, after the expiration of fifteen days from the date of mailing of notice to the registered and legal owner, the vehicle or automobile hulk remains unclaimed and has not been listed as a stolen or recovered vehicle, then the tow truck operator having custody of such vehicle or hulk shall conduct a sale of the same at public auction after having first published a notice of the date, place and time of such auction in a newspaper of general circulation in the county in which the vehicle is located not less than three days before the date of such auction.

Such abandoned vehicle or automobile hulk shall be sold at such auction to the highest bidder. The proceeds of such sale, after deducting the towing and storage charges due the tow truck operator, including the cost of sale, which shall be computed as in a public auction sale of personal property by the sheriff, shall be certified one-half to the county treasurer of the county in which the vehicle is located to be credited to the county current expense fund, and one-half to the state treasurer to be credited to the highway safety fund. If the amount bid at the auction is insufficient to compensate the tow truck operator for his towing and storage charges and the cost of sale, such tow truck operator shall be entitled to assert a claim for any deficiency, not to exceed one hundred dollars less the amount bid at the auction, against the last registered owner of such vehicle or automobile hulk. A registered owner who has complied with RCW 46.52.104 in the transfer of ownership of the vehicle or hulk shall be relieved of liability under this section.

After the public auction and sale of any abandoned vehicle or automobile hulk as in this section provided, and after an application for certificate of title accompanied by applicable fees and taxes and supported by an appropriate affidavit reciting compliance with the procedures of this chapter has been submitted, the director of the department of motor vehicles shall issue a certificate of title showing ownership of the vehicle or automobile hulk in the name of the successful bidder at such auction. The issuance of such certificate of title by the director of the department of motor vehicles shall terminate any and all rights or claims of prior lienholders and all rights of former owners in and to such vehicle or automobile hulk.

The director of the department of motor vehicles shall establish such additional administrative rules and regulations, not inconsistent with the provisions of this chapter, as may be necessary to facilitate the disposition of abandoned vehicles and automobile hulks in those instances where the ownership of such a vehicle or hulk is not known. [1969 ex.s. c 281 § 42; 1969 ex.s. c 42 § 8.]

46.52.113 Vehicle left in garage for storage—When deemed abandoned—Notices—Disposal. Any vehicle left in a garage for storage more than five days where the same has not been left by the registered owner under a contract of storage and has not during such period been removed by a person leaving the same shall be an abandoned vehicle and notice shall be given to the registered and legal owner and to the chief of the Washington state patrol and to the department of motor vehicles of the existence of such abandoned vehicle. Any garage keeper failing to report such fact to the chief of the Washington state patrol and the department of motor vehicles within ten days after the commencement of such storage shall forfeit any claim for the storage of such vehicle. All such vehicles considered abandoned by being left in a garage shall be disposed of by the garage keeper in accordance with the procedure prescribed in RCW 46.52.111 and 46.52.112.

Except for the forfeiture of claim for storage as set forth herein for failure to report vehicles left in excess

of five days, nothing in this section shall be construed to impair any lien for storage accruing to a garage keeper under other law of this state. [1969 ex.s. c 42 § 9.]

46.52.114 Tow truck operator's lien—Unclaimed vehicle deemed abandoned. A tow truck operator bonded in accordance with RCW 46.52.108 who shall tow, transport or store any vehicle whether by contract or at the direction of any public officer, shall have a lien upon such vehicle so long as the same remains in his possession, for the charges for such towing, transportation or storage. If such a vehicle remains unclaimed for five days, it may be deemed abandoned and subject to the provisions of RCW 46.52.111 and 46.52.112. [1969 ex.s. c 42 § 10.]

46.52.115 Rules and regulations of department of motor vehicles—Establishment. The director of the department of motor vehicles, in cooperation with the chief of the Washington state patrol and other law enforcement agencies throughout this state, after appropriate notice and hearing, shall establish from time to time rules and regulations for the disposition of abandoned vehicles and abandoned automobile hulks not inconsistent with the provisions of this chapter. [1969 ex.s. c 281 § 45; 1969 ex.s. c 42 § 2.]

46.52.116 City or county ordinances for disposition of abandoned vehicles authorized—When vehicles deemed abandoned—Procedure. A city or county may adopt an ordinance or resolution establishing procedures for the disposition of abandoned vehicles. Any vehicle impounded pursuant to an ordinance or resolution of any city or county and left unclaimed for a period of fifteen days shall be deemed to be an abandoned vehicle, and at the expiration of such period said vehicle shall be deemed to be in the custody of the sheriff of the county where said vehicle is located and the sheriff of the county shall deliver the vehicle to a tow truck operator who shall dispose of such vehicle in the manner provided in RCW 46.52.111 and 46.52.112: *Provided*, That if the vehicle is of a model year ten or more years prior to the calendar year in which such vehicle is stored, the sheriff may be authorized to declare that such vehicle is a public nuisance, and may dispose of such vehicle without notice of sale, and in such case, the director of motor vehicles shall issue an appropriate bill of sale to the tow truck operator to dispose of the vehicle as he may determine. [1969 ex.s. c 42 § 11.]

46.52.117 City or county ordinances for abatement and removal of abandoned vehicles or hulks on private property authorized—Contents. Notwithstanding any other provision of law, a city, town, or county may adopt an ordinance establishing procedures for the abatement and removal as public nuisances of abandoned, wrecked, dismantled, or inoperative vehicles or automobile hulks or parts thereof from private property not including highways. Costs of removal may be assessed against the last registered owner of the vehicle or automobile hulk if the identity of such owner can be

determined, unless such owner in the transfer of ownership of such vehicle or automobile hulk has complied with RCW 46.52.104, or the costs may be assessed against the owner of the property on which the vehicle is stored.

Such ordinance shall contain:

(1) A provision requiring notice to the last registered owner of record and the property owner of record that a public hearing may be requested before the governing body of the city, town or county as designated by the governing body, and that if no hearing is requested, the vehicle or automobile hulk will be removed.

(2) A provision requiring that if a request for a hearing is received, a notice giving the time, location and date of such hearing on the question of abatement and removal of the vehicle or part thereof as a public nuisance shall be mailed, by certified or registered mail, with a five-day return requested, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(3) A provision that the ordinance shall not apply to (a) a vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (b) a vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, fenced according to the provisions of RCW 46.80.130.

(4) A provision that the owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, then the local agency shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such cost from the owner.

(5) A provision that after notice has been given of the intent of the city, town or county to dispose of the vehicle and after a hearing, if requested, has been held, the vehicle or part thereof, shall be removed, at the request of a law enforcement officer, and disposed of to a licensed auto wrecker with notice to the Washington state patrol and the department of motor vehicles that the vehicle has been wrecked. The city, town or county may operate such a disposal site when its governing body determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or may transfer such vehicle or parts to another governmental body provided such disposal shall be only as scrap. [1969 ex.s. c 281 § 43; 1969 ex.s. c 42 § 12.]

46.52.119 Person owning or in possession of real property may have abandoned vehicle removed and impounded—Report—Lien. Whenever any owner or person having possession or control of real property finds a vehicle standing upon such property without his consent, he is authorized to have such vehicle removed from such property and stored or held for its owner. Any towing firm providing such removal service shall promptly report the fact of a vehicle impound together with the license number, make, year and place of impound of such vehicle to the appropriate law enforcement agency, and shall post the authorized charges therefor prominently at its place of business, and the charges and costs incurred in the removal of any such vehicle as aforementioned shall be paid by such vehicle's owner, and shall be a lien upon said vehicle until paid, and said lien may be enforced as otherwise provided by law for the enforcement of towing or storage liens or liens generally. [1969 ex.s. c 208 § 1.]

46.52.120 Case record of convictions—Cross reference to accident reports. It shall be the duty of the director to keep a case record on every motor vehicle driver licensed under the laws of this state, together with information on each, showing all the convictions certified by the courts and an index cross reference record of each accident reported relating to such individuals with a brief statement of the cause of such accident, which index cross reference record shall be furnished to the director by the chief of the Washington state patrol, with reference to each driver involved in the reported accidents. Such records shall be for the confidential use of the director and the chief of the Washington state patrol and for such police officers or other cognizant public officials as may be designated by law. Such case records shall not be offered as evidence in any court except in case appeal is taken from the order of director, suspending, revoking, canceling, or refusing vehicle driver's license. It shall be the duty of the director to tabulate and analyze vehicle driver's case records and to suspend, revoke, cancel, or refuse any vehicle driver's license to any person when it is deemed from facts contained in the case record of such person that it is for the best interest of public safety that such person be denied the privilege of operating a motor vehicle. Whenever the director may order the vehicle driver's license of any such person suspended, revoked, or canceled, or shall refuse the issuance of vehicle driver's license, such suspension, revocation, cancellation, or refusal shall be final and effective unless appeal from the decision of the director shall be taken as provided by law. [1967 c 32 § 62; 1961 c 12 § 46.52.120. Prior: 1937 c 189 § 144; RRS § 6360-144.]

46.52.130 Abstract of driving record to be furnished insurance company, employers—Confidentiality—Fees—Penalty. The director shall upon request furnish any insurance company or its agent, having or considering the issuance of a policy of insurance and any employer or prospective employer of persons who

drive commercial motor vehicles or school buses a certified abstract of the driving record of any person, covering a period of not more than three years last past, whenever possible, which abstract shall include an enumeration of motor vehicle accidents in which such person has been involved. Such abstract shall indicate the total number of vehicles involved; whether the vehicles were legally parked or moving; whether such vehicles were occupied at the time of the accident; and any reported convictions or forfeitures of bail of such person upon a charge of violating any motor vehicle law. Such enumeration shall include any reports of failure to appear in response to a traffic citation served upon such person by an arresting officer. In addition thereto the director shall furnish such record to the person whose driving record is involved, upon such person's request: *Provided*, That the abstract herein provided to the insurance company shall have excluded therefrom any information pertaining to any occupational driver's license when the same is issued to any person employed by another or self-employed as a motor vehicle driver who during the five years preceding the request has been issued such a license by reason of a conviction of a motor vehicle offense outside the scope of his principal employment, and who has during such period been principally employed as a motor vehicle driver deriving the major portion of his income therefrom.

The director shall collect for each such abstract the sum of one dollar fifty cents which shall be deposited in the highway safety fund.

Any insurance company or its agent receiving such certified abstract shall use it exclusively for its own underwriting purposes and shall not divulge any of the information therein contained to a third party: *Provided*, That no policy of insurance shall be canceled on the basis of such information unless the policyholder was determined to be at fault: *Provided further*, That no insurance company or its agent for underwriting purposes relating to the operation of commercial motor vehicles shall use any information contained in the abstract relative to any person's operation of motor vehicles while not engaged in such employment.

Any employer or prospective employer receiving such certified abstract shall use it exclusively for his own purpose to determine whether the licensee should be permitted to operate a commercial vehicle or school bus upon the public highways of this state and shall not divulge any information therein contained to a third party.

Any violation of this section shall be a gross misdemeanor. [1973 1st ex.s. c 37 § 1; 1969 ex.s. c 40 § 3; 1967 c 174 § 2; 1967 c 32 § 63; 1963 c 169 § 65; 1961 ex.s. c 21 § 27.]

Abstract of driving record to be furnished: RCW 46.29.050.

Use of highway safety fund to defray cost of furnishing and maintaining driving records: RCW 46.68.060.

46.52.145 Abandoned junk motor vehicles—Definitions. For the purposes of RCW 46.52.145 through 46.52.160, unless a different meaning is plainly required:

(1) "Abandoned junk motor vehicle" means any motor vehicle substantially meeting the following requirements:

(a) Left on private property for more than seventy-two hours without the permission of the person having right to the possession of the property, or a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right of way of any road or highway, for forty-eight hours or longer;

(b) Three years old, or older;

(c) Extensively damaged, such damage including but not limited to any of the following: A broken window or windshield, missing wheels, tires, motor, or transmission;

(d) Apparently inoperable;

(e) Without a valid, current registration plate;

(f) Having a fair market value of fifty dollars or less.

(2) "Motor vehicle wrecker" means every person, firm, partnership, association, or corporation engaged in the business of buying, selling, or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling, or substantially changing the form of any motor vehicle, or who buys or sells integral secondhand parts of component material thereof, in whole or in part, and deals in secondhand motor vehicle parts.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling automobile salvage. [1971 ex.s. c 111 § 1.]

46.52.150 Abandoned junk motor vehicles—Authorizing disposal of—Record—Disposition of moneys from. Notwithstanding any other provision of law, any law enforcement officer having jurisdiction or any person authorized by the director of motor vehicles shall inspect and may authorize the disposal of an abandoned junk motor vehicle. The officer or authorized person shall record the make of such motor vehicle, the serial number if available, and shall also detail the damage or missing equipment to substantiate the value at fifty dollars or less.

Any moneys arising from the disposal of abandoned junk motor vehicle shall be deposited in the county general fund. [1971 ex.s. c 111 § 2.]

46.52.160 Abandoned junk motor vehicles—Violations constituting abandoning—Evidence—Penalty. No person shall wilfully leave an abandoned junk motor vehicle on private property for more than seventy-two hours without the permission of the person having the right to possession of the property, or on a public street or other property open to the public for purposes of vehicular travel or parking or upon or within the right of way of any road or highway, for forty-eight hours or longer without notification to the sheriff of the county or to the chief of police of a city or town of the reasons for leaving the motor vehicle in such a place.

For the purposes of this section, the fact that a motor vehicle has been so left without permission or notification is prima facie evidence of abandonment.

Any person convicted of abandoning a motor vehicle shall be fined not less than fifty nor more than one hundred dollars and shall also be assessed any costs incurred by the county in disposing of such abandoned junk motor vehicles, less any moneys accruing to the county from such disposal. [1971 ex.s. c 111 § 3.]

Chapter 46.61 RULES OF THE ROAD

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OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS

46.61.005 Provisions of chapter refer to vehicles upon the highways—Exceptions. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section.

(2) The provisions of RCW 46.52.010 through 46.52.090 and 46.61.500 through 46.61.520 shall apply upon highways and elsewhere throughout the state. [1965 ex.s. c 155 § 1.]

Reviser's note: RCW 46.52.010 through 46.52.090 relate to accident reports. Chapter 119, Laws of 1965 ex.s. being "AN ACT Relating to motor vehicle accident reports" amended RCW 46.52.030 and 46.52.080 and expressly added to chapter 46.52 RCW three new sections which are codified (in the order of their appearance in said chapter 119) as RCW 46.52.035, 46.52.083 and 46.52.085.

46.61.010 Required obedience to traffic laws. It is unlawful and, unless otherwise declared in this chapter with respect to particular offenses, it is a misdemeanor

for any person to do any act forbidden or fail to perform any act required in this chapter. [1965 ex.s. c 155 § 2.]

46.61.015 Obedience to police officers and flagmen.

No person shall wilfully fail or refuse to comply with any lawful order or direction of any duly authorized flagman or any police officer invested by law with authority to direct, control or regulate traffic. [1965 ex.s. c 155 § 3.]

46.61.020 Refusal to give information to or cooperate with officer.

It shall be unlawful for any person while operating or in charge of any vehicle to refuse when requested by a police officer to give his name and address and the name and address of the owner of such vehicle, or for such person to give a false name and address, and it shall likewise be unlawful for any such person to refuse or neglect to stop when signaled to stop by any police officer or to refuse upon demand of such police officer to produce his certificate of license registration of such vehicle or his vehicle driver's license or to refuse to permit such officer to take any such license or certificate for the purpose of examination thereof or to refuse to permit the examination of any equipment of such vehicle or the weighing of such vehicle or to refuse or neglect to produce the certificate of license registration of such vehicle or his vehicle driver's license when requested by any court. Any police officer shall on request produce evidence of his authorization as such. [1967 c 32 § 65; 1961 c 12 § 46.56.190. Prior: 1937 c 189 § 126; RRS § 6360-126; 1927 c 309 § 38; RRS § 6362-38. Formerly RCW 46.56.190.]

46.61.025 Persons riding animals or driving animal-drawn vehicles.

Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter except those provisions of this chapter which by their very nature can have no application. [1965 ex.s. c 155 § 4.]

46.61.030 Persons working on highway right of way—Exceptions.

Unless specifically made applicable, the provisions of this chapter except those contained in RCW 46.61.500 through 46.61.520 shall not apply to persons, motor vehicles and other equipment while engaged in work within the right of way of any highway but shall apply to such persons and vehicles when traveling to or from such work. [1969 c 76 § 1; 1965 ex.s. c 155 § 5.]

46.61.035 Authorized emergency vehicles. (1) The driver of an authorized emergency vehicle, when responding to an emergency call or when in the pursuit of an actual or suspected violator of the law or when responding to but not upon returning from a fire alarm, may exercise the privileges set forth in this section, but subject to the conditions herein stated.

(2) The driver of an authorized emergency vehicle may:

(a) Park or stand, irrespective of the provisions of this chapter;

(b) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;

(c) Exceed the maximum speed limits so long as he does not endanger life or property;

(d) Disregard regulations governing direction of movement or turning in specified directions.

(3) The exemptions herein granted to an authorized emergency vehicle shall apply only when such vehicle is making use of visual signals meeting the requirements of RCW 46.37.190, except that: (a) An authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle; (b) authorized emergency vehicles shall use audible signals when necessary to warn others of the emergency nature of the situation but in no case shall they be required to use audible signals while parked or standing.

(4) The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others. [1969 c 23 § 1; 1965 ex.s. c 155 § 6.]

TRAFFIC SIGNS, SIGNALS AND MARKINGS

46.61.050 Obedience to and required traffic-control devices. (1) The driver of any vehicle and every pedestrian shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exception granted the driver of an authorized emergency vehicle in this chapter.

(2) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible or visible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(3) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(4) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. [1965 ex.s. c 155 § 7.]

46.61.055 Traffic-control signal legend. Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian signals carrying a word legend, and said lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication

(a) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

(c) Unless otherwise directed by a pedestrian-control signal, as provided in RCW 46.61.060, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(2) Steady yellow indication

(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in RCW 46.61.060, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Steady red indication

(a) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown: *Provided*, That such traffic may, after stopping cautiously proceed to make a right turn from a one-way or two-way street into a two-way street or into a one-way street carrying traffic in the direction of the right turn; or a left turn from a one-way or two-way street into a one-way street carrying traffic in the direction of the left turn; unless a sign posted by competent authority prohibits such movement; but vehicular traffic making such turns shall yield the right of way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

(b) Unless otherwise directed by a pedestrian-control signal as provided in RCW 46.61.060, pedestrians facing a steady red signal alone shall not enter the roadway.

(4) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal. [1965 ex.s. c 155 § 8.]

46.61.060 Pedestrian-control signals. Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" are in place such signals shall indicate as follows:

(1) WALK —Pedestrians facing such signal may proceed across the roadway in the direction of the signal and shall be given the right of way by the drivers of all vehicles.

(2) DON'T WALK —No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed his crossing on the walk signal shall proceed to a sidewalk or safety island while the don't walk signal is showing.

(3) Pedestrian-control signals having the "Wait" legend in use on August 6, 1965 shall be deemed authorized signals and shall indicate the same as the "Don't Walk" legend. Whenever such pedestrian-control signals are replaced the legend "Wait" shall be replaced by the legend "Don't Walk". [1965 ex.s. c 155 § 9.]

46.61.065 Flashing signals. (1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) FLASHING RED (STOP SIGNAL). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) FLASHING YELLOW (CAUTION SIGNAL). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2) This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by the rules as set forth in RCW 46.61.340. [1965 ex.s. c 155 § 10.]

46.61.070 Lane-direction-control signals. When lane-direction-control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane over which a green signal is shown, but shall not enter or travel in any lane over which a red signal is shown. [1965 ex.s. c 155 § 11.]

46.61.075 Display of unauthorized signs, signals or markings. (1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an

imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of an official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signal or marking is hereby declared to be a public nuisance and the authority having jurisdiction over the highway is hereby empowered to remove the same or cause it to be removed without notice. [1965 ex.s. c 155 § 12.]

46.61.080 Interference with official traffic-control devices or railroad signs or signals. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. [1965 ex.s. c 155 § 13.]

Interference with traffic-control signals or railroad signs or signals: RCW 47.36.130.

46.61.085 Traffic control signals or devices upon city streets forming part of state highways—Approval by commission required. No traffic control signal or device shall be erected or maintained upon any city street designated as forming a part of the route of a primary state highway or secondary state highway unless first approved by the state highway commission. [1965 ex.s. c 155 § 14.]

Local authorities to provide stop signs at intersections with increased speed highways: RCW 46.61.435.

DRIVING ON RIGHT SIDE OF ROADWAY— OVERTAKING AND PASSING—USE OF ROADWAY

46.61.100 Drive on right side of roadway—Exceptions. (1) Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

(a) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

(b) When an obstruction exists making it necessary to drive to the left of the center of the highway; provided, any person so doing shall yield the right of way to all vehicles traveling in the proper direction upon the unobstructed portion of the highway within such distance as to constitute an immediate hazard;

(c) Upon a roadway divided into three marked lanes for traffic under the rules applicable thereon; or

(d) Upon a roadway restricted to one-way traffic.

(2) Upon all roadways any vehicle proceeding slower than the legal maximum speed or at a speed slower

than necessary for safe operation at the time and place and under the conditions then existing, shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection, exit, or into a private road or driveway when such left turn is legally permitted.

(3) Upon any roadway having four or more lanes for moving traffic and providing for two-way movement of traffic, no vehicle shall be driven to the left of the center line of the roadway, except when authorized by official traffic control devices designating certain lanes to the left side of the center of the roadway for use by traffic not otherwise permitted to use such lanes, or except as permitted under subsection (1)(b) hereof. However, this subsection shall not be construed as prohibiting the crossing of the center line in making a left turn into or from an alley, private road or driveway. [1972 ex.s. c 33 § 1; 1969 ex.s. c 281 § 46; 1967 ex.s. c 145 § 58; 1965 ex.s. c 155 § 15.]

46.61.105 Passing vehicles proceeding in opposite directions. Drivers of vehicles proceeding in opposite directions shall pass to the right of each other, and upon roadways having width for not more than one line of traffic in each direction each driver shall give to the other at least one-half of the main-traveled portion of the roadway as nearly as possible. [1965 ex.s. c 155 § 16.]

46.61.110 Overtaking a vehicle on the left. The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle. [1965 ex.s. c 155 § 17.]

46.61.115 When overtaking on the right is permitted.

(1) The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

(a) When the vehicle overtaken is making or about to make a left turn;

(b) Upon a street or highway with unobstructed pavement not occupied by parked vehicles of sufficient width for two or more lines of moving vehicles in each direction;

(c) Upon a one-way street, or upon any roadway on which traffic is restricted to one direction of movement,

where the roadway is free from obstructions and of sufficient width for two or more lines of moving vehicles.

(2) The driver of a vehicle may overtake and pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main-traveled portion of the roadway. [1965 ex.s. c 155 § 18.]

46.61.120 Limitations on overtaking on the left. No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless authorized by the provisions of RCW 46.61.100 through 46.61.160 and unless such left side is clearly visible and is free of on-coming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to an authorized lane of travel as soon as practicable and in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet of any approaching vehicle. [1965 ex.s. c 155 § 19.]

46.61.125 Further limitations on driving to left of center of roadway. (1) No vehicle shall be driven on the left side of the roadway under the following conditions:

(a) When approaching or upon the crest of a grade or a curve in the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

(b) When approaching within one hundred feet of or traversing any intersection or railroad grade crossing;

(c) When the view is obstructed upon approaching within one hundred feet of any bridge, viaduct or tunnel.

(2) The foregoing limitations shall not apply upon a one-way roadway, nor under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. [1972 ex.s. c 33 § 2; 1965 ex.s. c 155 § 20.]

46.61.130 No-passing zones. (1) The state highway commission and local authorities are hereby authorized to determine those portions of any highway under their respective jurisdictions where overtaking and passing or driving to the left of the roadway would be especially hazardous and may by appropriate signs or markings on the roadway indicate the beginning and end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

(2) Where signs or markings are in place to define a no-passing zone as set forth in subsection (1) above no driver shall at any time drive on the left side of the roadway within such no-passing zone or on the left side of any pavement striping designed to mark such no-passing zone throughout its length.

(3) This section does not apply under the conditions described in RCW 46.61.100(1)(b), nor to the driver of a vehicle turning left into or from an alley, private road or driveway. [1972 ex.s. c 33 § 3; 1965 ex.s. c 155 § 21.]

46.61.135 One-way roadways and rotary traffic islands. (1) The state highway commission may designate any state highway or any separate roadway under its jurisdiction and local authorities may designate any city street or county road under their respective jurisdictions for one-way traffic and shall erect appropriate signs giving notice thereof.

(2) Upon a roadway designated and signposted for one-way traffic a vehicle shall be driven only in the direction designated.

(3) A vehicle passing around a rotary traffic island shall be driven only to the right of such island. [1965 ex.s. c 155 § 22.]

46.61.140 Driving on roadways laned for traffic. Whenever any roadway has been divided into two or more clearly marked lanes for traffic the following rules in addition to all others consistent herewith shall apply:

(1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(2) Upon a roadway which is divided into three lanes and provides for two-way movement of traffic, a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle traveling in the same direction when such center lane is clear of traffic within a safe distance, or in preparation for making a left turn or where such center lane is at the time allocated exclusively to traffic moving in the same direction that the vehicle is proceeding and such allocation is designated by official traffic-control devices.

(3) Official traffic-control devices may be erected directing slow moving or other specified traffic to use a designated lane or designating those lanes to be used by traffic moving in a particular direction regardless of the center of the roadway and drivers of vehicles shall obey the directions of every such device.

(4) Official traffic-control devices may be installed prohibiting the changing of lanes on sections of roadway and drivers of vehicles shall obey the directions of every such device. [1965 ex.s. c 155 § 23.]

46.61.145 Following too closely. (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the highway.

(2) The driver of any motor truck or motor vehicle drawing another vehicle when traveling upon a roadway outside of a business or residence district and which is following another motor truck or motor vehicle drawing another vehicle shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this

shall not prevent a motor truck or motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

(3) Motor vehicles being driven upon any roadway outside of a business or residence district in a caravan or motorcade whether or not towing other vehicles shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any other vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions. [1965 ex.s. c 155 § 24.]

46.61.150 Driving on divided highways. Whenever any highway has been divided into two or more roadways by leaving an intervening space or by a physical barrier or clearly indicated dividing section or by a median island not less than eighteen inches wide formed either by solid yellow pavement markings or by a yellow crosshatching between two solid yellow lines so installed as to control vehicular traffic, every vehicle shall be driven only upon the right-hand roadway unless directed or permitted to use another roadway by official traffic-control devices or police officers. No vehicle shall be driven over, across or within any such dividing space, barrier or section, or median island, except through an opening in such physical barrier or dividing section or space or median island, or at a crossover or intersection established by public authority. [1972 ex.s. c 33 § 4; 1965 ex.s. c 155 § 25.]

46.61.155 Restricted access. No person shall drive a vehicle onto or from any limited access roadway except at such entrances and exits as are established by public authority. [1965 ex.s. c 155 § 26.]

46.61.160 Restrictions on use of controlled-access roadway. The state highway commission may by resolution or order, and local authorities may by ordinance or resolution, with respect to any limited access roadway under their respective jurisdictions prohibit the use of any such roadway by funeral processions, or by parades, pedestrians, bicycles or other nonmotorized traffic, or by any person operating a motor-driven cycle.

The state highway commission or the local authority adopting any such prohibitory regulation shall erect and maintain official signs on the limited access roadway on which such regulations are applicable and when so erected no person shall disobey the restrictions stated on such signs. [1965 ex.s. c 155 § 27.]

46.61.165 Reservation of portion of highway for use by public transportation vehicles, etc. The state highway commission and local authorities are authorized to reserve all or any portion of any highway under their respective jurisdictions, including any designated lane or ramp, for the exclusive or preferential use of public transportation vehicles or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared

to be effective at all times or at specified times of day or on specified days. [1974 1st ex.s. c 133 § 2.]

RIGHT OF WAY

46.61.180 Vehicle approaching intersection. The driver of a vehicle approaching an intersection shall look out for and yield the right of way to any vehicle on his right simultaneously approaching the intersection regardless of which vehicle first reaches and enters the intersection.

The right of way rule declared in this section is modified at arterial highways and otherwise as stated in this chapter. [1965 ex.s. c 155 § 28.]

46.61.185 Vehicle turning left. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. [1965 ex.s. c 155 § 29.]

46.61.190 Vehicle entering stop or yield intersection. (1) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by RCW 46.61.360 subsection (2), and after having stopped shall yield the right of way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard during the time when such driver is moving across or within the intersection.

(3) The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection: *Provided*, That if such a driver is involved in a collision with a vehicle in the intersection, after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right of way. [1965 ex.s. c 155 § 30.]

46.61.195 Arterial highways designated—Stopping on entering. All state highways are hereby declared to be arterial highways as respects all other public highways or private ways except that the Washington state highway commission shall have the authority to designate any county road or city street as an arterial having preference over the traffic on the state highway if traffic conditions will be improved by such action.

Those city streets designated by the Washington state highway commission as forming a part of the routes of state highways through incorporated cities and towns

are hereby declared to be arterial highways as respects all other city streets or private ways.

The governing authorities of incorporated cities and towns may designate any street as an arterial having preference over the traffic on a state highway if such change is first approved in writing by the Washington state highway commission. The local authorities making such a change in arterial designation shall do so by proper ordinance or resolution and shall erect or cause to be erected and maintained standard stop signs, or "Yield" signs, to accomplish this change in arterial designation.

The operator of any vehicle entering upon any arterial highway from any other public highway or private way shall come to a complete stop before entering such arterial highway when stop signs are erected as provided by law. [1963 ex.s. c 3 § 48; 1961 c 12 § 46.60.330. Prior: 1955 c 146 § 5; 1947 c 200 § 14; 1937 c 189 § 105; Rem. Supp. 1947 § 6360-105. Formerly RCW 46.60.330.]

City streets subject to increased speed, designation as arterials: RCW 46.61.435.

46.61.200 Stop intersections other than arterial may be designated. In addition to the points of intersection of any public highway with any arterial public highway which is constituted by law or by any proper authorities of this state or any city or town of this state, the state highway commission with respect to state highways, and the proper authorities with respect to any other public highways, shall have the power to determine and designate any particular intersection, or any particular highways, roads or streets or portions thereof, at any intersection with which vehicles shall be required to stop before entering such intersection; and upon the determination and designation of such points at which vehicles will be required to come to a stop before entering such intersection, the proper authorities so determining and designating shall cause to be posted and maintained proper signs of the standard design adopted by the state highway commission indicating that such intersection has been so determined and designated and that vehicles entering the same are required to stop. It shall be unlawful for any person operating any vehicle when entering any intersection determined, designated and bearing the sign aforesaid, to fail and neglect to bring such vehicle to a complete stop before entering such intersection. [1961 c 12 § 46.60.340. Prior: 1937 c 189 § 106; RRS § 6360-106; 1927 c 284 § 1; RRS § 6362-41a. Formerly RCW 46.60.340.]

46.61.205 Vehicle entering highway from private road or driveway. The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway. [1965 ex.s. c 155 § 31.]

46.61.210 Operation of vehicles on approach of authorized emergency vehicles. (1) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals meeting the requirements of RCW 46.37.190, or of a police vehicle properly

and lawfully making use of an audible signal only the driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

(2) This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. [1965 ex.s. c 155 § 32.]

PEDESTRIANS' RIGHTS AND DUTIES

46.61.230 Pedestrians subject to traffic regulations. Pedestrians shall be subject to traffic-control signals at intersections as provided in RCW 46.61.060, and at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this chapter. [1965 ex.s. c 155 § 33.]

46.61.235 Pedestrians' right of way in crosswalks. (1) When traffic-control signals are not in place or not in operation the driver of a vehicle shall yield the right of way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

(2) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.

(3) Subsection (1) above shall not apply under the conditions stated in RCW 46.61.240 subsection (2).

(4) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle. [1965 ex.s. c 155 § 34.]

46.61.240 Crossing at other than crosswalks. (1) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right of way to all vehicles upon the roadway.

(2) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right of way to all vehicles upon the roadway.

(3) Between adjacent intersections at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(4) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices; and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

(5) No pedestrian shall cross a roadway at an unmarked crosswalk where an official sign prohibits such crossing. [1965 ex.s. c 155 § 35.]

46.61.245 Drivers to exercise care. Notwithstanding the foregoing provisions of this chapter every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any obviously confused or incapacitated person upon a roadway. [1965 ex.s. c 155 § 36.]

Blind pedestrians: Chapter 70.84 RCW.

46.61.250 Pedestrians on roadways. (1) Where sidewalks are provided it shall be unlawful for any pedestrian to walk along and upon an adjacent roadway.

(2) Where sidewalks are not provided any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic which may approach from the opposite direction and upon meeting an oncoming vehicle shall step clear of the roadway. [1965 ex.s. c 155 § 37.]

46.61.255 Pedestrians soliciting rides or business. (1) No person shall stand in or on a public roadway or alongside thereof at any place where a motor vehicle cannot safely stop off the main traveled portion thereof for the purpose of soliciting a ride for himself or for another from the occupant of any vehicle.

(2) It shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highway.

(3) The provisions of subsections (1) and (2) above shall not be construed to prevent a person upon a public highway from soliciting, or a driver of a vehicle from giving a ride where an emergency actually exists, nor to prevent a person from signaling or requesting transportation from a passenger carrier for the purpose of becoming a passenger thereon for hire.

(4) No person shall stand in a roadway for the purpose of soliciting employment or business from the occupant of any vehicle.

(5) No person shall stand on or in proximity to a street or highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

(6) It is the intent of the legislature that this section preempt the field of the regulation of hitchhiking in any form, and no county, city, town, municipality, or political subdivision thereof shall take any action in conflict with the provisions of this section. [1972 ex.s. c 38 § 1; 1965 ex.s. c 155 § 38.]

46.61.260 Driving through safety zone prohibited. No vehicle shall at any time be driven through or within a safety zone. [1965 ex.s. c 155 § 39.]

TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING

46.61.290 Required position and method of turning at intersections. The driver of a vehicle intending to turn at an intersection shall do so as follows:

(1) Right turns. Both the approach for a right turn and a right turn shall be made as close as practicable to the right-hand curb or edge of the roadway.

(2) Left turns. The driver of a vehicle intending to turn left at any intersection shall approach the intersection in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle and after entering the intersection, the left turn shall be made so as to leave the intersection in a lane lawfully available to traffic moving in such direction upon the roadway being entered. Whenever practicable the left turn shall be made in that portion of the intersection to the left of the center of the intersection.

(3) Two-way left turn lanes.

(a) The department of highways and local authorities in their respective jurisdictions may designate a two-way left turn lane on a roadway. A two-way left turn lane is near the center of the roadway set aside for use by vehicles making left turns in both directions from or into the roadway.

(b) Two-way left turn lanes shall be designated by distinctive uniform roadway markings. The department of highways shall determine and prescribe standards and specifications governing type, length, width, and positioning of the distinctive permanent markings. The standards and specifications developed shall be filed with the code reviser in accordance with the procedures set forth in the Administrative Procedure Act, chapter 34.04 RCW. On and after July 1, 1971, permanent markings designating a two-way left turn lane shall conform to such standards and specifications.

(c) Upon a roadway where a center lane has been provided by distinctive pavement markings for the use of vehicles turning left from both directions, no vehicles shall turn left from any other lane. A vehicle shall not be driven in this center lane for the purpose of overtaking or passing another vehicle proceeding in the same direction. A signal, either electric or manual, for indicating a left turn movement, shall be made at least one hundred feet before the actual left turn movement is made. Any maneuver other than a left turn from this center lane will be deemed a violation of this section.

(4) The state highway commission and local authorities in their respective jurisdictions may cause official traffic-control devices to be placed within or adjacent to intersections and thereby require and direct that a different course from that specified in this section be traveled by vehicles turning at an intersection, and when such devices are so placed no driver of a vehicle shall turn a vehicle at an intersection other than as directed and required by such devices. [1969 ex.s. c 281 § 61; 1965 ex.s. c 155 § 40.]

46.61.295 "U" turns on curve or crest of grade prohibited. No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within five hundred feet within residence or business districts and within one thousand feet in all other locations. [1965 ex.s. c 155 § 41.]

46.61.300 Starting parked vehicle. No person shall start a vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety. [1965 ex.s. c 155 § 42.]

46.61.305 Turning movements and required signals. (1) No person shall turn a vehicle at an intersection unless the vehicle is in proper position upon the roadway as required in RCW 46.61.290, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall so turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last one hundred feet traveled by the vehicle before turning.

(3) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(4) The signals provided for in RCW 46.61.310 subsection (2), shall be used to indicate an intention to turn, change lanes, or start from a parked position and shall not be flashed on one side only on a parked or disabled vehicle, or flashed as a courtesy or "do pass" signal to operators of other vehicles approaching from the rear. [1965 ex.s. c 155 § 43.]

46.61.310 Signals by hand and arm or signal lamps. (1) Any stop or turn signal when required herein shall be given either by means of the hand and arm or by signal lamps, except as otherwise provided in subsection (2) hereof.

(2) Any motor vehicle in use on a highway shall be equipped with, and required signal shall be given by, signal lamps when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load of such motor vehicle exceeds twenty-four inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereof exceeds fourteen feet. The latter measurements shall apply to any single vehicle, also to any combination of vehicles. [1965 ex.s. c 155 § 44.]

46.61.315 Method of giving hand and arm signals. All signals herein required given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

- (1) Left turn. Hand and arm extended horizontally.
- (2) Right turn. Hand and arm extended upward.
- (3) Stop or decrease speed. Hand and arm extended downward. [1965 ex.s. c 155 § 45.]

SPECIAL STOPS REQUIRED

46.61.340 Obedience to signal indicating approach of train. (1) Whenever any person driving a vehicle approaches a railroad grade crossing under any of the circumstances stated in this section, the driver of such vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad, and shall not proceed until he can do so safely. The foregoing requirements shall apply when:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a railroad train;

(b) A crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a railroad train;

(c) An approaching railroad train is plainly visible and is in hazardous proximity to such crossing.

(2) No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. [1965 ex.s. c 155 § 46.]

46.61.345 All vehicles must stop at certain railroad grade crossings. The state highway commission and local authorities within their respective jurisdictions are hereby authorized to designate particularly dangerous highway grade crossings of railroads and to erect stop signs thereat. When such stop signs are erected the driver of any vehicle shall stop within fifty feet but not less than fifteen feet from the nearest rail of such railroad and shall proceed only upon exercising due care. [1965 ex.s. c 155 § 47.]

46.61.350 Certain vehicles must stop at all railroad grade crossings. (1) The driver of any motor vehicle carrying passengers for hire, other than a passenger car, or of any school bus or private carrier bus carrying any school child, or other passenger, or of any vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo, before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet but not less than fifteen feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

(2) No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed. [1970 ex.s. c 100 § 7; 1965 ex.s. c 155 § 48.]

46.61.355 Moving heavy equipment at railroad grade crossings. (1) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of ten or less miles per hour or a vertical body or load clearance of less than one-half inch per foot of the distance between any two adjacent axles or in any event of less than nine inches, measured above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with this section.

(2) Before making any such crossing the person operating or moving any such vehicle or equipment shall first stop the same not less than fifteen feet nor more than fifty feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train and for signals indicating the approach of a train, and shall not proceed until the crossing can be made safely.

(3) No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train or car. If a flagman is provided by the railroad, movement over the crossing shall be under his direction. [1965 ex.s. c 155 § 49.]

46.61.360 Stop signs and yield signs. (1) Preferential right of way at an intersection may be indicated by stop signs or yield signs as authorized in RCW 47.36.110.

(2) Except when directed to proceed by a police officer or traffic-control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

(3) The driver of a vehicle approaching a yield sign if required for safety to stop shall stop before entering the crosswalk on the near side of the intersection or, in the event there is no crosswalk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. [1965 ex.s. c 155 § 50.]

46.61.365 Emerging from alley, driveway or building. The driver of a vehicle within a business or residence district emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alleyway or driveway, and shall yield the right of way to any pedestrian as may be necessary to avoid collision, and upon entering the roadway shall yield the right of way to all vehicles approaching on said roadway. [1965 ex.s. c 155 § 51.]

46.61.370 Overtaking and passing school bus. (1) The driver of a vehicle upon overtaking or meeting from either direction any school bus which has stopped on the highway for the purpose of receiving or discharging any

school children shall stop the vehicle before reaching such school bus when there is in operation on said school bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such school bus resumes motion or is signaled by the school bus driver to proceed or the visual signals are no longer activated.

(2) Every school bus shall bear upon the front and rear thereof plainly visible signs containing the words "SCHOOL BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by the driver of said school bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging school children, except:

(a) When school children do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal; or

(c) When the bus is stopped at school for the purpose of receiving or discharging school children and school children are not required to cross the roadway.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150, need not stop upon meeting or passing a school bus which is on a separate roadway or when upon a limited access highway and the school bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. [1965 ex.s. c 155 § 52.]

46.61.375 Overtaking or meeting private carrier bus—Signs. (1) The driver of a vehicle upon overtaking or meeting from either direction any private carrier bus which has stopped on the highway for the purpose of receiving or discharging any passenger shall stop the vehicle before reaching such private carrier bus when there is in operation on said bus a visual signal as specified in RCW 46.37.190 and said driver shall not proceed until such bus resumes motion or is signaled by the bus driver to proceed or the visual signals are no longer activated.

(2) Every private carrier bus shall bear upon the front and rear thereof plainly visible signs containing the words "PRIVATE CARRIER BUS" in letters not less than eight inches in height, and in addition shall be equipped with visual signals meeting the requirements of RCW 46.37.190 which shall be actuated by the driver of said private carrier bus whenever but only whenever such vehicle is stopped on the highway for the purpose of receiving or discharging passengers, except:

(a) When the passengers boarding or alighting do not have to cross a highway and the bus is stopped completely off the main traveled portion of the roadway; or

(b) When the bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic control signal.

(3) The driver of a vehicle upon a highway divided into separate roadways as provided in RCW 46.61.150,

need not stop upon meeting or passing a private carrier bus which is on a separate roadway or when upon a limited access highway and the private carrier bus is stopped in a loading zone which is a part of or adjacent to such highway and where pedestrians are not permitted to cross the roadway. [1970 ex.s. c 100 § 8.]

46.61.380 Regulations as to design, marking and mode of operating school buses. The state superintendent of public instruction, by and with the advice of the state highway commission and the chief of the Washington state patrol, shall adopt and enforce regulations not inconsistent with the law of this state to govern the design, marking and mode of operation of all school buses owned and operated by any school district or privately owned and operated under contract or otherwise with any school district in this state for the transportation of school children and such regulation shall by reference be made a part of any such contract or other agreement with the school district. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to such regulations. It shall be unlawful for any officer or employee of any school district or for any person operating any school bus under contract with any school district to violate any of the provisions of such regulations. [1961 c 12 § 46.48.150. Prior: 1937 c 189 § 131; RRS § 6360-131. Formerly RCW 46.48.150.]

Design and markings of school buses: RCW 46.37.190.

46.61.385 School patrol—Appointment—Authority—Finance—Insurance. The superintendent of schools of any school district, or other officer or board performing like functions with respect to the schools of any other educational administrative district, may cause to be appointed voluntary adult recruits as supervisors and, from the student body of any public or private school or institution of learning, students, who shall be known as members of the "school patrol" and who shall serve without compensation and at the pleasure of the authority making the appointment.

The members of such school patrol shall wear an appropriate designation or insignia identifying them as members of the school patrol when in performance of their duties, and they may display "stop" or other proper traffic directional signs or signals at school crossings or other points where school children are crossing or about to cross a public highway, but members of the school patrol and their supervisors shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

School districts, at their discretion, may hire sufficient numbers of adults to serve as supervisors. Such adults shall be subordinate to and obey the orders of any peace officer present and having jurisdiction.

Any school district having a school patrol may purchase uniforms and other appropriate insignia, traffic signs and other appropriate materials, all to be used by members of such school patrol while in performance of

their duties, and may pay for the same out of the general fund of the district.

It shall be unlawful for the operator of any vehicle to fail to stop his vehicle when directed to do so by a school patrol sign or signal displayed by a member of the school patrol engaged in the performance of his duty and wearing or displaying appropriate insignia, and it shall further be unlawful for the operator of a vehicle to disregard any other reasonable directions of a member of the school patrol when acting in performance of his duties as such.

School districts may expend funds from the general fund of the district to pay premiums for life and accident policies covering the members of the school patrol in their district while engaged in the performance of their school patrol duties.

Members of the school patrol shall be considered as employees for the purposes of RCW 28A.58.425, as now or hereafter amended. [1974 1st ex.s. c 47 § 1; 1961 c 12 § 46.48.160. Prior: 1953 c 278 § 1; 1937 c 189 § 130; RRS § 6360-130; 1927 c 309 § 42; RRS § 6362-42. Formerly RCW 46.48.160.]

SPEED RESTRICTIONS

46.61.400 Basic rule and maximum limits. (1) No person shall drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. In every event speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

(2) Except when a special hazard exists that requires lower speed for compliance with subsection (1) of this section, the limits specified in this section or established as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle on a highway at a speed in excess of such maximum limits.

(a) Twenty-five miles per hour on city and town streets;

(b) Fifty miles per hour on county roads;

(c) Sixty miles per hour on state highways.

The maximum speed limits set forth in this section may be altered as authorized in RCW 46.61.405, 46.61.410, and 46.61.415.

(3) The driver of every vehicle shall, consistent with the requirements of subsection (1) of this section, drive at an appropriate reduced speed when approaching and crossing an intersection or railway grade crossing, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. [1965 ex.s. c 155 § 54; 1963 c 16 § 1. Formerly RCW 46.48.011.]

Saving of existing orders, etc., establishing speed limits—1963 c 16. "This act shall not repeal or invalidate existing orders and resolutions of the state highway commission or existing resolutions and ordinances of local authorities establishing speed limits within their respective jurisdictions." [1963 c 16 § 7. Formerly RCW 46.48.016.]

"This act" [1963 c 16], as amended, is codified as RCW 46.61.400 through 46.61.415, 46.61.425 and 46.61.440.

46.61.405 Decreases by state highway commission. Whenever the state highway commission shall determine upon the basis of an engineering and traffic investigation that any maximum speed hereinbefore set forth is greater than is reasonable or safe with respect to a state highway under the conditions found to exist at any intersection or upon any other part of the state highway system or at state ferry terminals, or that a general reduction of any maximum speed hereinbefore set forth would aid in the conservation of energy resources, said commission may determine and declare a lower maximum limit for any state highway, the entire state highway system, or any portion thereof, which shall be effective when appropriate signs giving notice thereof are erected. The commission may also fix and regulate the speed of vehicles on any state highway within the maximum speed limit allowed by this chapter for special occasions including, but not limited to, local parades and other special events. Any such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon the said signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective (a) when posted upon appropriate fixed or variable signs or (b) if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of RCW 46.61.410. [1974 1st ex.s. c 103 § 1; 1970 ex.s. c 100 § 2; 1967 c 25 § 1; 1963 c 16 § 2. Formerly RCW 46.48.012.]

46.61.410 Increases by state highway commission—Maximum speed limit for trucks—Auto stages—Signs and notices. (1) Subject to subsection (2) below the state highway commission may increase the maximum speed limit on any highway or portion thereof to not more than seventy miles per hour in accordance with the design speed thereof (taking into account all safety elements included therein), or whenever said commission determines upon the basis of an engineering and traffic investigation that such greater speed is reasonable and safe under the circumstances existing on such part of the highway. The greater maximum limit so determined shall be effective, when appropriate signs giving notice thereof are erected, or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

Such maximum speed limit may be declared to be effective at all times or at such times as are indicated upon said signs or in the case of auto stages, as indicated in said written notice; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors

bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs or if a maximum limit is established for auto stages which is lower than the limit for automobiles, the auto stage speed limit shall become effective thirty days after written notice thereof is mailed in the manner provided in subsection (4) of this section.

(2) The maximum speed limit for vehicles over ten thousand pounds gross weight and vehicles in combination except auto stages shall not exceed sixty miles per hour and may be established at a lower limit by the state highway commission as provided in RCW 46.61.405.

(3) The word "trucks" used by the state highway commission on signs giving notice of maximum speed limits shall mean vehicles over ten thousand pounds gross weight and all vehicles in combination except auto stages.

(4) Whenever the state highway commission shall establish maximum speed limits for auto stages lower than the maximum limits for automobiles, the secretary of the state highway commission shall mail notice thereof to each auto transportation company holding a certificate of public convenience and necessity issued by the Washington utilities and transportation commission. The notice shall be mailed to the chief place of business within the state of Washington of each auto transportation company or if none then its chief place of business without the state of Washington. [1974 1st ex.s. c 103 § 2; 1970 ex.s. c 100 § 1; 1969 ex.s. c 12 § 1; 1965 ex.s. c 155 § 55; 1963 c 16 § 3. Formerly RCW 46.48.013.]

46.61.415 When local authorities may alter maximum limits. (1) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering and traffic investigation that the maximum speed permitted under *this act is greater or less than is reasonable and safe under the conditions found to exist upon a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit thereon which

(a) Decreases the limit at intersections; or

(b) Increases the limit but not to more than sixty miles per hour; or

(c) Decreases the limit but not to less than twenty miles per hour.

(2) Local authorities in their respective jurisdictions shall determine by an engineering and traffic investigation the proper maximum speed for all arterial streets and shall declare a reasonable and safe maximum limit thereon which may be greater or less than the maximum speed permitted under RCW 46.61.400(2) but shall not exceed sixty miles per hour.

(3) The state highway commission is authorized to establish speed limits on county roads and city and town streets as shall be necessary to conform with any federal requirements which are a prescribed condition for the allocation of federal funds to the state.

(4) Any altered limit established as hereinbefore authorized shall be effective when appropriate signs giving notice thereof are erected. Such maximum speed limit may be declared to be effective at all times or at such

times as are indicated upon such signs; and differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) Any alteration of maximum limits on state highways within incorporated cities or towns by local authorities shall not be effective until such alteration has been approved by the state highway commission. [1974 1st ex.s. c 103 § 3; 1963 c 16 § 4. Formerly RCW 46.48.014.]

*Reviser's note: "this act" [1963 c 16], as amended, is codified as RCW 46.61.400-46.61.415, 46.61.425 and 46.61.440.

46.61.420 Speed limits established by city or town ordinance in conflict with state law—Procedure. Any existing city or town ordinance establishing a speed limit on a state highway within the city or town in conflict with subsection (2)(c) of RCW 46.61.400 shall continue in effect not to exceed six months from August 6, 1965 during which time the city or town council may enact a reduced speed limit for such state highway subject to the provisions of subsection (4) of RCW 46.61.415. [1965 ex.s. c 155 § 56.]

46.61.425 Minimum speed regulation. (1) No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with law: *Provided*, That a person following a vehicle driving at less than the legal maximum speed and desiring to pass such vehicle may exceed the speed limit, subject to the provisions of RCW 46.61.120 on highways having only one lane of traffic in each direction, at only such a speed and for only such a distance as is necessary to complete the pass with a reasonable margin of safety.

(2) Whenever the state highway commission or local authorities within their respective jurisdictions determine on the basis of an engineering and traffic investigation that slow speeds on any part of a highway unreasonably impede the normal movement of traffic, the commission or such local authority may determine and declare a minimum speed limit thereat which shall be effective when appropriate signs giving notice thereof are erected. No person shall drive a vehicle slower than such minimum speed limit except when necessary for safe operation or in compliance with law. [1969 c 135 § 1; 1967 c 25 § 2; 1963 c 16 § 6. Formerly RCW 46.48.015.]

46.61.427 Slow moving vehicle to pull off roadway. On a two-lane highway where passing is unsafe because of traffic in the opposite direction or other conditions, a slow moving vehicle, behind which five or more vehicles are formed in a line, shall turn off the roadway wherever sufficient area for a safe turn-out exists, in order to permit the vehicles following to proceed. As used in this section a slow moving vehicle is one which is proceeding at a rate of speed less than the normal flow of traffic at the particular time and place. [1973 c 88 § 1.]

46.61.430 Authority of state highway commission to fix speed limits on limited access facilities exclusive—Local regulations. Notwithstanding any law to the contrary or inconsistent herewith, the Washington state highway commission shall have the power and the duty to fix and regulate the speed of vehicles within the maximum speed limit allowed by law for state highways, designated as limited access facilities, regardless of whether a portion of said highway is within the corporate limits of a city or town. No governing body or authority of such city or town or other political subdivision may have the power to pass or enforce any ordinance, rule or regulation requiring a different rate of speed and all such ordinances, rules and regulations contrary to or inconsistent therewith now in force are void and of no effect. [1974 1st ex.s. c 103 § 4; 1961 c 12 § 46.48.041. Prior: 1955 c 177 § 5. Formerly RCW 46.48.041.]

46.61.435 Local authorities to provide "stop" signs at intersections with increased speed highways—Designated as arterials. The governing body or authority of any such city or town or political subdivision shall place and maintain upon each and every public highway intersecting a public highway where an increased speed is permitted, as provided in this chapter, appropriate stop signs, sufficient to be read at any time by any person upon approaching and entering the highway upon which such increased speed is permitted and such city street or such portion thereof as is subject to the increased speed shall be an arterial highway. [1961 c 12 § 46.48.046. Prior: 1951 c 28 § 4; prior: 1937 c 189 § 66, part; RRS § 6360–66, part; 1927 c 309 § 5, part; 1921 c 96 § 41, part; 1919 c 59 § 13, part; 1917 c 155 § 20, part; 1915 c 142 § 34, part; RRS § 6362–5, part. Formerly RCW 46.48.046.]

Designation of city streets as arterials, stopping on entering: RCW 46.61.195.

Traffic control signals or devices upon city streets forming part of state highways: RCW 46.61.085.

46.61.440 Maximum speed limit when passing school or playground crosswalks. Subject to RCW 46.61.400(1), and except in those instances where a lower maximum lawful speed is provided by this chapter or otherwise, it shall be unlawful for the operator of any vehicle to operate the same at a speed in excess of twenty miles per hour when operating any vehicle upon a public highway either inside or outside an incorporated city or town when passing any marked public school or playground crosswalk when such marked crosswalk is fully posted with standard portable school or speed control signs. The speed zone at the crosswalk shall extend three hundred feet in either direction from the marked crosswalk. [1963 c 16 § 5; 1961 c 12 § 46.48.023. Prior: 1951 c 28 § 9; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360–64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362–3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.023.]

46.61.445 Due care required. Compliance with speed requirements of this chapter under the circumstances hereinabove set forth shall not relieve the operator of any vehicle from the further exercise of due care and caution as further circumstances shall require. [1961 c 12 § 46.48.025. Prior: 1951 c 28 § 11; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360–64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362–3, part; 1909 c 249 § 279, part; Rem. & Bal. 2531, part. Formerly RCW 46.48.025.]

Duty to use due care: RCW 46.61.400(1).

46.61.450 Maximum speed, weight or size in traversing bridges, elevated structures, tunnels, underpasses—Posting limits. It shall be unlawful for any person to operate a vehicle or any combination of vehicles over any bridge or other elevated structure or through any tunnel or underpass constituting a part of any public highway at a rate of speed or with a gross weight or of a size which is greater at any time than the maximum speed or maximum weight or size which can be maintained or carried with safety over any such bridge or structure or through any such tunnel or underpass when such bridge, structure, tunnel or underpass is sign posted as hereinafter provided. The state highway commission, if it be a bridge, structure, tunnel or underpass upon a state highway, or the governing body or authorities of any county, city or town, if it be upon roads or streets under their jurisdiction, may restrict the speed which may be maintained or the gross weight or size which may be operated upon or over any such bridge or elevated structure or through any such tunnel or underpass with safety thereto. The state highway commission or the governing body or authorities of any county, city or town having jurisdiction shall determine and declare the maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate and shall cause suitable signs stating such maximum speed or maximum gross weight, or size, or either, to be erected and maintained on the right hand side of such highway, road or street and at a distance of not less than one hundred feet from each end of such bridge, structure, tunnel or underpass and on the approach thereto: *Provided*, That in the event that any such bridge, elevated structure, tunnel or underpass is upon a city street designated by the state highway commission as forming a part of the route of any state highway through any such incorporated city or town the determination of any maximum speed or maximum gross weight or size which such bridge, elevated structure, tunnel or underpass can withstand or accommodate shall not be enforceable at any speed, weight or size less than the maximum allowed by law, unless with the approval in writing of the state highway commission. Upon the trial of any person charged with a violation of this section, proof of either violation of maximum speed or maximum weight, or size, or either, and the distance and location of such signs as are required, shall constitute conclusive evidence of the maximum speed or maximum weight, or

size, or either, which can be maintained or carried with safety over such bridge or elevated structure or through such tunnel or underpass. [1961 c 12 § 46.48.080. Prior: 1937 c 189 § 70; RRS § 6360-70. Formerly RCW 46.48.080.]

46.61.455 Vehicles with solid or hollow cushion tires. It shall be unlawful to operate any vehicle equipped or partly equipped with solid rubber tires or hollow center cushion tires, or to operate any combination of vehicles any part of which is equipped or partly equipped with solid rubber tires or hollow center cushion tires, so long as solid rubber tires or hollow center cushion tires may be used under the provisions of this title, upon any public highway of this state at a greater rate of speed than ten miles per hour. [1961 c 12 § 46.48.110. Prior: 1947 c 200 § 11; 1937 c 189 § 73; Rem. Supp. 1947 § 6360-73. Formerly RCW 46.48.110.]

46.61.460 Special speed limitation on motor-driven cycle. No person shall operate any motor-driven cycle at any time mentioned in RCW 46.37.020 at a speed greater than thirty-five miles per hour unless such motor-driven cycle is equipped with a head lamp or lamps which are adequate to reveal a person or vehicle at a distance of three hundred feet ahead. [1965 ex.s. c 155 § 57.]

46.61.465 Exceeding speed limit evidence of reckless driving. The unlawful operation of a vehicle in excess of the maximum lawful speeds provided in this chapter at the point of operation and under the circumstances described shall be prima facie evidence of the operation of a motor vehicle in a reckless manner by the operator thereof. [1961 c 12 § 46.48.026. Prior: 1951 c 28 § 12; 1949 c 196 § 6, part; 1947 c 200 § 8, part; 1937 c 189 § 64, part; Rem. Supp. 1949 § 6360-64, part; 1927 c 309 § 3, part; 1923 c 181 § 6, part; 1921 c 96 § 27, part; 1917 c 155 § 16, part; 1915 c 142 § 24, part; RRS § 6362-3, part; 1909 c 249 § 279, part; Rem. & Bal. § 2531, part. Formerly RCW 46.48.026.]

46.61.470 Speed traps outlawed—Measured courses. No evidence as to the speed of any vehicle operated upon a public highway by any person arrested for violation of any of the laws of this state regarding speed or of any orders, rules or regulations of any city or town or other political subdivision relating thereto shall be admitted in evidence in any court at a subsequent trial of such person in case such evidence relates to or is based upon the maintenance or use of a speed trap. A "speed trap," within the meaning of this section, is a particular section of or distance on any public highway, the length of which has been or is measured off or otherwise designated or determined, and the limits of which are within the vision of any officer or officers who calculate the speed of a vehicle passing through such speed trap by using the lapsed time during which such vehicle travels between the entrance and exit of such speed trap: *Provided*, That evidence shall be admissible against any person arrested for violation of any of the laws of this state or of any orders, rules or

regulations of any city or town or other political subdivision regarding speed if the same is determined by a particular section of or distance on a public highway, the length of which has been accurately measured off or otherwise designated or determined and the limits of which are controlled by a mechanical, electrical or other device capable of measuring or recording the speed of a vehicle passing within such limits within an error of not to exceed five percent using the lapsed time during which such vehicle travels between such limits: *Provided further*, That such limits shall not be closer than one-fourth mile. [1961 c 12 § 46.48.120. Prior: 1937 c 189 § 74; RRS § 6360-74; 1927 c 309 § 7; RRS § 6362-7. Formerly RCW 46.48.120.]

46.61.475 Charging violations of speed regulations. (1) In every charge of violation of any speed regulation in this chapter the complaint, also the summons or notice to appear, shall specify the approximate speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location. [1965 ex.s. c 155 § 58.]

RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE

46.61.500 Reckless driving. (1) Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving.

(2) The license or permit to drive or any nonresident privilege of any person convicted of reckless driving shall be suspended by the department for not less than thirty days. [1967 c 32 § 67; 1965 ex.s. c 155 § 59.]

Embracing another while driving as reckless driving: RCW 46.61.665.
Excess speed as prima facie evidence of reckless driving: RCW 46.61.465.

Racing of vehicles on public highways, reckless driving: RCW 46.61.530.

Revocation of license, reckless driving: RCW 46.20.285.

46.61.506 Persons under influence of intoxicating liquor—Presumptions—Evidence—Chemical tests—Information concerning tests. (1) It is unlawful for any person who is under the influence of or affected by the use of intoxicating liquor or of any narcotic drug to drive or be in actual physical control of a vehicle within this state.

(2) Upon the trial of any civil or criminal action or proceeding arising out of acts alleged to have been committed by any person while driving or in actual physical control of a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of his blood, breath or other bodily substance shall give rise to the following presumptions:

(a) If there was at that time 0.05 percent or less by weight of alcohol in the person's blood, it shall be presumed that he was not under the influence of intoxicating liquor.

(b) If there was at that time in excess of 0.05 percent but less than 0.10 percent by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor.

(c) If there was at that time 0.10 percent or more by weight of alcohol in the person's blood, it shall be presumed that he was under the influence of intoxicating liquor.

(d) Percent by weight of alcohol in the blood shall be based upon milligrams of alcohol per one hundred cubic centimeters of blood.

(e) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was under the influence of intoxicating liquor.

(3) Chemical analysis of the person's blood or breath to be considered valid under the provisions of this section shall have been performed according to methods approved by the state toxicologist and by an individual possessing a valid permit issued by the state toxicologist for this purpose. The state toxicologist is directed to approve satisfactory techniques or methods, to supervise the examination of individuals to ascertain their qualifications and competence to conduct such analyses, and to issue permits which shall be subject to termination or revocation at the discretion of the state toxicologist.

(4) When a blood test is administered under the provisions of RCW 46.20.308, the withdrawal of blood for the purpose of determining its alcoholic content may be performed only by a physician, a registered nurse, or a qualified technician. This limitation shall not apply to the taking of breath specimens.

(5) The person tested may have a physician, or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The failure or inability to obtain an additional test by a person shall not preclude the admission of evidence relating to the test or tests taken at the direction of a law enforcement officer.

(6) Upon the request of the person who shall submit to a chemical test or tests at the request of a law enforcement officer, full information concerning the test or tests shall be made available to him or his attorney. [1969 c 1 § 3 (Initiative Measure No. 242 § 3).]

Severability—1969 c 1: See RCW 46.20.911.

46.61.510 Persons under the influence of drugs. It is unlawful and punishable as provided in RCW 46.61.515 for any person who is an habitual user of or under the influence of any narcotic drug or who is under the influence of any other drug to a degree which renders him incapable of safely driving a vehicle to drive a vehicle within this state. The fact that any person charged with a violation of this section is or has been entitled to use

such drug under the laws of this state shall not constitute a defense against any charge of violating this section. [1965 ex.s. c 155 § 61.]

46.61.515 Driving while under the influence of intoxicating liquor or drugs—Penalties—Penalty assessments in addition to fines, etc.—Suspension or revocation of license—Appeal. (1) Every person who is convicted of a violation of (a) driving a motor vehicle while under the influence of intoxicating liquor or (b) driving a motor vehicle while under the influence of a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle shall be punished by imprisonment for not less than five days nor more than one year, and by a fine of not less than fifty dollars nor more than five hundred dollars.

On a second or subsequent conviction of either offense within a five year period he shall be punished by imprisonment for not less than thirty days nor more than one year and by a fine not less than one hundred dollars nor more than one thousand dollars, and neither the jail sentence nor the fine shall be suspended: *Provided*, That the court may, for a defendant who has not previously had a jail sentence suspended on such second or subsequent conviction, suspend such sentence and/or fine only on the condition that the defendant participate in and successfully complete a court approved alcohol treatment program: *Provided, further*, That the suspension shall be set aside upon the failure of the defendant to provide proof of successful completion of said treatment program within a time certain to be established by the court. If such person at the time of a second or subsequent conviction is without a license or permit because of a previous suspension or revocation, the minimum mandatory sentence shall be ninety days in jail and a two hundred dollar fine. The penalty so imposed shall not be suspended.

(2) There shall be levied and paid into the highway safety fund of the state treasury a penalty assessment in the minimum amount of twenty-five percent of, and which shall be in addition to, any fine, bail forfeiture, or costs on all offenses involving a violation of any state statute or city or county ordinance relating to driving a motor vehicle while under the influence of intoxicating liquor or being in actual physical control of a motor vehicle while under the influence of intoxicating liquor: *Provided*, That all funds derived from such penalty assessment shall be in addition to and exclusive of assessments made under RCW 46.81.030 and shall be for the exclusive use of the department for driver services programs and for a state-wide alcohol safety action program, or other similar programs designed primarily for the rehabilitation or control of traffic offenders. Such penalty assessment shall be included in any bail schedule and shall be included by the court in any pronouncement of sentence.

(3) Notwithstanding the provisions contained in chapters 3.16, 3.46, 3.50, 3.62 or 35.20 RCW, or any other section, the penalty assessment provided for in subsection (2) of this section shall not be suspended, waived, modified, or deferred in any respect and all

moneys derived from such penalty assessments shall be forwarded to the highway safety fund to be used exclusively for the purposes set forth in subsection (2) of this section.

(4) The license or permit to drive or any nonresident privilege of any person convicted of either of the offenses named in subsection (1) above shall:

(a) Be suspended by the department for not less than thirty days;

(b) On a second conviction under either such offense within a five year period, be suspended by the department for not less than sixty days after the termination of such person's jail sentence;

(c) On a third or subsequent conviction under either such offense within a five year period, be revoked by the department.

(5) In any case provided for in this section, where a driver's license is to be revoked or suspended, such revocation or suspension shall be stayed and shall not take effect until after the determination of any appeal from the conviction which may lawfully be taken, but in case such conviction is sustained on appeal such revocation or suspension shall take effect as of the date that the conviction becomes effective for other purposes. [1974 1st ex.s. c 130 § 1; 1971 ex.s. c 284 § 1; 1967 c 32 § 68; 1965 ex.s. c 155 § 62.]

Severability—1971 ex.s. c 284: See note following RCW 46.65.010.

Highway safety fund: RCW 46.68.060.

Revocation of license for driving under the influence of intoxicating liquor or drugs: RCW 46.20.285.

46.61.518 Penalty assessments—Disposition of gross proceeds. The gross proceeds of the penalty assessments provided for in RCW 46.61.515(2) shall be separately accounted for and transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall also separately account for such moneys, place them in a separate fund, and shall transmit to the state treasurer monthly and without deduction the gross amount of such penalty assessments received, which shall be credited forthwith to the highway safety fund of the state treasury. [1974 1st ex.s. c 130 § 3.]

46.61.520 Negligent homicide by motor vehicle—Penalty. (1) When the death of any person shall ensue within three years as a proximate result of injury received by the driving of any vehicle by any person while under the influence of or affected by intoxicating liquor or narcotic drugs as defined in chapter 69.50 RCW, Uniform Controlled Substances Act, or by the operation of any vehicle in a reckless manner or with disregard for the safety of others, the person so operating such vehicle shall be guilty of negligent homicide by means of a motor vehicle.

(2) Any person convicted of negligent homicide by means of a motor vehicle shall be punished by imprisonment in the state penitentiary for not more than ten years, or by imprisonment in the county jail for not

more than one year, or by fine of not more than one thousand dollars, or by both fine and imprisonment. [1973 2nd ex.s. c 38 § 2; 1970 ex.s. c 49 § 5; 1965 ex.s. c 155 § 63; 1961 c 12 § 46.56.040. Prior: 1937 c 189 § 120; RRS § 6360–120. Formerly RCW 46.56.040.]

Severability—1970 ex.s. c 49: See note following RCW 9.48.010.

Suspension or revocation of license upon conviction of manslaughter or negligent homicide resulting from operation of motor vehicle: RCW 46.20.285, 46.20.291.

46.61.525 Operating motor vehicle in a negligent manner. It shall be unlawful for any person to operate a motor vehicle in a negligent manner over and along the public highways of this state. For the purpose of this section to "operate in a negligent manner" shall be construed to mean the operation of a vehicle upon the public highways of this state in such a manner as to endanger or be likely to endanger any persons or property.

The offense of operating a vehicle in a negligent manner shall be considered to be a lesser offense than, but included in, the offense of operating a vehicle in a reckless manner, and any person charged with operating a vehicle in a reckless manner may be convicted of the lesser offense of operating a vehicle in a negligent manner. Any person violating the provisions of this section will be guilty of a misdemeanor: *Provided*, That the director shall not revoke any license under this section. [1967 c 32 § 69; 1961 c 12 § 46.56.030. Prior: 1939 c 154 § 1; RRS § 6360–118 1/2. Formerly RCW 46.56.030.]

46.61.530 Racing of vehicles on highways—Reckless driving. No person or persons shall race any motor vehicle or motor vehicles upon any public highway of this state. Any person or persons guilty of comparing or contesting relative speeds by simultaneous operations shall be guilty of reckless driving whether or not such speed is in excess of the maximum speed prescribed by law. [1961 c 12 § 46.48.050. Prior: 1937 c 189 § 67; RRS § 6360–67; 1921 c 96 § 32; 1915 c 142 § 25; RRS § 6344. Formerly RCW 46.48.050.]

46.61.535 Advertising of unlawful speed attained—Reckless driving. It shall be unlawful for any manufacturer, dealer, distributor or any person, firm or corporation to publish or advertise or offer for publication or advertisement, or to consent or cause to be published or advertised, the time consumed or speed attained by a vehicle between given points or over given or designated distances upon any public highways of this state when such published or advertised time consumed or speed attained shall indicate an average rate of speed between given points or over a given or designated distance in excess of the maximum rate of speed allowed between such points or at a rate of speed which would constitute reckless driving between such points. Conviction for a violation of any of the provisions of this section shall be prima facie evidence of reckless driving and shall subject such person, firm, or corporation to the penalties in such cases provided. [1961 c 12 §

46.48.060. Prior: 1937 c 189 § 68; RRS § 6360-68. Formerly RCW 46.48.060.]

STOPPING, STANDING, AND PARKING

46.61.560 Stopping, standing or parking outside of business or residence districts. (1) Upon any highway outside of incorporated cities and towns no person shall stop, park or leave standing any vehicle, whether attended or unattended, upon the main-traveled part of the highway.

(2) This section shall not apply to the driver of any vehicle which is disabled while on the main-traveled portion of a highway in such manner and to such extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. [1965 ex.s. c 155 § 64.]

Rules on leaving motor vehicle unattended: RCW 46.61.600.

46.61.565 Officers authorized to remove illegally stopped vehicle. (1) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the provisions of RCW 46.61.560, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main-traveled part of such highway.

(2) Whenever any police officer finds a vehicle unattended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(3) The charge for removal of a vehicle as authorized in subsections (1) and (2) above shall be fixed by the governmental agency having traffic law enforcement jurisdiction over the portion of highway where such vehicle was found. Such governmental agency may perform the removal service directly or through a private firm. A private firm providing such removal services shall post the authorized charges therefor prominently at its place of business. The costs incurred in the removal of such a vehicle shall be paid by the vehicle's owner and shall be a lien upon the vehicle until paid. [1965 ex.s. c 155 § 65.]

46.61.570 Stopping, standing or parking prohibited in specified places. (1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic-control device, no person shall:

- (a) Stop, stand or park a vehicle:
 - (i) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
 - (ii) On a sidewalk or street planting strip;
 - (iii) Within an intersection;
 - (iv) On a crosswalk;
 - (v) Between a safety zone and the adjacent curb or within thirty feet of points on the curb immediately opposite the ends of a safety zone, unless official signs or

markings indicate a different no-parking area opposite the ends of a safety zone;

(vi) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(vii) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(viii) On any railroad tracks; or

(ix) At any place where official signs prohibit stopping.

(b) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

(i) In front of a public or private driveway or within five feet of the end of the curb radius leading thereto;

(ii) Within fifteen feet of a fire hydrant;

(iii) Within twenty feet of a crosswalk;

(iv) Within thirty feet upon the approach to any flashing signal, stop sign, yield sign, or traffic-control signal located at the side of a roadway;

(v) Within twenty feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five feet of said entrance; or

(vi) At any place where official signs prohibit standing.

(c) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

(i) Within fifty feet of the nearest rail of a railroad crossing; or

(ii) At any place where official signs prohibit parking.

(2) Parking or standing shall be permitted in the manner provided by law at all other places except a time limit may be imposed or parking restricted at other places, but such limitation and restriction shall be by city ordinance or county resolution or order of the state highway commission upon public highways under their respective jurisdictions.

(3) No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful. [1965 ex.s. c 155 § 66.]

46.61.575 Additional parking regulations. (1) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be so stopped or parked with the right-hand wheels parallel to and within twelve inches of the right-hand curb or edge of the roadway.

(2) Except when otherwise provided by local ordinance, every vehicle stopped or parked upon a one-way roadway shall be so stopped or parked parallel to the curb or edge of the roadway, in the direction of authorized traffic movement, with its right-hand wheels within twelve inches of the right-hand curb or edge of the roadway, or its left-hand wheels within twelve inches of the left-hand curb or edge of the roadway.

(3) Local authorities may by ordinance or resolution permit angle parking on any roadway, except that angle parking shall not be permitted on any federal-aid or

state highway unless the state highway commission has determined by resolution or order that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(4) The state highway commission with respect to highways under its jurisdiction may place signs prohibiting or restricting the stopping, standing or parking of vehicles on any highway where in its opinion, as evidenced by resolution or order, such stopping, standing or parking is dangerous to those using the highway or where the stopping, standing or parking of vehicles would unduly interfere with the free movement of traffic thereon. Such signs shall be official signs and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs. [1965 ex.s. c 155 § 67.]

46.61.580 Special parking privileges for certain disabled persons—Display of decal—Prohibited areas. Any person who has lost both of his lower extremities, or who has lost the normal or full use thereof, or who is so severely disabled as to be unable to move without the aid of crutches or a wheelchair, shall be allowed to park his vehicle for unlimited periods of time in parking zones or areas which are otherwise restricted as to the length of time parking is permitted. This section shall have no application to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. Such person shall not be permitted the foregoing privilege unless he obtains and displays a distinguishing decal as provided in RCW 46.16.380. [1961 c 128 § 2. Formerly RCW 46.48.340.]

MISCELLANEOUS RULES

46.61.600 Unattended motor vehicle. No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key and effectively setting the brake thereon and, when standing upon any perceptible grade, turning the front wheels to the curb or side of the highway. [1965 ex.s. c 155 § 68.]

46.61.605 Limitations on backing. (1) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interfering with other traffic.

(2) The driver of a vehicle shall not back the same upon any shoulder or roadway of any limited access highway. [1965 ex.s. c 155 § 69.]

46.61.610 Riding on motorcycles. A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the operator: *Provided, however,* That the motorcycle must contain foot pegs of

a type approved by the equipment commission. [1967 c 232 § 5; 1965 ex.s. c 155 § 70.]

Equipment regulations for motorcycles: RCW 46.37.530, 46.37.535.

46.61.611 Riding on motorcycles—Maximum height for handlebars. No person shall operate on a public highway a motorcycle in which the handlebars or grips are more than fifteen inches higher than the seat or saddle for the operator. [1967 c 232 § 6.]

46.61.612 Riding on motorcycles—Both feet not to be on same side. No person shall ride a motorcycle in a position where both feet are placed on the same side of the motorcycle. [1967 c 232 § 7.]

46.61.613 Riding on motorcycles—Temporary suspension of restrictions for parades or public demonstrations. The provisions of RCW 46.37.530 and 46.61.610 through 46.61.612 may be temporarily suspended by the chief of the Washington state patrol, or his designee, with respect to the operation of motorcycles within their respective jurisdictions in connection with a parade or public demonstration. [1967 c 232 § 8.]

46.61.615 Obstructions to driver's view or driving mechanism. (1) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(2) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle. [1965 ex.s. c 155 § 71.]

46.61.620 Opening and closing vehicle doors. No person shall open the door of a motor vehicle on the side adjacent to moving traffic unless and until it is reasonably safe to do so, and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle adjacent to moving traffic for a period of time longer than necessary to load or unload passengers. [1965 ex.s. c 155 § 72.]

46.61.625 Riding in trailers. No person or persons shall occupy any trailer while it is being moved upon a public highway, except a person occupying a proper position for steering a trailer designed to be steered from a rear-end position. [1965 ex.s. c 155 § 73.]

46.61.630 Coasting prohibited. (1) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(2) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged. [1965 ex.s. c 155 § 74.]

46.61.635 Following fire apparatus prohibited. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response

to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. [1965 ex.s. c 155 § 75.]

46.61.640 Crossing fire hose. No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, or private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. [1965 ex.s. c 155 § 76.]

46.61.645 Throwing or depositing glass, etc., on highway prohibited—Removal. (1) No person shall throw or deposit upon any highway any glass bottle, glass, nails, tacks, wire, cans or any other substance likely to injure any person, animal or vehicle upon such highway.

(2) Any person who drops, or permits to be dropped or thrown, upon any highway any destructive or injurious material shall immediately remove the same or cause it to be removed.

(3) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle. [1965 ex.s. c 155 § 77.]

46.61.655 Permitting escape of load materials. No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor. [1971 ex.s. c 307 § 22; 1965 ex.s. c 52 § 1; 1961 c 12 § 46.56.135. Prior: 1947 c 200 § 3, part; 1937 c 189 § 44, part; Rem. Supp. 1947 § 6360-44, part. Formerly RCW 46.56.135.]

Severability—1971 ex.s. c 307: See RCW 70.93.900.

46.61.660 Carrying persons or animals on outside part of vehicle. It shall be unlawful for any person to transport any living animal on the running board, fenders, hood, or other outside part of any vehicle unless suitable harness, cage or enclosure be provided and so attached as to protect such animal from falling or being thrown therefrom. It shall be unlawful for any person to transport any persons upon the running board, fenders, hood or other outside part of any vehicle, except that this provision shall not apply to authorized emergency vehicles. [1961 c 12 § 46.56.070. Prior: 1937 c 189 § 115; RRS § 6360-115. Formerly RCW 46.56.070.]

46.61.665 Embracing another while driving. It shall be unlawful for any person to operate a motor vehicle upon the highways of this state when such person has in his or her embrace another person which prevents the free and unhampered operation of such vehicle. Any person so doing shall be deemed guilty of reckless driving. [1961 c 12 § 46.56.100. Prior: 1937 c 189 § 117; RRS § 6360-117; 1927 c 309 § 49; RRS § 6362-49. Formerly RCW 46.56.100.]

46.61.670 Driving with wheels off roadway. It shall be unlawful to operate or drive any vehicle or combination of vehicles over or along any pavement or gravel or crushed rock surface on a public highway with one wheel or all of the wheels off the roadway thereof, except for the purpose of stopping off such roadway, or having stopped thereat, for proceeding back onto the pavement, gravel or crushed rock surface thereof. [1961 c 12 § 46.56.130. Prior: 1937 c 189 § 96; RRS § 6360-96. Formerly RCW 46.36.130, (second, third, fourth paragraphs). Formerly RCW 46.56.130.]

46.61.675 Causing or permitting vehicle to be unlawfully operated. It shall be unlawful for the owner, or any other person, in employing or otherwise directing the operator of any vehicle to require or knowingly to permit the operation of such vehicle upon any public highway in any manner contrary to the law. [1961 c 12 § 46.56.200. Prior: 1937 c 189 § 148; RRS § 6360-148. Formerly RCW 46.56.200.]

46.61.680 Lowering passenger motor vehicle below legal clearance—Penalty. It is unlawful to operate any passenger motor vehicle which has been modified from the original design so that any portion of such passenger vehicle other than the wheels has less clearance from the surface of a level roadway than the clearance between the roadway and the lowermost portion of any rim of any wheel the tire on which is in contact with such roadway.

Any person violating the provisions of this section shall be guilty of a misdemeanor. [1961 c 151 § 1. Formerly RCW 46.56.220.]

46.61.685 Leaving children unattended in standing vehicle with motor running—Penalty. It shall be unlawful for any person, while operating or in charge of a vehicle, to park or wilfully allow such vehicle to stand upon a public highway or in a public place with its motor running, leaving a minor child or children under the age of sixteen years unattended therein.

Any person violating the provisions of this section shall be guilty of a misdemeanor. Upon a second or subsequent conviction for a violation of the provisions of this section, the court shall, in addition to such fine or imprisonment as provided by law, revoke the operator's license of such person. [1961 c 151 § 2. Formerly RCW 46.56.230.]

Leaving children unattended in parked automobile while entering tavern, etc.: RCW 9.91.060.

46.61.690 Violations relating to toll facilities. Any person who operates a motor vehicle over a toll bridge, toll tunnel, toll road, or toll ferry, and the approaches thereto, operated by the state of Washington, the Washington toll bridge authority or any political subdivision or municipal corporation empowered to operate toll facilities, at the entrance to which appropriate signs have been erected to notify traffic that it is entering a toll facility or its approaches and is subject to the payment of tolls at the designated station for collecting tolls, shall be guilty of a misdemeanor if:

(1) He refuses to pay, evades, or attempts to evade the payment of such tolls, or who shall use or attempt to use any spurious or counterfeit tickets, coupons or tokens for payment of any such tolls, or

(2) he turns, or attempts to turn, the vehicle around in the bridge, tunnel, loading terminal, approach or toll plaza where signs have been erected forbidding such turns, or

(3) he refuses to pass through the toll gates after having come within the area where signs have been erected notifying traffic that it is entering the area where toll is collectible or where vehicles may not turn around and where vehicles are required to pass through the toll gates for the purpose of collecting tolls. [1961 c 259 § 1. Formerly RCW 46.56.240.]

Severability—1961 c 259: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 259 § 2.] This applies to RCW 46.61.690.

46.61.700 Parent or guardian shall not authorize or permit violation by a child or ward. The parent of any child and the guardian of any ward shall not authorize or knowingly permit any such child or ward to violate any of the provisions of this chapter. [1965 ex.s. c 155 § 78.]

Reviser's note: This section was enacted just prior to sections pertaining to operation of bicycles and play vehicles and is accordingly so codified. The section appears in the Uniform Vehicle Code (1962) as part of the first section of Article XII—Operation of Bicycles and Play Vehicles.

Captions used herein, not part of the law: RCW 46.61.990.

Unlawful to allow unauthorized child or ward to drive: RCW 46.20.343.

OPERATION OF BICYCLES AND PLAY VEHICLES

46.61.750 Effect of regulations—Penalty. (1) It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in RCW 46.61.750 through 46.61.780.

(2) These regulations applicable to bicycles shall apply whenever a bicycle is operated upon any highway or upon any path set aside for the exclusive use of bicycles subject to those exceptions stated herein. [1965 ex.s. c 155 § 79.]

Bicycle defined: RCW 46.04.071.

46.61.755 Traffic laws apply to persons riding bicycles. Every person riding a bicycle upon a roadway shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except as to special regulations in RCW 46.61.750 through 46.61.780 and except as to those provisions of this chapter which by their nature can have no application. [1965 ex.s. c 155 § 80.]

46.61.760 Riding on bicycles. (1) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto.

(2) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped. [1965 ex.s. c 155 § 81.]

46.61.765 Clinging to vehicles. No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway. [1965 ex.s. c 155 § 82.]

46.61.770 Riding on roadways and bicycle paths. (1) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable and may utilize the shoulder of the roadway or any specially designated bicycle lane if such exists, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(2) Persons riding bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(3) Wherever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway. [1974 1st ex.s. c 141 § 14; 1965 ex.s. c 155 § 83.]

46.61.775 Carrying articles. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handle bars. [1965 ex.s. c 155 § 84.]

46.61.780 Lamps and other equipment on bicycles. (1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state commission on equipment which shall be visible from all distances from fifty feet to three hundred feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement. [1965 ex.s. c 155 § 85.]

46.61.990 Recodification of sections—Organization of chapter—Construction. Sections 1 through 52 and 54 through 86 of this amendatory act are added to

chapter 12, Laws of 1961 and shall constitute a new chapter in Title 46 of the Revised Code of Washington and sections 54, 55 and 63 as herein amended and RCW 46.48.012, 46.48.014, 46.48.015, 46.48.016, 46.48.023, 46.48.025, 46.48.026, 46.48.041, 46.48.046, 46.48.050, 46.48.060, 46.48.080, 46.48.110, 46.48.120, 46.48.150, 46.48.160, 46.48.340, 46.56.030, 46.56.070, 46.56.100, 46.56.130, 46.56.135, 46.56.190, 46.56.200, 46.56.210, 46.56.220, 46.56.230, 46.56.240, 46.60.260, 46.60.270, 46.60.330, 46.60.340 shall be recodified as and be a part of said chapter. The sections of the new chapter shall be organized under the following captions: "OBEDIENCE TO AND EFFECT OF TRAFFIC LAWS", "TRAFFIC SIGNS, SIGNALS AND MARKINGS", "DRIVING ON RIGHT SIDE OF ROADWAY—OVERTAKING AND PASSING—USE OF ROADWAY", "RIGHT OF WAY", "PEDESTRIANS' RIGHTS AND DUTIES", "TURNING AND STARTING AND SIGNALS ON STOPPING AND TURNING", "SPECIAL STOPS REQUIRED", "SPEED RESTRICTIONS", "RECKLESS DRIVING, DRIVING WHILE INTOXICATED AND NEGLIGENT HOMICIDE BY VEHICLE", "STOPPING, STANDING AND PARKING", "MISCELLANEOUS RULES", and "OPERATION OF BICYCLES AND PLAY VEHICLES". Such captions shall not constitute any part of the law. [1965 ex.s. c 155 § 92.]

46.61.991 Severability—1965 ex.s. c 155. If any provision of this amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1965 ex.s. c 155 § 93.]

Chapter 46.64 ENFORCEMENT

Sections

| | |
|-----------|--|
| 46.64.010 | Traffic citations—Record of—Cancellation prohibited—Penalty—Citation audit. |
| 46.64.015 | Citation and notice to appear in court—Issuance—Contents—Written promise—Arrest. |
| 46.64.020 | Nonappearance after written promise, misdemeanor. |
| 46.64.025 | Nonappearance after written promise—Notice to department. |
| 46.64.030 | Procedure governing arrest and prosecution. |
| 46.64.040 | Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact. |
| 46.64.048 | Attempting, aiding, abetting, coercing, committing violations, punishable. |
| 46.64.050 | General penalty. |
| 46.64.060 | Stopping motor vehicles for driver's license check, vehicle inspection and test—Purpose. |
| 46.64.070 | Stopping motor vehicles for driver's license check, vehicle inspection and test—Authorized—Powers additional. |

46.64.010 Traffic citations—Record of—Cancellation prohibited—Penalty—Citation audit. Every traffic enforcement agency in this state shall provide in appropriate form traffic citations containing notices to appear which shall be issued in books with citations in

quadruplicate and meeting the requirements of this section.

The chief administrative officer of every such traffic enforcement agency shall be responsible for the issuance of such books and shall maintain a record of every such book and each citation contained therein issued to individual members of the traffic enforcement agency and shall require and retain a receipt for every book so issued.

Every traffic enforcement officer upon issuing a traffic citation to an alleged violator of any provision of the motor vehicle laws of this state or of any traffic ordinance of any city or town shall deposit the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau.

Upon the deposit of the original or a copy of such traffic citation with a court having competent jurisdiction over the alleged offense or with its traffic violations bureau as aforesaid, said original or copy of such traffic citation may be disposed of only by trial in said court or other official action by a judge of said court, including forfeiture of the bail or by the deposit of sufficient bail with or payment of a fine to said traffic violations bureau by the person to whom such traffic citation has been issued by the traffic enforcement officer.

It shall be unlawful and official misconduct for any traffic enforcement officer or other officer or public employee to dispose of a traffic citation or copies thereof or of the record of the issuance of the same in a manner other than as required herein.

The chief administrative officer of every traffic enforcement agency shall require the return to him of a copy of every traffic citation issued by an officer under his supervision to an alleged violator of any traffic law or ordinance and of all copies of every traffic citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

Such chief administrative officer shall also maintain or cause to be maintained in connection with every traffic citation issued by an officer under his supervision a record of the disposition of the charge by the court or its traffic violations bureau in which the original or copy of the traffic citation was deposited.

Any person who cancels or solicits the cancellation of any traffic citation, in any manner other than as provided in this section, shall be guilty of a misdemeanor.

Every record of traffic citations required in this section shall be audited monthly by the appropriate fiscal officer of the government agency to which the traffic enforcement agency is responsible. [1961 c 12 § 46.64-.010. Prior: 1949 c 196 § 16; 1937 c 189 § 145; Rem. Supp. 1949 § 6360-145.]

46.64.015 Citation and notice to appear in court—Issuance—Contents—Written promise—Arrest. Whenever any person is arrested for any violation of the traffic laws or regulations which is punishable as a misdemeanor, the arresting officer may serve upon him a traffic citation and notice to appear in court. Such citation and notice shall conform to the requirements of RCW 46.64.010, and in addition, shall include spaces

for the name and address of the person arrested, the license number of the vehicle involved, the driver's license number of such person, if any, the offense charged, the time and place where such person shall appear in court, and a place where the person arrested may sign. Such spaces shall be filled with the appropriate information by the arresting officer. The arrested person, in order to secure release, and when permitted by the arresting officer, must give his written promise to appear in court as required by the citation and notice by signing in the appropriate place the written citation and notice served by the arresting officer. Upon the arrested person's failing or refusing to sign such written promise, he may be taken into custody of such arresting officer and so remain or be placed in confinement: *Provided*, That an officer shall not serve or issue any traffic citation or notice for any offense or violation except when said offense or violation is committed in his presence. [1967 c 32 § 70; 1961 c 12 § 46.64.015. Prior: 1951 c 175 § 1.]

46.64.020 Nonappearance after written promise, misdemeanor. Any person wilfully violating his written and signed promise to appear in court, as provided in this title, shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested: *Provided*, That a written promise to appear in court may be complied with by an appearance by counsel. [1961 c 12 § 46.64.020. Prior: 1937 c 189 § 146; RRS § 6360-146.]

46.64.025 Nonappearance after written promise—Notice to department. Whenever any person has for a period of fifteen or more days violated his written promise to appear in court, the court in which the defendant so promised to appear shall forthwith give notice of such fact to the department of motor vehicles. Whenever thereafter the case in which such promise was given is adjudicated the court hearing the case shall file with the department a certificate showing that the case has been adjudicated. [1967 c 32 § 71; 1965 ex.s. c 121 § 23.]

Severability—1965 ex.s. c 121: See RCW 46.20.910.

Purpose of 1965 ex.s. c 121—Construction: See note following RCW 46.20.021.

46.64.030 Procedure governing arrest and prosecution. The provisions of this title with regard to the apprehension and arrest of persons violating this title shall govern all police officers in making arrests without a warrant for violations of this title for offenses committed in their presence, but the procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the arrest and prosecution of a person for other like offenses. [1967 c 32 § 72; 1961 c 12 § 46.64.030. Prior: 1937 c 189 § 147; RRS § 6360-147.]

46.64.040 Nonresident's use of highways as assent to being sued and served in state—Resident leaving state—Secretary of state as attorney in fact. The acceptance by a nonresident of the rights and privileges

conferred by law in the use of the public highways of this state, as evidenced by his operation of a vehicle thereon, or the operation thereon of his vehicle with his consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his true and lawful attorney upon whom may be served all lawful summons and processes against him growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his vehicle is being operated thereon with his consent, express or implied, and such operation and acceptance shall be a signification of his agreement that any summons or process against him which is so served shall be of the same legal force and validity as if served on him personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or process shall be made by leaving two copies thereof with a fee of five dollars with the secretary of state of the state of Washington, or at his office, and such service shall be sufficient and valid personal service upon said resident or nonresident: *Provided*, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff's affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff's attorney that he has with due diligence attempted to serve personal process upon the defendant at all addresses known to him of defendant and further listing in his affidavit the addresses at which he attempted to have process served. However, if process is forwarded by registered mail and defendant's endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff's attorney need only show that the defendant received personal delivery by mail: *Provided further*, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at his address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee of five dollars paid by the plaintiff to the secretary of state shall be taxed as part of his costs if he prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

[1973 c 91 § 1; 1971 ex.s. c 69 § 1; 1961 c 12 § 46.64.040. Prior: 1959 c 121 § 1; 1957 c 75 § 1; 1937 c 189 § 129; RRS § 6360-129.]

46.64.048 Attempting, aiding, abetting, coercing, committing violations, punishable. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared by this title to be a crime, whether individually or in connection with one or more other persons or as principal, agent, or accessory, shall be guilty of such offense, and every person who falsely, fraudulently, forcefully, or wilfully induces, causes, coerces, requires, permits or directs others to violate any provisions of this title is likewise guilty of such offense. [1961 c 12 § 46.56.210. Prior: 1937 c 189 § 149; RRS § 6360-149. Formerly RCW 46.61.695.]

46.64.050 General penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title unless violation is by this title or other law of this state declared to be a felony or a gross misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly. [1961 c 12 § 46.64.050. Prior: (i) 1937 c 189 § 150; RRS § 6360-150; 1927 c 309 § 53; RRS § 6362-53. (ii) 1937 c 188 § 82; RRS § 6312-82; 1921 c 108 § 16; RRS § 6378.]

46.64.060 Stopping motor vehicles for driver's license check, vehicle inspection and test—Purpose. The purpose of RCW 46.64.060 and 46.64.070 is to provide for the exercise of the police power of this state to protect the health and safety of its citizens by assuring that only qualified drivers and vehicles which meet minimum equipment standards shall operate upon the highways of this state. [1967 c 144 § 1.]

Severability—1967 c 144: "If any provision, clause or word of this act or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision of application, and to this end the provisions of this act are declared to be severable." [1967 c 144 § 3.] This applies to RCW 46.64.060 and 46.64.070.

46.64.070 Stopping motor vehicles for driver's license check, vehicle inspection and test—Authorized—Powers additional. To carry out the purpose of RCW 46.64.060 and 46.64.070, officers of the Washington state patrol are hereby empowered during daylight hours and while using plainly marked state patrol vehicles to require the driver of any motor vehicle being operated on any highway of this state to stop and display his or her driver's license and/or to submit the motor vehicle being driven by such person to an inspection and test to ascertain whether such vehicle complies with the minimum equipment requirements prescribed by chapter 46.37 RCW, as now or hereafter amended. No criminal citation shall be issued for a period of ten days after giving a warning ticket pointing out the defect.

The powers conferred by RCW 46.64.060 and 46.64.070 are in addition to all other powers conferred by law upon such officers, including but not limited to powers conferred upon them as police officers pursuant to RCW 46.20.430 and powers conferred by chapter 46.32 RCW. [1973 2nd ex.s. c 22 § 1; 1967 c 144 § 2.]

Chapter 46.65 WASHINGTON HABITUAL TRAFFIC OFFENDERS ACT

| Sections | |
|-----------|---|
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| 46.65.110 | Appeals from final court action or order. |
| 46.65.900 | Construction—Chapter supplemental. |
| 46.65.910 | Short title. |

46.65.010 State policy enunciated. It is hereby declared to be the policy of the state of Washington:

(1) To provide maximum safety for all persons who travel or otherwise use the public highways of this state; and

(2) To deny the privilege of operating motor vehicles on such highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of her courts and the statutorily required acts of her administrative agencies; and

(3) To discourage repetition of criminal acts by individuals against the peace and dignity of the state and her political subdivisions and to impose increased and added deprivation of the privilege to operate motor vehicles upon habitual offenders who have been convicted repeatedly of violations of traffic laws. [1971 ex.s. c 284 § 3.]

Severability—1971 ex.s. c 284: "If any provision of this 1971 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1971 ex.s. c 284 § 17.] This applies to RCW 46.61.515 and chapter 46.65 RCW.

46.65.020 Habitual offender defined. As used in this chapter, unless a different meaning is plainly required by the context, an habitual offender shall mean any person, resident or nonresident, who has accumulated convictions or, if a minor, shall have violations recorded with the department of motor vehicles, or forfeited bail for separate and distinct offenses as described in either subsection (1) or (2) below committed within a five year period, as evidenced by the records maintained in the department of motor vehicles: *Provided,*

That where more than one described offense shall be committed within a six-hour period such multiple offenses shall, on the first such occasion, be treated as one offense for the purposes of this chapter:

(1) Three or more convictions, singularly or in combination, of the following offenses:

(a) Negligent homicide as defined in RCW 46.61.520; or

(b) Driving or operating a motor vehicle while under the influence of intoxicants or drugs; or

(c) Driving a motor vehicle while his license, permit, or privilege to drive has been suspended or revoked; or

(d) Failure of the driver of any vehicle involved in an accident resulting in the injury or death of any person to immediately stop such vehicle at the scene of such accident or as close thereto as possible and to forthwith return to and in every event remain at, the scene of such accident until he has fulfilled the requirements of RCW 46.52.020.

(2) Twenty or more convictions or bail forfeitures for separate and distinct offenses, singularly or in combination, in the operation of a motor vehicle which are required to be reported to the department of motor vehicles. Such convictions or bail forfeitures shall include those for offenses enumerated in subsection (1) above when taken with and added to those offenses described herein but shall not include convictions or forfeitures for any nonmoving violation.

The offenses included in subsections (1) and (2) hereof shall be deemed to include offenses under any valid town, city, or county ordinance substantially conforming to the provisions cited in said subsections (1) and (2) or amendments thereto, and any federal law, or any law of another state, including subdivisions thereof, substantially conforming to the aforesaid state statutory provisions. [1971 ex.s. c 284 § 4.]

46.65.030 Transcripts or abstracts of conviction record certified—As prima facie evidence. The director of the department of motor vehicles shall certify three transcripts or abstracts of the conviction record as maintained by the department of motor vehicles of any person whose record brings him within the definition of an habitual offender, as defined in RCW 46.65.020, to the prosecuting attorney of the county in which such person resides according to the records of the department or to the attorney general of the state of Washington if such person is not a resident of this state. Such transcript or abstract may be admitted as evidence and shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such fact is untrue. [1971 ex.s. c 284 § 5.]

46.65.040 Complaint filed. The prosecuting attorney upon receiving the aforesaid transcripts or abstracts from the director shall forthwith file a complaint against the person named therein as being an habitual offender in the superior court in the political subdivision in

which such person resides. In the event such person is a nonresident of this state, the attorney general of the state of Washington shall file such complaint against the accused person in Thurston county superior court. [1971 ex.s. c 284 § 6.]

46.65.050 Show cause order issued—Service of order with transcript or abstract. The court in which such complaint is filed shall enter an order, which incorporates the aforesaid transcript or abstract and is directed to the person named therein, to show cause why he should not be barred as an habitual offender from operating a motor vehicle on the highways of this state. A copy of the show cause order and such transcript or abstract shall be served on the person named therein in the manner prescribed by law for the service of process under chapter 4.28 RCW. Service thereof on any nonresident of the state may be made by the director of the department of motor vehicles in the same manner as service of process on a nonresident motor vehicle operator under the provisions of RCW 46.64.040. [1971 ex.s. c 284 § 7.]

46.65.060 Court order—Filing with department—Revocation of operator's license—Stay by court order. If the court finds that such person is not the same person named in the aforesaid transcript or abstract or that he is not an habitual offender under this chapter, the proceeding shall be dismissed but if the court finds that such person is the same person named in the aforesaid transcript or abstract and that such person is an habitual offender, the court shall so find and by appropriate order direct such person not to operate a motor vehicle on the highways of the state of Washington and to surrender to the court all licenses or permits to operate a motor vehicle on the highways of this state for disposal. The clerk of the court shall file with the department of motor vehicles a copy of such order which shall become a part of the permanent records of the department. Upon receipt of the court order finding such person to be an habitual offender the department of motor vehicles shall revoke the operator's license for a period of five years: *Provided*, That a judge may stay the effective date of the order declaring the person to be a habitual traffic offender if he finds that the traffic offenses upon which it is based were caused by or are the result of the alcoholism of the person, as defined in RCW 70.96A.020, as now or hereafter amended and that since his last offense he has undertaken and followed a course of treatment for alcoholism on a program approved by the department of social and health services; notice of such stay shall be entered on the copy of the order filed with the department of motor vehicles. Said stay shall continue as long as there is no further conviction for any of the offenses listed in RCW 46.65.020(1). Upon a subsequent conviction for any offense listed in RCW 46.65.020(1), the stay shall be removed and the department of motor vehicles shall revoke the operator's license for a period of five years. [1973 1st ex.s. c 83 § 1; 1971 ex.s. c 284 § 8.]

46.65.070 Period during which habitual offender not to be issued license. No license to operate motor vehicles in Washington shall be issued to an habitual offender (1) for a period of five years from the date of the order of the court finding such person to be an habitual offender, and (2) until the privilege of such person to operate a motor vehicle in this state has been restored by the department of motor vehicles as hereinafter in this chapter provided. [1971 ex.s. c 284 § 9.]

46.65.080 Petition for restoration of operator's license after two years—Reinstatement of driving privilege. At the end of two years, the habitual offender may petition the department of motor vehicles for the return of his operator's license and upon good and sufficient showing, the department of motor vehicles may, wholly or conditionally, reinstate the privilege of such person to operate a motor vehicle in this state. [1971 ex.s. c 284 § 10.]

46.65.090 Unlawful operation of motor vehicle by habitual offender—Penalty—Procedure to enforce. It shall be unlawful for any person to operate a motor vehicle in this state while the order of revocation remains in effect. Any person found to be an habitual offender under the provisions of this chapter who is thereafter convicted of operating a motor vehicle in this state while the order of the court prohibiting such operation is in effect shall be guilty of a gross misdemeanor, the punishment for which shall be confinement in the county jail for not more than one year.

For the purpose of enforcing this section, in any case in which the accused is charged with driving a motor vehicle while his license, permit, or privilege to drive is suspended or revoked or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been adjudged an habitual offender and by reason of such judgment is barred from operating a motor vehicle on the highways of this state. If the court determines the accused has been so adjudged it shall transfer the case to the court of record making such determination for trial. [1971 ex.s. c 284 § 11.]

46.65.100 Petition for restoration of operator's license after five years—Reinstatement of driving privilege. At the expiration of five years from the date of any final order finding a person to be an habitual offender and directing him not to operate a motor vehicle in this state, such person may petition the department of motor vehicles for restoration of his privilege to operate a motor vehicle in this state. Upon receipt of such petition, and for good cause shown, the department of motor vehicles shall restore to such person the privilege to operate a motor vehicle in this state upon such terms and conditions as the department of motor vehicles may prescribe, subject to the provisions of chapter 46.29 RCW and such other provisions of law relating to the issuance or revocation of operators' licenses. [1971 ex.s. c 284 § 12.]

46.65.110 Appeals from final court action or order. An appeal may be had from any final action or order of a court of record entered under the provisions of this chapter in the same manner and form as such an appeal would be noted, perfected, and tried in any criminal case. [1971 ex.s. c 284 § 13.]

46.65.900 Construction—Chapter supplemental. Nothing in this chapter shall be construed as amending, modifying, or repealing any existing law of Washington or any existing ordinance of any political subdivision relating to the operation or licensing of motor vehicles, the licensing of persons to operate motor vehicles or providing penalties for the violation thereof or shall be construed so as to preclude the exercise of regulatory powers of any division, agency, department, or political subdivision of the state having the statutory power to regulate such operation and licensing. [1971 ex.s. c 284 § 14.]

46.65.910 Short title. This chapter shall be known and may be cited as the "Washington Habitual Traffic Offenders Act". [1971 ex.s. c 284 § 18.]

Chapter 46.68 DISPOSITION OF REVENUE

- Sections
- 46.68.010 Refunds of erroneous license fees—Proof—Time limitation on filing claims.
 - 46.68.020 Disposition of fees for certificates of ownership.
 - 46.68.030 Disposition of vehicle license fees.
 - 46.68.041 Disposition of drivers' license and instruction permit fees—Support of driver education.
 - 46.68.050 Disposition of fines and forfeitures for violations.
 - 46.68.051 Disposition of penalty assessments for support of driver education program.
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 - 46.68.070 Motor vehicle fund created—Use limited.
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 - 46.68.090 Motor vehicle fund "net tax amount," how arrived at.
 - 46.68.100 Allocation of net tax amount in motor vehicle fund.
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- Motor vehicle fund income from United States securities—Exemption from reserve fund requirement: RCW 43.84.095.*
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- Refunds from motor vehicle fund of amounts taxed as ATV fuel—Distribution—Use: RCW 46.09.170.*
- State patrol: Chapter 43.43 RCW.*
- Treasurer's duty to refund snowmobile fuel tax to general fund—Crediting—Use: RCW 46.10.150.*

46.68.010 Refunds of erroneous license fees—

Proof—Time limitation on filing claims. Whenever any license fee, paid under the provisions of this title, shall have been erroneously paid, wholly or in part, the person paying the same, upon satisfactory proof to the director of motor vehicles, shall be entitled to have refunded the amount so erroneously paid. Upon such refund being certified to the state treasurer by the director as correct and being claimed in the time required by law the state treasurer shall mail or deliver the amount of each refund to the person entitled thereto: *Provided*, That no claim for refund shall be allowed for such erroneous payments unless filed with the director within thirteen months after such claimed erroneous payment was made. [1967 c 32 § 73; 1961 c 12 § 46.68.010. Prior: 1937 c 188 § 76; RRS § 6312–76.]

46.68.020 Disposition of fees for certificates of ownership.

The director shall forward all fees for certificates of ownership or other moneys accruing under the provisions of chapter 46.12 RCW to the state treasurer, together with a proper identifying detailed report. The state treasurer shall credit such moneys to the motor vehicle fund and all expenses incurred in carrying out the provisions of that chapter shall be paid from such fund as authorized by legislative appropriation. [1961 c 12 § 46.68.020. Prior: 1955 c 259 § 3; 1947 c 164 § 7; 1937 c 188 § 11; Rem. Supp. 1947 § 6312–11.]

46.68.030 Disposition of vehicle license fees. All fees received by the director for vehicle licenses under the provisions of chapter 46.16 RCW shall be forwarded to the state treasurer, accompanied by a proper identifying detailed report, and be by him deposited to the credit of the motor vehicle fund. [1973 c 103 § 3; 1971 ex.s. c 231 § 11; 1971 ex.s. c 91 § 1; 1969 ex.s. c 281 § 25; 1969 c 99 § 8; 1965 c 25 § 2; 1961 ex.s. c 7 § 17; 1961 c 12 § 46.68.030. Prior: 1957 c 105 § 2; 1955 c 259 § 4; 1947 c 164 § 15; 1937 c 188 § 40; Rem. Supp. 1947 § 6312–40.]

Refund of mobile home identification tag fees: "The department of motor vehicles shall refund all moneys collected in 1973 for mobile home identification tags. Such refunds shall be made to those persons who have purchased such tags. The department shall adopt rules pursuant to chapter 34.04 RCW to comply with the provisions of this section." [1973 c 103 § 4.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.68.041 Disposition of drivers' license and instruction permit fees—Support of driver education.

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund: *Provided*, That the legislative budget committee

and the legislative transportation committee are directed to jointly review methods for providing adequate financing of the state patrol and report their conclusions to the next session of the legislature commencing after January 1, 1972. [1971 ex.s. c 91 § 2; 1969 c 99 § 9; 1967 c 174 § 3; 1965 c 25 § 4.]

Legislative budget committee: Chapter 44.28 RCW.

Legislative transportation committee: Chapter 44.40 RCW.

46.68.050 Disposition of fines and forfeitures for violations.

All fines and forfeitures collected for violation of any of the provisions of this title when the violation occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; and one-half into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund for the construction and maintenance of city streets; and one-half into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1969 ex.s. c 199 § 23; 1969 c 99 § 10; 1961 c 12 § 46.68.050. Prior: (i) 1949 c 75 § 4; 1937 c 189 § 151; Rem. Supp. 1949 § 6360–151. (ii) 1949 c 75 § 3; 1937 c 188 § 83; Rem. Supp. 1949 § 6312–83; 1927 c 309 § 54; RRS § 6362–54.]

46.68.051 Disposition of penalty assessments for support of driver education program. See RCW 46.81.050.

46.68.060 Highway safety fund created—Use limited.

There is hereby created in the state treasury a fund to be known as the highway safety fund to the credit of which shall be deposited all moneys directed by law to be deposited therein. This fund shall be used for carrying out the provisions of law relating to driver licensing, driver improvement, financial responsibility, cost of furnishing abstracts of driving records and maintaining such case records, and to carry out the purposes set forth in RCW 43.59.010. [1969 c 99 § 11; 1967 c 174 § 4; 1965 c 25 § 3; 1961 c 12 § 46.68.060. Prior: 1957 c 104 § 1; 1937 c 188 § 81; RRS § 6312–81; 1921 c 108 § 13; RRS § 6375.]

Effective date—1969 c 99: See note following RCW 43.51.060.

Penalty assessments in addition to fines, etc., to be credited to highway safety fund: RCW 46.61.515.

46.68.070 Motor vehicle fund created—Use limited.

There is created in the state treasury a permanent fund to be known as the motor vehicle fund to the credit of which shall be deposited all moneys directed

by law to be deposited therein. This fund shall be for the use of the state, and through state agencies, for the use of counties, cities, and towns for proper road, street, and highway purposes, including the purposes of RCW 47.30.030. [1972 ex.s. c 103 § 6; 1961 c 12 § 46.68.070. Prior: (i) 1935 c 111 § 1, part; 1933 c 41 § 4, part; RRS § 6600, part; 1929 c 163 § 1; 1925 ex.s. c 185 § 1; 1923 c 181 § 3; 1921 c 96 § 18; 1919 c 46 § 3; 1917 c 155 § 13; 1915 c 142 § 18; RRS § 6330. (ii) 1939 c 181 § 1; RRS § 6600-1; 1937 c 208 §§ 1, 2, part.]

Severability—1972 ex.s. c 103: See note following RCW 47.30.030.

46.68.080 Refund of vehicle license fees and fuel tax to island counties. All motor vehicle license fees and all motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have neither a fixed physical connection with the mainland nor any state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

One-half of all motor vehicle license fees and motor vehicle fuel tax directly or indirectly paid by the residents of those counties composed entirely of islands and which have either a fixed physical connection with the mainland or state highways on any of the islands of which they are composed, shall be paid into the motor vehicle fund of the state of Washington and shall monthly, as they accrue, and after deducting therefrom the expenses of issuing such licenses and the cost of collecting such motor vehicle fuel tax, be paid to the county treasurer of each such county to be by him disbursed as hereinafter provided.

All funds paid to the county treasurer of the counties of either class above referred to as in this section provided, shall be by such county treasurer distributed and credited to the several road districts of each such county and paid to the city treasurer of each incorporated city and town within each such county, in the direct proportion that the assessed valuation of each such road district and incorporated city and town shall bear to the total assessed valuation of each such county.

The amount of motor vehicle fuel tax paid by the residents of those counties composed entirely of islands shall, for the purposes of this section, be that percentage of the total amount of motor vehicle fuel tax collected in the state that the motor vehicle license fees paid by the residents of counties composed entirely of islands bears to the total motor vehicle license fees paid by the residents of the state. [1961 c 12 § 46.68.080. Prior: 1939 c 181 § 9; RRS § 6450-54a.]

46.68.090 Motor vehicle fund "net tax amount," how arrived at. All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax and use fuel tax shall be first expended for the following purposes:

(1) For payment of refunds of motor vehicle fuel tax and use fuel tax which has been paid and is refundable as provided by law;

(2) For payment of amounts to be expended pursuant to appropriations for the administrative expenses of the offices of state treasurer, state auditor and the department of motor vehicles of the state of Washington in the administration of the motor vehicle fuel tax and the use fuel tax, said sums to be distributed monthly.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and the use fuel tax and remaining after payments as provided in subsections (1) and (2) above shall, for the purposes of this chapter, be referred to as the "net tax amount." [1967 c 32 § 74; 1961 ex.s. c 7 § 5; 1961 c 12 § 46.68.090. Prior: 1943 c 115 § 3; 1939 c 181 § 2; Rem. Supp. 1943 § 6600-1d; 1937 c 208 §§ 2, part, 3, part.]

46.68.100 Allocation of net tax amount in motor vehicle fund. From the net tax amount in the motor vehicle fund there shall be paid sums as follows:

(1) There shall be paid to the cities and towns of the state sums equal to ten and forty-four hundredths percent of the net tax amount to be paid monthly as the same accrues;

(2) To the counties of the state there shall be paid sums equal to thirty-two and sixty-one hundredths percent of the net tax amount to be paid monthly as the same accrues;

(3) To the state there shall be paid to be expended as provided by RCW 46.68.130, sums equal to fifty-five and five-tenths percent of the net tax amount to be paid monthly as the same accrues.

(4) There shall be paid to the Puget Sound ferry operations account sums equal to one and forty-five hundredths percent of the net tax amount to be paid monthly as the same accrues.

Nothing in this section or in RCW 46.68.090 or 46.68.130 shall be construed so as to violate any terms or conditions contained in any highway construction bond issues now or hereafter authorized by statute and whose payment is by such statute pledged to be paid from any excise taxes on motor vehicle fuels. [1973 1st ex.s. c 124 § 1; 1972 ex.s. c 24 § 2; 1970 ex.s. c 85 § 4; 1967 ex.s. c 145 § 79; 1967 ex.s. c 83 § 8; 1961 ex.s. c 7 § 6; 1961 c 12 § 46.68.100. Prior: 1959 ex.s. c 4 § 1; 1957 c 271 § 3; 1957 c 175 § 10; 1943 c 83 § 1; 1939 c 181 § 3; Rem. Supp. 1943 § 6600-1e; 1937 c 208 §§ 2, part, 3, part.]

46.68.110 Distribution of amount allocated to cities and towns. Funds credited to the incorporated cities and towns of the state as set forth in subdivision (1) of RCW 46.68.100 shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums are credited and set aside for the use of the state highway commission for the supervision of work and expenditures of such incorporated cities and towns on the city and town streets thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium

to the incorporated cities and towns in proportion to deductions herein made;

(2) The balance remaining to the credit of incorporated cities and towns after such deduction shall be apportioned monthly as such funds accrue among the several cities and towns within the state ratably on the basis of the population last determined by the state census board. [1961 ex.s. c 7 § 7; 1961 c 12 § 46.68.110. Prior: 1957 c 175 § 11; 1949 c 143 § 1; 1943 c 83 § 2; 1941 c 232 § 1; 1939 c 181 § 4; Rem. Supp. 1949 § 6600-3a; 1937 c 208 §§ 2, part, 3, part.]

Reviser's note: The state census board was abolished by 1967 ex.s. c 42 and its powers and duties transferred to the planning and community affairs agency. See chapter 43.63A RCW.

Expense of cost-audit examination of city and town street records payable from funds withheld under RCW 46.68.110(1): RCW 35.76.050.

46.68.120 Distribution of amount allocated to counties. Funds to be paid to the counties of the state shall be subject to deduction and distribution as follows:

(1) Three-fourths of one percent of such sums shall be deducted monthly as such sums accrue and set aside for the use of the state highway commission and the county road administration board for the supervision of work and expenditures of such counties on the county roads thereof: *Provided*, That any moneys so retained and not expended shall be credited in the succeeding biennium to the counties in proportion to deductions herein made;

(2) All sums required to be repaid to counties composed entirely of islands shall be deducted;

(3) The balance remaining to the credit of counties after such deductions shall be paid to the several counties monthly, as such funds accrue, upon the basis of the following formula:

(a) Ten percent of such sum shall be divided equally among the several counties.

(b) Thirty percent shall be paid to each county in direct proportion that the sum of the total number of private automobiles and trucks licensed by registered owners residing in unincorporated areas and seven percent of the number of private automobiles and trucks licensed by registered owners residing in incorporated areas within each county bears to the total of such sums for all counties. The number of registered vehicles so used shall be as certified by the director of the department of motor vehicles for the year next preceding the date of calculation of the allocation amounts. The director of the department shall first supply such information not later than the fifteenth day of February, 1956, and on the fifteenth of February each two years thereafter.

(c) Thirty percent shall be paid to each county in direct proportion that the product of the county's trunk highway mileage and its prorated estimated annual cost per trunk mile as provided in subsection (e) is to the sum of such products for all counties. County trunk highways are defined as county roads regularly used by school buses and/or rural free delivery mail carriers of the United States post office department, but not foot carriers. Determination of the number of miles of county roads used in each county by school buses shall

be based solely upon information supplied by the superintendent of public instruction who shall on October 1, 1955 and on October 1st of each odd-numbered year thereafter furnish the state highway commission with a map of each county upon which is indicated the county roads used by school buses at the close of the preceding school year, together with a detailed statement showing the total number of miles of county highway over which school buses operated in each county during such year. Determination of the number of miles of county roads used in each county by rural mail carriers on routes serviced by vehicles during the year shall be based solely upon information supplied by the United States postal department as of January 1st of the even-numbered years.

(d) Thirty percent of such sum shall be paid to each of the several counties in the direct proportion that the product of the trunk highway mileage of the county and its "money need factor" as defined in subsection (f) is to the total of such products for all counties.

(e) Every four years, beginning with the 1958 allocation, the highway commission and the legislative transportation committee shall reexamine or cause to be reexamined all the factors on which the estimated annual costs per trunk mile for the several counties have been based and shall make such adjustments as may be necessary. The following formula shall be used: One twenty-fifth of the estimated total county road replacement cost, plus the total annual maintenance cost, divided by the total miles of county road in such county, and multiplied by the result obtained from dividing the total miles of county road in said county by the total trunk road mileage in said county. For the purpose of allocating funds from the motor vehicle fund, a county road shall be defined as one established as such by resolution or order of establishment of the board of county commissioners. The first allocation of funds shall be based on the following prorated estimated annual costs per trunk mile for the several counties as follows:

| | |
|--------------------|------------|
| Adams | \$1,227.00 |
| Asotin | 1,629.00 |
| Benton | 1,644.00 |
| Chelan | 2,224.00 |
| Clallam | 2,059.00 |
| Clark | 1,710.00 |
| Columbia | 1,391.00 |
| Cowlitz | 1,696.00 |
| Douglas | 1,603.00 |
| Ferry | 1,333.00 |
| Franklin | 1,612.00 |
| Garfield | 1,223.00 |
| Grant | 1,714.00 |
| Grays Harbor | 2,430.00 |
| Island | 1,153.00 |
| Jefferson | 2,453.00 |
| King | 2,843.00 |
| Kitsap | 1,938.00 |
| Kittitas | 1,565.00 |
| Klickitat | 1,376.00 |
| Lewis | 1,758.00 |
| Lincoln | 1,038.00 |

| | |
|--------------------|----------|
| Mason | 1,748.00 |
| Okanogan | 1,260.00 |
| Pacific | 2,607.00 |
| Pend Oreille | 1,753.00 |
| Pierce | 2,276.00 |
| San Juan | 1,295.00 |
| Skagit | 1,966.00 |
| Skamania | 2,023.00 |
| Snohomish | 2,269.00 |
| Spokane | 1,482.00 |
| Stevens | 1,068.00 |
| Thurston | 1,870.00 |
| Wahkiakum | 2,123.00 |
| Walla Walla | 1,729.00 |
| Whatcom | 1,738.00 |
| Whitman | 1,454.00 |
| Yakima | 1,584.00 |

Provided, however, That the prorated estimated annual costs per trunk mile in this subsection shall be adjusted every four years, beginning with the 1958 allocation by the highway commission on the basis of changes in the trunk and total county road mileage based on information supplied by the superintendent of public instruction, the United States postal department and the annual reports of the county road departments.

(f) The "money need factor" for each of the several counties shall be the difference between the prorated estimated annual costs as listed above and the sum of the following three amounts divided by the county trunk highway mileage:

(1) The equivalent of a two dollar and twenty-five cents per thousand dollars of assessed value tax levy on the valuation, as equalized by the state department of revenue for state purposes, of all taxable property in the county road districts;

(2) One-fourth the sum of all funds received by the county from the federal forest reserve fund during the two calendar years next preceding the date of the adjustment of the allocation amounts as certified by the state treasurer; and

(3) One-half the sum of motor vehicle license fees and motor vehicle fuel tax refunded to the county during the two calendar years next preceding the date of the adjustment of the allocation amounts as provided in RCW 46.68.080. These shall be as supplied to the highway commission by the state treasurer for that purpose. The department of revenue and the state treasurer shall supply the information herein requested on or before January 1, 1956 and on said date each two years thereafter.

The following formula shall be used for the purpose of obtaining the "money need factor" of the several counties: The prorated estimated annual cost per trunk mile multiplied by the trunk miles will equal the total need of the individual county. The total need minus the sum of the three resources set forth in subsection (f) shall equal the net need. The net need of the individual county divided by the total net needs for all counties shall equal the "money need factor" for that county.

(g) The state highway commission shall adjust the allocations of the several counties on March 1st of every

even-numbered year based solely upon the sources of information hereinbefore required: *Provided*, That the total allocation factor composed of the sum of the four factors defined in subsections (a), (b), (c) and (d) shall be held to a level not more than five percent above or five percent below the total allocation factor in use during the previous two year period.

(h) The highway commission and the legislative transportation committee shall relog or cause to be relogged the total road mileages upon which the prorated estimated annual costs per trunk mile are based and shall recalculate such costs on the basis of such relogging and shall report their findings and recommendations to the legislature at its next regular session.

(i) The highway commission and the legislative transportation committee shall study and report their findings and recommendations to the legislature concerning the following problems as they affect the allocation of "motor vehicle fund" funds to counties:

(1) Comparative costs per trunk mile based on federal aid contracts versus those herein advocated.

(2) Average costs per trunk mile.

(3) The advisability of using either "trunk mileage" or "county road" mileage exclusively as the criterion instead of both as in this plan adopted.

(4) Reassessment of bridge costs based on current information and relogging of bridges.

(5) The items in the list of resources used in determining the "need factor".

(6) The development of a uniform accounting system for counties with regard to road and bridge construction and maintenance costs.

(7) A redefinition of rural and urban vehicles which better reflects the use of said vehicles on county roads. [1973 1st ex.s. c 195 § 47; 1972 ex.s. c 103 § 1; 1967 c 32 § 75; 1965 ex.s. c 120 § 12; 1961 c 12 § 46.68.120. Prior: 1957 c 109 § 1; 1955 c 243 § 1; 1949 c 143 § 2; 1945 c 260 § 1; 1943 c 83 § 3; 1939 c 181 § 5; Rem. Supp. 1949 § 6600-2a.]

~~Severability—Effective dates and termination dates—Construction—1973 1st ex.s. c 195: See notes following RCW 84.52.043.~~

~~Severability—1972 ex.s. c 103: See note following RCW 47.30.030.~~

~~County road administration board—Expenses to be paid from motor vehicle fund—Disbursement procedure: RCW 36.78.110.~~

46.68.130 Expenditure of balance of motor vehicle fund. The net tax amount distributed to the state in the manner provided by RCW 46.68.100, and all moneys accruing to the motor vehicle fund from any other source, less such sums as are properly appropriated and reappropriated for expenditure for costs of collection and administration thereof, shall be expended, subject to proper appropriation and reappropriation, for highway purposes of the state, including the purposes of RCW 47.30.030. [1974 1st ex.s. c 9 § 1; 1972 ex.s. c 103 § 7; 1971 ex.s. c 91 § 6; 1963 c 83 § 1; 1961 ex.s. c 7 § 9; 1961 c 12 § 46.68.130. Prior: 1957 c 271 § 4; 1957 c 105 § 3; 1941 c 246 § 1; 1939 c 181 § 6; Rem. Supp. 1941 § 6600-26.]

~~Severability—1972 ex.s. c 103: See note following RCW 47.30.030.~~

46.68.150 Construction and improvement of state highways in urban areas—Expenditure of motor vehicle fuel taxes and bond proceeds. The proceeds of five-eighths of one cent of motor vehicle fuel tax and use fuel tax distributed to the state pursuant to RCW 82.36.020(2), after proper deductions for refunds and costs of collection as provided in RCW 46.68.090, and the proceeds of bonds issued and sold pursuant to RCW 47.26.400 through 47.26.407 shall be expended by the state highway commission for construction and improvement of state highways in urban areas as provided for in RCW 47.26.040 through 47.26.070 or for payment of principal and interest on bonds issued pursuant to RCW 47.26.400 through 47.26.407. [1967 ex.s. c 83 § 9.]

Reviser's note: The reference to "sections 37 through 44 of this 1967 amendatory act" has been translated to "RCW 47.26.400 through 47.26.407". A literal translation of said phrase would have been "RCW 47.26.401 through 47.26.410" which appears to be erroneous. The error appears to have occurred in failure to change this internal reference in accordance with the renumbering of sections brought about by removal of section 34 from Engrossed House Bill No. 595 by floor amendment.

Effective date—1967 ex.s. c 83: See RCW 47.26.910.

Severability—1967 ex.s. c 83: See RCW 47.26.900.

46.68.160 Urban arterial trust account—Created in motor vehicle fund—Expenditures from. See RCW 47.26.080.

Chapter 46.70

UNFAIR MOTOR VEHICLE BUSINESS PRACTICES—DEALERS' AND SALESMEN'S LICENSES.

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False or deceptive advertising: Chapter 9.04 RCW.

Possession of motor vehicle of which identification marks have been removed, defaced, altered: RCW 9.54.040.

Retail installment sales of goods: Chapter 63.14 RCW.

Unfair business practices—Consumer protection: Chapter 19.86 RCW.

46.70.005 Declaration of purpose. The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors or wholesalers and factory or distributor representatives, and to regulate and license dealers, and salesmen of vehicles doing business in Washington, in order to prevent frauds, impositions and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state. [1973 1st ex.s. c 132 § 1; 1967 ex.s. c 74 § 1.]

Reviser's note: Throughout chapter 46.70 RCW the phrases "this act" and "this amendatory act" have been changed to "this chapter". This 1967 act or amendatory act [1967 ex.s. c 74] consists of RCW 46.70.005-46.70.042, 46.70.051, 46.70.061, 46.70.081-46.70.083, 46.70.101-46.70.111, 46.70.180 through 46.70.910, the 1967 amendments to RCW 46.70.060 and 46.70.070, and the repeal of RCW 46.70.010-46.70.050, 46.70.080, 46.70.100 and 46.70.110.

Emergency—Effective date—1967 ex.s. c 74: "This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and sections 1 through 3 and sections 16 through 25 shall take effect immediately. Sections 4 through 15 and sections 26 through 30 inclusive shall take effect on July 1, 1967." [1967 ex.s. c 74 § 31.] Sections 1 through 3 are codified as RCW 46.70.005, 46.70.900 and 46.70.011; sections 16 through 25 are codified as RCW 46.70.180 through 46.70.270; sections 4 through 15 are codified as RCW 46.70.021 through 46.70.051, 46.70.061, 46.70.081 through 46.70.083, 46.70.101 through 46.70.111; sections 26 through 29 are codified as RCW 46.70.060, 46.70.070, 46.70.270, 46.70.280, 46.70.910, and section 30 repeals RCW 46.70.010-46.70.050, 46.70.080, 46.70.100 and 46.70.110.

46.70.011 Definitions. As used in this chapter:

(1) "Vehicle" means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) "Motor vehicle" shall mean every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) "Vehicle dealer" means any person, firm, association, corporation or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new, or used vehicles: *Provided*, That vehicle dealers shall be classified as follows:

(a) A "motor vehicle dealer" shall be a vehicle dealer that deals in new and used motor vehicles;

(b) A "mobile home and travel trailer dealer" shall be a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A "miscellaneous vehicle dealer" shall be a vehicle dealer that deals in motorcycles and/or vehicles other than motor vehicles or mobile homes and travel trailers.

(4) The term "vehicle dealer" does not include:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof.

(e) Any person, firm, association, corporation or trust, engaged in the selling of equipment other than vehicles, used for agricultural or industrial purposes.

(5) "Vehicle salesman" means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) The term "department" means the department of motor vehicles which shall administer and enforce the provisions of this chapter.

(7) "Director" means the director of the department of motor vehicles.

(8) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new and unused vehicles and shall further include the terms:

(a) "Distributor" which means any person, firm, association, corporation or trust, resident or nonresident, who in whole or in part offers for sale, sells or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) "Factory branch" which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and shall further include any sales promotion organization, whether the same be a person, firm or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) "Factory representative" which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of his, its, or their vehicles or for supervising or contracting with his, its, or their dealers or prospective dealers.

(9) "Established place of business" means a permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic.

(10) "Subagency" means any place of business of a vehicle dealer within the same county as the principal place of business of the firm which is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the same county as the principal place of business of the firm under which he does business under a name other than the principal name of the firm, or both. [1973 1st ex.s. c 132 § 2; 1969 ex.s. c 63 § 1; 1967 ex.s. c 74 § 3.]

46.70.021 License required for dealers, salesmen or manufacturers. It shall be unlawful for any vehicle dealer, vehicle salesman or vehicle manufacturer to engage in business as such, act as such, serve in the capacity of such, advertise himself, itself, or themselves as such or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter: *Provided*, That a vehicle dealer shall not be required to have a vehicle salesman's license: *Provided, further*, That a distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter. [1973 1st ex.s. c 132 § 3; 1967 ex.s. c 74 § 4.]

46.70.031 Application for license—Form. A vehicle dealer, salesman, or manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe. [1973 1st ex.s. c 132 § 2; 1967 ex.s. c 74 § 5.]

46.70.041 Application for license—Contents. (1) Every application for a vehicle dealer or a vehicle salesman's license shall contain the following information to the extent the same is applicable to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization;

(c) The qualification and business history of the applicant, and in the case of a vehicle dealer, any partner, officer or director;

(d) Whether the applicant has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion and in the case of a corporation or partnership, all directors, officers or partners;

(e) Any other information the department may reasonably require.

(2) If the applicant is a vehicle dealer:

(a) Name or names of new vehicles the vehicle dealer wishes to sell;

(b) The names and addresses of each manufacturer from whom the applicant has received a franchise;

(c) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;

(d) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department of motor vehicles that the applicant has an established place of business at each business location in the state of Washington: *Provided*, That in no event shall such certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;

(e) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty: *Provided*, That this requirement shall only apply to applicants seeking to sell, to exchange, to offer, to broker, to auction, to solicit or to advertise new or current-model vehicles with factory or distributor warranties;

(f) The class of vehicles the vehicle dealer will be buying, selling, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or

advertising and which classification or classifications the dealer wishes to be designated as;

(g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.

(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;

(4) If the applicant is a manufacturer such application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require. [1973 1st ex.s. c 132 § 5; 1971 ex.s. c 74 § 1; 1969 ex.s. c 63 § 2; 1967 ex.s. c 74 § 6.]

Definition of "established place of business": RCW 46.70.011(10).

46.70.042 Application for license—Retention by department—Confidentiality. Every application for license shall be retained by the department for a period of three years and shall be confidential information for the use of the department, the attorney general or the prosecuting attorney only: *Provided*, That upon a showing of good cause therefor any court in which an action is pending by or against the applicant or licensee, may order the director to produce and permit the inspection and copying or photographing the application and any accompanying statements. [1967 ex.s. c 74 § 14.]

46.70.051 Issuance of license. After the application has been filed, the fee paid, and bond posted, if required the department shall, if no denial order is in effect and no proceeding is pending under RCW 46.70.180 or 46.70.200, issue the appropriate license, which license, in the case of a vehicle dealer, shall designate the classification of the dealer: *Provided*, That nothing shall prohibit a vehicle dealer from obtaining licenses for more than one classification, and: *Provided*

further, That nothing shall prevent any vehicle dealer from dealing in other classes of vehicles on an isolated basis. [1973 1st ex.s. c 132 § 6; 1971 ex.s. c 74 § 2; 1967 ex.s. c 74 § 7.]

46.70.061 Fees—Disposition. (1) The fees for original licenses issued for a calendar year or any portion thereof pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Fifty dollars;

(b) Vehicle dealers, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Fifty dollars.

(2) The fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Twenty-five dollars;

(b) Vehicle dealer, each and every subagency: Ten dollars;

(c) Vehicle salesman: Ten dollars;

(d) Vehicle manufacturers: Twenty-five dollars.

Provided, That if any licensee shall fail or neglect to apply for such renewal prior to February 1st in each year, his license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for such original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;

(b) There shall be no transfer of any vehicle dealer subagency license;

(c) Vehicle salesman, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees: *Provided*, That the fee for an original vehicle dealer's license or any renewal thereof shall include one set, or one plate, dependent upon the license classification of the dealer, of vehicle dealer license plates for each classification of the dealer.

Provided, further, That the maximum number of sets of vehicle dealer plates the department may issue to a dealer shall not exceed the greater of ten sets or a figure which represents four percent of the dealer's total vehicle sales for the previous year, except that the department may issue what it determines to be a reasonable number of sets in those cases where the dealer has not been previously licensed or where he can satisfy the department that the previous year's sales were unnaturally low for reasons beyond his control: *Provided, further*, That the department may, in its discretion, issue a reasonable number of additional plates in those cases where a dealer sells motor homes, mobile homes or travel trailers: *And provided further*, That no dealer

who sold less than twenty passenger cars and/or pickup trucks during the previous year shall be entitled to receive any additional sets, unless he can satisfy the department that additional sets are necessary for the purposes indicated in RCW 46.70.090, excepting subsections (2)(b) and (4)(b).

(5) All fees collected under this chapter shall be turned into the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed herein shall be in addition to any excise taxes imposed by chapter 82.44 RCW. [1973 1st ex.s. c 132 § 7; 1967 ex.s. c 74 § 13.]

46.70.070 Dealers—Bond required—Actions—Cancellation of license. (1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with said department a surety bond in the amount of:

(a) Ten thousand dollars for motor vehicle dealers;

(b) Twenty thousand dollars for mobile home and travel trailer dealers: *Provided*, That if such dealer does not deal in mobile homes such bond shall be ten thousand dollars;

(c) Five thousand dollars for miscellaneous dealers, running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter. Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification. [1973 1st ex.s. c 132 § 8; 1971 ex.s. c 74 § 4; 1967 ex.s. c 74 § 27; 1961 c 239 § 1; 1961 c 12 § 46.70.070. Prior: 1959 c 166 § 19; 1951 c 150 § 8.]

46.70.075 Manufacturers—Bond required—Actions—Cancellation of license. Before issuing a manufacturer license to a manufacturer of mobile homes or travel trailers, the department shall require the applicant to file with said department a surety bond in the amount of twenty thousand dollars in the case of a mobile home manufacturer and ten thousand dollars in the case of a travel trailer manufacturer running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the manufacturer shall conduct his business in conformity with the provisions of this chapter and with all standards set by the state of Washington or the federal government pertaining to the construction or safety of

such vehicles. Any retail purchaser or vehicle dealer who shall have suffered any loss or damage by reason of breach of warranty or by any act by a manufacturer which constitutes a violation of this chapter or a violation of any standards set by the state of Washington or the federal government pertaining to construction or safety of such vehicles shall have the right to institute an action for recovery against such manufacturer and the surety upon such bond. Successive recoveries against said bond shall be permitted but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the manufacturer license shall automatically be deemed canceled. [1973 1st ex.s. c 132 § 9.]

46.70.081 Dealer to advise of business location, change—Requirements for multiple locations—Six months' continuation on death or incapacity of holder. Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. In the event that any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

If a dealer does business in more than one county, separate licenses shall be required for each county.

If a dealer maintains a place of business at more than one location or under more than one name in any one county, he shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license shall be required for each and every subagency.

A vehicle dealer's license shall upon the death, or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of said death or incapacity. [1973 1st ex.s. c 132 § 10; 1967 ex.s. c 74 § 8.]

46.70.082 Salesman's license—Issuance—Posting—Procedure on termination of employment. The license issued to the vehicle salesman shall be sent to the salesman by the department and shall be posted in a conspicuous place on the premises of the dealer by whom the salesman is employed during the period of the salesman's employment.

When a salesman begins or terminates a connection with a vehicle dealer, the salesman and dealer shall promptly notify the department, in writing, in the form prescribed by the department. In addition to other information required by the department, the vehicle dealer with whom the salesman is beginning a connection shall certify that he has examined the background of the salesman and, to the best of his knowledge, the salesman is of good moral character. [1973 1st ex.s. 132 § 11; 1971 ex.s. c 74 § 5; 1967 ex.s. c 74 § 9.]

46.70.083 Expiration of license or registration—Application for renewal. The license of a vehicle dealer or a vehicle manufacturer shall be effective until December 31 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

Registration of a vehicle salesman shall be effective until June 30 and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application. [1973 1st ex.s. c 132 § 12; 1971 ex.s. c 74 § 6; 1967 ex.s. c 74 § 10.]

46.70.090 Dealer and manufacturer license plates—Use. (1) The department shall issue vehicle dealer license plates, which are capable of distinguishing the classification of the dealer, to vehicle dealers properly licensed pursuant to this chapter and shall, upon application, issue manufacturer's license plates to manufacturers properly licensed pursuant to this chapter.

(2) Motor vehicle dealer license plates may be used:

(a) To demonstrate motor vehicles held for sale when operated by an individual holding a valid operator's license, provided that a dated demonstration permit, valid for no more than seventy-two hours, is carried in the vehicle at all times it is operated by any such individual.

(b) On motor vehicles owned, held for sale and which are in fact available for sale by the firm when operated by an officer of the corporation, partnership, or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying any such individual is carried in the vehicle at all times it is operated by him. Any such vehicle so operated may be used to transport the dealer's own tools, parts and equipment to a total weight not to exceed five hundred pounds.

(c) On motor vehicles being tested for repair.

(d) On motor vehicles being moved to or from a motor vehicle dealer's place of business for sale.

(e) On motor vehicles being moved to or from motor vehicle service and repair facilities before sale.

(f) On motor vehicles being moved to or from motor vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(3) Mobile home and travel trailer dealer license plates may be used:

(a) On units hauled to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(b) On mobile homes hauled to a customer's location for set-up after sale.

(c) On travel trailers held for sale to demonstrate the towing capability of the vehicle provided that a dated demonstration permit, valid for not more than seventy-two hours, is carried with the vehicle at all times.

(d) On mobile homes being hauled from a customer's location provided that the requirements of RCW 46.16.105 and 46.16.106 are met.

(e) On any motor vehicle owned by the dealer which is used only to move vehicles legally bearing mobile home and travel trailer dealer license plates of the dealer so owning any such motor vehicle.

(f) On vehicles being moved to or from vehicle exhibitions within the state of Washington, provided that any such exhibition does not exceed a period of twenty days.

(4) Miscellaneous vehicle dealer license plates may be used:

(a) To demonstrate any miscellaneous vehicle: *Provided, That:*

(i) No such vehicle shall be demonstrated on a public highway unless the customer has an appropriate endorsement on his driver's license, if such endorsement is required to operate such vehicle; and

(ii) A dated demonstration permit, valid for no more than seventy-two hours, is carried with the vehicle at all times it is operated by any such individual.

(b) On vehicles owned, held for sale and which are, in fact, available for sale, by the firm when operated by an officer of the corporation, partnership or proprietorship or by a bona fide full time employee of the firm, provided that a card so identifying such individual is carried in the vehicle at all times it is operated by him.

(c) On vehicles being tested for repair.

(d) On vehicles being transported to or from the place of business of the manufacturer and the place of business of the dealer or to and from places of business of the dealer.

(e) On vehicles on which any other item sold or to be sold by the dealer is transported from the place of business of the manufacturer to the place of business of the dealer or to and from places of business of the dealer: *Provided, That* such vehicle and such item are purchased or sold as one package.

(5) Manufacturers properly licensed pursuant to this chapter may apply for and obtain manufacturer license plates and may be used:

(a) To transport vehicles to or from the place of business of a manufacturer to a vehicle dealer within this state who is properly licensed pursuant to this chapter.

(b) To test vehicles for repair.

(6) Vehicle dealer license plates and manufacturer license plates shall not be used for any purpose other than set forth in this section and specifically shall not be:

(a) Used on any vehicle not within the class for which the vehicle dealer license plates are issued unless specifically provided for in this section.

(b) Loaned to any person for any reason not specifically provided for in this section.

(c) Used on any vehicles for the transportation of any person, produce, freight, or commodities unless specifically provided for in this section, except there shall be permitted the use of such vehicle dealer license plates on a vehicle transporting commodities in the course of a demonstration over a period not to exceed seventy-

two consecutive hours from the commencement of such demonstration, if a representative of the dealer is present and accompanies such vehicle during the course of the demonstration.

(d) Used on any vehicle sold to a resident of another state to transport such vehicle to that other state in lieu of a trip permit or in lieu of vehicle license plates obtained from that other state.

(7) In addition to or in lieu of any sanction imposed by the director pursuant to RCW 46.70.101 for unauthorized use of vehicle dealer license plates or manufacturer license plates, the director may order that any or all vehicle dealer license plates or manufacturer license plates issued pursuant to this chapter be confiscated for such period as he deems appropriate. [1973 1st ex.s. c 132 § 13; 1971 ex.s. c 74 § 7; 1969 ex.s. c 63 § 3; 1961 c 12 § 46.70.090. Prior: 1955 c 283 § 1; 1951 c 150 § 10.]

46.70.101 Denial, suspension or revocation of licenses—Grounds. The director may by order deny, suspend or revoke the license of any vehicle dealer, vehicle manufacturer, or vehicle salesman or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if he finds that the order is in the public interest and that the applicant, or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(ii) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation or conversion;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as defined in this chapter;

(v) Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;

(vi) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records and files maintained within this state;

(vii) Sells, exchanges, offers, brokers, auctions, solicits or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor or repudiates the same;

(viii) Is insolvent, either in the sense that his liabilities exceed his assets, or in the sense that he cannot meet his obligations as they mature;

(ix) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his possession any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(c) The licensee or any partner, officer, director, owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) In the case of a vehicle salesman:

(a) Was the holder of, or was a partner in a partnership, or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued or was suspended and the terms of the suspension had not been fulfilled;

(b) Has been convicted of any crime within the preceding five years involving fraud, misrepresentation, or conversion, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion;

(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;

(d) Has failed to comply with the applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(e) Has defrauded or attempted to defraud the state, or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(f) Has forged the signature of the registered or legal owner on a certificate of title;

(g) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final.

(3) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:

(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled;

(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;

(c) Has failed to comply with applicable provisions of chapter 46.12 RCW or this chapter and any rules and regulations adopted thereunder;

(d) Has defrauded or attempted to defraud the state, or political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;

(e) Has purchased, sold, or disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;

(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;

(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department.

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer.

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles. [1973 1st ex.s. c 132 § 14; 1969 ex.s. c 63 § 4; 1967 ex.s. c 74 § 11.]

46.70.102 Denial, suspension or revocation of licenses—Notice, hearing, procedure. Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee, as well as the employer or prospective employer if the applicant or licensee is a salesman, that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee (as well as the employer or prospective employer if the applicant or licensee is a salesman), opportunity for hearing, and written findings of fact and conclusions of law. [1967 ex.s. c 74 § 12.]

46.70.111 Investigations or proceedings—Powers of director or designees—Penalty. For the purpose of any investigation or proceeding under this chapter, the director or any officer designated by him may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records which the director deems relevant or material to the inquiry.

(1) In case of contumacy by, or refusal to obey a subpoena issued to, any person, any court of competent jurisdiction, upon application by the director, may issue to that person an order requiring him to appear before the director, or the officer designated by him, to produce documentary or other evidence touching the matter under investigation or in question. The failure to obey an order of the court may be punishable by contempt. [1967 ex.s. c 74 § 15.]

46.70.120 Record of transactions. A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him which records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle; and
- (3) The name and address of person from whom purchased; and
- (4) The name of legal owner, if any; and
- (5) The name and address of purchaser; and
- (6) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent. [1973 1st ex.s. c 132 § 15; 1961 c 12 § 46.70.120. Prior: 1951 c 150 § 15.]

46.70.130 Details of charges must be furnished buyer or mortgagor. Before the execution of a contract or chattel mortgage or the consummation of the sale of any vehicle, the seller must furnish the buyer an itemization in writing signed by the seller separately disclosing to the buyer the finance charge, insurance costs, taxes, and other charges which are paid or to be paid by the buyer. [1973 1st ex.s. c 132 § 16; 1961 c 12 § 46.70.130. Prior: 1951 c 150 § 16.]

46.70.140 Handling "hot" vehicles—Unreported motor "switches"—Unauthorized use of dealer plates—Penalty. Any vehicle dealer who shall knowingly or with reason to know, buy or receive, sell or dispose of, conceal or have in his possession, any vehicle from which the motor or serial number has been removed, defaced, covered, altered, or destroyed, or any dealer, who shall remove from or install in any motor vehicle a new or used motor block without immediately notifying the department of such fact upon a form provided by the department, or any vehicle dealer who shall loan or permit the use of vehicle dealer license plates by any person not entitled to the use thereof, shall be guilty of a gross misdemeanor. [1973 1st ex.s. c 132 § 17; 1971 ex.s. c 74 § 8; 1967 c 32 § 79; 1961 c 12 § 46.70.140. Prior: 1951 c 150 § 11.]

46.70.150 Violations—Additional penalties as to license and plates. The director may, when informed of the conviction of any dealer of the violation of any of the provisions of this chapter, in addition to penalties imposed by the court, require the surrender of the dealer license and dealer license plates, and may thereupon suspend such license for a period of not less than thirty days or not more than one year, or he may confiscate the dealer license plates that have been issued to such dealer for the current license year. [1961 c 12 § 46.70.150. Prior: 1951 c 150 § 12.]

46.70.160 Rules and regulations. The director may make any reasonable rules and regulations not inconsistent with the provisions of chapter 46.70 RCW relating to the enforcement and proper operation thereof. [1961 c 12 § 46.70.160. Prior: 1959 c 166 § 21.]

46.70.170 Penalty for violations. It shall be a misdemeanor for any person to violate any of the provisions of this chapter and the rules and regulations promulgated as provided under this chapter. [1965 c 68 § 5.]

46.70.180 Unlawful acts and practices. Each of the following acts or practices is hereby declared unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for less down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of "bushing" which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle, delivered or to be delivered by the buyer as part of the purchase price, because of depreciation, obsolescence, or any other reason except substantial and latent mechanical defect that could not have been reasonably discovered at the time of the taking of said order, offer or contract: *Provided*, That said physical damage or mechanical defect shall have occurred before the dealer took possession of the vehicle; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560 and 46.37.570;

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) Being a manufacturer to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which shall not have been voluntarily ordered by the said vehicle dealer: *Provided*, That recommendation, endorsement, exposition, persuasion, urging, or argument shall not be deemed to constitute coercion;

(b) Cancel, or, fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory, possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (1) The capital investment shall have been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (2) Said cancellation or nonrenewal was not done in good faith. Good faith shall be defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: *Provided*, That recommendation, endorsement, exposition, persuasion, urging or argument shall not be deemed to constitute a lack of good faith.

(c) Encourage, aid, abet or teach a vehicle dealer to sell vehicles through any false, deceptive or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order shall have been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation or utility services, or to any labor or production difficulty, or to any cause beyond the reasonable control of the manufacturer.

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state

for resale by the vehicle manufacturer that any warranty claim on any item included as an integral part of the vehicle may only be made against the manufacturer of that item.

(8) Nothing in this section shall be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor shall the requirement of such performance constitute a violation of any of the provisions of this section: *Provided, however,* Any such contract, or the terms thereof, requiring performance, shall have been theretofore freely entered into and executed between the contracting parties. [1973 1st ex.s. c 132 § 18; 1969 c 112 § 1; 1967 ex.s. c 74 § 16.]

46.70.185 Odometers—Disconnecting, resetting, turning back, replacing without notifying purchaser. See RCW 46.37.540–46.37.580.

46.70.190 Civil actions for violations—Injunctions—Claims under Federal Automobile Dealer Franchise Act—Time limitation for filing action. Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW 46.70.180(7)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221–1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW 46.70.180(7)(b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter. [1973 1st ex.s. c 132 § 19; 1967 ex.s. c 74 § 21.]

46.70.200 Revocation or nonrenewal of dealer's license when civil action for cancellation or nonrenewal of franchise is pending—Court may order issuance, when. The director shall revoke or refuse to issue a motor vehicle dealer's license for a franchise replacing a canceled or terminated franchise if a civil action pursuant to RCW 46.70.190 is pending and was filed within sixty days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of said complaint alleging the date of said

notification is filed with the department within said sixty days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue said motor vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW. [1967 ex.s. c 74 § 17.]

46.70.210 Effect of complaint on existing franchise—Effect of issuance of new franchise. Upon the filing of a complaint pursuant to RCW 46.70.190 by a complaining motor vehicle dealer within sixty days following the written notification of the cancellation or nonrenewal of the existing franchise, any canceled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to RCW 46.70.200, has ordered the director to issue a motor vehicle dealer's license to a new franchisee.

If a new franchise is given by a manufacturer, distributor or factory branch for the sale of the same make of motor vehicle in the same area of responsibility in that covered in said canceled or terminated franchise, such act shall be prima facie evidence that the new franchise replaced the canceled or terminated franchise. [1967 ex.s. c 74 § 18.]

46.70.220 Duties of attorney general and prosecuting attorneys to bring action for violations—Limitation of civil actions. The director may refer such evidence as may be available concerning violations of this chapter or of any rule or order hereunder to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action they might commence, bring an action in the name of the state against any person to restrain and prevent the doing of any act or practice herein prohibited or declared unlawful: *Provided,* That this chapter shall be considered in conjunction with chapter 9.04 RCW, 19.86 RCW and 63.14 RCW and the powers and duties of the attorney general and the prosecuting attorney as they may appear in the aforementioned chapters, shall apply against all persons subject to this chapter: *Provided further,* That any action to enforce a claim for civil damages under chapter 19.86 RCW shall be forever barred unless commenced within six years after the cause of action accrues. [1967 ex.s. c 74 § 19.]

46.70.230 Duties of attorney general and prosecuting attorneys to bring action for violations—Acceptance of assurance of compliance—Filing. In the enforcement of this chapter, the attorney general and/or any said prosecuting attorney may accept an assurance of compliance with the provisions of this chapter from any person deemed in violation hereof. Any such assurance shall be in writing and be filed with and subject to the approval of the superior court of the county in which the alleged violator resides or has his principal place of business, or in Thurston county. [1967 ex.s. c 74 § 20.]

46.70.240 Penalties—Jurisdiction. Any person who violates the terms of any court order, or temporary or permanent injunction issued pursuant to this chapter, shall forfeit and pay a civil penalty of not more than twenty-five thousand dollars. For the purpose of this section the superior court issuing any injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the attorney general and/or the prosecuting attorney acting in the name of the state, or any person who pursuant to RCW 46.70.190 has secured the injunction violated, may petition for the recovery of civil penalties. [1967 ex.s. c 74 § 22.]

46.70.250 Personal service of process outside state. Personal service of any process in an action under this chapter may be made upon any person outside the state if such person has engaged in conduct in violation of this chapter which has had the impact in this state which this chapter reprehends. Such person shall be deemed to have thereby submitted himself to the jurisdiction of the courts of this state within the meaning of RCW 4.28.180 and 4.28.185. [1967 ex.s. c 74 § 23.]

46.70.260 Application of chapter to existing and future franchises and contracts. The provisions of this chapter shall be applicable to all franchises and contracts existing between motor vehicle dealers and manufacturers or factory branches and to all future franchises and contracts. [1967 ex.s. c 74 § 24.]

46.70.270 Provisions of chapter cumulative—Violation of RCW 46.70.180 deemed civil. The provisions of this chapter shall be cumulative to existing laws: *Provided*, That the violation of RCW 46.70.180 shall be construed as exclusively civil and not penal in nature. [1967 ex.s. c 74 § 25.]

46.70.290 Application of chapter to mobile homes and persons engaged in distribution and sale thereof. The provisions of chapter 46.70 RCW shall apply to the distribution and sale of mobile homes and to mobile home dealers, salesmen, distributors, manufacturers, factory representatives, or other persons engaged in such distribution and sale to the same extent as for motor vehicles. [1971 ex.s. c 231 § 23.]

Effective date—1971 ex.s. c 231: See note following RCW 46.01.130.

46.70.900 Liberal construction. All provisions of this chapter shall be liberally construed to the end that deceptive practices or commission of fraud or misrepresentation in the sale, barter, or disposition of vehicles in this state may be prohibited and prevented, and irresponsible, unreliable, or dishonest persons may be prevented from engaging in the business of selling, bartering, or otherwise dealing in vehicles in this state and reliable persons may be encouraged to engage in the business of selling, bartering and otherwise dealing in vehicles in this state: *Provided*, That this chapter shall not apply to printers, publishers, or broadcasters who in good faith print, publish or broadcast material

without knowledge of its deceptive character. [1973 1st ex.s. c 132 § 20; 1967 ex.s. c 74 § 2.]

46.70.910 Severability—1967 ex.s. c 74. If any provision of this amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of the amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1967 ex.s. c 74 § 28.]

46.70.920 Severability—1973 1st ex.s. c 132. If any provision of this 1973 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this 1973 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby. [1973 1st ex.s. c 132 § 21.]

Chapter 46.72 TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

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Age limit for drivers of for hire vehicles: RCW 46.20.045.
Special driver's license required: RCW 46.20.440.

46.72.010 Definitions. When used in this chapter:

- (1) The term "for hire vehicle" includes all vehicles used for the transportation of passengers for compensation, except auto stages or school buses operating exclusively under a contract to a school district;
- (2) The term "for hire operator" means and includes any person, concern or entity engaged in the transportation of passengers for compensation in for hire vehicles. [1961 c 12 § 46.72.010. Prior: 1947 c 253 § 1; Rem. Supp. 1947 § 6386-1. Formerly RCW 81.72.010.]

46.72.020 Permit required—Form of application. No for hire operator shall cause operation of a for hire vehicle upon any highway of this state without first obtaining a permit from the director of motor vehicles. Application for a permit shall be made on forms provided by the director and shall include (1) the name and address of the owner or owners, and if a corporation, the names and addresses of the principal officers thereof; (2) city, town or locality in which any vehicle will be operated; (3) name and motor number of any vehicle to be operated; (4) the endorsement of a city

official authorizing an operator under a law or ordinance requiring a license; and (5) such other information as the director may require. [1967 c 32 § 80; 1961 c 12 § 46.72.020. Prior: 1947 c 253 § 2; Rem. Supp. 1947 § 6386-2; prior: 1915 c 57 § 1; RRS § 6382. Formerly RCW 81.72.020.]

46.72.030 Permit fee—Issuance—Display. Application for a permit shall be forwarded to the director with a fee of five dollars. Upon receipt of such application and fee, the director shall, if such application be in proper form, issue a permit authorizing the applicant to operate for hire vehicles upon the highways of this state until such owner ceases to do business as such, or until the permit is suspended or revoked. Such permit shall be displayed in a conspicuous place in the principal place of business of the owner. [1967 c 32 § 81; 1961 c 12 § 46.72.030. Prior: 1947 c 253 § 3; Rem. Supp. 1947 § 6386-3; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.030.]

46.72.040 Surety bond. Before a permit is issued every for hire operator shall be required to deposit and thereafter keep on file with the director a surety bond running to the state of Washington covering each and every for hire vehicle as may be owned or leased by him and used in the conduct of his business as a for hire operator. Such bond shall be in the sum of one hundred thousand dollars for any recovery for death or personal injury by one person, and three hundred thousand dollars for all persons killed or receiving personal injury by reason of one act of negligence, and twenty-five thousand dollars for damage to property of any person other than the assured, with a good and sufficient surety company licensed to do business in this state as surety and to be approved by the director, conditioned for the faithful compliance by the principal of said bond with the provisions of this chapter, and to pay all damages which may be sustained by any person injured by reason of any careless negligence or unlawful act on the part of said principal, his agents or employees in the conduct of said business or in the operation of any motor propelled vehicle used in transporting passengers for compensation on any public highway of this state. [1973 c 15 § 1; 1967 c 32 § 82; 1961 c 12 § 46.72.040. Prior: 1947 c 253 § 4; Rem. Supp. 1947 § 6386-4; prior: 1933 c 73 § 1, part; 1915 c 57 § 2, part; RRS § 6383, part. Formerly RCW 81.72.040.]

46.72.050 Liability coverage—Right of action saved. In lieu of the surety bond as provided in this chapter, there may be deposited and kept on file and in force with the director a public liability insurance policy covering each and every motor vehicle operated or intended to be so operated, executed by an insurance company licensed and authorized to write such insurance policies in the state of Washington, assuring the applicant for a permit against property damage and personal liability to the public, with the premiums paid and payment noted thereon. Said policy of insurance shall provide a minimum coverage equal and identical to the coverage required by the aforesaid surety bond,

specified under the provisions of RCW 46.72.040. No provisions of this chapter shall be construed to limit the right of any injured person to any private right of action against a for hire operator as herein defined. [1973 c 15 § 2; 1967 c 32 § 83; 1961 c 12 § 46.72.050. Prior: 1947 c 253 § 5; Rem. Supp. 1947 § 6386-5. Formerly RCW 81.72.050.]

46.72.060 Right of action—Limitation of recovery. Every person having a cause of action for damages against any person, firm, or corporation receiving a permit under the provisions of this chapter, for injury, damages or wrongful death caused by any careless, negligent or unlawful act of any such person, firm, or corporation or his, their, or its agents or employees in conducting or carrying on said business or in operating any motor propelled vehicle for the carrying and transporting of passengers over and along any public street, road or highway shall have a cause of action against the principal and surety upon the bond or the insurance company and the insured for all damages sustained, and in any such action the full amount of damages sustained may be recovered against the principal, but the recovery against the surety shall be limited to the amount of the bond. [1961 c 12 § 46.72.060. Prior: 1947 c 253 § 6; Rem. Supp. 1947 § 6386-6; prior: 1929 c 27 § 1; 1927 c 161 § 1; 1915 c 57 § 3; RRS § 6384. Formerly RCW 81.72.060.]

46.72.070 Certificate—Fee. The director shall approve and file all bonds and policies of insurance. The director shall, upon receipt of fees and after approving the bond or policy, furnish the owner with an appropriate certificate which must be carried in a conspicuous place in the vehicle at all times during for hire operation. A for hire operator shall secure a certificate for each for hire vehicle operated and pay therefor a fee of one dollar for each vehicle so registered. Such permit or certificate shall expire on June 30th of each year, and may be annually renewed upon payment of a fee of one dollar. [1967 c 32 § 84; 1961 c 12 § 46.72.070. Prior: 1947 c 253 § 7; Rem. Supp. 1947 § 6386-7. Formerly RCW 81.72.070.]

46.72.080 Substitution of security—New certificate. In the event the owner substitutes a policy or bond after a for hire certificate has been issued, a new certificate shall be issued to the owner. The owner shall submit the substituted bond or policy to the director for approval, together with a fee of one dollar. If the director approves the substituted policy or bond, a new certificate shall be issued. In the event any certificate has been lost, destroyed or stolen, a duplicate thereof may be obtained by filing an affidavit of loss and paying a fee of fifty cents. [1967 c 32 § 85; 1961 c 12 § 46.72.080. Prior: 1947 c 253 § 8; Rem. Supp. 1947 § 6386-8. Formerly RCW 81.72.080.]

46.72.100 Refusal, suspension or revocation of permit or certificate—Penalty for unlawful operation. The director may refuse to issue a permit or certificate, or he may suspend or revoke a permit or certificate if he has

good reason to believe that one of the following is true of the operator or the applicant for a permit or certificate: (1) He has been convicted of an offense of such a nature as to indicate that he is unfit to hold a certificate or permit; (2) he is guilty of committing two or more offenses for which mandatory revocation of driver's license is provided by law; (3) he has been convicted of manslaughter resulting from the operation of a motor vehicle or convicted of negligent homicide; (4) intemperate or addicted to the use of narcotics.

Notice of the director to refuse, suspend or revoke such permit or certificate shall be given by registered mail to the holder or applicant for such permit or certificate and shall designate a time and place for hearing before the director, which shall not be less than ten days from the date of such notice. Should the director, after such hearing, decide that a permit shall be canceled or revoked, he shall notify said holder or applicant to that effect by registered mail. The applicant or permit holder may within thirty days from the date of the decision appeal to the superior court of Thurston county for a review of such decision by filing a copy of said notice with the clerk of said superior court and a copy of such notice in the office of the director. The court shall set the matter down for hearing with the least possible delay.

Any for hire operator as herein defined who shall operate a for hire vehicle as herein defined without first having filed a bond or insurance policy and having received a for hire permit and a for hire certificate as required by this chapter shall be guilty of a gross misdemeanor and upon conviction therefor shall be punished by imprisonment in jail for a period not exceeding ninety days or a fine of not exceeding five hundred dollars, or both fine and imprisonment. [1967 c 32 § 86; 1961 c 12 § 46.72.100. Prior: 1947 c 253 § 9; Rem. Supp. 1947 § 6386-9; prior: 1915 c 57 § 4; RRS § 6385. Formerly RCW 81.72.100.]

46.72.110 Fees to highway safety fund. All fees received by the director under the provisions of this chapter shall be transmitted by him, together with a proper identifying report, to the state treasurer to be deposited by the state treasurer in the highway safety fund. [1967 c 32 § 87; 1961 c 12 § 46.72.110. Prior: 1947 c 253 § 10; Rem. Supp. 1947 § 6386-10. Formerly RCW 81.72.110.]

46.72.120 Rules and regulations. The director is empowered to make and enforce such rules and regulations as may be consistent with and necessary to carry out the provisions of this chapter. [1967 c 32 § 88; 1961 c 12 § 46.72.120. Prior: 1947 c 253 § 11; Rem. Supp. 1947 § 6386-11. Formerly RCW 81.72.120.]

46.72.130 Nonresident taxicabs—Permit—Fee—Compliance. No operator of a taxicab licensed or possessing a permit in another state to transport passengers for hire, and principally engaged as a for hire operator in another state, shall cause the operation of a

taxicab upon any highway of this state without first obtaining an annual permit from the director upon an application accompanied with an annual fee of twenty dollars for each taxicab. The issuance of a permit shall be further conditioned upon compliance with this chapter. [1967 c 32 § 89; 1961 c 12 § 46.72.130. Prior: 1953 c 12 § 1; 1951 c 219 § 1. Formerly RCW 81.72.130.]

46.72.140 Nonresident taxicabs—Permit required for entry. All law enforcement officers shall refuse every taxicab entry into this state which does not have a certificate from the director on the vehicle. [1967 c 32 § 90; 1961 c 12 § 46.72.140. Prior: 1951 c 219 § 2. Formerly RCW 81.72.140.]

46.72.150 Nonresident taxicabs—Reciprocity. RCW 46.72.130 and 46.72.140 shall be inoperative to operators of taxicabs residing and licensed in any state which allows Washington operators of taxicabs to use such state's highways free from such regulations. [1961 c 12 § 46.72.150. Prior: 1951 c 219 § 3. Formerly RCW 81.72.150.]

**Chapter 46.76
MOTOR VEHICLE TRANSPORTERS**

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| Sections | |
| 46.76.010 | License required—Exceptions—"Driveaway," "towaway," method defined. |
| 46.76.020 | Application for license. |
| 46.76.030 | Issuance of license—Plates. |
| 46.76.040 | License and plate fees—New plates. |
| 46.76.050 | Renewal—Fee. |
| 46.76.060 | Display of plates—Nontransferability. |
| 46.76.070 | Rules and regulations. |
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46.76.010 License required—Exceptions—"Driveaway," "towaway," method defined. It shall be unlawful for any person, firm, partnership, association, or corporation to engage in the business of delivering by the driveaway or towaway methods vehicles not his own and of a type required to be registered under the laws of this state, without procuring a transporter's license in accordance with the provisions of this chapter.

This shall not apply to motor freight carriers or operations regularly licensed under the provisions of chapter 81.80 RCW to haul such vehicles on trailers or semitrailers.

Driveaway or towaway methods means the delivery service rendered by a motor vehicle transporter wherein motor vehicles are driven singly or in combinations by the towbar, saddlemount or fullmount methods or any lawful combinations thereof, or where a truck or tractor draws or tows a semitrailer or trailer. [1961 c 12 § 46.76.010. Prior: 1957 c 107 § 1; 1953 c 155 § 1; 1947 c 97 § 1; Rem. Supp. 1947 § 6382-75.]

46.76.020 Application for license. Application for a transporter's license shall be made on a form provided for that purpose by the director of motor vehicles and when executed shall be forwarded to the director together with the proper fee. The application shall contain

the name and address of the applicant and such other information as the director may require. [1967 c 32 § 91; 1961 c 12 § 46.76.020. Prior: 1947 c 97 § 2; Rem. Supp. 1947 § 6382-76.]

46.76.030 Issuance of license—Plates. Upon receiving an application for transporter's license the director, if satisfied that the applicant is entitled thereto, shall issue a proper certificate of license registration and a distinctive set of license plates and shall transmit the fees obtained therefor with a proper identifying report to the state treasurer, who shall deposit such fees in the motor vehicle fund. The certificate of license registration and license plates issued by the director shall authorize the holder of the license to drive or tow any motor vehicle or trailers upon the public highways. [1967 c 32 § 92; 1961 c 12 § 46.76.030. Prior: 1947 c 97 § 3; Rem. Supp. 1947 § 6382-77.]

46.76.040 License and plate fees—New plates. The fee for an original transporter's license shall be twenty-five dollars. Transporter license number plates bearing an appropriate symbol and serial number shall be attached to all vehicles being delivered in the conduct of the business licensed under the provisions hereof. Such plates may be obtained for a fee of two dollars for each set. New plates must be procured with each annual renewal. [1961 c 12 § 46.76.040. Prior: 1957 c 107 § 2; 1947 c 97 § 4; Rem. Supp. 1947 § 6382-78.]

46.76.050 Renewal—Fee. A transporter's license shall expire on December 31st of each year and may be renewed by filing a proper application and paying an annual fee of fifteen dollars. [1961 c 12 § 46.76.050. Prior: 1947 c 97 § 5; Rem. Supp. 1947 § 6382-79.]

46.76.060 Display of plates—Nontransferability. Transporter's license plates shall be conspicuously displayed on all vehicles being delivered by the driveway or towaway methods. These plates shall not be loaned to or used by any person other than the holder of the license or his employees. [1961 c 12 § 46.76.060. Prior: 1957 c 107 § 3; 1947 c 97 § 6; Rem. Supp. 1947 § 6382-80.]

46.76.070 Rules and regulations. The director may make any reasonable rules or regulations not inconsistent with the provisions of this chapter relating to the enforcement and proper operation of this chapter. [1967 c 32 § 93; 1961 c 12 § 46.76.070. Prior: 1947 c 97 § 7; Rem. Supp. 1947 § 6382-81.]

46.76.080 Penalty. The violation of any provision of this chapter shall be a misdemeanor. In addition to any other penalty imposed upon a violator of the provisions of this chapter, the director may confiscate any transporter license plates used in connection with such violation. [1961 c 12 § 46.76.080. Prior: 1947 c 97 § 8; Rem. Supp. 1947 § 6382-82.]

Chapter 46.79

HULK HAULERS' OR SCRAP PROCESSORS' LICENSES

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Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.

Abandoned vehicles: RCW 46.52.102 through 46.52.119.

46.79.010 Definitions. As used in this chapter and unless the context indicates otherwise, words and phrases shall mean:

(1) "Abandoned vehicle" means any vehicle left within the limits of any highway or upon the property of another without the consent of the owner of such property for a period of twenty-four hours, or longer, except that a vehicle shall not be considered abandoned if its owner or operator is unable to remove it from the place where it is located and so notifies law enforcement officials and requests assistance.

(2) "Abandoned automobile hulk" means the abandoned remnant or remains of a motor vehicle which is inoperative and cannot be made mechanically operative without the addition of parts of mechanisms and the application of a substantial amount of labor to effect repairs.

(3) "Scrap processor" means a licensed establishment that maintains a hydraulic baler and shears, or a shredder for recycling salvage.

(4) "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

(5) "Hulk hauler" means any person who deals in vehicles for the sole purpose of transporting and/or selling them to a licensed motor vehicle wrecker or scrap processor in substantially the same form in which they are obtained and who may not sell second-hand motor vehicle parts to anyone other than a scrap processor.

(6) "Director" means the director of the department of motor vehicles. [1971 ex.s. c 110 § 1.]

46.79.020 Transporting hulks to scrap processor—Authorized—Procedure. Any hulk hauler or scrap processor licensed under the provisions of this chapter may:

(1) Notwithstanding any other provision of law, transport any flattened or junk abandoned automobile hulk whether such hulk is from in state or out of state, to a scrap processor upon obtaining the certificate of title and/or registration and/or any release of interest from the owner or custodian of such hulk. The scrap

processor shall forward such document(s) to the department of motor vehicles, together with a monthly report of all vehicles acquired from other than a licensed automobile wrecker, and no further identification shall be necessary.

(2) Transport any vehicle upon obtaining ownership thereof as otherwise required by law. [1971 ex.s. c 110 § 2.]

46.79.030 Application for license, renewal—Form—Signature—Contents. Application for a hulk hauler's license or a scrap processor's license or renewal of a hulk hauler's license or a scrap processor's license shall be made on a form for this purpose, furnished by the director, and shall be signed by the applicant or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town, wherever located, having a population of over five thousand persons and in all other instances a member of the state patrol certifying that the applicant can be found at the address shown on the application, and;

(4) Any other information that the director may require. [1971 ex.s. c 110 § 3.]

46.79.040 Application forwarded with fees—Issuance of license—Disposition of fees—Display of license. Application for a hulk hauler's license, together with a fee of ten dollars, or application for a scrap processor's license, together with a fee of twenty-five dollars, shall be forwarded to the director. Upon receipt of the application the director shall, if the application be in order, issue the license applied for authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed at the address shown in his application, where it may be inspected by an investigating officer at any time. [1971 ex.s. c 110 § 4.]

46.79.050 Renewal fee—Surrender of license, when. A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to section 2 of this act and upon payment of a fee of ten dollars.

Whenever a hulk hauler or scrap processor shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the director. [1971 ex.s. c 110 § 5.]

Reviser's note: The reference to section 2 of this act appears to be incorrect. Section 3 of the act, codified as RCW 46.79.030, was apparently intended.

46.79.060 Special license plates—Fee. The hulk hauler or scrap processor shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of vehicles owned and/or operated by him and used in the conduct of his business. Such special license shall be displayed on the operational vehicles and shall be in lieu of a trip permit or current license on any vehicle being transported. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. [1971 ex.s. c 110 § 6.]

46.79.070 Denial, suspension or revocation of license—Notice—Hearing—Appeal. If for a good and sufficient cause the director has reason to believe that the application for issuance or renewal of a license as provided in this chapter should be denied, he may refuse to issue such license and shall notify the applicant to that effect. The director may suspend or revoke a hulk hauler's or scrap processor's license whenever he shall have reason to believe that such hulk hauler has:

(1) Wilfully misrepresented the physical condition of any motor vehicle transported;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title, registration, or document releasing any interest in a vehicle;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter or other applicable law relating to registration and certificates of title of vehicles and any other document releasing any interest in a vehicle;

Notice of the intent of the director to refuse, suspend or cancel a license shall be given in writing, by registered mail, to the holder of or applicant for such license, and shall designate a time and place for the hearing before the director, which shall be not less than ten days from the date of said notice. Should the director, after such hearing, decide that the applicant is not entitled to a license or that an existing license should be revoked, the applicant or holder may, within thirty days from the date of the decision of the director, appeal to the superior court of Thurston county for a review of such decision, filing a notice of such appeal with the clerk of said superior court and a copy of said notice in the office of the director. Said court shall set the matter down for hearing with the least possible delay. [1971 ex.s. c 110 § 7.]

46.79.080 Rules and regulations. The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter. [1971 ex.s. c 110 § 8.]

46.79.090 Inspection of premises and records—Certificate of inspection. It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the hulk hauler's or scrap processor's premises and records provided for in this chapter, and furnish a certificate of inspection to the director in such manner as may be determined by the director: *Provided*, That the above inspection in any instance can be made by an authorized representative of the department.

The department is hereby authorized to enlist the services and cooperation of any law enforcement officer or state agency of another state to inspect the premises of any hulk hauler or scrap processor whose established place of business is in that other state but who is licensed to transport automobile hulks within Washington state. [1971 ex.s. c 110 § 9.]

46.79.100 Other provisions to comply with chapter. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of hulk haulers or scrap processors shall comply strictly with the provisions of this chapter. [1971 ex.s. c 110 § 10.]

46.79.110 Chapter not to prohibit individual towing of vehicles to junk yards or processors. Nothing contained in this chapter shall be construed to prohibit any individual from towing any vehicle owned by him to any junk yard or scrap processor. [1971 ex.s. c 110 § 11.]

Chapter 46.80

MOTOR VEHICLE WRECKERS

Sections

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| 46.80.020 | License required—Penalty. |
| 46.80.030 | Application for license—Contents. |
| 46.80.040 | Issuance of license—Fee. |
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| 46.80.160 | Duty of municipalities to conform. |

Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.
Hulk haulers' or scrap processors' licenses: Chapter 46.79 RCW.

46.80.010 Definitions. The words "motor vehicle wrecker," whenever used in this chapter, shall mean every person, firm, partnership, association or corporation engaged in the business of buying, selling or dealing in vehicles of a type required to be licensed under the laws of this state, for the purpose of wrecking, dismantling, disassembling or substantially changing the form of any motor vehicle, or who buys or sells integral second-hand parts of component material thereof, in whole or

in part, and deals in second-hand motor vehicle parts. The words "established place of business," whenever used in this chapter, shall mean a building or enclosure which the owner occupies either continuously or at regular periods and where his books and records are kept and business is transacted and which must conform with the zoning regulation of municipalities. [1961 c 12 § 46.80.010. Prior: 1947 c 262 § 1; Rem. Supp. 1947 § 8326-40.]

46.80.020 License required—Penalty. Any motor vehicle wrecker, as defined herein, who shall engage in the business of wrecking motor vehicles or trailers without having first applied for and received a license from the department of motor vehicles authorizing him so to do shall be guilty of a gross misdemeanor, and upon conviction shall be punished by imprisonment for not less than thirty days or more than one year in jail or by a fine of one thousand dollars. [1971 ex.s. c 7 § 1; 1967 c 32 § 94; 1961 c 12 § 46.80.020. Prior: 1947 c 262 § 2; Rem. Supp. 1947 § 8326-41.]

46.80.030 Application for license—Contents. Application for a motor vehicle wrecker's license or renewal of a vehicle wrecker's license shall be made on a form for this purpose, furnished by the department of motor vehicles, and shall be signed by the motor vehicle wrecker or his authorized agent and shall include the following information:

(1) Name and address of the person, firm, partnership, association or corporation under which name the business is to be conducted;

(2) Names and residence address of all persons having an interest in the business or, if the owner is a corporation, the names and addresses of the officers thereof;

(3) Certificate of approval of the chief of police of any city or town having a population of over five thousand persons and in all other instances a member of the Washington state patrol certifying that:

(a) The applicant has an established place of business at the address shown on the application, and;

(b) In the case of a renewal of a vehicle wrecker's license, the applicant has been complying with the provisions of this chapter and the provisions of Title 46 RCW, relating to registration and certificates of title: *Provided*, That the above certifications in any instance can be made by an authorized representative of the department of motor vehicles;

(4) Any other information that the department may require. [1971 ex.s. c 7 § 2; 1967 ex.s. c 13 § 1; 1967 c 32 § 95; 1961 c 12 § 46.80.030. Prior: 1947 c 262 § 3; Rem. Supp. 1947 § 8326-42.]

46.80.040 Issuance of license—Fee. Such application, together with a fee of twenty-five dollars, and a surety bond as hereinafter provided, shall be forwarded to the department. Upon receipt of the application the department shall, if the application be in order, issue a motor vehicle wrecker's license authorizing him to do business as such and forward the fee, together with an itemized and detailed report, to the state treasurer, to

be deposited in the motor vehicle fund. Upon receiving the certificate the owner shall cause it to be prominently displayed in his place of business, where it may be inspected by an investigating officer at any time. [1971 ex.s. c 7 § 3; 1967 c 32 § 96; 1961 c 12 § 46.80.040. Prior: 1947 c 262 § 4; Rem. Supp. 1947 § 8326-43.]

46.80.050 Renewal—Fee. A license issued on this application shall remain in force until suspended or revoked and may be renewed annually upon reapplication according to RCW 46.80.030 and upon payment of a fee of ten dollars. Any motor vehicle wrecker who fails or neglects to renew his license prior to July 1, shall be required to pay the fee for an original motor vehicle wrecker license as provided in this chapter.

Whenever a motor vehicle wrecker shall cease to do business as such or his license has been suspended or revoked, he shall immediately surrender such license to the department. [1971 ex.s. c 7 § 4; 1967 ex.s. c 13 § 2; 1967 c 32 § 97; 1961 c 12 § 46.80.050. Prior: 1947 c 262 § 5; Rem. Supp. 1947 § 8326-44.]

46.80.060 License plates—Fee—Display. The motor vehicle wrecker shall obtain a special set of license plates in addition to the regular licenses and plates required for the operation of such vehicles which shall be displayed on vehicles owned and/or operated by him and used in the conduct of his business. The fee for these plates shall be five dollars for the original plates and two dollars for each additional set of plates bearing the same license number. [1961 c 12 § 46.80.060. Prior: 1957 c 273 § 21; 1947 c 262 § 6; Rem. Supp. 1947 § 8326-45.]

46.80.070 Bond. Before issuing a motor vehicle wrecker's license, the department shall require the applicant to file with said department a surety bond in the amount of one thousand dollars, running to the state of Washington and executed by a surety company authorized to do business in the state of Washington. Such bond shall be approved as to form by the attorney general and conditioned that such wrecker shall conduct his business in conformity with the provisions of this chapter. Any person who shall have suffered any loss or damage by reason of fraud, carelessness, neglect or misrepresentation on the part of the wrecking company, shall have the right to institute an action for recovery against such motor vehicle wrecker and surety upon such bond: *Provided*, That the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. [1971 ex.s. c 7 § 5; 1967 c 32 § 98; 1961 c 12 § 46.80.070. Prior: 1947 c 262 § 7; Rem. Supp. 1947 § 8326-46.]

46.80.080 Records to be kept. Every motor vehicle wrecker shall maintain books or files in which he shall keep a record and a description of every vehicle wrecked, dismantled, disassembled or substantially altered by him, together with the name of the person, firm or corporation from whom he purchased the vehicle. Such record shall also contain:

- (1) The certificate of title number (if previously titled in this or any other state);
- (2) Name of state where last registered;
- (3) Number of the last license number plate issued;
- (4) Name of vehicle;
- (5) Motor or identification number and serial number of the vehicle;
- (6) Date purchased;
- (7) Disposition of the motor and chassis, and such other information as the department may require. Such record shall be subject to inspection at all times by members of the police department, sheriff's office and members of the Washington state patrol. A motor vehicle wrecker shall also maintain a similar record of all disabled vehicles that have been towed or transported to the motor vehicle wrecker's place of business or to other places designated by the owner of the vehicle or his representative. This record shall specify the name and description of the vehicle, name of owner, number of license plate, condition of the vehicle and place to which it was towed or transported. [1971 ex.s. c 7 § 6; 1967 c 32 § 99; 1961 c 12 § 46.80.080. Prior: 1947 c 262 § 8; Rem. Supp. 1947 § 8326-47.]

46.80.090 Reports to department of motor vehicles—Record of title to accompany—Penalty. Within thirty days after a vehicle has been acquired by the motor vehicle wrecker it shall be the duty of such motor vehicle wrecker to furnish a written report to the department on forms furnished by the department. This report shall be in such form as the department shall prescribe and shall be accompanied by the certificate of title, if the vehicle has been last registered in a state which issues a certificate, or a record of registration if registered in a state which does not issue a certificate of title. No motor vehicle wrecker shall acquire a vehicle without first obtaining such record or title. It shall be the duty of the motor vehicle wrecker to furnish a monthly report of all vehicles wrecked, dismantled, disassembled, or substantially changed in form by him. This report shall be made on forms prescribed by the department and contain such information as the department may require. This statement shall be signed by the motor vehicle wrecker or his authorized representative and the facts therein sworn to before a notary public. Any motor vehicle wrecker who fails, neglects or refuses to furnish these monthly reports shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment of not more than six months or by both fine and imprisonment. [1971 ex.s. c 7 § 7; 1967 c 32 § 100; 1961 c 12 § 46.80.090. Prior: 1947 c 262 § 9; Rem. Supp. 1947 § 8326-48.]

46.80.100 Cancellation of bond, effect of. If, after issuing a motor vehicle wrecker's license, the bond is canceled by the surety in a method provided by law, the director shall immediately notify the principal covered by such bond by registered mail and afford him the opportunity of obtaining another bond before the termination of the original and should such principal fail,

neglect or refuse to obtain such replacement, the director may cancel or suspend the motor vehicle wrecker's license which has been issued to him under the provisions of this chapter. [1967 c 32 § 101; 1961 c 12 § 46.80.100. Prior: 1947 c 262 § 10; Rem. Supp. 1947 § 8326-49.]

46.80.110 Refusal, suspension, revocation of license. The director may, pursuant to the provisions of chapter 34.04 RCW, by order deny, suspend or revoke the license of any motor vehicle wrecker, if he finds that the applicant or licensee has:

(1) Wilfully misrepresented the physical condition of any motor or integral part of a motor vehicle;

(2) Sold or disposed of a motor vehicle or trailer or any part thereof when he knows that such vehicle or part has been stolen, or appropriated without the consent of the owner;

(3) Committed forgery on a certificate of title covering a vehicle that has been reassembled from parts obtained from the disassembling of other vehicles;

(4) Committed any dishonest act or omission which the director has reason to believe has caused loss or serious inconvenience as a result of a sale of a motor vehicle, trailer or part thereof;

(5) Failed to comply with any of the provisions of this chapter or any of the rules and regulations adopted thereunder, or with any of the provisions of Title 46 RCW relating to registration and certificates of title of vehicles;

(6) Procured a license fraudulently or that such license was erroneously issued. [1971 ex.s. c 7 § 8; 1967 ex.s. c 13 § 3; 1967 c 32 § 102; 1961 c 12 § 46.80.110. Prior: 1947 c 262 § 11; Rem. Supp. 1947 § 8326-50.]

46.80.120 Improper practices—Penalty. Any motor vehicle wrecker who shall knowingly buy, sell, receive, dispose of, conceal or have in his possession any motor vehicle or integral part thereof whose manufacturer's serial number, motor number or other identification mark has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of such motor vehicle or trailer, shall be deemed guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. Any motor vehicle wrecker who shall fail, neglect or refuse to comply with all of the provisions of this chapter before offering for sale and selling used parts, shall be guilty of a gross misdemeanor and shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than six months, or by both. [1961 c 12 § 46.80.120. Prior: 1947 c 262 § 12; Rem. Supp. 1947 § 8326-51.]

46.80.130 Place of business must be exclusively used—Wall, fence or hedge required. It shall be unlawful for any motor vehicle wrecker to keep any motor vehicle or any integral part thereof in any place other than the established place of business, designated in the certificate issued by the department, without permission of the department. All premises containing such motor

vehicles or parts thereof shall be enclosed by a wall or fence of such height as to obscure the nature of the business carried on therein. To the extent reasonably necessary or permitted by the topography of the land, the department shall have the right to establish specifications or standards for said fence or wall: *Provided, however,* That such wall or fence shall be painted or stained a neutral shade which shall blend in with the surrounding premises, and that such wall or fence must be kept in good repair. A living hedge of sufficient density to prevent a view of the confined area may be substituted for such a wall or fence. Any dead or dying portion of such hedge shall be replaced. [1971 ex.s. c 7 § 9; 1967 ex.s. c 13 § 4; 1967 c 32 § 103; 1965 c 117 § 1; 1961 c 12 § 46.80.130. Prior: 1947 c 262 § 13; Rem. Supp. 1947 § 8326-52.]

46.80.140 Rules and regulations. The director is hereby authorized to promulgate and adopt reasonable rules and regulations not in conflict with provisions hereof for the proper operation and enforcement of this chapter. [1967 c 32 § 104; 1961 c 12 § 46.80.140. Prior: 1947 c 262 § 14; Rem. Supp. 1947 § 8326-53.]

46.80.150 Inspection of premises and records. It shall be the duty of the chiefs of police in cities having a population of over five thousand persons, and in all other cases members of the Washington state patrol, to make periodic inspection of the motor vehicle wrecker's premises and records provided for in this chapter, and furnish a certificate of inspection to the department in such manner as may be determined by the department: *Provided,* That the above inspection in any instance can be made by an authorized representative of the department. [1971 ex.s. c 7 § 10; 1967 ex.s. c 13 § 5; 1967 c 32 § 105; 1961 c 12 § 46.80.150. Prior: 1947 c 262 § 15; Rem. Supp. 1947 § 8326-54.]

46.80.160 Duty of municipalities to conform. Any municipality or political subdivision of this state which now has or subsequently makes provision for the regulation of automobile wreckers shall comply strictly with the provisions of this chapter. [1961 c 12 § 46.80.160. Prior: 1947 c 262 § 16; Rem. Supp. 1947 § 8326-55.]

Chapter 46.81

TRAFFIC SAFETY EDUCATION COURSES

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46.81.010 Definitions. The following words and phrases whenever used in chapter 46.81 RCW shall have the following meaning:

(1) "Superintendent" or "state superintendent" shall mean the superintendent of public instruction.

(2) "Traffic safety education course" shall mean an accredited course of instruction in traffic safety education which shall consist of three parts: Classroom instruction, laboratory experience, and observation time. "Laboratory experience" shall include on-street, driving range, or simulator experience or some combination thereof. Each of said parts shall meet basic course requirements which shall be established by the superintendent of public instruction and each part of said course shall be taught by a qualified teacher of traffic safety education. Any portions of the course may be taught after regular school hours or on Saturdays as well as on regular school days or as a summer school course, at the option of the local school districts.

(3) "Qualified teacher of traffic safety education" shall mean an instructor certificated under the provisions of chapter 28A.70 RCW and certificated by the superintendent of public instruction to teach either the classroom part or the laboratory part of the traffic safety education course, or both, under regulations promulgated by the superintendent. [1969 ex.s. c 218 § 1; 1963 c 39 § 2.]

46.81.020 Administration of program—Powers and duties of school officials. (1) The superintendent of public instruction is authorized to establish a section of traffic safety education, under the division of curriculum and instruction and through such section shall administer, supervise, and develop the traffic safety education program and shall assist local school districts in the conduct of their traffic safety education programs. The superintendent shall adopt necessary rules and regulations governing the operation and scope of the traffic safety education program; and each school district shall submit an annual report to the superintendent on the financial condition of its traffic safety education program: *Provided*, That the superintendent shall conduct audits or such other examination of the records and accounts of said school districts and shall require their reporting of such information as the superintendent deems necessary to adequately monitor the quality of the program and to carry out the purposes of this chapter, and in order to make regular reports to the legislature.

(2) The board of directors of any school district maintaining a secondary school which includes any of the grades 10 to 12, inclusive, may establish and maintain a traffic safety education course. If a school district elects to offer a traffic safety education course and has within its boundaries a private accredited secondary school which includes any of the grades 10 to 12, inclusive, at least one class in traffic safety education shall be given at times other than regular school hours if there is sufficient demand therefor.

(3) Subject to the rules and regulations adopted by the superintendent of public instruction, the board of directors of a school district may contract with any drivers' school licensed under the provisions of chapter 46.82 RCW to teach the laboratory part of the traffic safety education program. Instructors provided by any

such contracting drivers' school must be certificated as qualified teachers of traffic safety education. [1969 ex.s. c 218 § 2; 1963 c 39 § 3.]

46.81.030 Fiscal support—Penalty assessments in addition to fines and bail forfeitures. There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

Notwithstanding, the provisions contained in chapters 3.62 and 3.16 RCW, or any other section, all moneys derived from penalty assessments made under this section shall be forwarded to the traffic safety education account of the general fund of the state treasury and shall be used exclusively for traffic safety education.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed. [1971 ex.s. c 26 § 1; 1970 ex.s. c 9 § 2. Prior: 1969 ex.s. c 218 § 3; 1969 ex.s. c 199 § 24; 1967 c 167 § 11; 1963 c 39 § 4.]

Penalty assessments in addition to fines, etc., for driver and alcohol safety action programs: RCW 46.61.515.

46.81.040 Fiscal support—Bail deposits to include penalty assessment. When any deposit of bail is made for an offense to which RCW 46.81.030 applies, the person making the deposit shall also deposit a sufficient amount to include the penalty assessment for forfeited bail. [1963 c 39 § 5.]

46.81.050 Fiscal support—Disposition of revenue. The gross proceeds of the penalty assessments provided for in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the traffic safety education account in the general fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1970 ex.s. c 9 § 3. Prior: 1969 ex.s. c 218 § 4; 1969 ex.s. c 199 § 25; 1963 c 39 § 6.]

46.81.060 Fiscal support—Traffic safety education account. There is hereby created the traffic safety education account in the general fund of the state treasury

(formerly named the driver education account) to the credit of which shall be deposited all moneys directed by law to be credited thereto. All expenses incurred by the superintendent of public instruction in administering this chapter and all payments by the superintendent of public instruction to school districts as authorized by this chapter shall be borne by appropriations from this account. [1969 ex.s. c 218 § 5; 1963 c 39 § 7.]

Fees credited to account: RCW 46.20.070, 46.68.041.

46.81.070 Fiscal support—Cost records—Reimbursement to school districts—Enrollment fees. (1) Each school district offering a course in traffic safety education shall, in such manner as the superintendent of public instruction may direct, keep accurate records of the cost thereof. Subject to RCW 46.81.060 each school district shall be reimbursed from the traffic safety education account: *Provided*, That the state superintendent shall determine the approximate per pupil cost of traffic safety education and may reimburse up to seventy-five percent of the estimated per pupil cost of traffic safety education. Per pupil cost of traffic safety education shall include the per pupil cost of vehicles used exclusively in traffic safety education programs and simulators used in such programs amortized by school districts over a sixty-month period.

A simulator is any automobile driver training device approved by the superintendent of public instruction to be used for purposes of traffic safety education instruction under simulated driving conditions.

(2) The directors of any school district or combination of school districts shall establish a traffic safety education fee, which fee when imposed shall be required to be paid by any duly enrolled student in such school district prior to the enrollment in a traffic safety education course. Traffic safety education fees collected by a school district shall be deposited with the county treasurer to the credit of such school district, to be used to pay costs of the traffic safety education course. [1969 ex.s. c 218 § 6; 1967 ex.s. c 147 § 5; 1963 c 39 § 8.]

Traffic safety commission: Chapter 43.59 RCW.

46.81.900 Declaration of purpose. It is the purpose of this act to provide the financial assistance necessary to enable each high school district to offer a course in traffic safety education and by that means to develop in the youth of this state a knowledge of the motor vehicle laws, an acceptance of personal responsibility on the public highways, and an understanding of the causes and consequences of traffic accidents. The course in traffic safety education shall further provide to the youthful drivers of this state training in the skills necessary for the safe operation of motor vehicles. [1969 ex.s. c 218 § 7; 1963 c 39 § 1.]

Chapter 46.82 DRIVERS' TRAINING SCHOOLS

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46.82.010 Definitions. For the purpose of this chapter:

"Drivers' school" means a commercial automobile training school engaged in the business of giving instruction for hire in the operation of automobiles.

"Director" means the director of motor vehicles of the state of Washington.

"Instructor" means any natural person employed by a drivers' school to instruct persons in the operation of automobiles.

"Place of business" means a designated location at which the business of a drivers' school is transacted and its records are kept.

"Person" includes an individual, firm, corporation, partnership or association. [1967 c 32 § 106; 1961 c 12 § 46.82.010. Prior: 1957 c 87 § 1.]

46.82.020 School license required—Fees—Renewal—Duplicates. No person shall engage in the business of conducting a drivers' school without being the holder of a license for such purpose issued by the director. An application for license under this section shall be filed with the director and shall contain such information as he shall prescribe. Every such application shall be accompanied by an application fee of one hundred dollars, which shall in no event be refunded. If an application is approved by the director, the applicant upon the payment of an additional fee of twenty-five

dollars shall be granted a license which shall be valid for a period of one year from the date of its issuance.

The annual fee for renewal thereof shall be twenty-five dollars. The director shall issue a license certificate to each licensee, which certificate shall be conspicuously displayed in the place of business of the licensee. In case of the loss, mutilation or destruction of a license certificate, the director shall issue a duplicate thereof upon proof of the facts and payment of a fee of one dollar. [1961 c 12 § 46.82.020. Prior: 1957 c 87 § 2.]

46.82.030 School licenses nontransferable—New license when business ownership transferred. Drivers' school licenses shall not be transferable. In the event of any transfer of ownership in the business, an application for a new license must be obtained by compliance with the terms and conditions and the payment of the fees as set forth in RCW 46.82.020: *Provided*, That the director shall permit continuance of the business by the person to whom the business was transferred pending approval of the new application for a drivers' school license. [1961 c 12 § 46.82.030. Prior: 1957 c 87 § 3.]

46.82.040 When school license shall not be issued—Proximity to place where operator's license examination held. No license shall be issued nor shall any renewal of a license be made for conducting a drivers' school in a city having a population of fifteen thousand or more according to the latest federal census, if the place of business of such school or branch thereof, is located within one thousand feet of a state patrol office or of a building owned or leased by the state, the county, or a city, in which examinations for drivers' licenses are conducted. The said distance of one thousand feet shall be measured along the public streets by the nearest route from such place of business, or branch thereof, to such building. [1961 c 12 § 46.82.040. Prior: 1957 c 87 § 4.]

46.82.050 Denial of application for school license. The director may deny the application of any person for a license if, in his discretion, he determines that:

(1) Such applicant has made a material false statement or concealed a material fact in connection with his application;

(2) Such applicant, or any officer, director, stockholder, or partner, or any other person directly or indirectly interested in the business was the former holder, or was an officer, director, stockholder, or partner, in a corporation or partnership which was the former holder of a driver's school license which was revoked or suspended by the director;

(3) Such applicant or any officer, director, stockholder, or partner, in a corporation or partnership or any employee, or any person directly or indirectly interested in the business has been convicted of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy or moral turpitude;

(4) Such applicant does not have a place of business as required by this section;

(5) Such applicant has failed to require any and all persons with financial interest in such drivers' school to be signatories to the application;

(6) Such applicant fails to qualify under all of the other conditions stated in this chapter. [1961 c 12 § 46.82.050. Prior: 1957 c 87 § 5.]

46.82.060 Suspension, revocation, refusal of school license—"Fraudulent practices" defined. The director, or any employee of the department of motor vehicles deputized by him for such purposes, may suspend or revoke a drivers' school license or refuse to issue a renewal thereof for any of the following causes:

(1) The conviction of the licensee of a felony, or of any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;

(2) Where the licensee has made a material false statement or concealed a material fact in connection with his application for the license or a renewal thereof;

(3) Where the licensee has failed to comply with any of the provisions of this chapter or any of the rules and regulations of the director made pursuant thereto;

(4) Where the licensee has been guilty of fraud or fraudulent practices in relation to the business conducted under the license, or guilty of inducing another to resort to fraud or fraudulent practices in relation to securing for himself or another a license to drive an automobile. The term "fraudulent practices" as used in this section shall include, but not be limited to, any conduct or representation on the part of the licensee tending to induce anyone to believe, or to give the impression that a license to operate an automobile, or any other license, registration or service granted by the director, may be obtained by any means other than the ones prescribed by law, or furnishing or obtaining the same by illegal or improper means, or requesting, accepting, exacting, or collecting money for such purpose.

Notwithstanding the renewal of a license, the director may revoke or suspend such license for causes and violations, as prescribed by this section, occurring during the two license periods immediately preceding the renewal of such license. [1967 c 32 § 107; 1961 c 214 § 4; 1961 c 12 § 46.82.060. Prior: 1957 c 87 § 6.]

46.82.070 Suspension, revocation, refusal of school license—Hearing—Procedure—Exception. Except where a refusal to issue a license or renewal, or revocation or suspension, is based solely on a court conviction or convictions, a licensee or applicant shall have an opportunity to be heard, such hearing to be held within ten days of the refusal to issue, revoke or suspend said license and the director must within five days after the hearing issue a decision on said refusal to render, revoke or suspend. A license may, however, be temporarily suspended without notice, pending any prosecution, investigation or hearing. A licensee or applicant entitled to a hearing shall be given due notice thereof. The sending of a notice of a hearing by registered mail to the last known address of a licensee or applicant ten days prior to the date of the hearing shall be deemed due notice. The director, or the person deputized by him to conduct a hearing, shall have power to

subpoena witnesses, administer oaths to witnesses and take testimony of any person or cause depositions to be taken. A subpoena issued under the authority of this section shall be served in the same manner as a subpoena issued out of a court of record. Witnesses subpoenaed hereunder and persons, other than officers or employees in the department, making service of such subpoenas shall be entitled to the same fees and mileage as are allowed in civil actions in courts of law. [1967 c 32 § 108; 1961 c 214 § 2; 1961 c 12 § 46.82.070. Prior: 1957 c 87 § 7.]

46.82.080 Procedure on change of officers or location of school. The owner of any drivers' school licensed under the provisions of this chapter must notify the director in writing within thirty days after any change is made in the officers or directors of such school. No owner of such school shall change the location of its place of business without notifying the director of such change prior thereto. [1961 c 12 § 46.82.080. Prior: 1957 c 87 § 8.]

46.82.090 Certain prerequisites to be met before instruction may be given student. Instruction in the operation of an automobile shall not be given to a student in any drivers' school licensed under the provisions of this chapter unless:

(1) The automobiles used for instruction purposes are equipped with dual controls for foot brake and clutch, or foot brake only in automatic cars;

(2) The licensee has filed with the director evidence of liability insurance coverage with an insurance company authorized to do business in this state in an amount of not less than twenty thousand dollars because of bodily injury or death to two or more persons in any one accident, and not less than ten thousand dollars because of bodily injury or death to one person in one accident and not less than five thousand dollars because of property damage to others in one accident. Such insurance coverage shall be maintained in full force and effect and the director shall be notified at least ten days prior to cancellation or expiration of any such policy of insurance;

(3) The student to be instructed possesses a current and valid temporary instruction permit issued pursuant to RCW 46.20.091 or a motor vehicle driver's license. [1967 c 32 § 109; 1961 c 12 § 46.82.090. Prior: 1957 c 87 § 9.]

46.82.100 Advertising and solicitation of business. Advertising and solicitation of business by a drivers' school must conform to the following:

(1) No drivers' school shall advertise or otherwise indicate that the issuance of a motor vehicle operator's license is guaranteed or assured as a result of the course of instruction offered;

(2) No drivers' school shall solicit business or cause business to be solicited within one thousand feet of any building owned or leased by the state, county, or city in which licenses to operate motor vehicles are issued to the public: *Provided*, That identification lettering or other normal identification on an instruction vehicle

shall not be deemed in violation of this section. [1961 c 12 § 46.82.100. Prior: 1957 c 87 § 10.]

46.82.110 Lettering on instruction car required. Every motor vehicle used by a licensed drivers' school for instruction purposes must have displayed on the back of the vehicle a sign not less than twenty inches in horizontal width or less than ten inches in vertical height mounted above the upper extremities of the rear bumper in a vertical position and having the words "*Student Driver*" and/or "*Instruction Car*", in legible printed English letters of at least two and one-half inches in height near the top and the name of the school in similarly legible characters not less than one inch in height placed somewhere below the aforementioned words, and the street number and name and telephone number, in similarly legible characters at least one inch in height, placed next below such name of school. Such lettering and background colors shall be of such contrasting shades as to be clearly readable at one hundred feet in clear daylight. [1961 c 12 § 46.82.110. Prior: 1957 c 87 § 11.]

46.82.120 Instructor's certificate—Qualifications for issuance. No person, including the owner, operator, partner, officer, or stockholder of a drivers' school shall give instruction for hire in the operation of a motor vehicle unless such person is the holder of an instructor's certificate issued by the director. No instructor's certificates shall be issued to any person unless such person:

(1) Is the possessor of a valid motor vehicle driver's license;

(2) Has had at least five years' licensed driving experience;

(3) Has completed an acceptable application and has taken the examination for an instructor's certificate as prescribed in RCW 46.82.140, and passed such examination with a qualifying grade. [1967 c 32 § 110; 1961 c 12 § 46.82.120. Prior: 1957 c 87 § 12.]

46.82.130 Instructor's certificate—Application—Contents—Proof of study—Temporary employment. No person shall be granted an instructor's certificate unless they have made application to the director at least ten days prior to the examination date set by the examining committee. To qualify for an instructor's certificate applicant must also show proof of at least forty hours of study in the field of driving instruction, and including at least twenty hours of personal, individual, oral instruction; have taken such other training course offered to the public for instructing driver's instructors as may be acceptable to the director. Upon completion of such application and the presentation of such satisfactory proofs, the director may, if requested, allow employment of applicant not to exceed thirty days prior to examination date, and may so notify such applicant making such a request: *Provided*, That such person's teaching activity shall be under the control and supervision of a holder of an instructor's certificate. [1961 c 12 § 46.82.130. Prior: 1957 c 87 § 13.]

46.82.140 Instructor's certificate—Examining committee—Director to arrange examination. Examinations for a driving instructor's certificate shall be prepared and conducted by a driving instructor's examination committee to be composed of a representative from the Washington state department of education, a representative of the department of motor vehicles and a representative of the commercial driving schools. Members shall be appointed by the governor for a one year term and shall receive compensation not to exceed twenty-five dollars for each day spent on official business and necessary expenses: *Provided*, That any member who is receiving a salary from the state of Washington shall not receive compensation for such services but shall receive any travel and other expenses incurred in such service. The director shall arrange for the examination of each applicant for an instructor's certificate and furnish the necessary clerical help to the examining committee. [1965 ex.s. c 170 § 48; 1961 c 12 § 46.82.140. Prior: 1957 c 87 § 14.]

46.82.150 Disposition of moneys collected—Commercial automobile driver training school account established. All moneys collected from drivers' school licenses and instructors' certificates is to be paid to the state treasurer who shall deposit it in an account which is established hereby and which shall be known as the commercial automobile driver training school account of the general fund. It is further provided that moneys deposited in the said account shall in no event revert to the general fund, but that they shall be retained therein until expended in accord with proper appropriation therefrom or expenses incurred in the administration of this chapter. [1961 c 12 § 46.82.150. Prior: 1957 c 87 § 15.]

46.82.160 First examinations after effective date of chapter. The committee shall prepare and hold the first written and driving examinations within thirty days after June 13, 1957. [1961 c 12 § 46.82.160. Prior: 1957 c 87 § 16.]

46.82.170 Instructor's certificate—Fees—Duration. Every original application for a driving instructor's certificate must be accompanied by a fee of twenty-five dollars which shall not be refunded. Such certificate is valid for a period of one year from date of issuance except as herein elsewhere specified, and the annual fee for renewal shall be five dollars.

No fee shall be required for an additional certificate or certificates if an instructor possessing a current certificate desires to be employed by an additional school or schools. [1961 c 12 § 46.82.170. Prior: 1957 c 87 § 17.]

46.82.180 Instructor's certificate—Time and place of examinations—Notice. Examinations for an instructor's certificate shall be given by the committee once a month, at such place as the director may direct. Applications for instructor's certificates shall be receivable by the director at any time and all persons applying shall be notified of the time and place of the next

examining session. [1961 c 214 § 3; 1961 c 12 § 46.82.180. Prior: 1957 c 87 § 18.]

46.82.190 Instructor's certificate—Qualifications to take examination. To be qualified to take the examination for an instructor's certificate, the applicant must:

(1) Be a licensed motor vehicle driver for five years prior to the date of application. The examining committee shall have the right to examine the driving records of the applicant and from these records shall determine if the applicant is properly qualified, not having had any convictions involving drunkenness, recklessness, or negligence, or have been convicted of any crime involving moral turpitude;

(2) Be a high school graduate or the equivalent, and over twenty-five years of age. [1967 c 32 § 111; 1961 c 12 § 46.82.190. Prior: 1957 c 87 § 19.]

46.82.200 Renewal of instructor's license—Conditions—Refusal. A licensed instructor may be granted a renewal of license after one year's time from date of issue of the original license, providing proof is presented to the director showing the satisfactory completion of an approved course in driving training instruction of at least forty hours of instruction including five hours instruction in a training vehicle. In lieu of such proof, applicant must present sworn documented evidence, acceptable to the director, showing reasonable diligence by the applicant in applying for and arranging to attend such a course, together with similarly documented proofs showing why such a course was not started or completed. Upon receipt of such evidence, the license may be renewed for an additional year. Any further renewal beyond a second year may be refused by the director at his discretion. [1961 c 12 § 46.82.200. Prior: 1957 c 87 § 20.]

46.82.210 When school must terminate instructor's services. A drivers' school must terminate the services of any instructor upon:

(1) Suspension or revocation of the motor vehicle driver's license of such instructor for any reason; or

(2) Conviction of such instructor of a crime involving moral turpitude, violence, dishonesty, deceit, indecency, or degeneracy. [1967 c 32 § 112; 1961 c 12 § 46.82.210. Prior: 1957 c 87 § 21.]

46.82.220 Instruction on state patrol testing course prohibited—Suspension of licenses. The director shall suspend the license of any drivers' school or the certificate of any instructor upon notice and proof that the school or instructor are conducting the course of instruction for students primarily to handle an automobile on the course that any state patrol office uses for testing applicants for motor vehicle licenses. [1961 c 12 § 46.82.220. Prior: 1957 c 87 § 22.]

46.82.230 Revocation, suspension of instructor's certificate—Hearing. A holder of or applicant for an instructor's license shall be entitled to a hearing upon any decision of the director or the committee in refusing to

issue or renew, or in revoking or suspending a certificate, in the manner as provided for in RCW 46.82.070. [1961 c 12 § 46.82.230. Prior: 1957 c 87 § 23.]

46.82.240 Appeal from action or decision of examining committee or director. Any action or decision of the examining committee or the director may, after a hearing is held as provided for by this chapter, be appealed by the party aggrieved to the superior court of the county in which the place of business is located or where the person aggrieved lives. [1961 c 12 § 46.82.240. Prior: 1957 c 87 § 24.]

46.82.250 Penalty. A violation of any of the provisions of this chapter shall be a misdemeanor. [1961 c 12 § 46.82.250. Prior: 1957 c 87 § 25.]

46.82.260 Chapter not to apply to educational institutions. This chapter shall not apply to or affect in any manner courses of instruction offered in any high schools, colleges or universities which are now or hereafter established, nor shall it be applicable to instructors in any such schools, colleges or universities: *Provided*, That such course or courses are conducted by such school in a like manner to their other regular courses. If such course is conducted by any commercial school as hereinafter identified on a contractual basis, such school and instructors must qualify under this chapter. [1961 c 12 § 46.82.260. Prior: 1957 c 87 § 26.]

46.82.270 Basic minimum curricula required—Effect of failure to teach such curricula. The committee shall compile and furnish to each qualifying applicant for an instructor's license, a curriculum consisting of a list of items of knowledge and processes of manual handling of a motor vehicle in such sufficient detail as to leave no doubt as to the minimum requirements adjudged necessary in teaching a proper and adequate course of driver education. Should the director be presented with acceptable proofs that any licensed instructor or school is not showing proper diligence in teaching such basic minimum curricula, he shall require the instructor or school to appear before the examining committee and show cause for such negligence. If the committee does not accept such reasons as may be offered, the director shall revoke the license of the instructor or school. [1961 c 12 § 46.82.270. Prior: 1957 c 87 § 27.]

Chapter 46.83 TRAFFIC SCHOOLS

Sections

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46.83.010 City or town and county traffic schools authorized—Procedure to establish. Any city or town and the county in which it is located are authorized, as may be agreed between the respective governing bodies of the city or town and county, to establish a traffic school for the purposes and under the conditions set forth in this chapter. Such city or town and county traffic school may be effected whenever the governing body of the city or town shall pass an ordinance and the board of commissioners of the county shall pass a resolution declaring intention to organize and operate a traffic school in accordance with agreements had between them as to the financing, organization, and operation thereof. [1961 c 12 § 46.83.010. Prior: 1959 c 182 § 1.]

46.83.020 County commissioners to control and supervise—Assistance of sheriff and police department. A traffic school established under this chapter shall be under the control and supervision of the board of county commissioners, through such agents, assistants, or instructors as the board may designate, and shall be conducted with the assistance of the county sheriff and the police department of the city or town. [1961 c 12 § 46.83.020. Prior: 1959 c 182 § 2.]

46.83.030 Deposit, control of funds—Support. All funds appropriated by the city or town and county to the operation of the traffic school shall be deposited with the county treasurer and shall be administered by the board of county commissioners. The governing bodies of every city or town and county participating in the operation of traffic schools are authorized to make such appropriations by ordinance or resolution, as the case may be, as they shall determine for the establishment and operation of traffic schools, and they are further authorized to accept and expend gifts, donations, and any other money from any source, private or public, given for the purpose of said schools. [1961 c 12 § 46.83.030. Prior: 1959 c 182 § 3.]

46.83.040 Purpose of school. It shall be the purpose of every traffic school which may be established hereunder to instruct, educate, and inform all persons appearing for training in the proper, lawful, and safe operation of motor vehicles, including but not limited to rules of the road and the limitations of persons, vehicles, and roads, streets and highways under varying conditions and circumstances. [1961 c 12 § 46.83.040. Prior: 1959 c 182 § 4.]

46.83.050 Court may order attendance. Every police court, justice court, juvenile court, superior court, and every other court handling traffic cases within the limits of a county wherein a traffic school has been established may, as a part of any sentence imposed following a conviction for any traffic law violation, or as a condition on the suspension of sentence or deferral of any imposition of sentence, order any person so convicted, whether that person be a juvenile, a minor, or an adult, to attend the traffic school for a number of days to be

determined by the court, but not to exceed the maximum number of days which the violator could be required to serve in the city or county jail as a result of his or her conviction. [1961 c 12 § 46.83.050. Prior: 1959 c 182 § 5.]

46.83.060 Duty of person required to attend—Penalty. Every person required to attend a traffic school as established under the provisions of this chapter shall maintain attendance in accordance with the sentence or order. Failure so to do, unless for good cause shown by clear and convincing evidence, shall be a misdemeanor and punishable as by law provided in addition to the imposition of any punishment suspended or deferred upon the original conviction. [1961 c 12 § 46.83.060. Prior: 1959 c 182 § 6.]

**Chapter 46.85
RECIPROCAL OR PROPORTIONAL
REGISTRATION OF VEHICLES**

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Single cab cards for interstate commercial vehicles, evidence of compliance with proportional registration: RCW 46.86.040.

46.85.010 Declaration of policy. It is the policy of this state to promote and encourage the fullest possible use of its highway system by authorizing the making and execution of motor vehicle reciprocal or proportional registration agreements, arrangements and declarations with other states, provinces, territories and countries with respect to vehicles registered in this and such other states, provinces, territories and countries thus contributing to the economic and social development and growth of this state. [1963 c 106 § 1.]

46.85.020 Definitions. As used in this chapter: (1) "Commercial vehicle" means any vehicle which is operated in more than one state and used for the transportation of persons for hire, compensation or profit, or designed or used primarily for the transportation of property.

(2) "Jurisdiction" means and includes a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a foreign country and a state or province of a foreign country.

(3) "Owner" means a person who holds the legal title to a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract or other legal arrangement vesting right of possession or control, for security or otherwise, or in the event a mortgagor of a vehicle is entitled to possession, then the owner shall be deemed to be such person in whom is vested right of possession or control.

(4) "Properly registered", as applied to place of registration, means:

(a) The jurisdiction where the person registering the vehicle has his legal residence, or

(b) In the case of a commercial vehicle, the jurisdiction in which it is registered if the commercial enterprise in which such vehicle is used has a place of business therein, and, if the vehicle is most frequently dispatched, garaged, serviced, maintained, operated or otherwise controlled in or from such place of business, and, the vehicle has been assigned to such place of business, or

(c) In the case of a commercial vehicle, the jurisdiction where, because of an agreement or arrangement between two or more jurisdictions, or pursuant to a declaration, the vehicle has been registered as required by said jurisdiction.

In case of doubt or dispute as to the proper place of registration of a vehicle, the department shall make the final determination, but in making such determination, may confer with departments of the other jurisdictions affected.

(5) "Fleet" means three or more commercial vehicles: *Provided*, That the reciprocity commission may require proportional registration and licensing of a fleet of less than three vehicles whenever in its judgment the interests of this state will be best served and protected thereby.

(6) The words "department," "motor vehicle," "person" and "vehicle" shall each have the meanings ascribed to them, respectively, by RCW 46.04.680, 46.04.320, 46.04.405 and 46.04.670.

(7) "Preceding year" means a period of twelve consecutive months fixed by the department which period shall be within the sixteen months immediately preceding the commencement of the registration or license year for which proportional registration is sought; and the department in fixing such period shall make it conform to the terms, conditions and requirements of any applicable agreement or arrangement for the proportional registration of vehicles. [1963 c 106 § 2.]

46.85.030 Reciprocity commission created. The reciprocity commission, hereby created, shall consist of the director of motor vehicles, the chief of the Washington state patrol, a designee of the state highway commission and, ex officio, the chairman and vice chairman of the legislative transportation committee, or their duly designated representatives. Members of the western interstate highway policy committee from the state of Washington shall be advisory members of the reciprocity commission, and may attend meetings and conferences of the commission in such capacity, but shall not vote as members thereof. The department shall provide such assistance and facilities to the commission as it may require. The members of the commission shall receive no additional compensation for their services except that they shall be allowed their actual and necessary expenses incurred in the performance of their official duties to be paid from funds made available for the use of the commission. The commission shall have the authority to execute agreements, arrangements or declarations to carry out the provisions of this chapter. [1967 c 32 § 113; 1963 c 106 § 3.]

46.85.040 Authority for reciprocity agreements; provisions; reciprocity standards. The reciprocity commission may enter into an agreement or arrangement with the duly authorized representatives of another jurisdiction, granting to vehicles or to owners of vehicles which are properly registered or licensed in such jurisdiction and for which evidence of compliance is supplied, benefits, privileges and exemptions from the payment, wholly or partially, of any taxes, fees, or other charges imposed upon such vehicles or owners with respect to the operation or ownership of such vehicles under the laws of this state, except gallonage taxes on motor fuels. Such an agreement or arrangement shall provide that vehicles properly registered or licensed in this state when operated upon highways of such other jurisdiction shall receive exemptions, benefits and privileges of a similar kind or to a similar degree as are extended to vehicles properly registered or licensed in such jurisdiction when operated in this state. Each such agreement or arrangement shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and shall be fair and equitable to this state and the citizens thereof, and all of the same shall

be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. [1963 c 106 § 4.]

46.85.050 Base state registration reciprocity. An agreement or arrangement entered into, or a declaration issued under the authority of this chapter may contain provisions authorizing the registration or licensing in another jurisdiction of vehicles located in or operated from a base in such other jurisdiction which vehicles otherwise would be required to be registered or licensed in this state; and in such event the exemptions, benefits and privileges extended by such agreement, arrangement or declaration shall apply to such vehicles, when properly licensed or registered in such base jurisdiction. [1963 c 106 § 5.]

46.85.060 Declarations of extent of reciprocity, when. In the absence of an agreement or arrangement with another jurisdiction, the reciprocity commission may examine the laws and requirements of such jurisdiction and declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in such other jurisdiction, or to the owners of such vehicles, which shall, in the judgment of the reciprocity commission, be in the best interest of this state and the citizens thereof and which shall be fair and equitable to this state and the citizens thereof, and all of the same shall be determined on the basis and recognition of the benefits which accrue to the economy of this state from the uninterrupted flow of commerce. [1963 c 106 § 6.]

46.85.070 Extension of reciprocal privileges to lessees authorized. An agreement, or arrangement entered into, or a declaration issued under the authority of this chapter, may contain provisions under which a leased vehicle properly registered by the lessor thereof may be entitled, subject to terms and conditions stated therein, to the exemptions, benefits and privileges extended by such agreement, arrangement or declaration. [1963 c 106 § 7.]

46.85.080 Automatic reciprocity, when. On and after July 1, 1963, if no agreement, arrangement or declaration is in effect with respect to another jurisdiction as authorized by this chapter, any vehicle properly registered or licensed in such other jurisdiction and for which evidence of compliance is supplied shall receive, when operated in this state, the same exemptions, benefits and privileges granted by such other jurisdiction to vehicles properly registered in this state. Reciprocity extended under this section shall apply to commercial vehicles only when engaged exclusively in interstate commerce. [1963 c 106 § 8.]

46.85.090 Suspension of reciprocity benefits. Agreements, arrangements or declarations made under the authority of this chapter may include provisions authorizing the department to suspend or cancel the exemptions, benefits or privileges granted thereunder to a person who violates any of the conditions or terms of

such agreements, arrangements or declarations or who violates the laws of this state relating to motor vehicles or rules and regulations lawfully promulgated thereunder. [1963 c 106 § 9.]

46.85.100 Agreements to be written, filed and available for distribution. All agreements, arrangements or declarations or amendments thereto shall be in writing and shall be filed in the office of the reciprocity commission. A copy of each agreement, arrangement or declaration, or amendment thereto, shall be filed by the reciprocity commission in the office of the director within ten days after execution or the effective date of the instrument whichever is later. Upon becoming effective, they shall supersede the provisions of RCW 46.16.030 to the extent that they are inconsistent therewith. The department shall provide copies for public distribution upon request. [1967 c 32 § 114; 1963 c 106 § 10.]

46.85.110 Reciprocity agreements in effect at time of act. All reciprocity and proportional registration agreements, arrangements and declarations relating to vehicles in force and effect at the time this chapter becomes effective shall continue in force and effect at the time this chapter becomes effective and until specifically amended or revoked as provided by law or by such agreements or arrangements. [1963 c 106 § 11.]

Effective date of chapter: RCW 46.85.930.

46.85.120 Proportional registration of fleet vehicles, application, fee—Formula and payment. (1) Any owner engaged in operating one or more fleets may, in lieu of registration of vehicles under the provisions of chapter 46.16 RCW and payment of excise taxes and fees imposed by chapter 82.44 RCW, register and license each fleet for operation in this state by filing an application with the department which shall contain the following information and such other information pertinent to vehicle registration as the department may require:

(a) Total fleet miles. This shall be the total number of miles operated in all jurisdictions during the preceding year by the motor vehicles in such fleet during said year.

(b) In-state miles. This shall be the total number of miles operated in this state during the preceding year by the motor vehicles in such fleet during said year.

(c) A description and identification of each vehicle of such fleet which is to be operated in this state during the registration year for which proportional fleet registration is requested.

(2) The application for each fleet shall, at the time and in the manner required by the department, be supported by fee payment computed as follows:

(a) Divide the sum of the in-state miles by total fleet miles.

(b) Determine the total amount necessary under the provisions referred to in subsection (1) of this section to register each and every vehicle in the fleet for which registration is requested, based on the regular annual

fees or applicable fees for the unexpired portion of the registration year.

(c) Multiply the sum obtained under subsection (2)(b) hereof by the fraction obtained under subsection (2)(a) hereof.

(3) The applicant for proportional registration of any fleet, the nonmotor vehicles of which are operated in jurisdictions in addition to those in which the applicant's fleet motor vehicles are operated, may state such nonmotor vehicles separately in his application and compute and pay the fees therefor in accordance with such separate statement, as to which "total miles" shall be the total miles operated in all jurisdictions during the preceding year.

(4) In no event shall the total fee payment be less than a minimum of five dollars per motor truck, truck tractor or auto stage, and three dollars per vehicle of any other type. [1973 c 115 § 1; 1971 c 51 § 1; 1963 c 106 § 12.]

46.85.130 Registration and identification of proportionally registered vehicles, effect of such registration. (1)

The department shall register the vehicles so described and identified and may issue a license plate or plates, or a distinctive sticker, or other suitable identification device, for each vehicle described in the application upon payment of the appropriate fees for such application and for the stickers or devices issued. A fee of two dollars shall be paid for each license plate, sticker or device issued for each proportionally registered vehicle. A registration card shall be issued for each proportionally registered vehicle. Such registration card shall, in addition to the information required by RCW 46.12.050, bear upon its face the number of the license, sticker or other device issued for such proportionally registered vehicle and shall be carried in such vehicles at all times or, in the case of a combination, in the vehicle supplying the motive power.

(2) Fleet vehicles so registered and identified shall be deemed to be fully licensed and registered in this state for any type of movement or operation, except that, in those instances in which a grant of authority is required for interstate or intrastate movement or operation, no such vehicle shall be operated in interstate or intrastate commerce in this state unless the owner thereof has been granted interstate operating authority by the interstate commerce commission in the case of interstate operations or intrastate operating authority by the Washington utility and transportation commission in the case of intrastate operations and unless said vehicle is being operated in conformity with such authority.

(3) The department may issue temporary proration authorization permits to qualifying operators for the operation of vehicles pending issuance of license identification. A fee of one dollar shall be collected for each permit issued. The department shall have the authority to adopt rules and regulations for issuance of the permits. [1963 c 106 § 13.]

46.85.135 Application fee—Additional. Each application or supplemental application for reciprocal or proportional registration of vehicles shall be accompanied by an application fee, in addition to all other fees, of five dollars for nine or less vehicles, ten dollars for ten through twenty-four vehicles, and fifteen dollars for twenty-five or more vehicles. [1971 c 51 § 5.]

46.85.140 Proportional registration cannot be in a single jurisdiction. The right to the privilege and benefits of proportional registration of fleet vehicles extended by this chapter, or by any contract, agreement, arrangement or declaration made under the authority of this chapter, shall be subject to the condition that each fleet vehicle proportionally registered under the authority of this chapter also shall be proportionally or otherwise properly registered in at least one other jurisdiction during the period for which it is proportionally registered in this state. [1963 c 106 § 14.]

46.85.145 Failure to proportionally register vehicles in another jurisdiction results in additional in-state miles. If it is determined that any Washington based carrier has not proportionally registered a vehicle or vehicles in another jurisdiction or jurisdictions which are members of the Uniform Compact Agreement after indicating his intent to do so in his application to the state, and has failed to pay other fees in lieu thereof, the mileage traveled in such jurisdiction or jurisdictions shall be added to Washington in-state miles for computation of the Washington travel percentage. [1971 c 51 § 6.]

46.85.147 Increasing gross weight as subject to minimum fee. Any prorated carrier increasing the gross weight of a vehicle or vehicles shall be subject to a five dollar minimum fee per vehicle. [1971 c 51 § 7.]

46.85.150 Registration of additional fleet vehicles. Vehicles acquired by the owner after the commencement of the registration year and subsequently added to a proportionally registered fleet shall be proportionally registered by applying the mileage percentage used in the original application for such fleet for such registration period to the regular registration fees due with respect to such vehicles for the remainder of the registration year. [1963 c 106 § 15.]

46.85.160 Withdrawal of fleet vehicles, credits and accounting. If any vehicle is withdrawn from a proportionally registered fleet during the period for which it is registered under the provisions of this chapter, the owner of such fleet shall so notify the department on appropriate forms to be prescribed by the department. The department may require the owner to surrender proportional registration cards and such other identification devices which have been issued with respect to such vehicle. If a vehicle is permanently withdrawn from a proportionally registered fleet because it has been destroyed, sold or otherwise completely removed from the service of the registrant, the unused portion of the gross weight fee paid with respect to such vehicle, which shall be a sum equal to the amount of gross

weight fee paid with respect to such vehicle when it was first proportionally registered in such registration year, reduced by one-twelfth for each calendar month and fraction thereof elapsing between the first day of the month of the current year in which the vehicle was registered and the date the notice of withdrawal is received by the department, shall be credited to the proportional registration account of such owner. Such credit shall be applied against the gross weight fee liability for subsequent additions to be prorated during such registration year or for additional gross weight fees due upon audit under RCW 46.85.190. If any such credit is less than fifteen dollars, no credit shall be made or entered. In no event shall such amount be credited against fees other than those for such registration year nor shall any such amount be subject to refund. [1971 c 51 § 2; 1963 c 106 § 16.]

46.85.170 New fleet; estimated mileage—Amended application, when—Use of actual travel basis. The initial application for proportional registration of a fleet shall state the mileage data with respect to such fleet for the preceding year in this and other jurisdictions. If no operations were conducted with such fleet during the preceding year, the application shall contain a full statement of the proposed method of operation and estimates of annual mileage in this state and other jurisdictions. The department shall determine the in-state and total fleet miles to be used in computing the fee payment for the fleet. The department may evaluate and adjust the estimate in the application if it is not satisfied as to the correctness thereof.

When operations are materially changed through merger, acquisition or extended authority, the department shall require the filing of an amended application setting forth the proposed operation by use of estimated mileages for all jurisdictions. The department may adjust such estimated mileages by audit or otherwise to an actual travel basis to insure proper fee payment to this state. The actual calendar year travel basis may be utilized for determination of fee payments until such time as the normal mileage year is available under the new operation. [1971 c 51 § 3; 1963 c 106 § 17.]

46.85.180 Fleet registration may be denied, when. The department may refuse to accept proportional registration applications for the registration of vehicles based in another jurisdiction if the department shall find that such other jurisdiction does not grant similar registration privileges to fleet vehicles based in or owned by residents of this state. [1963 c 106 § 18.]

46.85.190 Preservation of proportional registration records—Individual vehicle operating records—Audit, costs, liens, joint agreements with other jurisdictions. Any owner whose application for proportional registration has been accepted shall preserve the records on which the application is based for a period of four years following the year or period upon which said application is based. Upon request of the department, the owner shall make such records available to the department, at its designated office for audit as to accuracy of

computations and payments and assessment of deficiencies or allowances for credit. If the department determines that the applicant should have registered more vehicles in this state under the provisions of this chapter the department may deny him the right of any further benefits by reason of any reciprocal agreement or declaration until the fees, interest and penalties for such additional vehicle or vehicles which should have been registered, have been paid. The fees, interest and penalties determined to be due and owing under the provisions of this paragraph shall be a lien upon all the property of the applicant, and such lien shall attach at the time the audit report has been mailed to such applicant by the department, and shall have the effect of an execution duly levied on such property and shall so remain until said additional fees, interest and penalties so determined, are paid, or a sufficient amount of such property sold for the payment thereof. The department may make arrangements with agencies of other jurisdictions administering motor vehicle registration laws for joint audits of any such owner. No assessment for deficiency or claim for credit may be made for any period for which records are no longer required. Any sums found to be due and owing upon audit shall bear interest of six percent from the date when they should have been paid until the date of actual payment. If the audit discloses a deliberate and wilful intent to evade the requirements of payment under RCW 46.85.110 and 46.85.120, a penalty of ten percent shall also be assessed.

If the audit discloses that an overpayment to the state in excess of twenty-five dollars has been made, the department shall certify such overpayment to the state treasurer who shall issue a warrant for such overpayment to the vehicle operator.

All carriers registered under the provisions of this chapter shall maintain detailed mileage records on an individual vehicle basis. Such operating records shall be prepared for each trip and shall include dates, origin and destination points, total miles traveled, miles traveled in each state, vehicle equipment number, driver's full name and all other information pertinent to the particular trip. [1971 c 51 § 4; 1969 ex.s. c 281 § 33; 1963 c 106 § 19.]

46.85.200 Relation to other state laws. The provisions of this chapter shall constitute complete authority for the registration of fleet vehicles upon a proportional registration basis without reference to or application of any other statutes of this state except as in this chapter expressly provided. [1963 c 106 § 20.]

46.85.210 Proportional registration not exclusive. Nothing contained in this chapter relating to proportional registration of fleet vehicles shall be construed as requiring any vehicle to be proportionally registered if it is otherwise registered in this state for the operation in which it is engaged, including, but not by way of limitation, regular registration, temporary registration, or trip permit or registration. [1963 c 106 § 21.]

46.85.220 Rules. The department may enter into agreements with other states on behalf of the state of Washington for the purpose of facilitating the administration of this chapter. In addition it may conclude arrangements or agreements with other states for the exchange of information for audit and enforcement activities in connection with such proportional registration. The department may adopt and promulgate such rules and regulations as it shall deem necessary to effectuate and administer the provisions of RCW 46.85.110 and 46.85.120 and the registration of fleet vehicles under said sections shall be subject to the rights, terms and conditions granted or contained in any applicable agreement made by the department under the authority of this section. [1963 c 106 § 22.]

46.85.230 Floater license plate—Authorized—Prerequisites. Any owner eligible for proportional registration and licensing pursuant to this chapter but who is unable in the opinion of the reciprocity commission to comply with the reporting and application requirements thereof, may subject to prior approval of the commission and in lieu of registration of such vehicles under the provisions of chapter 46.16 RCW, and payment of excise taxes and fees imposed by chapter 82.44 RCW and RCW 81.80.320, apply to the director for issuance of a special "floater" license plate. [1967 c 32 § 115; 1963 c 106 § 23.]

46.85.240 Application—Fee. Application for each "floater" license plate shall be made upon forms prescribed by the director and shall be accompanied by a fee equivalent to double the total annual fees and taxes which would be due under the provisions of chapters 46.16 and 82.44 RCW and RCW 81.80.320 for licensing a semitrailer to the maximum gross weight of thirty-one thousand nine hundred ninety-nine pounds together with such additional fees, including filing and special fees, as are applicable upon annual registration and licensing of a semitrailer. [1963 c 106 § 24.]

46.85.250 Valid only for intracity operation—Penalty for violation. Each "floater" license plate may be used interchangeably upon any semitrailer, not exceeding the maximum gross weight, for which such license is issued, owned by or in the possession of the licensee. Such "floater" plates shall be valid only for intracity operations.

Every violation of this section shall be punishable as a misdemeanor and every peace officer witnessing any use of any "floater" license plate outside of incorporated cities or towns shall confiscate such plate and forthwith return it to the director. [1963 c 106 § 25.]

46.85.260 Design, size, etc.—Furnished as other plates. Each "floater" license plate shall be of distinctive design and shall be of such size and contain such symbols as are prescribed by the director. All such plates shall be obtained from the metal working plant of the state penitentiary at Walla Walla, if available therefrom, and shall upon application therefor and payment of all fees, be furnished in the manner provided for the

annual licensing of vehicles of like class. [1963 c 106 § 26.]

46.85.270 Special reciprocity identification plate—**Display.** The reciprocity commission may require the display of a special reciprocity identification plate upon any commercial vehicle operating within this state under the provisions of any reciprocal agreement between this state and the state or other jurisdiction in which such vehicle is properly licensed: *Provided*, That such reciprocal agreement is on file with the reciprocity commission: *Provided further*, That the issuance and display of such identification plate shall not be deemed to enlarge upon, restrict, or in any manner affect the terms or conditions of such reciprocal agreement. [1963 c 106 § 27.]

46.85.280 Duration. Each identification plate shall be valid until the expiration date of the current and valid vehicle license issued by the state or other jurisdiction wherein such vehicle is licensed: *Provided*, That such identification plate shall become invalid upon the termination of any reciprocal agreement between this state and the state or jurisdiction wherein such vehicle is licensed. [1963 c 106 § 28.]

46.85.290 Application—Issuance—Fee, deposit. All special reciprocity identification plates shall be obtained by the director in the manner prescribed in RCW 46.16.230 and shall be issued by the director or his authorized agent upon application in the form prescribed in RCW 46.16.040. One reciprocity identification plate shall be issued for each vehicle. The fee therefor shall be two dollars plus a filing fee of fifty cents. All funds collected under this section shall be transmitted to the state treasurer and deposited in the motor vehicle fund. [1967 c 32 § 116; 1963 c 106 § 29.]

46.85.900 Chapter part of and supplemental to motor vehicle registration law. This chapter shall be, and construed as, a part of and supplemental to the motor vehicle registration law of this state. [1963 c 106 § 30.]

46.85.910 Constitutionality. If any phrase, clause, subsection or section of this chapter shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this chapter without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the chapter shall not be affected as a result of said part being held unconstitutional or invalid. [1963 c 106 § 31.]

46.85.920 Repeal and saving. The following acts or parts of acts and RCW sections are hereby repealed:

(1) Sections 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100, chapter 12, Laws of 1961 and RCW 46.84.010, 46.84.030, 46.84.040, 46.84.050, 46.84.060, 46.84.070, 46.84.080, 46.84.090 and 46.84.100;

(2) Section 46.84.020, chapter 12, Laws of 1961 as amended by section 37, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.020;

(3) Sections 1, 2, 3, and 4, chapter 266, Laws of 1961 and RCW 46.84.110, 46.84.120, 46.84.130 and 46.84.140; and

(4) Sections 38, 39, and 40, chapter 21, Laws of 1961 extraordinary session and RCW 46.84.150, 46.84.160 and 46.84.170.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder. [1963 c 106 § 32.]

46.85.930 Effective date—1963 c 106. This chapter shall take effect and be in force on and after July 1, 1963. [1963 c 106 § 33.]

46.85.940 Section captions not a part of the law. Section captions as used in this chapter shall not constitute any part of the law. [1963 c 106 § 34.]

Chapter 46.86 INTERSTATE COMMERCIAL VEHICLES— SINGLE CAB CARDS

| Sections | |
|-----------|--|
| 46.86.010 | Application of chapter. |
| 46.86.020 | Definitions. |
| 46.86.030 | Joint preparation and adoption of rules and regulations by participating agencies—Conformance with Administrative Procedure Act. |
| 46.86.040 | Single cab card in lieu of commercial vehicle use fuel tax identification card, evidence of compliance with proportional registration, utilities and transportation commission identification card, and special weight permit. |
| 46.86.050 | Certificate of compliance—Issuance of single cab card—Cancellation, when. |
| 46.86.060 | Compliance with other regulations pending issuance of single cab card. |
| 46.86.070 | Temporary authorization permits—Fees—Rules and regulations. |
| 46.86.080 | Distribution of fees. |
| 46.86.090 | Expiration date of single cab cards. |
| 46.86.100 | Alternative to compliance with requirements of chapter 81.80 RCW—Signifying by displaying card. |
| 46.86.110 | Administrator to promote standardization of vehicle qualification requirements with other states. |
| 46.86.120 | Requirements of other laws not altered except where stated. |
| 46.86.130 | Effective date of first single cab cards. |
| 46.86.140 | Carriers to comply with requirements of state commission as to forms and procedures. |

46.86.010 Application of chapter. This chapter shall apply to all interstate commercial vehicle operators whose vehicles are proportionally registered under chapter 46.85 RCW, and who elect to come within the provisions of this chapter. [1967 ex.s. c 94 § 2.]

Reviser's note: "This act", 1967 ex.s. c 94, has been changed to "This chapter". 1967 ex.s. c 94 also amended RCW 46.44.095.

46.86.020 Definitions. As used in this chapter, unless the context requires otherwise, the terms:

(1) "Administrator" shall mean the employee of the department of motor vehicles designated to administer reciprocal or proportional registration agreements.

(2) "Single cab card" shall mean the single document issued pursuant to the provisions of this chapter to indicate compliance with the various applicable requirements of the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission affecting interstate commercial vehicle operators.

(3) "Person" shall include, where applicable, natural persons, corporations, trusts, unincorporated associations and partnerships.

(4) "Participating agencies" shall mean the department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission.

(5) "Qualified carrier" shall mean a carrier which has qualified and is presently issued one or more single cab cards for some of its vehicles.

(6) "Director" shall mean the director of the department of motor vehicles. [1967 ex.s. c 94 § 3.]

46.86.030 Joint preparation and adoption of rules and regulations by participating agencies—Conformance with Administrative Procedure Act. The department of highways, the department of motor vehicles, the Washington state patrol and the Washington utilities and transportation commission are directed to jointly prepare and adopt rules, regulations and procedures to effectuate the purposes of this chapter. The provisions of the Administrative Procedure Act, chapter 34.04 RCW, shall apply to the rules and regulations so adopted. The said agencies are hereby authorized to jointly add to, amend or repeal such rules and regulations as they may deem necessary. [1967 ex.s. c 94 § 4.]

46.86.040 Single cab card in lieu of commercial vehicle use fuel tax identification card, evidence of compliance with proportional registration, utilities and transportation commission identification card, and special weight permit. The single cab card issued pursuant to this chapter shall be in lieu of any commercial vehicle use fuel tax identification card issued pursuant to RCW 82.40.050 and 82.40.270, separate evidence of compliance with proportional registration issued pursuant to chapter 46.85 RCW, a utilities and transportation commission identification card issued pursuant to chapter 81.80 RCW and a special weight permit issued pursuant to RCW 46.44.095. [1967 ex.s. c 94 § 5.]

Reviser's note: "RCW 82.40.050" substituted for "RCW 82.40.040" to correct manifest error in reference. Chapter 82.40 RCW has since been repealed in its entirety by 1971 ex.s. c 175 § 33. For provisions relating to special fuel tax, see chapter 82.38 RCW.

46.86.050 Certificate of compliance—Issuance of single cab card—Cancellation, when. Upon the compliance of a carrier with the respective agency requirements consistent with the intentions of this chapter, a

certificate of compliance shall be conveyed by the participating agency to the administrator. Upon receipt of the certificates of compliance and upon receipt of all necessary fees, the administrator shall issue a single cab card.

If a certificate of compliance is withdrawn by any one of the participating agencies, the administrator shall cancel the single cab card under the joint administrative rules of RCW 46.86.030. [1967 ex.s. c 94 § 6.]

46.86.060 Compliance with other regulations pending issuance of single cab card. Until such time as a carrier or a vehicle thereof has received a single cab card, the carrier or vehicle thereof shall meet all applicable provisions regulating such carriers and vehicles as though the provisions of this chapter were not in effect. [1967 ex.s. c 94 § 7.]

46.86.070 Temporary authorization permits—Fees—Rules and regulations. The administrator is hereby authorized to issue a temporary authorization permit to qualified carriers for vehicles not previously issued a permanent single cab card. The department shall collect a fee of one dollar plus a fifty cent filing fee for each temporary single cab card issued. The department shall have the authority to adopt appropriate rules and regulations for issuance of such temporary authorization permits in accordance with the provisions of RCW 46.86.040. [1967 ex.s. c 94 § 8.]

46.86.080 Distribution of fees. The one dollar fee collected pursuant to RCW 46.86.070 shall be placed in the motor vehicle fund. The additional fifty cent filing fee shall be distributed pursuant to RCW 46.01.140. [1967 ex.s. c 94 § 9.]

46.86.090 Expiration date of single cab cards. All single cab cards shall expire on December 31st of each year. [1967 ex.s. c 94 § 10.]

46.86.100 Alternative to compliance with requirements of chapter 81.80 RCW—Signifying by displaying card. As an alternative to complying with the identification card and identification plate requirements of chapter 81.80 RCW, a qualified carrier may elect to signify compliance with the requirements of this chapter by displaying a single cab card on the vehicles involved. [1967 ex.s. c 94 § 11.]

46.86.110 Administrator to promote standardization of vehicle qualification requirements with other states. The administrator shall promote the standardization of vehicle qualification requirements between the state of Washington and the various other states. [1967 ex.s. c 94 § 12.]

46.86.120 Requirements of other laws not altered except where stated. Nothing in this chapter shall be construed to alter the requirements of the use fuel tax act, chapter 82.40 RCW, or the requirements of chapter 81.80 RCW, or the requirements of RCW 46.44.095, or the requirements of chapter 46.85 RCW except as stated in this chapter. [1967 ex.s. c 94 § 13.]

Reviser's note: See note following RCW 46.86.040.

46.86.130 Effective date of first single cab cards. The first of the single cab cards shall be issued to be effective on January 1, 1968. [1967 ex.s. c 94 § 14.]

46.86.140 Carriers to comply with requirements of state commission as to forms and procedures. Notwithstanding any other provision of this chapter, qualified carriers shall comply with requirements of the Washington utilities and transportation commission as to forms and procedures specified by that agency to evidence the lawfulness of interstate operations in the state where such forms and procedures are in accordance with those promulgated by federal authority. [1971 ex.s. c 143 § 7.]

Chapter 46.88

OUT-OF-STATE COMMERCIAL VEHICLES— INTRASTATE PERMITS

Sections

46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations.

46.88.010 Commercial vehicles registered in another state—Permits for intrastate operations. The owner of any commercial vehicle or vehicles lawfully registered in another state and who wishes to use such vehicle or vehicles in this state in intrastate operations for periods less than a year may obtain permits for such operations upon application to the department of motor vehicles or a county auditor. Such permits may be issued for thirty, sixty, or ninety day periods. The cost of each such permit shall include the fees provided for in RCW sections 46.01.140, 46.16.061, 46.16.060 and one-twelfth of the fees provided for in RCW 46.16.070 and 82.44.020 for each thirty days' operations provided for in the permit. [1969 ex.s. c 281 § 32.]

Effective date—1969 ex.s. c 281: "This 1969 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and except for sections 32 and 54 of this 1969 amendatory act shall take effect immediately. Sections 32 and 54 of this 1969 amendatory act shall take effect January 1, 1970." [1969 ex.s. c 281 § 63.]

Section 32 is codified as RCW 46.88.010, section 54 as RCW 46.16.070.

Chapter 46.98 CONSTRUCTION

Sections

46.98.010 Continuation of existing law.
46.98.020 Provisions to be construed in *pari materia*.
46.98.030 Title, chapter, section headings not part of law.
46.98.040 Invalidation of part of title not to affect remainder.
46.98.041 Severability—1963 ex.s. c 3.
46.98.042 Severability—1965 ex.s. c 170.
46.98.043 Severability—1969 ex.s. c 281.
46.98.050 Repeals and saving.
46.98.060 Emergency—1961 c 12.

46.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. [1961 c 12 § 46.98.010.]

46.98.020 Provisions to be construed in *pari materia*. The provisions of this title shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed in *pari materia* with the provisions of Title 47 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively. [1961 c 12 § 46.98.020.]

46.98.030 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1961 c 12 § 46.98.030.]

46.98.040 Invalidation of part of title not to affect remainder. If any provision of this title or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1961 c 12 § 46.98.040.]

46.98.041 Severability—1963 ex.s. c 3. See RCW 47.98.041.

46.98.042 Severability—1965 ex.s. c 170. See RCW 47.98.042.

46.98.043 Severability—1969 ex.s. c 281. See RCW 47.98.045.

46.98.050 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Section 279, page 976, chapter 249, Laws of 1909;
- (2) Chapter 57, Laws of 1915;
- (3) Chapter 142, Laws of 1915;
- (4) Chapter 40, Laws of 1917;
- (5) Chapter 155, Laws of 1917;
- (6) Chapter 46, Laws of 1919;
- (7) Chapter 59, Laws of 1919;
- (8) Chapter 178, Laws of 1919;
- (9) Chapter 6, Laws of 1921;
- (10) Chapter 96, Laws of 1921;
- (11) Chapter 108, Laws of 1921;
- (12) Chapter 122, Laws of 1923;
- (13) Chapter 181, Laws of 1923;
- (14) Chapter 47, Laws of 1925 extraordinary session;
- (15) Chapter 185, Laws of 1925 extraordinary session;
- (16) Chapter 105, Laws of 1927;
- (17) Chapter 284, Laws of 1927;
- (18) Chapter 309, Laws of 1927;
- (19) Chapter 99, Laws of 1929;
- (20) Chapter 163, Laws of 1929;
- (21) Chapter 178, Laws of 1929;
- (22) Chapter 180, Laws of 1929;
- (23) Chapter 120, Laws of 1931;

- (24) Chapter 138, Laws of 1931;
- (25) Chapter 140, Laws of 1931;
- (26) Chapter 41, Laws of 1933;
- (27) Chapter 73, Laws of 1933;
- (28) Chapter 156, Laws of 1933;
- (29) Chapter 111, Laws of 1935;
- (30) Chapter 188, Laws of 1937;
- (31) Sections 1 through 126 and 128 through 159, chapter 189, Laws of 1937;
- (32) Chapter 208, Laws of 1937;
- (33) Chapter 35, Laws of 1939;
- (34) Chapter 154, Laws of 1939;
- (35) Sections 1 through 39 and 41, chapter 158, Laws of 1939;
- (36) Sections 1 through 6, and 9 through 30, chapter 181, Laws of 1939;
- (37) Chapter 182, Laws of 1939;
- (38) Chapter 213, Laws of 1939;
- (39) Chapter 116, Laws of 1941;
- (40) Chapter 122, Laws of 1941;
- (41) Chapter 224, Laws of 1941;
- (42) Chapter 232, Laws of 1941;
- (43) Chapter 246, Laws of 1941;
- (44) Chapter 26, Laws of 1943;
- (45) Chapter 83, Laws of 1943;
- (46) Chapter 115, Laws of 1943;
- (47) Chapter 133, Laws of 1943;
- (48) Chapter 140, Laws of 1943;
- (49) Chapter 151, Laws of 1943;
- (50) Chapter 153, Laws of 1943;
- (51) Chapter 154, Laws of 1943;
- (52) Chapter 184, Laws of 1943;
- (53) Chapter 194, Laws of 1943;
- (54) Chapter 25, Laws of 1945;
- (55) Chapter 44, Laws of 1945;
- (56) Chapter 105, Laws of 1945;
- (57) Chapter 151, Laws of 1945;
- (58) Chapter 171, Laws of 1945;
- (59) Chapter 177, Laws of 1945;
- (60) Chapter 260, Laws of 1945;
- (61) Chapter 11, Laws of 1947;
- (62) Chapter 33, Laws of 1947;
- (63) Chapter 89, Laws of 1947;
- (64) Chapter 97, Laws of 1947;
- (65) Chapter 158, Laws of 1947;
- (66) Chapter 164, Laws of 1947;
- (67) Chapter 176, Laws of 1947;
- (68) Chapter 200, Laws of 1947;
- (69) Chapter 220, Laws of 1947;
- (70) Chapter 253, Laws of 1947;
- (71) Chapter 262, Laws of 1947;
- (72) Chapter 267, Laws of 1947;
- (73) Chapter 52, Laws of 1949;
- (74) Sections 3 and 4, chapter 75, Laws of 1949;
- (75) Chapter 90, Laws of 1949;
- (76) Chapter 101, Laws of 1949;
- (77) Chapter 130, Laws of 1949;
- (78) Chapter 143, Laws of 1949;
- (79) Chapter 157, Laws of 1949;
- (80) Chapter 174, Laws of 1949;
- (81) Sections 1 through 12, 14 through 16 and 19, chapter 196, Laws of 1949;
- (82) Chapter 208, Laws of 1949;
- (83) Chapter 211, Laws of 1949 (except section 31-u);
- (84) Sections 8 through 11, chapter 220, Laws of 1949;
- (85) Chapter 221, Laws of 1949;
- (86) Section 3, chapter 234, Laws of 1949;
- (87) Chapter 15, Laws of 1950 extraordinary session;
- (88) Chapter 28, Laws of 1951;
- (89) Chapter 56, Laws of 1951;
- (90) Chapter 76, Laws of 1951;
- (91) Chapter 102, Laws of 1951;
- (92) Chapter 150, Laws of 1951;
- (93) Chapter 175, Laws of 1951;
- (94) Chapter 219, Laws of 1951;
- (95) Chapter 241, Laws of 1951;
- (96) Sections 1 through 41, 44 through 47 and 49, chapter 269, Laws of 1951;
- (97) Section 46, chapter 271, Laws of 1951;
- (98) Chapter 12, Laws of 1953;
- (99) Chapter 23, Laws of 1953;
- (100) Chapter 31, Laws of 1953;
- (101) Chapter 40, Laws of 1953;
- (102) Chapter 72, Laws of 1953;
- (103) Chapter 125, Laws of 1953;
- (104) Chapter 155, Laws of 1953;
- (105) Chapter 161, Laws of 1953;
- (106) Chapter 221, Laws of 1953;
- (107) Chapter 227, Laws of 1953;
- (108) Chapter 248, Laws of 1953;
- (109) Chapter 252, Laws of 1953;
- (110) Sections 2 through 8 and 10 through 16, chapter 254, Laws of 1953;
- (111) Chapter 278, Laws of 1953;
- (112) Chapter 76, Laws of 1955;
- (113) Chapter 89, Laws of 1955;
- (114) Chapter 100, Laws of 1955;
- (115) Sections 21 through 24, chapter 139, Laws of 1955;
- (116) Sections 1 through 5 and 7, chapter 146, Laws of 1955;
- (117) Chapter 172, Laws of 1955;
- (118) Chapter 177, Laws of 1955;
- (119) Chapter 185, Laws of 1955;
- (120) Chapter 243, Laws of 1955;
- (121) Sections 1 through 5, chapter 259, Laws of 1955;
- (122) Chapter 265, Laws of 1955;
- (123) Chapter 269, Laws of 1955;
- (124) Chapter 283, Laws of 1955;
- (125) Section 21, chapter 285, Laws of 1955;
- (126) Chapter 363, Laws of 1955;
- (127) Chapter 381, Laws of 1955;
- (128) Sections 1 through 7, 9 through 11, 15 through 19, 21 through 25, 27 and 28, chapter 384, Laws of 1955;
- (129) Chapter 393, Laws of 1955;
- (130) Chapter 66, Laws of 1957;
- (131) Chapter 75, Laws of 1957;
- (132) Chapter 87, Laws of 1957;
- (133) Chapter 96, Laws of 1957;
- (134) Chapter 104, Laws of 1957;
- (135) Chapter 105, Laws of 1957;

- (136) Chapter 107, Laws of 1957;
- (137) Chapter 109, Laws of 1957;
- (138) Chapter 132, Laws of 1957;
- (139) Chapter 145, Laws of 1957;
- (140) Sections 10 and 11, chapter 175, Laws of 1957;
- (141) Chapter 242, Laws of 1957;
- (142) Sections 1 through 9 and 11, chapter 261, Laws of 1957;
- (143) Chapter 268, Laws of 1957;
- (144) Sections 16 and 17, chapter 269, Laws of 1957;
- (145) Sections 3 and 4, chapter 271, Laws of 1957;
- (146) Chapter 273, Laws of 1957;
- (147) Chapter 294, Laws of 1957;
- (148) Chapter 38, Laws of 1959;
- (149) Chapter 42, Laws of 1959;
- (150) Chapter 44, Laws of 1959;
- (151) Chapter 49, Laws of 1959;
- (152) Chapter 66, Laws of 1959;
- (153) Chapter 81, Laws of 1959;
- (154) Chapter 121, Laws of 1959;
- (155) Chapter 135, Laws of 1959;
- (156) Chapter 136, Laws of 1959;
- (157) Chapter 166, Laws of 1959;
- (158) Chapter 182, Laws of 1959;
- (159) Chapter 239, Laws of 1959;
- (160) Chapter 241, Laws of 1959;
- (161) Chapter 284, Laws of 1959;
- (162) Sections 21 through 32, chapter 319, Laws of 1959; and
- (163) Section 1, chapter 4, Laws of 1959 first extraordinary session.

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the term of office or appointment or employment of any person appointed or employed thereunder. [1961 c 12 § 46.98.050.]

46.98.060 Emergency—1961 c 12. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately. [1961 c 12 § 46.98.060.]

TITLE 47

PUBLIC HIGHWAYS

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- 47.02 Highway commission buildings.
- 47.04 General provisions.
- 47.05 Priority programming for highway development.
- 47.08 Highway funds.
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- 47.12 Acquisition and disposition of state highway property.
- 47.16 Primary highway routes.
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- 47.20 Secondary highway routes—Miscellaneous projects.
- 47.22 Combination highway routes.
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- 47.26 Development in urban areas—Urban arterials.
- 47.28 Construction and maintenance of highways.
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- 47.38 Roadside areas—Safety rest areas.
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- 47.40 Roadside improvement and beautification.
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- 47.61 Acquisition of new ferry vessels pursuant to urban mass transportation act of 1964.
- 47.64 Marine employee commission.
- 47.65 Puget Sound transportation system—Employees' retirement.
- 47.98 Construction.

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Accidents and reports: Chapter 46.52 RCW.

Annual report of street operations to director of highways: RCW 35.21.260.

Arterial highways, designation: RCW 46.61.195.

Bicycles, operation: Chapter 46.61 RCW.

City streets, sidewalks, etc.: Chapters 35.68–35.79 RCW.

Columbia basin project road systems: RCW 36.81.140.

Contractor's bond: Chapter 39.08 RCW.

Contractors on highway projects prequalified under RCW 47.28.070 are exempt from registration of contractors act: RCW 18.27.090.

Conveyance of real property by public bodies—Recording: RCW 65.08.095.

County highways in cities and towns: Chapter 36.89 RCW.

County road improvement districts: Chapter 36.88 RCW.

County roads and bridges: Chapters 36.75–36.88 RCW.

Dangerous substances or devices, placing on highway: RCW 9.61.010, 9.66.050, 70.93.060.

Design standards committee: Chapter 43.32 RCW.

Design standards committee for arterial streets: Chapter 35.78 RCW.

Driving while intoxicated when engaged in discharge of business duties: RCW 9.91.020.

Electrical installations, chapter 19.28 RCW not applicable on state highway rights of way if equal or better standards enforced by highway commission: RCW 19.28.380.

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Glass, tacks, rubbish, etc., throwing in highway: RCW 9.61.010, 9.66.050, 46.61.645.

Highway funds, constitutional limitations: State Constitution Art. 2 § 40 (Amendment 18).

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Injury to highway or bridge: RCW 9.61.010.

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Liens for labor, materials on public works: Chapter 60.28 RCW.

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Obstructing highway is public nuisance: RCW 9.66.010.

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Townships, guideposts: Chapter 45.68 RCW.

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Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.

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**Chapter 47.01
HIGHWAY COMMISSION**

Sections

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 47.01.240 Commission and board to coordinate long range needs
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- Designee of highway commission member of reciprocity commission
 on registration of vehicles: RCW 46.85.030.*
- Interagency committee for outdoor recreation, director of highways
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- Interstate commercial vehicles, single cab cards, department duties as
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- Study of alternative methods of financing cross-sound transportation
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- Traffic safety commission, director of highways member of: RCW
 43.59.030.*
- Urban arterial board, duties concerning: RCW 47.26.120.*
- Washington state recreation trails system, state highway department
 participation: RCW 67.32.140.*

47.01.010 Legislative declaration. The administration of highway affairs has become a matter of major public importance involving vast sums of money, the development of commerce and resources, the employment of great numbers of persons, the promotion of recreation and the welfare of every citizen of the state. It demands the highest order of business and technical administration, accompanied by continuity of sound long-range highway policies, freedom from political interference and changes of personnel, and an organization attracting the services of qualified talented administrators and meriting the confidence of the people. [1961 c 13 § 47.01.010. Prior: 1951 c 247 § 1.]

47.01.020 Commission created—Appointment of members—Terms. There is hereby created a state highway commission consisting of five members, all of whom shall be residents of this state and who shall be appointed by the governor with the consent of the senate for terms of office as herein provided, and with the qualifications herein specified. Within ninety days after

March 19, 1951, the governor shall appoint the first members of said state highway commission: One member to serve two years; one member to serve three years; one member to serve four years; one member to serve five years; and one member to serve six years from the first day of July, 1951. Upon expiration of said original terms subsequent appointments shall be for six years except in the case of a vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. [1961 c 13 § 47.01.020. Prior: 1951 c 247 § 2. Formerly RCW 43.27.070.]

47.01.030 Members—Qualifications—Removal. No two members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be residents of the same congressional district, and not more than three members of said state highway commission shall reside at the time of appointment or thereafter in one part of the state divided north and south by the summit of the Cascade mountains. Not more than three members of said state highway commission shall at the time of appointment or thereafter during their respective terms of office be members of the same major political party. No elective state official or state officer or state employee shall be a member of said commission. No state highway commissioner shall be removed from office by the governor before the expiration of his term unless for a disqualifying change of residence or for cause based upon a determination of incapacity, incompetence, neglect of duty, or malfeasance in office by the superior court of the state of Washington in and for Thurston county upon petition and show cause proceedings duly brought therefor in said court and directed to the commissioner in question. [1965 ex.s. c 1 § 1; 1961 c 13 § 47.01.030. Prior: 1951 c 247 § 3. Formerly RCW 43.27.080.]

47.01.040 Members—Compensation and expenses. Each member of the state highway commission shall receive forty dollars per diem for each day actually spent in the performance of his duties and his actual necessary traveling and other expenses in going to, attending and returning from meetings of the commission, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the commission, but in no event shall a commissioner be paid per diem in any one year in excess of one hundred twenty days, except the chairman of the commission who may be paid per diem for not more than one hundred fifty days. [1965 ex.s. c 170 § 31; 1961 c 13 § 47.01.040. Prior: 1951 c 247 § 13. Formerly RCW 43.27.090.]

*Highway commission members of toll bridge authority—Per diem
 limitation: RCW 47.56.023.*

47.01.050 Powers of commission. The state highway commission is hereby vested with all powers, authority, functions and duties vested in or required to be performed by the director of highways or the state department of highways as of July 1, 1951. Full and complete jurisdiction and authority over the administration of state highways and all matters connected therewith or related thereto is hereby granted the said state highway commission except only insofar as the same may have been heretofore or may be hereafter specifically granted to the director or department of licenses, the public service commission [utilities and transportation commission], the state commission on equipment, the Washington state patrol or its chief, the Washington toll bridge authority, or the governing bodies of cities and towns. [1961 c 13 § 47.01.050. Prior: 1951 c 247 § 4. Formerly RCW 43.27.100.]

47.01.060 Exercise of powers—Rules and regulations. On and after July 1, 1951, the state highway commission shall take over, assume and exercise all of the powers, authority and functions and perform all of the duties than vested in or required to be performed by the director of highways and the department of highways. Thereafter the state highway commission shall assume and exercise full and complete jurisdiction and authority over the administration of the state highways and all matters connected therewith or related thereto as hereinabove set forth in RCW 47.01.050. The state highway commission shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of said functions within the terms of this title and pursuant to the laws of this state, and the said commission is hereby clothed with all necessary powers to carry out the terms thereof. [1961 c 13 § 47.01.060. Prior: 1951 c 247 § 7. Formerly RCW 43.27.110.]

47.01.070 Director's prior assignments may be delegated. In all situations wherein the director of highways was on July 1, 1951 designated as a member of any board, commission, committee, or authority, the state highway commission shall hereafter determine who shall serve as such member. [1961 c 13 § 47.01.070. Prior: 1951 c 247 § 5. Formerly RCW 43.27.120.]

47.01.080 Meetings of commission—Rules and regulations. The first appointed members of the state highway commission shall meet in the offices of the department of highways at the state capitol and organize as a state highway commission during the first week in July, 1951, or as soon thereafter as possible. At the first annual meeting and at each annual meeting thereafter the commission shall elect a secretary who may be, but need not be, a member of said commission, and the commission shall elect a chairman from its own membership who shall hold office for one year. Election as chairman shall not interfere with the member's right to vote on all matters before the commission. The commission shall meet at such other times as it deems advisable, but at least once every thirty days, and shall

from time to time adopt rules and regulations not inconsistent with the provisions of this title for its own government, and to regulate and discharge its duties, and to exercise its powers under this title. [1961 c 13 § 47.01.080. Prior: 1951 c 247 § 6. Formerly RCW 43.27.130.]

47.01.090 Meetings—Notice—Quorum. The commission shall act collectively in harmony with recorded resolutions or motions adopted by a majority of the commission at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said commission. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the commission shall be adopted or passed without the favorable vote of at least three members. [1961 c 13 § 47.01.090. Prior: 1951 c 247 § 8. Formerly RCW 43.27.140.]

47.01.100 Director of highways—Appointment—General duties. The state highway commission shall select and appoint the director of highways who after appointment shall be an ex officio member of the commission without a vote. He shall be the chief executive officer of the commission responsible only to it, and shall carry into effect the commission's order and shall be guided by policies laid down by it. As the executive head, he shall direct all activities and supervise the work of the staff of the department. [1961 c 13 § 47.01.100. Prior: 1951 c 247 § 9. Formerly RCW 43.27.150.]

47.01.110 Director of highways—Qualifications. The director of highways shall be fully competent as a highway engineer and as an executive. He shall be a registered professional engineer and shall be a graduate in engineering of an accredited university or college or have in lieu thereof experience as a civil engineer in responsible charge of work equivalent to such education, and in addition experience in highway or road construction for a period of not less than five years. He need not be a resident of the state at the time of his appointment. [1961 c 13 § 47.01.110. Prior: 1951 c 247 § 10. Formerly RCW 43.27.160.]

47.01.120 Director of highways—Term—Removal. The director of highways shall hold office indefinitely but may be dismissed by the commission at any time for incompetence, neglect of duty, malfeasance in office or failure to carry out the commission's policies. Before a motion for dismissal shall be acted upon by the state highway commission, the director of highways shall be granted a hearing on formal written charges before the full commission. [1961 c 13 § 47.01.120. Prior: 1951 c 247 § 11. Formerly RCW 43.27.170.]

47.01.130 Director of highways—Salary. The salary of the director of highways shall be as fixed by the governor in accordance with the provisions of RCW 43.03.040. [1961 c 307 § 10; 1961 c 13 § 47.01.130. Prior: 1957 c 172 § 31; 1951 c 247 § 12. Formerly RCW 43.27.180.]

47.01.141 Commission's report to legislature and governor—Budget. The highway commission shall submit reports to the governor and legislature at the time each regular session of the legislature convenes, including but not limited to the following information:

(1) The amount of money expended by or under its direction during the preceding two fiscal years including data and information as shall show a strict accounting of sums expended;

(2) Projects constructed or under construction in the preceding two fiscal years;

(3) Such operational activities of the preceding two fiscal years as the commission may deem important and recommendations for the future operations of the commission;

(4) A summary of the proposed construction program by functional classification of highways including the national system of interstate and defense highways for the ensuing six years with the portion thereof to be accomplished during the ensuing biennium shown in detail with estimated costs therefor.

In addition, the highway commission shall submit a budget in accordance with RCW 47.05.070. [1973 2nd ex.s. c 12 § 1.]

Commission's report to legislature on highway needs: RCW 47.01.220.

47.01.145 Study reports available to legislators upon request. Whenever a study report prepared by the Washington state highway commission for the legislative transportation committee is made available to the committee or its members, the report shall, upon request, be made available to any member of the Washington state legislature. [1971 ex.s. c 195 § 6; 1967 ex.s. c 145 § 78.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

Budget, plan for highway development: Chapter 47.05 RCW.

47.01.160 Commission—Specific powers enumerated. The state highway commission shall have the power and it shall be its duty:

(1) To conduct, control and supervise the state department of highways, and to designate and establish such department of highway district or branch offices as may be necessary and convenient, and, subject to the provisions of chapter 41.06 RCW, to appoint and employ and to determine the powers and duties together with the salaries and other expenses of such engineering, clerical, mechanical, and any and all other assistants as may be necessary or convenient in the exercise of the powers and in the discharge of its duties as the state highway commission: *Provided*, That the highway commission may delegate to the director of highways the authority to employ, appoint, discipline, or discharge employees of the department of highways: *Provided further*, That the director may delegate, by order, this authority to his subordinates as he deems appropriate, but the director shall be responsible for the official acts of such subordinates.

(2) To keep at the office of the commission in the highway building at the state capitol a record of all

proceedings and orders pertaining to the matters under its direction and copies of all maps, plans and specifications prepared by it.

(3) To acquire property as authorized by law and to construct and maintain thereon any buildings or structures necessary and convenient for the exercise of the powers and the discharge of the duties of the commission and to construct and maintain any buildings or structures and appurtenances and facilities necessary or convenient to the health and safety and for the accommodation of persons traveling upon the state highways.

(4) To employ such qualified engineers who shall be registered professional engineers under the laws of the state of Washington, assistants and such other services and to provide such superintendents of construction, repair or maintenance work on any state highways as may be necessary to accomplish the completion thereof, and the expense so incurred together with the cost of any right of way necessary therefor, or land incidental thereto, shall be charged against the funds appropriated for the construction, repair or maintenance of state highways.

(5) To exercise all the powers and perform all the duties necessary, convenient, or incidental to the laying out, locating, relocating, surveying, constructing, altering, repairing, improving, and maintaining of any state highway, and of any bridges, culverts and embankments necessary or important therefor or for the protection or preservation thereof, and channel changes therefor and to examine and allow or disallow bills for any work done or materials furnished and to certify all claims allowed to the state treasurer.

(6) To collect and compile and to publish, if it is deemed advisable, statistics relative to public highways throughout the state; to collect such information in regard thereto as is deemed expedient; to investigate and determine upon various methods of highway construction adaptable to different sections of the state; to investigate and determine the best methods of construction and maintenance of highways, roads and bridges; to gather and compile such other information relating thereto as shall be deemed appropriate, and to employ highway funds for the purpose of constructing test roads within the state of Washington and conducting investigations and research thereof in the state of Washington or elsewhere; to conduct on any highways, roads, or streets of this state, physical, traffic or other nature of inventory or survey considered of value in determining highway, road or street uses and needs.

(7) To exercise all powers and to perform all duties by any law granted to or imposed upon the state highway board, the state highway commission, the state highway committee, the director of public works by and through the division of highways, the supervisor of highways, and the state highway engineer.

(8) To exercise all other powers and perform all other duties now or hereafter provided by law. [1974 1st ex.s. c 29 § 1. Prior: 1973 2nd ex.s. c 12 § 2; 1973 c 106 § 21; 1971 ex.s. c 115 § 1; 1965 ex.s. c 170 § 29; 1961 c 13 § 47.01.160; prior: 1937 c 53 § 3; RRS § 6400-3. Formerly RCW 43.27.020.]

47.01.170 Commission—Right of entry. The commission or its duly authorized and acting assistants, agents or appointees shall have the right to enter upon any land, real estate or premises in this state, whether public or private, for purposes of making examinations, locations, surveys and appraisals for highway purposes. The making of any such entry for said purposes shall not constitute any trespass by the commission or by its duly authorized and acting assistants, agents or appointees. [1961 c 13 § 47.01.170. Prior: 1945 c 176 § 1; Rem. Supp. 1945 § 6400–3f. Formerly RCW 43.27.030.]

47.01.180 Commission—Roads and bridges in state parks. The commission is hereby authorized at the request of, and upon plans approved by the state parks committee, to construct and maintain vehicular roads, highways and bridges within the limits of the several state parks. [1961 c 13 § 47.01.180. Prior: 1943 c 253 § 1; Rem. Supp. 1943 § 6402–35. Formerly RCW 43.27.040.]

47.01.190 Commission—Assistant director of highways for state aid. The commission shall appoint, with the approval of the governor, a qualified assistant to be designated as "assistant director of highways for state aid" whose duties shall consist of the administration of the program of state aid in the matter of county roads and city streets. [1961 c 13 § 47.01.190. Prior: 1949 c 220 § 2; Rem. Supp. 1949 § 4600–3g. Formerly RCW 43.27.050.]

47.01.210 Commission—Contract without bid or bond with public utilities and municipal corporations. It shall be lawful for the Washington state highway commission to contract without advertising or bid, or performance bond, with any public utility, whether publicly or privately operated, or with any municipal corporation or political subdivision of the state, for the performance of any work or the furnishing of any service of a type ordinarily performed or furnished by such utility, or by such municipal corporation or political subdivision, whenever, in the opinion of said commission, the interest of the public will be best served. [1961 c 13 § 47.01.210. Prior: 1955 c 84 § 1; 1953 c 100 § 1. Formerly RCW 43.27.105.]

47.01.220 Commission—Report to legislature on highway needs through legislative transportation committee and senate and house transportation and utilities committees. The state highway commission shall report to the legislature through the legislative transportation committee and senate and house transportation and utilities committees on the highway needs of the state. [1973 2nd ex.s. c 12 § 3; 1961 c 13 § 47.01.220. Prior: 1957 c 172 § 30. Formerly RCW 43.27.192.]

Commission's report to legislature and governor: RCW 47.01.141.

47.01.230 Division of toll facilities created—Powers relating to toll bridges and facilities and state ferries. See RCW 47.56.030 and 47.56.034.

47.01.240 Commission and board to coordinate long range needs studies. The Washington state highway commission and the urban arterial board shall coordinate their activities relative to long range needs studies, in accordance with the provisions of chapter 47.05 RCW and RCW 47.26.170, respectively, in order that long range needs data may be developed and maintained on an integrated and and comparable basis. Needs data for county roads and city streets in nonurban areas shall be provided by the counties and cities to the Washington state highway commission in such form and extent as requested by the commission, after consultation with the county road administration board and the association of Washington cities, in order that needs data may be obtained on a comparable basis for all highways, roads and streets in Washington. [1971 ex.s. c 195 § 10.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

**Chapter 47.02
HIGHWAY COMMISSION BUILDINGS**

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| 47.02.110 | Bonds—Appropriation from motor vehicle fund. |

47.02.010 Buildings on east capitol site authorized—Financing—Submittal of plans for advice and approval. The Washington state highway commission is authorized in accordance with the provisions of this chapter and RCW 79.24.500 through 79.24.600 to provide for the acquisition of land and the construction of buildings, laboratories and facilities on the east capitol site for the use of the Washington state highway commission and the department of highways and to finance payment thereof by bonds payable out of special funds from the proceeds of state excise taxes on motor vehicle fuels, or by gifts, bequests or grants or by such additional funds as the legislature may provide. Before start of construction the plans shall be submitted to the state capitol committee for approval and to the joint committee on highways for its advice. [1965 ex.s. c 167 § 1.]

47.02.020 Issuance and sale of limited obligation bonds. In order to finance the immediate acquisition and construction of the buildings and facilities referred to in RCW 47.02.010 there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million dollars, or such amount thereof

and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1965 ex.s. c 167 § 2.]

47.02.030 Bonds—Term—Terms and conditions. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance with such reserved rights of prior redemption, bearing such interest, and such terms and conditions as the state finance committee may prescribe, to be specified therein. [1965 ex.s. c 167 § 3.]

47.02.040 Bonds—Signatures—Registration—Where payable—Negotiable instruments. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bond shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1965 ex.s. c 167 § 4.]

47.02.050 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 ex.s. c 167 § 5.]

47.02.060 Bonds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition of the land and construction of the buildings and facilities referred to in RCW 47.02-.010, and for payment of the expenses incurred in the drafting, printing, issuance and sale of any such bonds. [1965 ex.s. c 167 § 6.]

47.02.070 Bonds—Statement describing nature of obligation—Pledge of excise taxes. Bonds issued under the provisions of this chapter shall distinctly state that they are not a general obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter. [1965 ex.s. c 167 § 7.]

47.02.080 Bonds—Designation of funds to repay bonds and interest. Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1965 ex.s. c 167 § 8.]

47.02.090 Bonds—Repayment procedure—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 ex.s. c 167 § 9.]

47.02.100 Bonds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels payable into the highway bond retirement fund shall prove more than is required for the payment of

interest on bonds when due or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 ex.s. c 167 § 10.]

47.02.110 Bonds—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of four million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund. [1965 ex.s. c 167 § 11.]

Chapter 47.04 GENERAL PROVISIONS

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| 47.04.120 | Environmental impact of construction or reconstruction of highways—Report on environmental impact. |
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Abandoned junk motor vehicles: RCW 46.52.145 through 46.52.160.

Mobile home movement permits: RCW 46.16.104 through 46.16.106.

47.04.010 Definitions. The following words and phrases, wherever used in this title, shall have the meaning as in this section ascribed to them, unless where used the context thereof shall clearly indicate to the contrary or unless otherwise defined in the chapter of which they are a part:

(1) "Alley." A public highway within the ordinary meaning of alley not designated for general travel and primarily used as a means of access to the rear of residences and business establishments;

(2) "Arterial highway." Every public highway, as herein defined, or portion thereof designated as such by proper authority;

(3) "Business district." The territory contiguous to and including the public highway, as herein defined, when fifty percent or more of the frontage thereon on either side thereof for a continuous distance of three hundred feet or more is occupied by buildings in use for business;

(4) "Center line." The line, marked or unmarked parallel to and equidistant from the sides of the roadway of a public highway;

(5) "Center of intersection." The point of intersection of the center lines of the roadways of intersecting public highways;

(6) "City street." Every public highway as herein defined, or part thereof located within the limits of incorporated cities and towns, except alleys;

(7) "Combination of vehicles." Every combination of motor vehicle and trailer or motor vehicle and semi-trailer the principal use of which is the transportation of commodities, merchandise, produce, freight or animals;

(8) "Commercial vehicle." Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals or passengers for hire;

(9) "County road." Every public highway as herein defined, or part thereof, outside the limits of incorporated cities and towns and which has not been designated as a state highway, or branch thereof;

(10) "Crosswalk." The portion of the roadway between the intersection area and a prolongation or connection of the farthest sidewalk line or in the event there are no sidewalks then between the intersection area and a line ten feet therefrom, except as modified by a marked crosswalk;

(11) "Intersection area." The area embraced within the prolongation of the lateral curb lines, or, if there be no curbs, then the lateral roadway boundary lines, of two or more public highways which join one another at an angle, whether or not such highways cross one another;

(12) "Intersection center marker." Any standard, button, flag, painted or raised marker, or other device located at or intended to designate the approximate center of intersection;

(13) "Intersection control area." The intersection area as herein defined, together with such modification of the adjacent roadway area as results from the arc or curb corners and together with any marked or unmarked crosswalks adjacent to the intersection;

(14) "Intersection entrance marker." Any standard, button, flag, caution sign, stop sign, or other device located at approximately the point of intersection of the center line of an intersecting public highway with the nearest line of the intersection control area on the approach thereto;

(15) "Laned highway." A highway the roadway of which is divided into clearly marked lanes for vehicular traffic;

(16) "Local authorities." Every county, municipal, or other local public board or body having authority to adopt local police regulations under the Constitution and laws of this state;

(17) "Marked crosswalk." Any portion of a roadway distinctly indicated for pedestrian crossing by lines or other markings on the surface thereof;

(18) "Metal tire." Every tire, the bearing surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material;

(19) "Motor truck." Any motor vehicle, as herein defined, designed or used for the transportation of commodities, merchandise, produce, freight or animals;

(20) "Motor vehicle." Every vehicle, as herein defined, which is in itself a self-propelled unit;

(21) "Multiple lane highway." Any public highway the roadway of which is of sufficient width to reasonably accommodate four separate lanes of vehicular traffic, two lanes in each direction, each lane of which shall be not less than eight feet in width, and whether or not such lanes are marked and whether or not the lanes of opposite bound traffic are separated by a neutral zone or other center line marking;

(22) "Operator." Every person who is in actual physical control of a motor vehicle as herein defined, upon a public highway, as herein defined;

(23) "Peace officer." Any officer authorized by law to execute criminal process or to make arrests for the violation of the statutes generally or of any particular statute or statutes relative to the public highways of this state;

(24) "Pedestrian." Any person afoot;

(25) "Person." Every natural person, firm, copartnership, corporation, association or organization;

(26) "Pneumatic tires." Every tire of rubber or other resilient material designed to be inflated with compressed air to support the load thereon;

(27) "Private road or driveway." Every way or place in private ownership and used for travel of vehicles by the owner or those having express or implied permission from the owner, but not by other persons;

(28) "Public highway." Every way, lane, road, street, boulevard, and every way or place in the state of Washington open as a matter of right to public vehicular travel both inside and outside the limits of incorporated cities and towns;

(29) "Railroad." A carrier of persons or property upon vehicles, other than street cars, operated upon stationary rails, the route of which is principally outside incorporated cities and towns;

(30) "Railroad sign or signal." Any sign, signal, or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train;

(31) "Residence district." The territory contiguous to and including the public highway, as herein defined, not comprising a business district, as herein defined, when the property on such public highway for a continuous distance of three hundred feet or more on either side thereof is in the main improve with residences or residences and buildings in use for business;

(32) "Roadway." The paved, improved or proper driving portion of a public highway designed, or ordinarily used for vehicular travel;

(33) "Safety zone." The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons, standards or otherwise so as to be plainly discernible;

(34) "Sidewalk." That property between the curb lines or the lateral lines of a roadway, as herein defined, and the adjacent property, set aside and intended for the use of pedestrians or such portion of private property parallel and in proximity to a public highway and dedicated to use by pedestrians;

(35) "Solid tire." Every tire of rubber or other resilient material which does not depend upon inflation with compressed air for the support of the load thereon;

(36) "State highway." Every public highway as herein defined, or part thereof, which has been designated as a state highway, or branch thereof, by legislative enactment;

(37) "Street car." A vehicle other than a train, as herein defined, for the transporting of persons or property and operated upon stationary rails principally within incorporated cities and towns;

(38) "Traffic." Pedestrians, ridden or herded animals, vehicles, street cars, and other conveyances either singly or together while using any public highways for purposes of travel;

(39) "Traffic control signal." Any traffic device, as herein defined, whether manually, electrically or mechanically operated, by which traffic alternately is directed to stop or proceed or otherwise controlled;

(40) "Traffic devices." All signs, signals, markings and devices not inconsistent with this title placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic;

(41) "Train." A vehicle propelled by steam, electricity or other motive power with or without cars coupled thereto, operated upon stationary rails, except street cars;

(42) "Vehicle." Every device capable of being moved upon a public highway and in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

Words and phrases used herein in the past, present or future tense shall include the past, present and future tenses; words and phrases used herein in the masculine, feminine or neuter gender shall include the masculine, feminine and neuter genders; and words and phrases used herein in the singular or plural shall include the singular and plural; unless the context thereof shall indicate to the contrary. [1967 ex.s. c 145 § 42; 1961 c 13 § 47.04.010. Prior: 1937 c 53 § 1; RRS § 6400-1.]

47.04.020 Classification of highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns shall be divided and classified as state highways and county roads. All state highways and branches thereof shall be established by the legislature of the state of Washington by appropriate general location and termini. Any prior

distinctions between highways as primary or secondary are hereby abolished. All powers granted to, or duties imposed upon, the state highway commission with regard to either primary or secondary state highways shall be construed to relate to all state highways. Whenever these terms are used, either jointly or independently, each shall be construed to include all state highways. All public highways in the state of Washington, or portions thereof, outside incorporated cities and towns, not established as state highways, are hereby declared to be county roads. [1967 ex.s. c 145 § 41; 1963 c 24 § 3; 1961 c 13 § 47.04.020. Prior: 1937 c 207 § 1; RRS § 6402-1; 1937 c 53 § 5; RRS § 6400-5; 1913 c 65 § 1; RRS § 6790.]

*Establishment of continuing system for designation of highways—
Signs: RCW 47.36.095.*

47.04.040 Title to rights of way vested in state. Upon and after April 1, 1937, all rights of way of any primary state highways, together with all appurtenances thereto, the right or interest in or to which was, or is, in any county, road district, township, local improvement district, independent highway district, or other highway or road district or political subdivision of the state of Washington shall be and the same is hereby transferred to and vested in the state of Washington for use in conjunction with such primary state highways under the highway commission.

All public highways in the state of Washington which have been designated to be primary state highways or secondary state highways or classified as primary roads and which have been constructed and improved and maintained for a period of seven years prior to April 1, 1937, at the expense of the state shall operate to vest in the state of Washington all right, title, and interest to the right of ways thereof, including the roadway and ditches and existing drainage facilities, together with all appurtenances thereto and no informalities in the records of title to such public highways shall be construed to invalidate or vacate such public highways or to divest the state of Washington of any right, title and interest in the right of way thereof. [1961 c 13 § 47.04.040. Prior: 1937 c 53 § 29; RRS § 6400-29.]

47.04.050 Acceptance of federal acts. The state of Washington hereby assents to the purposes, provisions, terms and conditions of the grant of money provided in an act of congress entitled: "An act to provide that the United States shall aid the states in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts, grants and appropriations amendatory and supplementary thereto and affecting the state of Washington. [1961 c 13 § 47.04.050. Prior: 1937 c 53 § 43; RRS § 6400-43; 1917 c 76 § 1; RRS § 6844.]

47.04.060 Commission to administer federal grants. The highway commission is hereby authorized and directed to act for and on behalf of the state of Washington, and any civil subdivision of the state, in all things pertaining to the selection, construction and

maintenance of highways and roads under the provisions of the act of congress approved July 11, 1916, and any and all acts amendatory thereto; and to enter into such agreement with the secretary of commerce or other duly authorized agent of the United States as may from time to time be desirable or necessary to secure the money or aid for any section of state highway, county road or city or town street selected by law for construction or improvement through an appropriation for the period in which said construction or improvement is to be made. Said money to be added to and expended in connection with the appropriation aforesaid; and to apply thereto, as may be required, cooperative expenditures from the motor vehicle fund, which may have been appropriated by the state legislature, and from any highway, road or street fund of any civil subdivision, and which are available for the construction and maintenance of any section of state highway, county road or city or town street selected as aforesaid for such aid and improvement. [1961 c 13 § 47.04.060. Prior: 1937 c 53 § 47; RRS § 6400-47; 1917 c 76 § 5, part; RRS § 6848, part.]

47.04.070 Procedure to conform with federal requirements. In all matters relating to the cooperative construction or improvement of any state highway, county road or city or town street for which federal funds or aid is secured under any act of congress, the highway commission shall act in the manner provided by state law relating to state highway construction from the motor vehicle fund, so far as the same may be consistent with the provisions of such act of congress and the rules and regulations made by the secretary of commerce or other authorized agent of the United States government pursuant to such act, to which the procedure shall be adapted by the highway commission as may be necessary. [1961 c 13 § 47.04.070. Prior: 1937 c 53 § 44; RRS § 6400-44; 1917 c 76 § 5, part; RRS § 6848, part.]

47.04.080 State may cooperate with other governments and agencies. The highway commission is empowered to join financially or otherwise with any other state or any county, city, or town of any other state, or with any foreign country, or any province or district of any foreign country, or with the federal government or any agency thereof, or with any or all thereof, for the erecting, constructing, operating, or maintaining of any bridge, trestle, or any other structure, for the continuation or connection of any state highway across any stream, body of water, gulch, navigable water, swamp, or other topographical formation requiring any such structure and forming a boundary between the state of Washington and any other state or foreign country, and for the purchase or condemnation of right of way therefor. [1973 1st ex.s. c 151 § 11; 1961 c 13 § 47.04.080. Prior: 1937 c 53 § 47 1/2; RRS § 6400-47 1/2.]

**47.04.081 Urban public transportation systems—
Participation of highway commission in planning, development and establishment of system.** The highway commission is empowered to join financially or otherwise with any public agency or any county, city or town in

the state of Washington or any other state, or with the federal government or any agency thereof, or with any or all thereof for the planning, development and establishment of urban public transportation systems in conjunction with new or existing highway facilities. [1967 c 108 § 13; 1965 ex.s. c 170 § 63.]

Urban public transportation system defined: RCW 47.04.082.

47.04.082 Urban public transportation systems—

Defined. As used in this act the term "urban public transportation system" shall mean a system for the public transportation of persons or property by buses, street cars, trains, electric trolley coaches, other public transit vehicles, or any combination thereof operating in or through predominantly urban areas and owned and operated by the state, any city or county or any municipal corporation of the state, including all structures, facilities, vehicles and other property rights and interest forming a part of such a system. [1967 c 108 § 1.]

Reviser's note: "this act" refers to 1967 c 108, codified herein as RCW 47.04.082, 47.04.083, 47.98.044, and the 1967 amendments to RCW 47.04.081, 47.08.070, 47.12.010, 47.12.250, 47.28.140, 47.44.010, 47.44.040, 47.48.010, 47.52.010, 47.52.090, and 47.56.256.

47.04.083 Urban public transportation systems—

Declaration of public policy—Use of motor vehicle funds, city street or county road funds. The separate and uncoordinated development of public highways and urban public transportation systems is wasteful of this state's natural and financial resources. It is the public policy of this state to encourage wherever feasible the joint planning, construction and maintenance of public highways and urban public transportation systems serving common geographical areas as joint use facilities. To this end the legislature declares it to be a highway purpose to use motor vehicle funds, city and town street funds or county road funds to pay the full proportionate highway, street or road share of the costs of design, right of way acquisition, construction and maintenance of any highway, street or road to be used jointly with an urban public transportation system. [1967 c 108 § 2.]

47.04.090 Penalty. It shall be a misdemeanor for any person to violate any of the provisions of this title unless such violation is by this title or other law of this state declared to be a felony or a gross misdemeanor.

Unless another penalty is in this title provided, every person convicted of a misdemeanor for violation of any provisions of this title shall be punished accordingly. [1961 c 13 § 47.04.090. Prior: 1937 c 53 § 95; RRS § 6400-95.]

47.04.100 Temporary route pending construction of new highway—Streets, roads not to be maintained as.

Unless otherwise provided, whenever by statute a new highway or extension is added to the state highway system, no existing city street or county road shall be maintained or improved by the state highway commission as a temporary route of such new highway or extension pending the construction of the new highway or extension on the location adopted by the state highway

commission. [1973 1st ex.s. c 151 § 12; 1965 ex.s. c 170 § 34.]

47.04.110 Environmental impact of construction or reconstruction of highways—State policy declared—

Purposes of RCW 47.04.110–47.04.130. It is declared to be the public policy of the state of Washington that in the location, design and construction of state highways, every effort shall be made to minimize and eliminate effects which are adverse to the natural and human environment of the state. Such factors as the dislocation of people, the dislocation of residences, the dislocation of businesses and the creation of air and water pollution situations shall be considered when constructing state highways. Therefore, the purposes of RCW 47.04.110 through 47.04.130 are:

(1) To declare a state policy which will encourage productive and enjoyable harmony between man and his environment;

(2) To promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of the citizens of this state; and

(3) To enrich the understanding of ecological systems and natural resources important to the state; and

(4) To provide an efficient highway network serving the commercial, recreational and personal needs of the people of this state. [1971 ex.s. c 24 § 1.]

47.04.120 Environmental impact of construction or reconstruction of highways—Report on environmental impact.

Whenever the department of highways determines that a state highway project will significantly affect the quality of human environment, and in every case when a state highway is to be constructed in a new location or a state highway reconstruction project will require additional right of way, the department of highways, prior to holding the first public hearing relating to the location or design of the highway, shall prepare a report on the environmental impact which may reasonably be expected to occur as a result of such constructions: *Provided*, That if in respect to any project on which one or more hearings have occurred prior to August 9, 1971, the department of highways shall prepare the environmental report prior to conducting the next public hearing.

The environmental report shall consider:

(1) The environmental impact of the highway including its effect on the quality of the air and water and the effect on existing residential and business developments;

(2) Any adverse environmental effects which cannot be avoided as a result of the construction of the highway;

(3) Alternatives to the proposed project;

(4) The relationship between local short term uses of man's environment and the maintenance and enhancement of long term productivity; and

(5) Any irreversible and irretrievable commitments or resources which would be involved in the proposed project. [1971 ex.s. c 24 § 2.]

47.04.130 Environmental impact of construction or reconstruction of highways—Environmental review statement. The environmental impact report shall be transmitted to the director of the department of ecology not less than thirty days prior to the public hearing or next public hearing as provided in RCW 47.04.120. The director of the department of ecology shall prepare a written environmental review statement on the project which shall contain a statement of any environmental problems and adverse environmental impact, natural or human, which he believes may reasonably be expected to occur as a result of the project. The environmental review statement shall also contain a statement of any beneficial environmental impact or any amenities either natural or human which may reasonably be expected to occur as a result of the project: *Provided*, That if the director of the department of ecology determines that the project will have no significant environmental impact, his written statement to that effect shall constitute a review statement.

The director of the department of ecology shall transmit copies of the review statement to the department of highways, to any interested citizens, and to representatives of the news media in the area in which the proposed or existing highway is located not less than five days prior to the public hearing or next public hearing referred to in RCW 47.04.120. [1971 ex.s. c 24 § 3.]

**Chapter 47.05
PRIORITY PROGRAMMING FOR HIGHWAY
DEVELOPMENT**

| | |
|-----------|---|
| Sections | |
| 47.05.010 | Declaration of purpose. |
| 47.05.020 | Functional classification of highways. |
| 47.05.030 | Long range plan for improvements—Objectives—Priorities. |
| 47.05.040 | Six year comprehensive highway construction program and financial plan—Adoption—Biennial revision—Apportionment. |
| 47.05.050 | Six year comprehensive highway construction program—Composition—Criteria for selection of projects—Revision—Biennial extension. |
| 47.05.070 | Budget recommendation to be presented to governor and legislature—Contents. |

State highway improvement projects in urban areas, priority programming to be accorded: RCW 47.26.070.

47.05.010 Declaration of purpose. The legislature finds that anticipated revenues available for state highways for the foreseeable future will fall substantially short of the amount required to satisfy all of the state highway needs. It is the purpose of this chapter to establish a policy of priority programming for highway development having as its basis the rational selection of projects according to factual need, systematically scheduled to carry out defined objectives within limits of money and manpower, and fixed in advance with reasonable flexibility to meet changed conditions. [1969 ex.s. c 39 § 1; 1963 c 173 § 1.]

47.05.020 Functional classification of highways. The state highway commission is hereby directed to conduct periodic analyses of the entire state highway system,

and based thereon, to subdivide and classify according to their function and importance all designated state highways and those added from time to time other than the national system of interstate and defense highways and periodically review and revise the classifications, into the following additional four functional classes:

(1) The "principal state highway system" which shall comprise not to exceed twenty percent of the total state highway mileage other than the interstate system.

(2) The "major state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(3) The "collector state highway system" which shall comprise not to exceed thirty-five percent of the total state highway mileage other than the interstate system.

(4) The "other state highway system". In making such functional classification the highway commission shall be governed by reasonable rules and regulations adopted by the commission, and give consideration to the following criteria:

(a) Urban population centers within and without the state stratified and ranked according to size;

(b) Important traffic generating economic activities, including but not limited to recreation, agriculture, government, business and industry;

(c) Feasibility of route, including availability of alternate routes within and without the state;

(d) Directness of travel and distance between points of economic importance;

(e) Length of trips;

(f) Character and volume of traffic;

(g) Preferential consideration for multiple service;

(h) Reasonable spacing depending upon population density; and

(i) System continuity, except for the "other" system. [1969 ex.s. c 39 § 2; 1963 c 173 § 2.]

47.05.030 Long range plan for improvements—Objectives—Priorities. The state highway commission shall adopt and periodically revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a long range plan for highway improvements, specifying highway planning objectives to be accomplished within a fourteen year advance planning period, and within the framework of revenue estimates for such period. The plan shall be based upon the construction needs for state highways as determined and segregated according to functional class by the highway commission from time to time.

With such reasonable deviations as may be required to effectively utilize the available funds and to adjust to unanticipated delays in programmed projects, the highway commission shall allocate the estimated available funds, so as to carry out such rates of completion within a fourteen year advance planning period on that part of the national system of interstate and defense highways on which the federal government participates financially at the interstate rate under federal law and regulations, on the parts of the national system of interstate and defense highways on which federal aid participation is less than the regular interstate rate under

federal law and regulations; and on the remaining four functional classes as the highway commission, acting pursuant to reasonable rules and regulations adopted by the commission, shall determine to be necessary in order to maintain a balanced development of the state's highway system, considering primarily the following factors:

- (a) The relative remaining needs of each functional class of highways;
- (b) The estimated available funds;
- (c) Continuity of future developments with those previously programmed; and
- (d) Graduation of rates of completion according to functional class importance. [1973 2nd ex.s. c 12 § 4; 1969 ex.s. c 39 § 3; 1965 ex.s. c 170 § 33; 1963 c 173 § 3.]

47.05.040 Six year comprehensive highway construction program and financial plan—Adoption—Biennial revision—Apportionment. Prior to October 1 of each even-numbered year, the state highway commission shall adopt and thereafter shall biennially revise after consultation with the legislative transportation committee and senate and house transportation and utilities committees a comprehensive six-year program and financial plan for highway construction, maintenance, and planning activities. The highway construction program for the ensuing six years shall apply to each of the five functional classes of state highways that percentage of the estimated available construction funds as will be necessary to accomplish the commission's long range plan for highway improvements. The commission shall apportion the available construction funds, according to functional class, among the several highway districts in the proportion that the estimated remaining needs for each functional class of highway within each highway district bears to the total estimated needs for each functional class remaining unsatisfied throughout the state. [1973 2nd ex.s. c 12 § 5; 1969 ex.s. c 39 § 4; 1963 c 173 § 4.]

47.05.050 Six year comprehensive highway construction program—Composition—Criteria for selection of projects—Revision—Biennial extension. The six year comprehensive highway construction program shall contain a priority construction program for each functional class of highways, including the national system of interstate and defense highways, within the budget limits established for each class. Selection of specific projects for the six year program shall be based on the rating of each highway section proposed to be improved or constructed in relation to other highway sections within the same functional class within the respective highway district, taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience;
- (5) Its fatal accident experience;

(6) In the case of designated but unconstructed highways, its economic importance measured by a cost-benefit analysis, the effect on the state's economy and benefit to the geographical area concerned.

The commission in selecting any project for improvement or construction may depart from the priority of projects so established (a) to the extent that otherwise funds cannot be utilized feasibly within the budget, (b) as may be required by a court judgment or legally binding agreement, (c) to take advantage of some substantial financial benefit that may be available, or (d) for continuity of route development. The commission shall identify in its summary of the six-year construction program the extent to which the commission has departed from the established priority of projects.

The six year construction program shall be revised biennially in accordance with revisions in functional classification or priority ratings within each functional class resulting from changed conditions. The program shall be extended for an additional two years, to six years in the future, on July 1st of each odd-numbered year. [1973 2nd ex.s. c 12 § 6; 1969 ex.s. c 39 § 5; 1963 c 173 § 5.]

47.05.070 Budget recommendation to be presented to governor and legislature—Contents. The state highway commission shall prepare and present to the governor and to the legislature at the time of its convening, a recommended budget for the ensuing biennium. The biennial budget shall include details of proposed expenditures, performance and public service criteria for construction, maintenance, and planning activities in consonance with the six-year comprehensive program and financial plan adopted under provisions of RCW 47.05.040. [1973 2nd ex.s. c 12 § 7; 1963 c 173 § 7.]

Chapter 47.08 HIGHWAY FUNDS

| Sections | |
|-----------|--|
| 47.08.010 | Control of allocated funds. |
| 47.08.020 | State to match federal funds. |
| 47.08.030 | Allocation of fines and forfeitures. |
| 47.08.040 | Contracts with United States as to state highway property. |
| 47.08.050 | Contracts with United States as to state highway property—Governor to execute instrument to the United States. |
| 47.08.060 | Contracts with United States as to state highway property—Disposal of funds from the United States. |
| 47.08.070 | Cooperation in public works projects, urban public transportation systems. |
| 47.08.080 | Funds when commission is in charge of county road improvements. |
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| 47.08.100 | Illegal use of county or city road funds—Procedure to correct. |
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| 47.08.130 | Custody of federal funds—Disbursement. |

Highway funds, constitutional limitations: State Constitution Art. 2. § 40 (Amendment 18).

47.08.010 Control of allocated funds. Whenever there is provided an allocation for the construction or improvement of state highways the same shall be under the sole charge and direct control of the highway commission. [1961 c 13 § 47.08.010. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

47.08.020 State to match federal funds. For the construction, alteration, repair and improvement of state highways, county roads, or city and town streets in the state of Washington which are part of the public highway system, the good faith of the state of Washington is hereby pledged to make available funds sufficient to equal the sums appropriated to the state by or under the United States government during succeeding fiscal years and to use and expend the same within one year after the fiscal year for which appropriated, and in the manner and under the rules and regulations imposed by the secretary of commerce and to maintain, or cause to be maintained, the highways or roads constructed or improved with the aid of funds so appropriated, and to make adequate provisions for carrying out such maintenance. [1961 c 13 § 47.08.020. Prior: 1937 c 53 § 46; RRS § 6400-46; 1917 c 76 § 3; RRS § 6846.]

47.08.030 Allocation of fines and forfeitures. All fines and forfeitures collected for violation of any of the provisions of this title when the violation thereof occurred outside of any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the county road fund of the county in which the violation occurred; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

All fines and forfeitures collected for the violation of any of the provisions of this title when the violation thereof occurred inside any incorporated city or town shall be distributed and paid into the proper funds for the following purposes: One-half shall be paid into the city street fund of such incorporated city or town for the construction and maintenance of city streets; one-fourth into the state fund for the support of state parks and parkways; and one-fourth into the highway safety fund: *Provided*, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended. [1969 ex.s. c 199 § 26; 1961 c 13 § 47.08.030. Prior: 1949 c 75 § 1; 1937 c 53 § 96; Rem. Supp. 1949 § 6400-96.]

47.08.040 Contracts with United States as to state highway property. Whenever it is or may become necessary or desirable for the federal government or any agency thereof to acquire an interest in or in any way damage any property or interest therein owned by the state of Washington and used in connection with any highway in the state of Washington in connection with

any federal project for the development of any river within or partially within the state of Washington, the highway commission of the state of Washington shall be and hereby is authorized, empowered and directed to negotiate and enter into an agreement with the proper agency of the federal government as to the rights which shall be acquired, the compensation which shall be made therefor and the character of instruments by which said rights shall be conveyed, and as to any other matters which may be necessary in order to satisfy the requirements of the federal government: *Provided*, That if the agreement is required to be reduced to writing, the writing be approved as to form by the attorney general of the state of Washington. [1961 c 13 § 47.08-.040. Prior: 1937 c 113 § 1; RRS § 6450-91.]

47.08.050 Contracts with United States as to state highway property—Governor to execute instrument to the United States Whenever in pursuance of the authority contained in RCW 47.08.040 the highway commission shall have entered into an agreement with the federal government or any agency thereof requiring the execution of any deed, flowage easement, or instrument of any nature, to the said federal government or agency, and the said instrument is approved as to form by the attorney general of the state of Washington, the governor of the state of Washington shall be and he hereby is authorized and directed without further authority and in the name of the state of Washington to execute and deliver to the proper agency of the federal government any such instrument or instruments which shall be, when attested by the secretary of state, binding upon the state of Washington. [1961 c 13 § 47.08.050. Prior: 1937 c 113 § 2; RRS § 6450-92.]

47.08.060 Contracts with United States as to state highway property—Disposal of funds from the United States Whenever any moneys shall be realized by the state of Washington as a result of any agreement authorized by RCW 47.08.040, the same shall be deposited in the treasury of the state of Washington to the credit of the motor vehicle fund, and shall be available for highway purposes only. [1967 ex.s. c 145 § 45; 1961 c 13 § 47.08.060. Prior: 1937 c 113 § 3; RRS § 6450-93.]

47.08.070 Cooperation in public works projects, urban public transportation systems. When in the opinion of the highway commission it appears that any state highway will be benefited or improved by the construction of any public works project, including any urban public transportation system, within the state of Washington by any of the departments of the state of Washington, by the federal government, or by any agency, instrumentality or municipal corporation of either the state of Washington or the United States, the highway commission is hereby authorized to enter into cooperative agreements with any such state department, with the United States, or with any agency, instrumentality or municipal corporation of either the state of Washington or the United States, wherein the state of Washington, acting through its highway commission, will participate in the cost of the public works project in

such amount as may be determined by the highway commission to be the value of the benefits or improvements to the particular state highway derived from the construction of said public works project. Under any such agreement the highway commission may contribute to the cost of the public works project by making direct payment to the particular state department, federal government or to any agency, instrumentality or municipal corporation of either the state or the United States, or any thereof, which may be involved in said project, from any funds appropriated to the highway commission and available for highway purposes, or by doing a portion of the project either by day labor or by contract, or in any other manner as may be deemed advisable and necessary by the highway commission. [1967 c 108 § 3; 1961 c 13 § 47.08.070. Prior: 1945 c 127 § 2; Rem. Supp. 1945 § 6400-121.]

Urban public transportation system defined: RCW 47.04.082.

47.08.080 Funds when commission is in charge of county road improvements. In the event that any funds should become available from the federal government, or otherwise, for expenditure in conjunction with county funds, for the construction, alteration, repair or improvement of any county road of any county and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to any such county, the cost thereof, together with the cost of engineering, supervision, and other proper items, or so much of the money in the state treasury to the credit of such county as may be necessary for use in conjunction with funds from the federal government to accomplish such work, the same to be performed by the highway commission and paid from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for such work on state highways: *Provided*, That the board of county commissioners of any such county shall have, by proper resolution, filed in duplicate in the office of the highway commission and approved by it, determined the county road construction, alteration, repair or improvement to be performed in such county and the same is found to conform in all respects to the requirements necessary for the use of such funds of the federal government. [1973 c 106 § 22; 1961 c 13 § 47.08.080. Prior: 1937 c 187 § 59; RRS § 6450-59.]

47.08.090 Funds when commission is in charge of city street improvements. In the event that any funds should become available from the federal government or otherwise for expenditure in conjunction with funds accruing to any incorporated city or town for the construction, alteration, repair or improvement of its city streets designated as forming a part of the route of any state highway through such incorporated city or town and the same is to be performed by the highway commission, the state treasurer shall, upon notice from the highway commission thereof, set aside from any moneys in the motor vehicle fund credited to such incorporated city or town, the cost thereof or so much

money in the state treasury to the credit of such incorporated city or town as may be necessary in conjunction with such funds from the federal government or otherwise to accomplish such work, the same to be paid by the state auditor from the money so set aside upon vouchers approved and submitted by the highway commission in the same manner as payment is made for work on state highways. In the event that any such incorporated city or town shall have agreed with the state of Washington or the federal government as a condition precedent to the acquiring of federal funds for construction on any city street of such incorporated city or town designated as forming a part of the route of any state highways, that the same will be maintained to a standard and such incorporated city or town fails to so maintain such city street, then the highway commission may perform such maintenance and the state auditor is authorized to deduct the cost thereof from any funds credited or to be credited to such incorporated city or town and pay the same on vouchers approved and submitted by the highway commission in the same manner as payment is made for work performed on state highways. [1973 c 106 § 23; 1961 c 13 § 47.08.090. Prior: 1937 c 187 § 65; RRS § 6450-65.]

47.08.100 Illegal use of county or city road funds—
Procedure to correct. The highway commission is authorized from time to time to investigate expenditures from the county road fund and the city street fund; and if it determines that unauthorized, illegal or wrongful expenditures are being or have been made from said fund it is authorized to proceed as follows: If the county road fund is involved it shall notify in writing the board of county commissioners and the county treasurer of its determination; and if the city street fund is involved it shall notify the city council or commission and the mayor and city treasurer of the city or town of its determination. In its determination the highway commission is authorized to demand of said officials that the wrongful or illegal expenditures shall be stopped, adjusted, or remedied and that restitution of any wrongful or illegal diversion or use shall be made; and it may notify said officials that if the wrong is not stopped, remedied, or adjusted, or restitution made to its satisfaction within a specified period fixed by it, it will direct the withholding of further payments to the county or city from the motor vehicle fund. The county or city shall have ten days after such notice is given within which to correct or remedy the wrong, or wrongful and illegal practices, to make restitution or to adjust the matter to the satisfaction of the highway commission.

If no correction, remedy, adjustment or restitution is made within said ten days to the satisfaction of the commission it shall have power to request in writing that the state treasurer withhold further payments from the motor vehicle fund to such county or city; and it shall be the duty of the state treasurer upon being so notified to withhold further payments from the motor vehicle fund to the county or city involved until such officials are notified in writing by the commission that payments may be resumed.

The commission is also authorized to notify in writing the prosecuting attorney of the county in which such violation occurs of the facts, and it shall be the duty of the prosecuting attorney to file charges and to criminally prosecute any and all persons guilty of any such violation. [1973 c 106 § 24; 1961 c 13 § 47.08.100. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

47.08.110 Penalty for misuse of county or city road funds—General penalty. It shall be unlawful and a misdemeanor, unless the same is by this title or other law of this state declared to be a felony or gross misdemeanor, to divert or use, or authorize, permit or participate in the diversion or use of any moneys in the county road fund or in the city street fund for any other purpose or in any other manner than that authorized by law. [1961 c 13 § 47.08.110. Prior: 1943 c 82 § 13, part; 1937 c 187 § 66, part; Rem. Supp. 1943 § 6450-66, part.]

47.08.120 Highway equipment fund. There is hereby created in the state treasury a state fund to be known as the "highway equipment fund," the same to be used by the highway commission as a revolving fund to be expended for salaries, wages and operations required for the repair, replacement, purchase and operation of equipment and for purchase of equipment, materials and supplies to be used as follows: (1) In the administration and operation of this fund; (2) in the administration, maintenance and construction of highways and highway facilities; and (3) for the operation by the highway commission of an automobile pool of state owned vehicles.

The highway equipment fund shall be credited, in the case of equipment, with a reasonable rental assessed upon the use of such equipment by the various state departments, and in the case of materials and supplies, with a reasonable charge for such materials and supplies. Such credit for rental and charges for materials and supplies shall be charged against the proper appropriation therefor.

Equipment may be rented and materials and supplies may be sold out of this fund to any federal, state, county or city political subdivision or governmental agency. The terms and charges for such rental and the prices for such sale shall be solely within the discretion of the highway commission and its determination of the charge for rental or sale price shall be considered a reasonable rental charge or a reasonable sale price. Any political subdivision or governmental agency shall make payment for such rental or for purchase of such materials or supplies directly to the highway equipment fund at the office of the state highway commission at Olympia. [1961 c 13 § 47.08.120. Prior: 1943 c 135 § 1; 1935 c 144 § 10; Rem. Supp. 1943 § 6600-1c.]

47.08.121 Highway equipment fund declared revolving fund of proprietary nature—Use. The "highway equipment fund" as established by RCW 47.08.120 is declared to be a revolving fund of a proprietary nature and moneys that are or will be deposited in this fund

are hereby authorized for expenditures for the purposes provided by law. [1961 c 13 § 47.08.121. Prior: 1959 c 326 § 3.]

47.08.130 Custody of federal funds—Disbursement. The state treasurer is hereby authorized and directed to receive and have custody of such funds and warrants drawn by the secretary of commerce or other authorized agent of the United States as are made available for payment by the secretary of the treasury of the United States under the provisions of the federal aid road act approved July 11, 1916, and all acts amendatory or supplementary thereto, disbursing the same under such terms and conditions as may be prescribed by the secretary of commerce or by the secretary of the treasury or other authorized agent of the United States. The state treasurer is further authorized and directed to pay from the motor vehicle fund for the use of the highway commission such funds as may be necessary upon any project in anticipation of reimbursement by the government of the United States. [1961 c 13 § 47.08.130. Prior: 1937 c 53 § 45; RRS § 6400-45; 1931 c 129 § 1; 1929 c 146 § 1; 1927 c 214 § 1; 1925 c 4 § 1; 1923 c 41 § 1; 1921 c 89 § 1; 1919 c 56 § 1; RRS § 6850.]

Chapter 47.10 HIGHWAY CONSTRUCTION BONDS

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FIRST PRIORITY PROJECT—1951 ACT

47.10.010 First priority highway projects—Declaration of. Reconstruction of primary state highway No. 1 from Oregon to British Columbia, construction of four traffic lanes at Snoqualmie Pass, construction of an adequate highway bridge from Pasco to Kennewick and construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, are declared to be highway projects of the first priority. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The reimbursement of the motor vehicle fund for money used to purchase Agate Pass Bridge bonds will also make possible other war emergency or high priority highway construction. The threat of war makes acceleration of construction a vital necessity at this time. [1961 c 13 § 47.10.010. Prior: 1951 c 121 § 1.]

47.10.020 Bond issue authorized—Use of motor vehicle fund. To provide funds for accelerating construction of these first priority projects, and to reimburse the motor vehicle fund for money expended for Agate Pass Bridge construction there shall be issued and sold limited obligation bonds of the state of Washington in the sum of sixty-six million seven hundred three thousand, six hundred and twenty-five dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed. [1961 c 13 § 47.10.020. Prior: 1955 c 117 § 1; 1951 c 121 § 2.]

47.10.030 Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers

whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.010 through 47.10.140 shall be fully negotiable instruments. [1961 c 13 § 47.10.030. Prior: 1951 c 121 § 3.]

47.10.040 Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.010 through 47.10.140 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.010 through 47.10.140, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.010 through 47.10.140 when due. [1961 c 13 § 47.10.040. Prior: 1951 c 121 § 4.]

47.10.050 Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.010 through 47.10.140 shall be legal investment for any of the funds of the state, except the permanent school fund: *Provided*, That bonds authorized herein to reimburse the motor vehicle fund for the cost of the Agate Pass Bridge construction shall be sold at the earliest date which the committee finds feasible. [1961 c 13 § 47.10.050. Prior: 1951 c 121 § 5.]

47.10.060 Proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such first priority projects, reimbursement of the motor vehicle fund for money expended for construction of the Agate Pass Bridge in order to make such money available for war emergency highway projects or other high priority highway uses, and payment

of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.060. Prior: 1951 c 121 § 6.]

47.10.070 Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.110. [1961 c 13 § 47.10.070. Prior: 1951 c 121 § 7.]

47.10.080 Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.070, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.080. Prior: 1951 c 121 § 8.]

47.10.090 Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any

bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.090. Prior: 1951 c 121 § 11.]

47.10.100 Allocation of bonds. The bonds authorized herein are allocated to the first priority projects as follows:

(1) Forty-nine million two hundred fifty thousand dollars of the total issue for the acceleration of the reconstruction of primary state highway No. 1, said amount to be expended on said primary state highway No. 1 as follows: Thirty-three million five hundred thousand dollars between Everett, Seattle, Tacoma, Olympia, Chehalis, Centralia, Kelso, Vancouver, and the Oregon boundary line, and fifteen million seven hundred fifty thousand dollars between Everett and the Canadian boundary line;

(2) Six million five hundred thousand dollars of the total issue for the construction of the highway bridge from Pasco to Kennewick;

(3) Four million two hundred fifty thousand dollars of the total issue for the construction of a four lane highway at Snoqualmie Pass;

(4) Five million dollars of the total issue for the construction of Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties, for which the state must be reimbursed as provided in RCW 47.10.110; and

(5) One million seven hundred three thousand six hundred twenty-five dollars of the total issue for reimbursement of the motor vehicle fund for money spent for Washington toll bridge authority bonds purchased in connection with the construction of the Agate Pass Bridge, said sum of one million seven hundred three thousand six hundred twenty-five dollars to be used when it becomes available in the motor vehicle fund, under allotments to be made by the director of highways, for war emergency or other high priority highway projects: *Provided*, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1961 c 13 § 47.10.100. Prior: 1951 c 121 § 12.]

47.10.110 Columbia Basin highway projects—Reimbursement by counties. The director of highways shall report separately to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.010 through 47.10.140. Such counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.010 through 47.10.140 within each of such counties as follows: The state finance committee, at least one year prior to the date any interest is due and

payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.010 through 47.10.140 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from the excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.010 through 47.10.140 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1961 c 13 § 47.10.110. Prior: 1951 c 121 § 9.]

47.10.120 Columbia Basin highway projects—Limit as to amounts currently retained. The sums retained from motor vehicle funds arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid. [1961 c 13 § 47.10.120. Prior: 1951 c 121 § 10.]

47.10.130 Agate Pass Bridge to become toll free—Cancellation of Agate Pass bonds. When the state finance committee has made arrangements for the sale of sufficient bonds to reimburse the motor vehicle fund in the sum of one million seven hundred three thousand six hundred twenty-five dollars as aforesaid, the committee shall notify the Washington toll bridge authority and the authority is thereafter directed to transfer the Agate Pass Bridge to the highway department for operation as a toll free part of the state highway system. The bonds of the authority issued to construct the Agate Pass Bridge shall then be canceled. [1961 c 13 § 47.10.130. Prior: 1951 c 121 § 13.]

47.10.140 Appropriation from motor vehicle fund. There is appropriated from the motor vehicle fund for the biennium ending March 31, 1953 the sum of sixty-six million seven hundred three thousand six hundred and twenty-five dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.010 through 47.10.140, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund. [1961 c 13 § 47.10.140. Prior: 1951 c 121 § 15.]

ADDITIONAL BONDS—1953 ACT

47.10.150 Declaration of necessity for additional funds. Increased construction costs for highway and bridge construction since the enactment of a highway bond issue by the 1951 legislature makes necessary additional money with which to complete the sections of primary state highway No. 1 planned from funds allocated under RCW 47.10.010 through 47.10.140 and it is vital to the economy of the state and the safety of the traffic that these sections shall be completed to relieve traffic congestions, to add capacity in event of war, and to presently insure greater safety to highway users; the rapid increase of traffic across Snoqualmie Pass necessitates continued improvement of primary state highway No. 2 to provide four-lane paving contiguous to Snoqualmie Pass as the funds will permit; the rapid increase of traffic and the facilitation of movement of military forces and equipment from the military centers of the state makes imperative the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton; said highway to follow approximately the route surveyed by the director of highways and covered in the report filed by him with the 1951 legislature commonly known as the "Echo Lake Route," as the funds provided for herein will permit; the construction of secondary state highways in to the Columbia Basin area is immediately necessary to provide needed state arterial highways for the irrigated lands of the Columbia Basin areas to market centers and thereby encourage the full development of the basin project. The construction of such projects is required in the interest of the public safety and for the orderly development of the state. The threat of war makes acceleration of construction a vital necessity at this time. [1961 c 13 § 47.10.150. Prior: 1953 c 154 § 1.]

47.10.160 Additional bonds—Issuance and sale authorized—Use of motor vehicle fund. To provide funds for accelerating construction of these priority projects there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eighteen million dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of the first priority projects: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands such funds may be used to finance these first priority projects until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed. [1961 c 13 § 47.10.160. Prior: 1955 c 117 § 2; 1953 c 154 § 2.]

47.10.170 Additional bonds—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.150 through 47.10.270 shall be fully negotiable instruments. [1961 c 13 § 47.10.170. Prior: 1953 c 154 § 3.]

47.10.180 Additional bonds—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.150 through 47.10.270 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.150 through 47.10.270 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.150 through 47.10.270 when due. [1961 c 13 § 47.10.180. Prior: 1953 c 154 § 4.]

47.10.190 Additional bonds—Sale of bonds. The bonds issued under RCW 47.10.150 through 47.10.270 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.190. Prior: 1953 c 154 § 5.]

47.10.200 Additional bonds—Proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of such priority projects, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.200. Prior: 1953 c 154 § 6.]

47.10.210 Additional bonds—Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds. [1961 c 13 § 47.10.210. Prior: 1953 c 154 § 7.]

47.10.220 Additional bonds—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.150 through 47.10.270 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimate so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.220. Prior: 1953 c 154 § 8.]

47.10.230 Additional bonds—Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the

motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.230. Prior: 1953 c 154 § 9.]

47.10.240 Additional bonds—Allocation—Primary state highway No. 1. Seven million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the completion of four-lane construction of primary state highway No. 1. [1961 c 13 § 47.10.240. Prior: 1953 c 154 § 10.]

47.10.250 Additional bonds—Allocation—Primary state highway No. 2, Snoqualmie Pass. Five million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating four-lane construction of primary state highway No. 2 contiguous to Snoqualmie Pass. [1961 c 13 § 47.10.250. Prior: 1953 c 154 § 11.]

47.10.260 Additional bonds—Allocation—Columbia Basin highways. Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated for accelerating the construction of secondary state highways in the Columbia Basin area. [1961 c 13 § 47.10.260. Prior: 1953 c 154 § 12.]

47.10.270 Additional bonds—Allocation—Echo Lake route. Three million dollars of the total issue of the bonds authorized by RCW 47.10.150 through 47.10.270 are allocated insofar as said funds will permit to the construction of a highway from primary state highway No. 2 beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by the way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton. [1961 c 13 § 47.10.270. Prior: 1953 c 154 § 13.]

ADDITIONAL BONDS—1955 ACT

47.10.280 Construction in Grant, Franklin, Adams counties authorized—Declaration of priority. Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of lands for settlement in the Columbia Basin irrigation project, is declared to be a project of the first priority. The construction of said project is required in the interest of the public safety and for the orderly development of the state. [1961 c 13 § 47.10.280. Prior: 1955 c 311 § 1.]

47.10.290 Construction in Grant, Franklin, Adams counties authorized—Issuance and sale of bonds. To provide funds for construction of this first priority project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of four million three hundred thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to

be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this first priority project. [1961 c 13 § 47.10.290. Prior: 1955 c 311 § 2.]

47.10.300 Construction in Grant, Franklin, Adams counties authorized—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signatures may be printed facsimile. Any bonds may be registered in the name of the holder by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.280 through 47.10.400 shall be fully negotiable instruments. [1961 c 13 § 47.10.300. Prior: 1955 c 311 § 3.]

47.10.310 Construction in Grant, Franklin, Adams counties authorized—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.280 through 47.10.400 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW, and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400; and chapter 82.40 RCW and RCW 82.40.020. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.280 through 47.10.400. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.280 through 47.10.400 when due. [1961 c 13 § 47.10.310. Prior: 1955 c 311 § 4.]

47.10.320 Construction in Grant, Franklin, Adams counties authorized—Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If such bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.280 through 47.10.400 shall be legal investment for any of the funds of the

state, except the permanent school fund. [1961 c 13 § 47.10.320. Prior: 1955 c 311 § 5.]

47.10.330 Construction in Grant, Franklin, Adams counties authorized—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of this first priority project, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.330. Prior: 1955 c 311 § 6.]

47.10.340 Construction in Grant, Franklin, Adams counties authorized—Source of funds for payment of bond principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued for Columbia Basin county arterial highways or farm to market roads shall be repaid by any such county or counties wherein such highways or roads are constructed in the manner set forth in RCW 47.10.360. [1961 c 13 § 47.10.340. Prior: 1955 c 311 § 7.]

47.10.350 Construction in Grant, Franklin, Adams counties authorized—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.340, the percentage of receipts in money of the motor vehicle fuels, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully

met at all times. [1961 c 13 § 47.10.350. Prior: 1955 c 311 § 8.]

47.10.360 Construction in Grant, Franklin, Adams counties authorized—Reimbursement by counties. The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds for Columbia Basin county arterial highways and farm to market roads in Grant, Franklin and Adams counties under the provisions of RCW 47.10.280 through 47.10.400. Said counties shall repay to the state all the cost of any Columbia Basin highway or road facilities actually constructed under the provisions of RCW 47.10.280 through 47.10.400 within each of said counties as follows: The state finance committee, at least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds chargeable to expenditures incurred under the provisions of RCW 47.10.280 through 47.10.400 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.280 through 47.10.400 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1961 c 13 § 47.10.360. Prior: 1955 c 311 § 9.]

47.10.370 Construction in Grant, Franklin, Adams counties authorized—Limit as to amounts currently retained from excise taxes. The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such Columbia Basin highway facilities is paid. [1961 c 13 § 47.10.370. Prior: 1955 c 311 § 10.]

47.10.380 Construction in Grant, Franklin, Adams counties authorized—Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds

or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.380. Prior: 1955 c 311 § 11.]

47.10.390 Construction in Grant, Franklin, Adams counties authorized—Allocation of funds to each county. The bonds authorized herein are allocated to the counties as follows:

(1) For Adams county—six hundred thousand dollars.

(2) For Franklin county—one million five hundred thousand dollars.

(3) For Grant county—two million two hundred thousand dollars:

Provided, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1961 c 13 § 47.10.390. Prior: 1955 c 311 § 12.]

47.10.400 Construction in Grant, Franklin, Adams counties authorized—Appropriation from motor vehicle fund. There is appropriated from the motor vehicle fund for the biennium ending June 30, 1957 the sum of four million three hundred thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.280 through 47.10.400, but no money shall be available under this appropriation from said fund unless a like amount of the bonds provided for herein are sold and the money derived deposited to the credit of such fund. [1961 c 13 § 47.10.400. Prior: 1955 c 311 § 13.]

ADDITIONAL BONDS—1957 ACT

47.10.410 Echo Lake route—Declaration of necessity. Increased costs for highway and bridge construction since the enactment of the highway bond issues authorized by the 1951, 1953 and 1955 legislatures makes necessary additional money with which to complete that portion of primary state highway No. 2, beginning approximately four miles west of North Bend thence southwesterly by the most feasible route by way of Auburn to a junction with primary state highway No. 1 in the vicinity of Milton, commonly known as the "Echo Lake Route." It is vital to the economy of the state and traffic safety that this project be constructed as soon as the funds provided herein will permit. [1961 c 13 § 47.10.410. Prior: 1957 c 206 § 1.]

47.10.420 Echo Lake route—Additional bond issue authorized—Use of motor vehicle fund. To provide additional funds for the construction of the "Echo Lake Route," in addition to bonds authorized to be sold by RCW 47.10.160 and as allocated by RCW 47.10.270, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of three million

dollars. The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall when notified by the Washington state highway commission, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project: *Provided*, That if funds are available in the motor vehicle fund in an amount greater than is necessary to pay current demands, moneys appropriated to the state highway commission for highway purposes may be used to finance this project until such time as bonds are sold, as provided by law, at which time the motor vehicle fund shall be reimbursed. [1961 c 13 § 47.10.420. Prior: 1957 c 206 § 2.]

47.10.430 Echo Lake route—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption bearing such interest, and such terms and conditions as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.410 through 47.10.500 shall be fully negotiable instruments. [1961 c 13 § 47.10.430. Prior: 1957 c 206 § 3.]

47.10.440 Echo Lake route—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.410 through 47.10.500 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.410 through 47.10.500 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250, and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949, and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.410 through 47.10.500 and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.410 through 47.10.500. [1961 c 13 § 47.10.440. Prior: 1957 c 206 § 4.]

47.10.450 Echo Lake route—Sale of bonds. The bonds issued under the terms of RCW 47.10.410 through 47.10.500 shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.150 through 47.10.270 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.450. Prior: 1957 c 206 § 5.]

47.10.460 Echo Lake route—Proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.410, and payment of the expense incurred in the printing, issuance and sale of any such bonds. [1961 c 13 § 47.10.460. Prior: 1957 c 206 § 6.]

47.10.470 Echo Lake route—Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds. [1961 c 13 § 47.10.470. Prior: 1957 c 206 § 7.]

47.10.480 Echo Lake route—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under RCW 47.10.410 through 47.10.500 when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith

and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.480. Prior: 1957 c 206 § 8.]

47.10.490 Echo Lake route—Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.490. Prior: 1957 c 206 § 9.]

47.10.500 Echo Lake route—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of three million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.410 through 47.10.500, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such fund. [1961 c 13 § 47.10.500. Prior: 1957 c 206 § 10.]

TACOMA-SEATTLE-EVERETT FACILITY— 1957 ACT

47.10.700 Tacoma-Seattle-Everett facility—Declaration of necessity. Increased traffic and increased costs of highway and bridge construction make necessary additional moneys with which to complete the sections of primary state highway No. 1 through and between the cities of Tacoma, Seattle, and Everett and as an additional alternate route by-passing Seattle east of Lake Washington. It is vital to the economy of the state and the safety of traffic that these sections shall be completed to relieve traffic congestions, to insure greater safety to highway users, and to assure an adequate through highway to accommodate traffic from bridges across Lake Washington as soon as possible. [1961 c 13 § 47.10.700. Prior: 1957 c 189 § 1.]

47.10.702 Tacoma-Seattle-Everett facility—To be part of federal system as limited access—Federal standards and conditions to be met. This highway project shall be constructed as a part of the federal interstate highway system as a fully controlled limited access facility and shall meet the standards and specifications required by the state of Washington and the secretary of commerce of the United States in order to qualify for federal grants in aid as provided for in the federal-aid highway act of 1956. The state shall perform all conditions precedent to payment in advance of apportionment as provided by section 108(h) of the federal-aid highway act of 1956 so as to be entitled to federal aid funds for the project covered by RCW 47.10.700

through 47.10.724 when such funds are apportioned. [1961 c 13 § 47.10.702. Prior: 1957 c 189 § 2.]

47.10.704 Tacoma–Seattle–Everett facility—Powers and duties of highway commission—Route of project. In order to facilitate vehicular traffic through and between the cities of Tacoma, Seattle and Everett and to remove the present handicaps and hazards over and along primary state highway No. 1 as presently established, the state highway commission is authorized to realign, redesign and reconstruct primary state highway No. 1 upon a newly located right of way or upon portions of existing right of way through and between the cities of Tacoma, Seattle and Everett and as an additional alternate route bypassing Seattle east of Lake Washington. The route of the proposed project is established as follows: Beginning in the vicinity of Ponders Corner, thence in a general northeasterly and northerly direction through the cities of Tacoma and Seattle to a point in the vicinity of the city of Everett and as an additional alternate route bypassing Seattle east of Lake Washington. [1961 c 13 § 47.10.704. Prior: 1957 c 189 § 3.]

47.10.706 Tacoma–Seattle–Everett facility—Issuance and sale of bonds authorized. In order to finance the immediate construction of the project referred to in RCW 47.10.700 pending receipt of federal grants in aid and in accordance with the federal–aid highway act of 1956, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of forty–five million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of RCW 47.10.700 through 47.10.724 until the congress of the United States shall approve the estimated cost of completing the federal interstate system to be submitted to it within ten days subsequent to January 2, 1958, as provided by section 108(d), federal–aid highway act of 1956. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1967 ex.s. c 7 § 1; 1961 c 13 § 47.10.706. Prior: 1957 c 189 § 4.]

47.10.708 Tacoma–Seattle–Everett facility—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty–five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state auditor under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such

bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1961 c 13 § 47.10.708. Prior: 1957 c 189 § 5.]

47.10.710 Tacoma–Seattle–Everett facility—Sale of bonds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall be legal investment for any of the funds of the state, except the permanent school fund. [1961 c 13 § 47.10.710. Prior: 1957 c 189 § 6.]

47.10.712 Tacoma–Seattle–Everett facility—Proceeds from bonds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704, and for payment of the expense incurred in the drafting, printing, issuance, and sale of any such bonds. [1961 c 13 § 47.10.712. Prior: 1957 c 189 § 7.]

47.10.714 Tacoma–Seattle–Everett facility—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.700 through 47.10.724 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.700 through 47.10.724 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and RCW 82.36.020, 82.36.230, 82.36.250 and 82.36.400, as derived from chapter 58, Laws of 1933, as amended, and as last amended by chapter 220, Laws of 1949; and chapter 82.40 RCW and RCW 82.40.020, as derived from chapter 127, Laws of 1941, as amended, and as last amended by chapter 220, Laws of 1949. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.700 through 47.10.724, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.700 through 47.10.724. [1961 c 13 § 47.10.714. Prior: 1957 c 189 § 8.]

47.10.716 Tacoma–Seattle–Everett facility—Source of funds for payment of principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1961 c 13 § 47.10.716. Prior: 1957 c 189 § 9.]

47.10.718 Tacoma–Seattle–Everett facility—Additional security for payment of bonds—Pledge of federal funds. As additional security for payment of the principal amount of any or all of the bonds to be issued hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal–aid highway act of 1956 for the construction of all or any part of the project referred to in RCW 47.10.700, 47.10.702 and 47.10.704. [1961 c 13 § 47.10.718. Prior: 1957 c 189 § 10.]

47.10.720 Tacoma–Seattle–Everett facility—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.716, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.718, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1961 c 13 § 47.10.720. Prior: 1957 c 189 § 11.]

47.10.722 Tacoma–Seattle–Everett facility—Excess sums in bond retirement fund—Use. Whenever the percentage of the motor vehicle fund arising from

excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.718, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1961 c 13 § 47.10.722. Prior: 1957 c 189 § 12.]

47.10.724 Tacoma–Seattle–Everett facility—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1959 the sum of forty–five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.700 through 47.10.724, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the money derived therefrom deposited to the credit of such fund. [1967 ex.s. c 7 § 2; 1961 c 13 § 47.10.724. Prior: 1957 c 189 § 13.]

ADDITIONAL BONDS—1965 ACT

47.10.726 Construction in Grant, Franklin, Adams counties authorized—Declaration of public interest. Construction of county arterial highways and farm to market roads in Grant, Franklin and Adams counties to coincide with the opening of additional lands for settlement in the Columbia Basin irrigation project, is declared to be a project required in the interest of the public safety and for the orderly development of the state. [1965 c 121 § 1.]

47.10.727 Construction in Grant, Franklin, Adams counties authorized—Issuance and sale of limited obligation bonds. To provide funds for construction of this project, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of one million eight hundred and fifty thousand dollars.

The issuance, sale and retirement of said bonds shall be under the general supervision and control of the state finance committee. The state finance committee shall, when notified by the director of highways, provide for the issuance of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary to the orderly progress of construction of this project. [1965 c 121 § 2.]

47.10.728 Construction in Grant, Franklin, Adams counties authorized—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty–five years from the date of its issuance, with such reserved rights of prior redemption as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other

signatures may be printed facsimile. The coupons attached to the bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued under authority of RCW 47.10.726 through 47.10.738 shall be fully negotiable instruments. [1965 c 121 § 3.]

47.10.729 Construction in Grant, Franklin, Adams counties authorized—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.726 through 47.10.738 from the proceeds of all state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.726 through 47.10.738. The legislature agrees to continue to impose the same excise taxes on motor fuels in amounts sufficient to pay the principal and interest on all bonds issued under the provisions of RCW 47.10.726 through 47.10.738 when due. [1965 c 121 § 4.]

47.10.730 Construction in Grant, Franklin, Adams counties authorized—Sale of bonds—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee. They may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. The bonds shall be sold at public sale. It shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.726 through 47.10.738 shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 c 121 § 5.]

47.10.731 Construction in Grant, Franklin, Adams counties authorized—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of the project authorized by RCW 47.10.726 through 47.10.738, and payment of the expense incurred in the printing, issuance and sale of any such bonds, in which expense shall be included the sum of one eighth of one percent of the amount of the issue to cover the cost of servicing said issue, such sum to be deposited in the general fund. [1965 c 121 § 6.]

47.10.732 Construction in Grant, Franklin, Adams counties authorized—Source of funds for payment of bond principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of all excise taxes on motor vehicle fuels and which is, or may be, appropriated to the highway department for state highway purposes. They shall never constitute a charge against any allocation of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or the interest on any bonds: *Provided*, That money required hereunder to pay interest on or to retire any bonds issued as authorized by RCW 47.10.726 through 47.10.738 shall be repaid by the county or counties wherein the highways or roads are constructed in the manner set forth in RCW 47.10.734. [1965 c 121 § 7.]

47.10.733 Construction in Grant, Franklin, Adams counties authorized—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, which is hereby established, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 c 121 § 8.]

***Reviser's note:** "fuels" appearing in the session law is hereinabove corrected to read "fund"; see comparable provisions in RCW 47.10.080, 47.10.220, 47.10.480 and 47.10.720.

47.10.734 Construction in Grant, Franklin, Adams counties authorized—Repayment to state by Grant, Franklin and Adams counties by retention of funds. The director of highways shall report to the state finance committee all sums expended from funds resulting from the sale of bonds authorized by RCW 47.10.726 through 47.10.738. Grant, Franklin and Adams counties shall repay to the state all the cost of highway or road facilities actually constructed under the provisions of RCW 47.10.726 through 47.10.738 within each of said counties as follows: The state finance committee, at

least one year prior to the date any such interest is due and payable on such bonds or before the maturity date of any such bonds, shall ascertain the percentage of the motor vehicle funds arising from the excise taxes on motor vehicle fuels, which is to be transferred to such counties under the provisions of law which will be necessary to pay all of the interest upon or retire when due all of the portion of said bonds sold under the provisions of RCW 47.10.726 through 47.10.738 in each of said counties. The state finance committee shall notify the state treasurer of this estimate and the treasurer shall thereafter, when distributions are made from the motor vehicle fund to counties, retain such percentage of the total sums credited to such counties as aforesaid in the motor vehicle fund arising from such excise taxes on motor vehicle fuels until such fund is fully reimbursed for all expenditures under RCW 47.10.726 through 47.10.738 in Grant, Adams and Franklin counties. Any money so retained shall be available for state highway purposes. [1965 c 121 § 9.]

47.10.735 Construction in Grant, Franklin, Adams counties authorized—Repayment, limitation as to amount of funds retained—Deficits. The sums retained from motor vehicle funds, arising from the excise taxes on motor vehicle fuel, of any such counties as provided in RCW 47.10.734, together with the sums similarly retained under the provisions of RCW 47.10.010 through 47.10.140 and RCW 47.10.280 through 47.10.400 shall not exceed in any distribution period fifty percent of the total amount to be credited to such county. If there shall be a deficit in the amount available for reimbursement of the motor vehicle fund, due to this provision, then such deficit shall continue to be a charge against any sums due any such county from the motor vehicle fund from such excise taxes until the full cost of such highway facilities is paid. [1965 c 121 § 10.]

47.10.736 Construction in Grant, Franklin, Adams counties authorized—Sums in excess of retirement requirements—Use. Whenever the percentages of the motor vehicle fund arising from excise taxes on motor fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 c 121 § 11.]

47.10.737 Construction in Grant, Franklin, Adams counties authorized—Allocation of bonds to counties—Conditions upon issuance—Use of county engineering forces. The bonds authorized herein are allocated to the counties as follows:

- (1) For Adams county—one hundred thousand dollars.
- (2) For Franklin county—four hundred fifty thousand dollars.

(3) For Grant county—one million three hundred thousand dollars:

Provided, That no bonds shall be issued for Columbia Basin county arterial highway and road purposes unless expenditures are actually required for the settlement of lands ready for irrigation in the Columbia Basin project and all construction of arterial highways and roads in such counties shall be accomplished by the engineering forces of the various counties under the supervision of the director of highways. [1965 c 121 § 12.]

47.10.738 Construction in Grant, Franklin, Adams counties authorized—Appropriation from motor vehicle fund. There is appropriated from the motor vehicle fund for the biennium ending June 30, 1967 the sum of one million eight hundred fifty thousand dollars, or so much thereof as may be necessary, to carry out the provisions of RCW 47.10.726 through 47.10.738. [1965 c 121 § 13.]

ADDITIONAL BONDS—CONSTRUCTION AND IMPROVEMENT—1967 ACT

47.10.751 Additional funds—Declaration of necessity. Increased costs of construction combined with an unprecedented increase in motor vehicle use in this state have created an urgent demand for additional highway construction funds. It is vital to the economy of this state and the safety of the public that additional funds be provided for the construction of state highways. [1967 ex.s. c 7 § 3.]

47.10.752 Additional funds—Issuance and sale of limited obligation bonds. In order to provide funds for the construction and improvement of state highways, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of thirty million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1967 ex.s. c 7 § 4.]

47.10.753 Additional funds—Form and term of bonds. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of

Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1967 ex.s. c 7 § 5.]

47.10.754 Additional funds—Sale of bonds—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 7 § 6.]

47.10.755 Additional funds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds. [1967 ex.s. c 7 § 7.]

47.10.756 Additional funds—Bonds not general obligations—Taxes pledged. Bonds issued under the provisions of RCW 47.10.751 through 47.10.760 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.751 through 47.10.760 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.751 through 47.10.760, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.751 through 47.10.760. [1967 ex.s. c 7 § 8.]

47.10.757 Additional funds—Source of funds for payment of bond principal and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is or may be appropriated to the state highway commission for state highway purposes, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways proves insufficient to

meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 7 § 9.]

47.10.758 Additional funds—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.757, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 7 § 10.]

47.10.759 Additional funds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 7 § 11.]

47.10.760 Additional funds—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of thirty million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.751 through 47.10.760. [1967 ex.s. c 7 § 12.]

RESERVE FUNDS FOR HIGHWAY, STREET, AND ROAD PURPOSES—1967 ACT

47.10.761 Reserve funds—Purposes. It is the purpose of RCW 47.10.761 through 47.10.771, to provide reserve funds to the state highway commission for the following purposes:

(1) For construction, reconstruction, or repair of any state highway made necessary by slides, storm damage, or other unexpected or unusual causes.

(2) For construction or improvement of any state highway when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within any area of the state.

(3) To advance funds to any city or county to be used exclusively for the construction or improvement of any city street or county road when necessary to alleviate or prevent intolerable traffic congestion caused by extraordinary and unanticipated economic development within a particular area of the state. Before funds provided by the sale of bonds as authorized in RCW 47.10.761 through 47.10.770, are loaned to any city or county for the purposes specified herein, the state highway commission shall enter into an agreement with the city or county providing for repayment to the motor vehicle fund of such funds, together with the amount of bond interest thereon, from the city's or the county's share of the motor vehicle funds arising from excise taxes on motor vehicle fuels, over a period not to exceed twenty-five years. [1967 ex.s. c 7 § 13.]

47.10.762 Issuance and sale of limited obligation bonds. In order to provide reserve funds for the purposes specified in RCW 47.10.761, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of twenty-five million dollars or such amount thereof and at such times as may be determined to be necessary by the state highway commission. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued and sold from time to time in such amounts as may be necessary for the orderly scheduled construction of the interstate highway system. [1967 ex.s. c 7 § 14.]

47.10.763 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1967 ex.s. c 7 § 15.]

47.10.764 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 7 § 16.]

47.10.765 Bonds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the purposes enumerated in RCW 47.10.761 and for payment of the expense incurred in the drafting, printing, issuance and sale of any such bonds. [1967 ex.s. c 7 § 17.]

47.10.766 Bonds—Statement describing nature of obligation—Pledge of excise taxes. Bonds issued under the provisions of RCW 47.10.761 through 47.10.771 shall distinctly state that they are not a general obligation of the state, but are payable in the manner provided in RCW 47.10.761 through 47.10.771 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.10.761 through 47.10.771, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.10.761 through 47.10.771. [1967 ex.s. c 7 § 18.]

47.10.767 Bonds—Designation of funds to repay bonds and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 7 § 19.]

47.10.768 Bonds—Federal aid funds may be pledged. As additional security for payment of the principal amount of any or all of the bonds to be issued

hereunder, the state finance committee, with the consent of the state highway commission, may pledge all or any portion of the federal aid funds received or from time to time to be received by the state from the United States under the provisions of the federal-aid highway act of 1956, as amended, for the construction of Washington's portion of the national system of interstate and defense highways. [1967 ex.s. c 7 § 20.]

47.10.769 Bonds—Repayment procedure—Bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.10.767, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which, together with federal funds which may be pledged as provided in RCW 47.10.768, shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 7 § 21.]

47.10.770 Bonds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor fuels and the federal funds which may be pledged as provided in RCW 47.10.768, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 7 § 22.]

47.10.771 Bonds—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1969, the sum of twenty-five million dollars, or so much thereof as may be necessary to carry out the provisions of RCW 47.10.761 through 47.10.771. [1967 ex.s. c 7 § 23.]

STATE HIGHWAYS IN URBAN AREAS

47.10.775 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc. See RCW 47.26.400–47.26.410.

COUNTY AND CITY ARTERIALS IN URBAN AREAS

47.10.777 Issuance and sale of limited obligation bonds, terms, conditions, retirement, use of proceeds, etc. See RCW 47.26.420–47.26.460.

Chapter 47.12
ACQUISITION AND DISPOSITION OF STATE
HIGHWAY PROPERTY

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Acquisition of rights of way, city streets: RCW 47.24.030.

47.12.010 Acquisition of property authorized—Condemnation actions—Cost. Whenever it is necessary to secure any lands or interests in land for a right of way for any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to provide a visual or sound buffer between highways and adjacent properties or for the purpose of acquiring sand pits, gravel pits, borrow pits, stone quarries or any other land for the extraction of materials for construction or maintenance or both, or for any site for the erection upon and use as a maintenance camp, of any state highway, or any site for other necessary structures or for structures for the health and accommodation of persons traveling or stopping upon the state highways of this state, or any site for the construction and maintenance of structures and facilities adjacent to, under, upon, within, or above the right of way of any state highway for exclusive or nonexclusive use by an urban public transportation system, or for any other highway purpose, together with right of way to reach such property and gain access thereto, the highway commission is authorized to acquire such lands or interests in land in behalf of the state by gift, purchase or condemnation. In case of condemnation to secure such lands or interests in land, the action shall be brought in the name of the state of Washington in the manner provided for the acquiring of property for the public uses of the state, and in such action the selection of the lands or interests in land by the highway commission shall, in the absence of bad faith, arbitrary, capricious or fraudulent action, be conclusive upon the court and judge before which the action is brought that said lands or interests in land are necessary for public use for the purposes sought. The cost and expense of such lands or interests in land may be paid as a part of the cost of the state highway for which such right of way, drainage, unobstructed vision, sand pits, gravel pits, borrow pits, stone quarries, maintenance camp sites and structure sites or other lands are

acquired. [1967 c 108 § 4; 1961 c 13 § 47.12.010. Prior: 1937 c 53 § 25, part; RRS § 6400-25, part.]

Urban public transportation system defined: RCW 47.04.082.

47.12.011 Purchase options authorized. Whenever it becomes necessary or feasible to purchase rights of way for state highways, and the Washington state highway commission deems it to be in the best interest of the general public, the commission may, and it is hereby authorized, to secure options for purchase of property needed or proposed for any entire project or section thereof or proposed alignment for the location or relocation of any highway, for review by the commission before final adoption or acquisition. [1961 c 13 § 47.12.011. Prior: 1955 c 49 § 1.]

47.12.020 Acquisition of state lands, rights, and materials—Duties when use no longer required—Payment for timber and materials. Whenever it is necessary to locate and construct a state highway over and across any of the public lands of the state of Washington, including tide or shore lands or any oyster reserve which has been or may hereafter be established, or in the construction or maintenance of any state highway to have additional land, for drainage thereof or construction of a protection therefor or to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or any point of danger to public travel or to open up and use materials from any sand pit, gravel pit, borrow pit, stone quarry or other land for the extraction of materials for the construction or maintenance or both, or any site for other necessary structures, or for structures for the health and accommodation of persons traveling or stopping upon such state highway, or for any other public highway purpose, together with any necessary right of way to reach such property and gain access thereto, the highway commission shall file in the office of the commissioner of public lands a map showing the location of such state highway over and across such land, or the additional land needed, for drainage thereof or construction of a protection therefor or for unobstructed vision as above provided therefor, or the location of such sand pit, gravel pit, stone quarry, maintenance camp site, structure site or other lands, together with right of way to reach such property and gain access thereto within such lands, with reference to a United States government survey, and upon the filing of such map, the easement of such right of way, or for such additional land, for drainage thereof or construction of a protection thereof or for such unobstructed vision therefor or for locating, opening up and using materials from any such sand pit, gravel pit, borrow pit, stone quarry or lands for the extraction of material or for the erection or occupancy of any such maintenance camp or erection of other structure together with any such required right of way thereto, shall be reserved to the state and such land when sold, leased, or otherwise disposed of, shall be sold, leased or disposed of subject to such right of way and subject to any such use of additional land for drainage or protection or for unobstructed vision and subject to any such established sand pit, gravel pit, borrow pit, stone quarry

or location for the extraction of material or erection of other structure together with any such required right of way thereto and to the right of the state to use and remove materials therefrom for the construction upon and maintenance of any state highway, and subject to the occupancy and use of any such maintenance camp site or other structure site together with such right of way thereto: *Provided*, That as soon as the state shall no longer require any such sand pit, gravel pit, borrow pit, stone quarry, location for the extraction of material, maintenance camp site or other structure site, it shall be the duty of the highway commission forthwith to so certify to the commissioner of public lands, and from and after the receipt and filing of such certificate in the office of said commissioner of public lands the lands described therein shall thereafter be freed from any such use and occupancy for such purposes: *Provided, further*, That if there be timber on any such public lands of the state of Washington or portion thereof required under the provisions of this section for the right of way of any state highway, or for the drainage thereof or construction of a protection therefor or so as to afford unobstructed vision therefor toward any railroad crossing or another public highway crossing or a point of danger to public travel or any sand pits, gravel pits, borrow pits, stone quarry or other land for the extraction of materials or for any site for the erection upon or use as a maintenance camp or other necessary structure or structures or any other proper highway purposes or necessary for right of way to reach any such property and gain access thereto, the highway commission shall pay to the commissioner of public lands the reasonable appraised value of any such timber thereon and no such land shall be used by the highway commission for any of the purposes set forth in this section until payment for such timber shall have been made: *Provided, further*, That the highway commission shall pay to the commissioner of public lands for any materials extracted for construction or maintenance, or both, from any sand pit, gravel pit, borrow pit, stone quarry, or other location for the extraction of materials located upon public lands of the state of Washington the fair market value, but in no event to exceed five cents a cubic yard, for all such materials so extracted, and before the extraction of such materials shall obtain from the commissioner of public lands a permit for such extraction setting forth the terms and conditions under which such materials may be extracted from such public lands. "State highway" as used in this section shall include limited access facilities established under chapter 47.52 RCW. [1961 c 156 § 1; 1961 c 13 § 47.12.020. Prior: 1953 c 54 § 1; 1937 c 53 § 25, part; RRS § 6400-25, part. Formerly RCW 47.12.020 and 47.12.030.]

47.12.040 Acquisition of property from a political subdivision. Whenever it is necessary to secure any lands for primary or secondary state highway right of way or other state highway purposes, the title to which is in any county of the state or in any political or municipal subdivision of the state, which land is not at the time being used as a public highway, the board of

county commissioners or the board of directors or governing body of any such political or municipal subdivision are authorized to directly lease, sell or convey by gift such land or any interest therein to the state of Washington, without requiring competitive bids or notice to the public, and at such price as the board, directors or governing body may deem for the best interests of the county or for the best interests of the political or municipal subdivision of the state. The board of county commissioners or the directors or governing body of any political or municipal subdivision are empowered to execute a deed or other proper instrument to such land, passing title to the state of Washington, and such instrument need not require consideration other than the benefit which may be derived by the grantor on account of the use thereof. Whenever any state highway is established by legislative enactment and such state highway is upon the former route of an county road, the board of county commissioners shall cause the title to the existing right of way or so much thereof as the highway commission shall require to be transferred to the state of Washington by proper instrument. [1961 c 13 § 47.12.040. Prior: 1943 c 266 § 1; 1937 c 53 § 26; Rem. Supp. 1943 § 6400-26.]

47.12.050 Work on remaining land as payment. Whenever it is considered in the securing of any lands for state highway purpose, whether by condemnation or otherwise, that it is for the best interest of the state, for specific structural items of damage claimed the court or judge may order or the person whose lands are sought may agree that a portion or all work or labor necessary to the land or remaining land by reason of the taking by way of damage, be performed by the state through the highway commission as all or a part of the consideration or satisfaction of the judgment therefor, in which event the highway commission may perform such work as a portion of the right of way cost of such state highway. [1961 c 13 § 47.12.050. Prior: 1937 c 53 § 27; RRS § 6400-27.]

47.12.060 Sale or exchange of rights or land not needed for highway purposes. When a state highway is relocated and the old route is abandoned, and the new route crosses land owned by a person who owns land abutting on the old route, the Washington state highway commission may agree with the owner to convey to him title to the old route or a part thereof as all or part consideration for his land to be taken for the new route.

Whenever the state has abandoned any highway rights of way, pit sites, stock pile sites or owns land not needed for highway purposes, the Washington state highway commission may sell same to abutting owners for the fair market value or exchange with any person as a consideration or part consideration for lands or property rights needed by the state, or may sell same by public auction whenever it is deemed in the public interest to do so.

The Washington state highway commission shall certify the agreement to the governor with a description of the property to be conveyed, and the governor may execute and the secretary of state shall attest the deed and

deliver it to the grantee. [1961 c 13 § 47.12.060. Prior: 1955 c 384 § 13; prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]

47.12.070 Sale or exchange of rights or land not needed for highway purposes—Sale or lease to a city or county—Proceeds. If the Washington state highway commission deems that any land is no longer required for state highway purposes and that it is in the public interest so to do, said highway commission may negotiate for the sale of the land to a city or county of the state. The state highway commission shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale, and the governor may execute and the secretary of the state shall attest the deed and deliver it to the grantee.

Any moneys received pursuant to the provisions of this section shall be deposited in the motor vehicle fund. [1969 c 91 § 2; 1961 c 13 § 47.12.070. Prior: 1955 c 384 § 14; prior: 1945 c 146 § 1, part; 1937 c 53 § 28, part; Rem. Supp. 1945 § 6400-28, part.]

47.12.080 Sale or exchange of rights or land not needed for highway purposes—Transfer to United States, municipal subdivision, public utility—Proceeds. Whenever in the construction, reconstruction, location or improvement of any state highway it may become necessary to transfer and convey to the United States, its agencies or instrumentalities, to any municipal subdivision of this state, or to any public utility company, any unused state highway right of way or real property, and in the judgment of the highway commission and the attorney general, such transfer and conveyance is consistent with public interest, the highway commission may enter into agreements accordingly. Whenever the highway commission shall make any such agreement for any such transfer or conveyance, and together with the attorney general, certifies to the governor that such agreement has been made setting forth in such certification a description of the lands or premises involved, the governor may execute and the secretary of state shall attest and deliver unto the United States government, or its agencies or instrumentalities, unto any municipal subdivision of this state, or unto any public utility company, a deed of conveyance, easement or other instrument necessary to fulfill the terms of the aforesaid agreement. All moneys paid to the state of Washington under any of the provisions hereof shall be deposited in the motor vehicle fund. [1961 c 13 § 47.12.080. Prior: 1945 c 127 § 1; Rem. Supp. 1945 § 6400-120.]

47.12.120 Lease of unused highway land or air space. The highway commission is authorized, subject to the provisions and requirements of zoning ordinances of political subdivisions of government, to rent or lease any lands, improvements, or air space above or below any lands, including those used or to be used for both limited access and conventional highways which are held for highway purposes but are not presently needed,

upon such terms and conditions as the highway commission may determine. [1969 c 91 § 1; 1961 c 13 § 47.12.120. Prior: 1949 c 162 § 1; Rem. Supp. 1949 § 6400-122.]

47.12.125 Lease of unused highway land or air space—Disposition of proceeds. All moneys paid to the state of Washington under any of the provisions of RCW 47.12.120 shall be deposited in the motor vehicle fund. [1961 c 13 § 47.12.125. Prior: 1949 c 162 § 2; Rem. Supp. 1949 § 6400-123.]

47.12.130 Exchange of land with abutting owner. Whenever the state department of highways shall have title to any parcel of land which the state highway commission shall determine is not necessary for highway purposes, the commission is authorized to cause such land to be deeded to the owner of land abutting upon such parcel in consideration, or partial consideration, for other lands owned by such property owner which the highway commission deems to be necessary for highway purposes. The governor is authorized to execute and the secretary of state shall attest the conveyances necessary to carry out such exchange. [1961 c 13 § 47.12.130. Prior: 1953 c 28 § 1.]

47.12.140 Severance and sale of timber and other personalty. Whenever the state highway department shall have acquired any lands, except state granted lands, upon which are located any structures, timber or other thing of value attached to the land, which the state highway commission shall deem it best to sever from the land and sell as personal property, the same may be sold by the department of highways at public auction after due notice thereof shall have been given in accordance with general regulations prescribed by the state highway commission. The state highway commission may set minimum prices that will be accepted for any item offered for sale at public auction as herein provided and may prescribe terms or conditions of sale and, in the event that any item shall be offered for sale at such auction and for which no satisfactory bids shall be received or for which the amount bid shall be less than the minimum set by the commission, it shall be lawful for the commission to sell such item at private sale for the best price which it deems obtainable but at not less than the highest price bid at the public auction. The proceeds of all sales under this section shall be placed in the motor vehicle fund. [1961 c 13 § 47.12.140. Prior: 1953 c 42 § 1.]

47.12.150 Acquisition, exchange, of property to relocate displaced facility. Whenever the highway commission shall need for highway purposes land or property rights belonging to the United States government or any municipality or political subdivision of the state, or which shall be a part of the right of way of any public utility having authority to exercise powers of eminent domain, when the acquisition of such property by the state will result in the displacement of any existing right of way or facility, the state highway commission is authorized to acquire by condemnation or otherwise such

lands and property rights as shall be needed to relocate such right of way or facilities so displaced and to exchange lands or property rights so acquired in consideration or partial consideration for the land or property rights needed for highway purposes. The governor, at the request of the state highway commission, shall execute all conveyances necessary to accomplish such exchange. [1961 c 13 § 47.12.150. Prior: 1953 c 55 § 1.]

47.12.160 Acquisition of land outside highway right of way to minimize damage. Whenever a part of a parcel of land is to be acquired for state highway purposes and the remainder lying outside of the right of way is to be left in such shape or condition as to be of little value to its owner or to give rise to claims or litigation concerning severance or other damage, and its value does not exceed the probable amount of such severance claims or damages, the state highway commission may acquire by gift, purchase or condemnation the whole parcel and may sell that portion lying outside of the highway right of way or may exchange the same for other property needed for highway purposes: *Provided, however,* That the provisions of this section shall not apply if the taking of that portion of the land lying outside of the highway right of way would deprive any adjacent owner of an existing right of ingress and egress to his property. [1961 c 13 § 47.12.160. Prior: 1953 c 131 § 1.]

47.12.170 Sale, lease of unneeded toll facility, ferry system property—Franchises for utility, railway purposes. See RCW 47.56.252 through 47.56.257.

47.12.180 Additional method of financing acquisition of property, engineering costs—Declaration of policy, public use and highway purpose. It is hereby declared to be the public policy of the state of Washington to provide for the acquisition of real property and engineering costs necessary for the improvement of the state highway system, in advance of actual construction, for the purposes of eliminating costly delays in construction, reducing hardship to owners of such property, and eliminating economic waste occasioned by the improvement of such property immediately prior to its acquisition for highway uses.

The legislature therefore finds and declares that purchase and condemnation of real property necessary for the state highway system and engineering costs, reasonably in advance of programmed construction, is a public use and purpose and a highway purpose.

The Washington state highway commission is hereby authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvement of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240, as now or later amended, or alternatively by the method provided in RCW 47.12.242 through 47.12.246. Neither method shall be used to condemn property or property rights in advance of programmed construction until the highway commission has complied with hearing procedures required for the location or relocation of the type of highway for

which such property is to be condemned. [1969 ex.s. c 197 § 1; 1961 c 281 § 1.]

Severability—1961 c 281: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 281 § 12.] This applies to chapter 281, Laws of 1961 codified as RCW 41.40.070, 43.84.080, 47.12.180 through 47.12.240 and 51.44.100.

47.12.190 Additional method of financing acquisition of property, engineering costs—Authorization to purchase or condemn real property and property rights by additional method. The Washington state highway commission, in addition to its other powers and duties as provided by law, is authorized to purchase or condemn any real property or property rights therein which it deems will be necessary for the improvements of routes on the state highway system by the method provided in RCW 47.12.180 through 47.12.240. Condemnation actions brought hereunder shall be brought in the name of the state as provided for acquiring property for the public uses of the state, and in such actions selection of the property and property rights by the highway commission is conclusive that they are necessary for the purposes sought, in the absence of bad faith, or arbitrary, capricious, or fraudulent action. [1961 c 281 § 2.]

47.12.200 Additional method of financing acquisition of property, engineering costs—Agreements with state finance committee. The highway commission may enter into agreements with the state finance committee for financing the acquisition, by purchase or condemnation, of real property together with engineering costs that the highway commission deems will be necessary for the improvement of the state highway system. Such agreements may provide for the acquisition of an individual parcel or for the acquisition of any number of parcels within the limits of a contemplated highway project. [1969 ex.s. c 197 § 2; 1961 c 281 § 3.]

47.12.210 Additional method of financing acquisition of property, engineering costs—Agreement with finance committee to purchase motor vehicle fund warrants—Funds which may be used for payment, limitations. Such an agreement shall provide that the state finance committee shall purchase, at par, warrants drawn upon the motor vehicle fund in payment for the property covered by the agreement and the engineering costs necessary for such advance purchase or condemnation. Such warrants shall be purchased by the state finance committee, upon the presentation by the holders thereof to the state treasurer, from any moneys available for investment in: (1) The accident fund, medical aid fund, or the reserve fund created by chapter 51.44 RCW; or (2) the state treasury available for investment as provided in RCW 43.84.080: *Provided,* That in no event shall more than ten percent of the assets of any fund be used for the purpose of acquiring property as authorized herein, except in the case of current state funds in the state treasury, twenty percent of the balance therein available for investment may be invested as provided in RCW 47.12.180 through 47.12.240. [1969 ex.s. c 197 § 3; 1961 c 281 § 4.]

Authorization that certain funds may be invested in motor vehicle fund warrants: RCW 41.40.071, 43.84.080 and 51.44.100.

47.12.220 Additional method of financing acquisition of property, engineering costs—Mandatory, permissive, provisions in agreement with finance committee—Duration, funds, redemption of warrants, interest, etc. Each such agreement shall include, but shall not be limited to the following:

(1) A provision stating the term of the agreement which shall not extend more than seven years from the effective date of the agreement.

(2) A designation of the specific fund or funds to be used to carry out such agreement.

(3) A provision that the highway commission may redeem warrants purchased by the state finance committee at any time prior to the letting of a highway improvement contract utilizing the property; and further, during the effective period of each such agreement the highway commission shall redeem such warrants whenever such a highway improvement contract is let, or upon the expiration of such agreement, whichever date is earlier.

(4) A provision stating the rate of interest such warrants shall bear commencing at the time of purchase by the state finance committee.

(5) Any additional provisions agreed upon by the highway commission and the state finance committee which are necessary to carry out the purposes of such agreement as indicated by RCW 47.12.180 through 47.12.240. [1969 ex.s. c 197 § 4; 1961 c 281 § 5.]

47.12.230 Additional method of financing acquisition of property, engineering costs—Form of warrants—Approval—Payment—Deposit. Warrants issued for payment of property and engineering costs as provided herein shall be of a distinctive design and shall contain the words "for purchase by the state finance committee from ----- fund" (indicating the proper investing fund as provided by the agreement). Such warrants shall be approved by the secretary of the state finance committee prior to their issuance by the state treasurer. Upon presentation of such warrants to the state treasurer for payment, he shall pay the par value thereof from the fund for which the state finance committee agreed to purchase such warrants whether or not there are then funds in the motor vehicle fund. The state treasurer shall deposit such warrants in the treasury for the investing fund. [1969 ex.s. c 197 § 5; 1961 c 281 § 6.]

47.12.240 Additional method of financing acquisition of property, engineering costs—Transfer of interest from motor vehicle fund to purchasing fund—Time of warrant payment—Obligations are prior charge. The state treasurer shall transfer from the motor vehicle fund to the credit of the fund purchasing such warrants interest at the rate and at the times provided for in such agreement. The state treasurer shall pay such warrants at the time provided for in the agreement. Such obligations coming due shall be a prior charge against any

funds in the motor vehicle fund available to the highway commission for construction of state highways. [1961 c 281 § 7.]

47.12.242 "Advance right of way acquisition" defined. The term "advance right of way acquisition" means the acquisition of property and property rights not less than two nor more than seven years in advance of programmed construction, together with the engineering costs necessary for such advance right of way acquisition. [1969 ex.s. c 197 § 6.]

47.12.244 Advance right of way revolving fund. There is hereby created the "advance right of way revolving fund" in the custody of the treasurer, into which the Washington highway commission is authorized to deposit directly and expend without appropriation any federal moneys available for acquisition of right of way for future construction under the provisions of section 108 of Title 23, United States Code. [1969 ex.s. c 197 § 7.]

Appropriation—1969 ex.s. c 197: "There is appropriated from the motor vehicle fund the sum of five million dollars or so much thereof as is necessary to carry out the provisions of this act, into the advance right of way revolving fund in the custody of the treasurer created by this 1969 amendatory act, to be expended together with federal moneys available for such purposes by the Washington highway commission for advance right of way acquisition without further or additional appropriation." [1969 ex.s. c 197 § 8.]

47.12.246 Reimbursement to advance right of way revolving fund. Whenever, after any properties or property rights are acquired from funds in the advance right of way revolving fund, the Washington highway commission proceeds with the construction of a highway which will require the use of any of the property so acquired, the commission shall reimburse the advance right of way revolving fund, from other funds available to it, the amount of the prior expenditures for advance right of way acquisition for the state highway being constructed. Such deposits may be reexpended as provided in RCW 47.12.180, 47.12.200 through 47.12.230 and 47.12.242 through 47.12.248 without further or additional appropriations. [1969 ex.s. c 197 § 9.]

47.12.248 Structures acquired in advance of programmed construction to be maintained in good appearance. Whenever the Washington state highway commission shall purchase or condemn any property pursuant to the authority of RCW 47.12.180 through 47.12.240, as now or later amended, or RCW 47.12.242 through 47.12.246, the commission shall cause any structures so acquired and not removed within a reasonable time to be maintained in good appearance. [1969 ex.s. c 197 § 10.]

47.12.250 Acquisition of property for preservation of beauty, historic sites, viewpoint, safety rest areas or buffer zones. The state highway commission is authorized to acquire by purchase, lease, condemnation, gift, devise, bequest, grant or exchange, title to or any interests or rights in real property adjacent to state highways for the

preservation of natural beauty, historic sites or viewpoints or for safety rest areas or to provide a visual or sound buffer between highways and adjacent properties: *Provided*, That the state highway commission shall not acquire, by condemnation, less than an owner's entire interest for providing a visual or sound buffer between highways and adjacent properties under RCW 47.12.010 and 47.12.250 if said owner objects to the taking of said lesser interest or right. [1967 c 108 § 5; 1965 ex.s. c 170 § 62.]

*Roadside areas—Safety rest areas: Chapter 47.38 RCW.
Scenic and recreational highway act: Chapter 47.39 RCW.*

47.12.260 Acquisition of real property subject to local improvement assessments—Payment. See RCW 79.44.190.

47.12.270 Acquisition of property for parking facilities for motorists using urban public transportation facilities or private car pool vehicles. The state highway commission may acquire real property or interests in real property by gift, purchase, lease, or condemnation and may construct and maintain thereon fringe and transportation corridor parking facilities to serve motorists transferring to or from urban public transportation vehicles or private car pool vehicles. The state highway commission may obtain and exercise options for the purchase of property to be used for purposes described in this section. The state highway commission shall not expend any funds for acquisition or construction costs of any parking facility to be operated as a part of a transit system by a metropolitan municipal corporation unless such facility has been approved by the state highway commission in advance of its acquisition or construction. [1973 2nd ex.s. c 18 § 1.]

47.12.280 Sale of real property—Authorized—Procedure—Disposition of proceeds. Any real property (including lands, improvements thereon, and any interests or estates) held by the department of highways other than that acquired under RCW 47.12.020 may be sold in accordance with the following procedure:

(1) Determination that the real property is unnecessary for the purposes of the department of highways;

(2) Determination of the fair market value of the real property;

(3) Offering of the real property for sale by auction after notice to the general public of the proposed auction sale in the following manner: By notice of the proposed sale published in a display advertisement of no less than two column by two inch or one column by four inch size in any daily or weekly legal newspaper of general circulation published in the county in which the real property to be sold is situated. This advertisement shall appear in the legal notices section and the real estate classified section. This publication shall appear for a period of not less than four weeks prior to the proposed sale and the notice shall particularly describe the property to be sold and the time and place of the proposed sale: *Provided*, That if there is no legal newspaper published in this county, then such notice shall be

published in the legal newspaper published in this state nearest to the place of sale.

(4) Offering of the real property for sale by advertisement and negotiation if the real property was offered, but not sold at auction.

No real property shall be sold for less than the fair market value at the time of the auction if sold at auction or the fair market value at the date of the agreement to sell if sold by advertisement and negotiation. Any offer to purchase real property may be rejected at any time prior to written acceptance of the offer by the department of highways and approval of the terms of the transaction by the highway commission.

The highway commission shall approve the terms of each sale, either individually or by general rule, so that payment is made or safely secured to the state. The highway commission may adopt rules further implementing this section.

All funds received under this section shall be forwarded to the state treasurer and by him credited to the motor vehicle fund. [1973 1st ex.s. c 177 § 1.]

47.12.290 Sale of real property—Certification to governor—Execution, delivery of deed. When full payment for real property agreed to be sold as authorized by RCW 47.12.280 has been received the director of the department of highways shall certify this fact to the governor with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1973 1st ex.s. c 177 § 2.]

47.12.300 Sale of unneeded property—Toll bridge authority—Authorized—Rules. See RCW 47.56.254.

47.12.301 Sale of unneeded property—Toll bridge authority—Certification to governor—Execution, delivery of deed. See RCW 47.56.255.

47.12.302 Toll bridge authority—Sale of unneeded property. See RCW 47.60.130.

47.12.310 Sale of real property—Advertisement of sale terms required before sale becomes final—Sale to second purchaser, when. Before any such sale involving a sum in excess of ten thousand dollars shall be final, the commission shall cause to be reported in a legal newspaper of the county in which the property is located a legal advertisement, and such other advertisement as the commission shall deem advisable, setting forth the legal description of the property, the commonly known address, the name of the purchaser, the purchase price, the name of the agent, attorney, or real estate broker handling the transaction, the terms of the sale including the price and interest rate on any deferred payments, in three consecutive editions thereof. Any individual may within thirty days after the first publication of such advertisement offer subject to the same terms or conditions a purchase price of ten percent more than the offer advertised and the commission shall make such sale to the second purchaser. [1973 1st ex.s. c 177 § 6.]

47.12.320 Sale of property—Listing of available properties with broker authorized. The highway commission may list any available properties with any licensed real estate broker at a commission rate otherwise charged in the geographic area for such services. [1973 1st ex.s. c 177 § 7.]

Chapter 47.16 PRIMARY HIGHWAY ROUTES

Section

47.16.220 Corridor highway (Auburn to Bothell)—Hearings and study as to location and design.

47.16.220 Corridor highway (Auburn to Bothell)—Hearings and study as to location and design. The joint committee on highways with the cooperation and assistance of the state highway commission is authorized and directed to conduct public hearings and such informal local community meetings as it deems advisable within the areas that may be affected by establishment of a highway described as follows: Beginning at a junction of state highway No. 18 with primary state highway No. 1, thence northerly east of Auburn, thence easterly to the vicinity of Auburn, thence generally northerly east of Renton, thence continuing via a corridor located easterly of Lake Sammamish to a connection with primary state highway No. 15 northeast of Bothell, it being the intent of the legislature that said corridor highway, if established, shall be east of Lake Sammamish. Such hearings and meetings shall be conducted in a manner to inform the public about alternate proposals for the location of said highway and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered and which might aid in identification of critical social, economic and environmental effects prior to corridor hearings to be held by the highway commission. The joint committee on highways and the state highway commission shall maintain full liaison with King county and all cities and towns affected by the location of this highway to insure that each alternate proposed location will be properly coordinated with the adopted transportation plans of such local governments.

The joint committee on highways in connection with the preparation and conduct of such hearings may retain a design team of experts from several disciplines concerned with aesthetic and social aspects in the location and design of the proposed highway. The joint committee on highways shall report its findings relative to the establishment and general location of said highway to the legislature at the time of its convening in 1971.

There is hereby appropriated from the motor vehicle fund to the joint committee on highways and the Washington state highway commission for the biennium ending June 30, 1971, the sum of two hundred thousand dollars, or so much thereof as may be necessary to carry out the provisions of this section. [1969 ex.s. c 281 § 57.]

Chapter 47.17 STATE HIGHWAY ROUTES

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47.17.005 State route No. 2. A state highway to be known as state route number 2 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence easterly by the most feasible route by way of Monroe, Stevens Pass and Leavenworth to a junction with state route number 97 in the vicinity of Peshastin; also

From that junction with state route number 97 in the vicinity of Peshastin, thence easterly by the most feasible route by way of Wenatchee, Waterville, Wilbur and Davenport to a junction with state route number 90 in the vicinity west of Spokane; also

Beginning at a junction with state route number 90 at Spokane, thence northerly to a junction with state route number 395 in the vicinity north of Spokane; also

From that junction with state route number 395 in the vicinity north of Spokane, thence northerly to a junction with state route number 31 at Newport; also

From that junction with state route number 31 at Newport, thence easterly to the Washington-Idaho boundary line, thence southerly along said boundary line to Fourth Street in Newport. [1970 ex.s. c 51 § 2.]

Purpose—1970 ex.s. c 51: "This act is intended to assign state route numbers to existing state highways duly established by prior legislative act in lieu of primary state highway numbers and secondary state highway numbers. Nothing contained herein is intended to add any new section of highway to the state highway system or delete any section of highway from the state highway system." [1970 ex.s. c 51 § 179.] "This act" [1970 ex.s. c 51] is codified as RCW 47.17.005 through 47.17.850, 47.20.570, 47.20.580, 47.22.010, 47.22.020, and 47.39.020.

47.17.010 State route No. 3. A state highway to be known as state route number 3 is established as follows:

Beginning at a junction with state route number 101 at Shelton, thence northeasterly to a junction with state route number 302 at Allyn; also

From that junction with state route number 302 at Allyn, thence northeasterly to a junction with state route number 106 in the vicinity of Belfair; also

From that junction with state route number 106 in the vicinity of Belfair, thence northeasterly by the most feasible route to Bremerton, thence northerly and easterly by the most feasible route in the vicinity of Poulsbo to a junction with state route number 104 in the vicinity of Port Gamble. [1970 ex.s. c 51 § 3.]

47.17.015 State route No. 4. A state highway to be known as state route number 4 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence southeasterly by the most feasible route by way of Kelso to a junction with state route number 5. [1970 ex.s. c 51 § 4.]

47.17.020 State route No. 5. A state highway to be known as state route number 5 is established as follows:

Beginning at the Washington–Oregon boundary line on the interstate bridge over the Columbia river at Vancouver, thence northerly by way of Kelso, Chehalis, Centralia, Olympia, Tacoma, Seattle, Everett and Mt. Vernon, thence northwesterly to the east of Lake Samish, thence northeasterly and northerly by way of Bellingham to the international boundary line in the vicinity of Blaine in Whatcom county. [1970 ex.s. c 51 § 5.]

47.17.025 State route No. 6. A state highway to be known as state route number 6 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence easterly by the most feasible route to a junction with state route number 5 at Chehalis. [1970 ex.s. c 51 § 6.]

47.17.030 State route No. 7. A state highway to be known as state route number 7 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Morton, thence northerly to a junction with state route number 706 at Elbe; also

From that junction with state route number 706 at Elbe, thence northerly to a junction with state route number 5 at Tacoma. [1970 ex.s. c 51 § 7.]

47.17.035 State route No. 8. A state highway to be known as state route number 8 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly by the most feasible route to a junction with state route number 101 at Tumwater. [1970 ex.s. c 51 § 8.]

47.17.040 State route No. 9. A state highway to be known as state route number 9 is established as follows:

Beginning at a junction with state route number 522 north of Woodinville, thence northerly by way of Snohomish, Arlington and Sedro Woolley to a junction with state route number 542, in the vicinity of Deming; also

Beginning at a junction with state route number 542, in the vicinity of Lawrence, thence northerly to the international boundary at Sumas. [1970 ex.s. c 51 § 9.]

47.17.045 State route No. 10. A state highway to be known as state route number 10 is established as follows:

Beginning at Teanaway junction, thence easterly via the existing highway along the north side of the Yakima river to a junction with state route number 131 west of Ellensburg. [1971 ex.s. c 73 § 1; 1970 ex.s. c 51 § 10.]

47.17.050 State route No. 11. A state highway to be known as state route number 11 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Mt. Vernon, thence northerly by way of Blanchard to a junction with state route number 5 at Bellingham. [1970 ex.s. c 51 § 11.]

47.17.055 State route No. 12. A state highway to be known as state route number 12 is established as follows:

Beginning at a junction with state route number 101 at Aberdeen, thence easterly by way of Montesano and Elma to a junction with state route number 8 in the vicinity of Elma; also

From that junction with state route number 8 in the vicinity of Elma, thence southeasterly to a junction with state route number 5 in the vicinity north of Centralia; also

Beginning at a junction with state route number 5 in the vicinity south of Chehalis, thence easterly by way of Morton and White Pass to a junction with state route number 410 northwest of Yakima; also

From that junction with state route number 410 northwest of Yakima, thence southeasterly to a junction with state route number 82 at Yakima; also

Beginning at a junction with state route number 82 near Union Gap, thence southeasterly by the most feasible route by way of Pasco and Wallula to Walla Walla, thence northerly by way of Dayton to a junction with state route number 127 at Dodge; also

From that junction with state route number 127 in the vicinity of Dodge, thence easterly by the most feasible route by way of Pomeroy and Clarkston to the Washington–Idaho boundary line. [1970 ex.s. c 51 § 12.]

47.17.060 State route No. 14. A state highway to be known as state route number 14 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence easterly by way of Stevenson to a junction with state route number 97 in the vicinity of Maryhill; also

Beginning at a junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to the vicinity of Plymouth, thence northeasterly to a junction with state route number 12 in the vicinity of Kennewick. [1970 ex.s. c 51 § 13.]

47.17.065 State route No. 16. A state highway to be known as state route number 16 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northwesterly by way of the Tacoma Narrows Bridge and a junction with state route number 160 in the vicinity west of Port Orchard to a junction with state route number 3 in the vicinity of Bremerton. [1973 1st ex.s. c 151 § 1; 1970 ex.s. c 51 § 14.]

47.17.070 State route No. 17. A state highway to be known as state route number 17 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Eltopia, thence northwesterly to a junction with state route number 90 in the vicinity of Moses Lake, thence northwesterly to a junction with state route number 28 in the vicinity of Soap Lake; also

From that junction with state route number 28 in the vicinity of Soap Lake, thence northerly by the most feasible route to a junction with state route number 2 west of Coulee City; also

Beginning at a junction with state route number 2 in the vicinity west of Coulee City, thence northerly crossing the Columbia river in the vicinity of Bridgeport and the Chief Joseph dam, thence northwesterly on the north side of the Columbia river to a junction with state route number 97 east of Brewster. [1970 ex.s. c 51 § 15.]

47.17.075 State route No. 18. A state highway to be known as state route number 18 is established as follows:

Beginning at a junction with state route number 509 in the vicinity of northeast Tacoma, thence generally northeasterly by the most direct and feasible route by way of the vicinity of Milton and Auburn to a junction with state route number 90 at a point approximately four miles west of North Bend. [1970 ex.s. c 51 § 16.]

47.17.080 State route No. 20. A state highway to be known as state route number 20 is established as follows:

Beginning at a junction with state route number 101 in the vicinity of Discovery Bay, thence northeasterly via the most feasible route to Port Townsend; also

From the Keystone ferry dock on Whidbey Island, thence northeasterly by the most feasible route by way of Deception Pass, Burlington, Sedro Woolley, Concrete, Newhalem, Winthrop, Twisp, Okanogan, Tonasket, Republic, Kettle Falls, Colville, and Tiger; thence southerly and southeasterly to a junction with state route number 2 at Newport. [1973 1st ex.s. c 151 § 13; 1970 ex.s. c 51 § 17.]

47.17.081 State route No. 20 north. A state highway to be known as state route number 20 north is established as follows:

Beginning at Anacortes, thence easterly via the most feasible route to a junction with state route number 20 southeast of Anacortes. [1973 1st ex.s. c 151 § 17.]

47.17.085 State route No. 21. A state highway to be known as state route number 21 is established as follows:

Beginning at a junction with state route number 395 in the vicinity of Lind, thence northerly by the most feasible route by way of Odessa to a junction with state route number 2 in the vicinity west of Wilbur; also

Beginning at a junction with state route number 2 at Wilbur, thence northerly by the most feasible route to a junction with state route number 30 at Republic; also

Beginning at a junction with state route number 30 east of Republic, thence northeasterly by the most feasible route to the east of Curlew lake by way of Curlew to the international boundary line in the vicinity of Danville. [1970 ex.s. c 51 § 18.]

47.17.090 State route No. 22. A state highway to be known as state route number 22 is established as follows:

Beginning at a junction with state route number 12 southeast of Yakima, thence southerly to a junction of state route number 97 in the vicinity of Toppenish; also

From that junction with state route number 97 at Toppenish, thence southeasterly by way of Mabton to a junction with state route number 12 at Prosser. [1970 ex.s. c 51 § 19.]

47.17.095 State route No. 23. A state highway to be known as state route number 23 is established as follows:

Beginning at a junction with state route number 195 in the vicinity north of Colfax, thence northwesterly to a junction with state route number 230 in the vicinity of Ewan; also

From that junction with state route number 230 in the vicinity west of Ewan, thence northwesterly to a junction with state route number 90 at Sprague; also

From that junction with state route number 90 at Sprague, thence northwesterly to a junction with state route number 28 at Harrington. [1970 ex.s. c 51 § 20.]

47.17.100 State route No. 24. A state highway to be known as state route number 24 is established as follows:

Beginning at a junction with state route number 82 at Yakima, thence easterly and northerly via Cold Creek and Vernita to a junction with state route number 26 in the vicinity of Othello. [1970 ex.s. c 51 § 21.]

47.17.105 State route No. 25. A state highway to be known as state route number 25 is established as follows:

Beginning at a junction with state route number 2 at Davenport, thence northerly by the most feasible route to a junction with state route number 395 in the vicinity of Kettle Falls, thence northeasterly by the most feasible route to international boundary line. [1970 ex.s. c 51 § 22.]

47.17.110 State route No. 26. A state highway to be known as state route number 26 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of the east end of the Vantage bridge, thence in a southerly direction parallel to the east bank of the Columbia river for a distance of approximately two and one-half miles, thence southeasterly to the vicinity of Othello, thence easterly to a junction with state route number 395, thence easterly to a junction with state route number 261 in the vicinity of Washtucna; also

From a junction with state route number 261 in the vicinity of Washtucna, thence easterly by way of La Crosse to a junction with state route number 127 in the vicinity of Dusty. [1970 ex.s. c 51 § 23.]

47.17.115 State route No. 27. A state highway to be known as state route number 27 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence northerly to a junction with state route number 271 in the vicinity of Oakesdale; also

From a junction with state route number 271 at Oakesdale, thence in a northerly direction by way of Tekoa, Latah, Fairfield and Rockford to a junction with state route number 90 in the vicinity of Opportunity. [1970 ex.s. c 51 § 24.]

47.17.120 State route No. 28. A state highway to be known as state route number 28 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Wenatchee, thence southeasterly to a junction with state route number 281 at Quincy; also

From that junction with state route number 281 at Quincy, thence easterly by way of Ephrata and Odessa to a junction with state route number 2 at Davenport. [1970 ex.s. c 51 § 25.]

47.17.130 State route No. 31. A state highway to be known as state route number 31 is established as follows:

Beginning at a junction with state route number 20 at Tiger, thence northerly by way of Metaline Falls to the international boundary. [1973 1st ex.s. c 151 § 14; 1970 ex.s. c 51 § 27.]

47.17.135 State route No. 82. A state highway to be known as state route number 82 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ellensburg, thence southerly by the most feasible route by way of Yakima to a junction with state route number 12 at Union Gap; also

From that junction with state route number 12 in the vicinity of Union Gap, thence southeasterly to a suitable crossing of the Columbia river to connect with a public roadway within the state of Oregon known as 80N. [1970 ex.s. c 51 § 28.]

47.17.140 State route No. 90. A state highway to be known as state route number 90 is established as follows:

Beginning at a junction with state route number 5, thence, via the west approach to the Lake Washington bridge in Seattle, in an easterly direction by way of Mercer Island, North Bend, Snoqualmie pass, Ellensburg, Vantage, Moses Lake, Ritzville, Sprague and Spokane to the Washington-Idaho boundary line. [1971 ex.s. c 73 § 2; 1970 ex.s. c 51 § 29.]

47.17.145 State route No. 92. A state highway to be known as state route number 92 is established as follows:

Beginning at a junction with state route number 9 northeast of Everett, thence northeasterly by the most feasible route to Granite Falls. [1970 ex.s. c 51 § 30.]

47.17.150 State route No. 95. A state highway to be known as state route number 95 is established as follows:

Beginning at the Washington-Idaho boundary line, thence northwesterly to a junction with state route number 195, thence northeasterly to the Washington-Idaho boundary line. [1970 ex.s. c 51 § 31.]

47.17.155 State route No. 97. A state highway to be known as state route number 97 is established as follows:

Beginning at the Washington-Oregon boundary on the interstate bridge across the Columbia river at Biggs Rapids, thence in a northerly direction to the junction with state route number 14 in the vicinity of Maryhill, thence in a northerly direction by way of Goldendale, thence northeasterly by way of Satus Pass to a junction with state route number 22 at Toppenish, thence northwesterly south of the Yakima river to a junction with state route number 82 at Union Gap; also

Beginning at a junction with state route number 90 in the vicinity east of Cle Elum, thence northeasterly by the most feasible route by way of Blewett Pass to a junction with state route number 2 in the vicinity of Peshastin; also

Beginning at a junction with state route number 2 in the vicinity north of Wenatchee, thence northerly by the most feasible route by way of the vicinities of Chelan, Pateros, Brewster, Okanogan, and Oroville to the international boundary line: *Provided*, That until such times as the watergrade route between Chelan Station and Azwell, as designated by the highway commission, is constructed and opened to traffic the existing route on the west side of the Columbia river shall remain the traveled way of state route number 97. [1973 1st ex.s. c 151 § 2; 1970 ex.s. c 51 § 32.]

47.17.160 State route No. 99. A state highway to be known as state route number 99 is established as follows:

Beginning at a junction with state route number 18 in the vicinity of Federal Way, thence northerly by way of Midway, Seattle, Edmonds, and Lynnwood to a junction with state route number 5 in Everett: *Provided*, That until state route number 509 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 in Tacoma

via the Port of Tacoma industrial area to a junction with state route number 18 in the vicinity of Federal Way that portion of state route number 99 between state route number 5 at Fife and state route number 18 in the vicinity of Federal Way shall remain on the state highway system. [1971 ex.s. c 73 § 3; 1970 ex.s. c 51 § 33.]

47.17.165 State route No. 101. A state highway to be known as state route number 101 is established as follows:

Beginning at the Oregon boundary on the interstate bridge at Point Ellis, thence northwesterly by the most feasible route by way of Ilwaco to a junction with state route number 4 in the vicinity of a location known as Johnson's Landing in Pacific county; also

From that junction with state route number 4 in the vicinity of a location known as Johnson's Landing, in Pacific county, thence northerly by the most feasible route by way of South Bend to a junction with state route number 6 at Raymond; also

From that junction with state route number 6 at Raymond, thence northerly by the most feasible route by way of Cosmopolis to a junction with state route number 12 at Aberdeen; also

From that junction with state route number 12 at Aberdeen, thence westerly to Hoquiam, thence northwesterly by way of Lake Quinalt to Forks, thence easterly by way of Port Angeles to the vicinity of Discovery Bay, thence southerly by way of Shelton to a junction with state route number 5 in the vicinity west of Olympia; also

Beginning at a junction with state route number 101 in the vicinity east of Ilwaco, thence northerly by the most feasible route to a junction with state route number 101 in the vicinity northeast of Ilwaco. [1970 ex.s. c 51 § 34.]

47.17.170 State route No. 103. A state highway to be known as state route number 103 is established as follows:

Beginning at a junction with state route number 101 at Seaview, thence northerly by the most feasible route by way of Long Beach to Ocean Park. [1970 ex.s. c 51 § 35.]

47.17.175 State route No. 104. A state highway to be known as state route number 104 is established as follows:

Beginning at a junction with state route number 101 in the vicinity south of Discovery Bay, thence southeasterly to the vicinity of Shine on Hood Canal, thence crossing Hood Canal to a junction with state route number 3 in the vicinity of Port Gamble; also

From that junction with state route number 3 in the vicinity of Port Gamble, thence to Port Gamble, thence southerly and easterly to Kingston; also

Beginning at Edmonds, thence southeasterly to a junction with state route number 99 in the vicinity of the Snohomish-King county line; also

Beginning at a junction with state route number 99 in the vicinity of the Snohomish-King county line, thence

southeasterly to a junction with state route number 522 in the vicinity of Lake Forest Park. [1970 ex.s. c 51 § 36.]

47.17.180 State route No. 105. A state highway to be known as state route number 105 is established as follows:

Beginning at a junction with state route number 101 at Raymond, thence westerly by the most feasible route by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly by the most feasible route to a junction with state route number 101 at Aberdeen. [1970 ex.s. c 51 § 37.]

47.17.185 State route No. 106. A state highway to be known as state route number 106 is established as follows:

Beginning at a junction with state route number 101 near the mouth of the Skokomish river, thence northeasterly along the southeast shore of Hood Canal to a junction with state route number 3 in the vicinity of Belfair. [1970 ex.s. c 51 § 38.]

47.17.190 State route No. 107. A state highway to be known as state route number 107 is established as follows:

Beginning at a junction with state route number 101 north of Artic, thence northeasterly to a junction with state route number 12 at Montesano. [1970 ex.s. c 51 § 39.]

47.17.195 State route No. 108. A state highway to be known as state route number 108 is established as follows:

Beginning at a junction with state route number 8 in the vicinity west of McCleary, thence northeasterly to a junction with state route number 101 south of Shelton. [1973 1st ex.s. c 151 § 3; 1970 ex.s. c 51 § 40.]

47.17.200 State route No. 109. A state highway to be known as state route number 109 is established as follows:

Beginning at a junction with state route number 101 in Hoquiam, thence northwesterly by way of Ocean City, Copalis, Pacific Beach and Moclips to a junction with state route number 101 in the vicinity of Queets. [1970 ex.s. c 51 § 41.]

47.17.205 State route No. 110. A state highway to be known as state route number 110 is established as follows:

Beginning at a junction with state route number 11 in the vicinity of Donovan avenue in the city of Bellingham, thence easterly by the most feasible route to a junction with state route number 5 at Lindsay avenue in the city of Bellingham: *Provided*, That at such time as this route, as designated by the highway commission, is constructed and opened to traffic it shall then become a part of state route number 11 and that part of state route number 11 in Bellingham between its

junction with state route number 110 and state route number 5 is then and shall be deleted from the state highway system. [1971 ex.s. c 73 § 4; 1970 ex.s. c 51 § 42.]

47.17.215 State route No. 112. A state highway to be known as state route number 112 is established as follows:

Beginning at the easterly boundary of the Makah Indian Reservation, thence easterly by way of Clallam Bay and Pysht to a junction with state route number 101 in or near Port Angeles. [1971 ex.s. c 73 § 5; 1970 ex.s. c 51 § 44.]

47.17.217 State route No. 115. A state highway to be known as state route number 115 is established as follows:

Beginning at Ocean Shores thence in an easterly and northerly direction by the most feasible route to a junction with state route number 109 in the vicinity south of Ocean City. [1973 c 60 § 1.]

47.17.225 State route No. 121. A state highway to be known as state route number 121 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Rochester, thence easterly and northeasterly to a junction with state route number 5 in the vicinity of Maytown. [1970 ex.s. c 51 § 46.]

47.17.230 State route No. 123. A state highway to be known as state route number 123 is established as follows:

Beginning at a junction with state route number 12 in the vicinity west of White Pass, thence northerly to a junction with state route number 410 in the vicinity west of Chinook Pass. [1970 ex.s. c 51 § 47.]

47.17.235 State route No. 124. A state highway to be known as state route number 124 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Burbank, thence northeasterly by the most feasible route to a point in the vicinity of Eureka, thence easterly by the most feasible route to a junction with state route number 125 in the vicinity of Prescott, thence easterly to a junction with state route number 12 in the vicinity northeast of Waitsburg.

That portion of state route number 124 lying between the junction with state route number 12 and the county road to Ice Harbor Dam to be known as "Ice Harbor Drive". [1973 1st ex.s. c 151 § 4; 1970 ex.s. c 51 § 48.]

47.17.240 State route No. 125. A state highway to be known as state route number 125 is established as follows:

Beginning at the Washington–Oregon boundary line south of Walla Walla, thence northerly to a junction with state route number 12 at Walla Walla; also

From that junction with state route number 12 at Walla Walla, thence northerly to a junction with state route number 124 at Prescott. [1970 ex.s. c 51 § 49.]

47.17.245 State route No. 126. A state highway to be known as state route number 126 is established as follows:

Beginning at a junction with state route number 12 in the vicinity north of Dayton, thence northeasterly to a junction with state route number 12 in the vicinity west of Pomeroy. [1970 ex.s. c 51 § 50.]

47.17.250 State route No. 127. A state highway to be known as state route number 127 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Dodge, thence northerly to a junction with state route number 195 at Colfax. [1970 ex.s. c 51 § 51.]

47.17.255 State route No. 128. A state highway to be known as state route number 128 is established as follows:

Beginning at a junction with state route number 12 at Pomeroy, thence southeasterly to Peola, thence northeasterly to a junction with state route number 12 in the vicinity west of Clarkston. [1970 ex.s. c 51 § 52.]

47.17.260 State route No. 129. A state highway to be known as state route number 129 is established as follows:

Beginning at the Washington–Oregon boundary line in Asotin county, thence northerly by the most feasible route by way of Asotin to a junction with state route number 12 at Clarkston. [1970 ex.s. c 51 § 53.]

47.17.265 State route No. 131. A state highway to be known as state route number 131 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Woldale, thence northwesterly to a junction with state route number 97 in the vicinity of Virden. [1970 ex.s. c 51 § 54.]

47.17.270 State route No. 140. A state highway to be known as state route number 140 is established as follows:

Beginning at a junction with state route number 14 at Washougal, thence northerly and easterly by the most feasible route following the general course of the Washougal river to a junction with state route number 14 east of Washougal. [1970 ex.s. c 51 § 55.]

47.17.275 State route No. 141. A state highway to be known as state route number 141 is established as follows:

Beginning at a wye junction with state route number 14, the west branch in the vicinity east of Underwood and the east branch in the vicinity of White Salmon, thence northerly to the boundary of the Gifford Pinchot National Forest. [1970 ex.s. c 51 § 56.]

47.17.280 State route No. 142. A state highway to be known as state route number 142 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Lyle, thence northeasterly by way of

Klickitat to a junction with state route number 97 in the vicinity of Goldendale. [1970 ex.s. c 51 § 57.]

47.17.281 State route No. 143. A state highway to be known as state route number 143 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river in the vicinity of McNary Dam, thence northerly by the most feasible route to a junction with state route number 14 in the vicinity of Plymouth: *Provided*, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 5.]

47.17.285 State route No. 150. A state highway to be known as state route number 150 is established as follows:

Beginning at Manson, thence southeasterly to the north of Lake Chelan to a junction with state route number 97 at Chelan. [1970 ex.s. c 51 § 58.]

47.17.290 State route No. 151. A state highway to be known as state route number 151 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Orondo, thence northerly crossing the Columbia river in the vicinity of Chelan Station to a wye junction with state route number 97 in the vicinity east of Chelan; also

Beginning at a junction with state route number 151 in the vicinity of Chelan Station, thence northerly to a junction with state route number 97 in the vicinity south of Azwell. [1970 ex.s. c 51 § 59.]

47.17.295 State route No. 153. A state highway to be known as state route number 153 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Pateros, thence northerly and westerly by the most feasible route to a junction with state route number 20 in the vicinity south of Twisp. [1970 ex.s. c 51 § 60.]

47.17.300 State route No. 155. A state highway to be known as state route number 155 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence northeasterly to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at the boundary of the federal reservation at the Grand Coulee dam, thence northwesterly by the most feasible route by way of Nespelem and Disautel to a junction with state route number 97 at Omak; also

Beginning at a junction with state route number 155 at Omak, thence northwesterly crossing the Okanogan

river to a junction with state route number 20 at Omak. [1970 ex.s. c 51 § 61.]

47.17.305 State route No. 160. A state highway to be known as state route number 160 is established as follows:

Beginning at a junction with state route number 16 in the vicinity west of Port Orchard, thence northeasterly by way of Port Orchard to Harper and Point Southworth. [1970 ex.s. c 51 § 62.]

47.17.310 State route No. 161. A state highway to be known as state route number 161 is established as follows:

Beginning at a junction with state route number 7 in the vicinity of La Grande, thence northeasterly via Eatonville to Puyallup, thence northerly to a junction with state route number 18. [1971 ex.s. c 73 § 6; 1970 ex.s. c 51 § 63.]

47.17.315 State route No. 162. A state highway to be known as state route number 162 is established as follows:

Beginning at a junction with state route number 161 at Puyallup, thence southerly to Orting, thence northeasterly to a junction with state route number 165 in the vicinity south of Buckley. [1971 ex.s. c 73 § 7; 1970 ex.s. c 51 § 64.]

47.17.320 State route No. 164. A state highway to be known as state route number 164 is established as follows:

Beginning at an interchange of state route number 18 and the Auburn–Black Diamond road in the vicinity of Auburn, thence southerly to an intersection with southeast 356th street in the vicinity of Auburn Academy, thence southeasterly to a junction with state route number 410 at Enumclaw.

At such time that the section of state route number 164, between its intersection with the Auburn–Black Diamond road and its intersection with southeast 356th street, is constructed and open to traffic, that section of state route number 164, between southeast 356th street in Auburn and the intersection of state route number 18 and "C" street northeast in Auburn will be certified back to the local agencies. [1970 ex.s. c 51 § 65.]

47.17.325 State route No. 165. A state highway to be known as state route number 165 is established as follows:

Beginning at the northwest entrance to Mt. Rainier National Park, thence northerly to a junction with state route number 410 at Buckley. [1970 ex.s. c 51 § 66.]

47.17.330 State route No. 167. A state highway to be known as state route number 167 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Tacoma, thence easterly by way of Sumner, thence northerly to a junction with state route number 18 at Auburn; also

From that junction with state route number 18 at Auburn, thence northerly by way of the vicinity of Renton and Bryn Mawr to Seattle; also

From a junction with state route number 18 at Auburn northerly to the north city limits of Kent.

Notwithstanding any other provision of law, that portion of existing state route number 167 now lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn shall remain as a part of state route number 167 until such time as the new route of state route number 167 lying between the north city limits of Kent and state route number 18 in the vicinity of Auburn has been completed in its entirety and is open to traffic. [1970 ex.s. c 51 § 67.]

47.17.335 State route No. 168. A state highway to be known as state route number 168 is established as follows:

Beginning at a junction with state route number 410 in the vicinity of the junction of the Greenwater and White rivers, thence easterly to a junction with state route number 410 in the vicinity north of Cliffdell. [1970 ex.s. c 51 § 68.]

47.17.340 State route No. 169. A state highway to be known as state route number 169 is established as follows:

Beginning at a junction with state route number 164 at Enumclaw, thence northwesterly by way of Summit to a junction with state route number 900 in the vicinity of Renton. [1971 ex.s. c 73 § 8; 1970 ex.s. c 51 § 69.]

47.17.345 State route No. 170. A state highway to be known as state route number 170 is established as follows:

Beginning at a junction with state route number 17 west of Warden, thence easterly to Warden. [1970 ex.s. c 51 § 70.]

47.17.350 State route No. 171. A state highway to be known as state route number 171 is established as follows:

Beginning at a junction with state route number 90 west of Moses Lake, thence northeasterly by way of Moses Lake to a junction with state route number 28 in the vicinity west of Odessa: *Provided*, That until such times as state route number 171 is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 171. [1970 ex.s. c 51 § 71.]

47.17.355 State route No. 172. A state highway to be known as state route number 172 is established as follows:

Beginning at a junction with state route number 2 in the vicinity of Waterville, thence northerly and easterly by the most feasible route by way of Mansfield to a junction with state route number 17 in the vicinity of Leahy. [1970 ex.s. c 51 § 72.]

47.17.360 State route No. 173. A state highway to be known as state route number 173 is established as follows:

Beginning at a junction with state route number 17 at Bridgeport thence northwesterly on the south side of the Columbia river to a junction with state route number 97 in the vicinity of Brewster. [1970 ex.s. c 51 § 73.]

47.17.365 State route No. 174. A state highway to be known as state route number 174 is established as follows:

Beginning at a junction with state route number 17 east of Bridgeport, thence easterly by the most feasible route to the boundary of the federal reservation at Grand Coulee dam; also

Beginning at a junction with state route number 155 at Grand Coulee, thence southeasterly to a junction with state route number 21 in the vicinity north of Wilbur; also

A spur beginning at a junction with state route number 174 in the vicinity of the boundary of the federal reservation at the Grand Coulee dam and extending to Crown Point. [1970 ex.s. c 51 § 74.]

47.17.370 State route No. 181. A state highway to be known as state route number 181 is established as follows:

Beginning at a junction with state route number 18 in the vicinity west of Auburn, thence northerly to a junction with state route number 599 south of Seattle. [1971 ex.s. c 73 § 9; 1970 ex.s. c 51 § 75.]

47.17.372 State route No. 182. A state highway to be known as state route number 182 is established as follows:

Beginning at a junction with state route number 82, thence easterly via Kiona and Richland to a junction with state route number 395 in the vicinity of Pasco. [1971 ex.s. c 73 § 10.]

47.17.375 State route No. 193. A state highway to be known as state route number 193 is established as follows:

Beginning at a junction with state route number 12 in the vicinity of Clarkston, thence westerly and northerly by way of Steptoe canyon to a junction of state route number 195 in the vicinity of Colton: *Provided*, That until such time as state route number 193 between Colton and Clarkston is actually constructed on the location adopted by the highway commission no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 193. [1970 ex.s. c 51 § 76.]

47.17.380 State route No. 195. A state highway to be known as state route number 195 is established as follows:

Beginning at a junction with state route number 95 southeast of Uniontown near the Washington-Idaho boundary line, thence northwesterly to a junction with state route number 27 at Pullman; also

From that junction with state route number 27 at Pullman, thence northwesterly by the most feasible route to a junction with state route number 127 at Colfax; also

From that junction with state route number 127 at Colfax, thence in a northerly direction by the most feasible route by way of Rosalia to a junction with state route number 90 at Spokane. [1970 ex.s. c 51 § 77.]

47.17.382 State route No. 197. A state highway to be known as state route number 197 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge across the Columbia river in the vicinity of The Dalles, thence northerly by the most feasible route to a junction with state route number 14: *Provided*, That this section shall not become effective until tolls are no longer charged on this bridge and until the highway commission has entered into an agreement with the state of Oregon or a political subdivision or municipal corporation of the state of Oregon or an instrumentality thereof providing for the maintenance and operation of this bridge. [1973 1st ex.s. c 151 § 6.]

47.17.385 State route No. 202. A state highway to be known as state route number 202 is established as follows:

Beginning at a junction with state route number 522 near Bothell, thence southeasterly by the most feasible route to a junction with state route number 90 in the vicinity west of Snoqualmie Pass. [1970 ex.s. c 51 § 78.]

47.17.390 State route No. 203. A state highway to be known as state route number 203 is established as follows:

Beginning at a junction with state route number 202 at Fall City, thence northerly by the most feasible route by way of Duvall to a junction with state route number 2 at Monroe. [1970 ex.s. c 51 § 79.]

47.17.395 State route No. 204. A state highway to be known as state route number 204 is established as follows:

Beginning at a junction with state route number 2 in the vicinity east of Everett, thence northeasterly by the most feasible route to a junction with state route number 9. [1970 ex.s. c 51 § 80.]

47.17.400 State route No. 205. A state highway to be known as state route number 205 is established as follows:

Beginning at the Washington–Oregon boundary line in the vicinity east of Vancouver, thence northwesterly to a junction with state route number 5 in the vicinity of Salmon Creek, north of Vancouver. [1970 ex.s. c 51 § 81.]

47.17.405 State route No. 206. A state highway to be known as state route number 206 is established as follows:

Beginning at a junction with state route number 2 near the north line of section 3, township 26N, range

43E, thence northeasterly to a point in section 28, township 28N, range 45E at the entrance to Mt. Spokane State Park. [1970 ex.s. c 51 § 82.]

47.17.410 State route No. 207. A state highway to be known as state route number 207 is established as follows:

Beginning at a junction with state route number 2 in the vicinity north of Winton, thence northerly to a junction with state route number 209 at Lake Wenatchee; also

From that junction with state route number 209 at Lake Wenatchee, thence northwesterly by the most feasible route on the north side of Lake Wenatchee to Telma. [1970 ex.s. c 51 § 83.]

47.17.415 State route No. 209. A state highway to be known as state route number 209 is established as follows:

Beginning at Leavenworth on state route number 2, thence northerly by the most feasible route to a junction with state route number 207 at Lake Wenatchee. [1970 ex.s. c 51 § 84.]

47.17.417 State route No. 213. A state highway to be known as state route number 213 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of Malott, thence northeasterly to a junction with state route number 20 southwest of Okanogan: *Provided*, That until such time as this route is actually constructed on the location adopted by the highway commission, no county roads shall be maintained or improved by the highway commission as a temporary route. [1973 1st ex.s. c 151 § 18.]

47.17.419 State route No. 215. A state highway to be known as state route number 215 is established as follows:

Beginning at a junction with state route number 20 in the vicinity of Okanogan, thence northeasterly on the west side of the Okanogan river to a junction with state route number 97 north of Omak. [1973 1st ex.s. c 151 § 19.]

47.17.420 State route No. 220. A state highway to be known as state route number 220 is established as follows:

Beginning at Old Fort Simcoe, thence easterly by way of White Swan to a junction with state route number 22 at Toppenish. [1971 ex.s. c 73 § 11; 1970 ex.s. c 51 § 85.]

47.17.425 State route No. 221. A state highway to be known as state route number 221 is established as follows:

Beginning at a junction with state route number 14 in the vicinity of Patterson, thence northerly to a junction with state route number 22 in the vicinity of Prosser. [1970 ex.s. c 51 § 86.]

47.17.430 State route No. 223. A state highway to be known as state route number 223 is established as follows:

Beginning at a junction with state route number 22 in the vicinity southeast of Toppenish, thence easterly to a junction with state route number 12 in the vicinity of Granger. The establishment of state route number 223 as defined in this section shall be effective July 1, 1965. [1970 ex.s. c 51 § 87.]

47.17.435 State route No. 224. A state highway to be known as state route number 224 is established as follows:

Beginning at a junction with state route number 12 at Kiona, thence northeasterly to a junction with state route number 240 at Richland. [1970 ex.s. c 51 § 88.]

47.17.440 State route No. 230. A state highway to be known as state route number 230 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Ritzville, thence easterly by the most feasible route to a junction with state route number 23 in the vicinity of Ewan. [1970 ex.s. c 51 § 89.]

47.17.445 State route No. 231. A state highway to be known as state route number 231 is established as follows:

Beginning at a junction with state route number 23 in the vicinity northwest of Sprague, thence northerly by way of Edwall to a junction with state route number 2 in the vicinity west of Reardan; also

Beginning at a junction with state route number 2 in the vicinity of Reardan, thence northerly by way of Long Lake across the Spokane river, thence northeasterly by way of Springdale to a junction with state route number 395 in the vicinity of Chewelah. [1970 ex.s. c 51 § 90.]

47.17.450 State route No. 232. A state highway to be known as state route number 232 is established as follows:

Beginning at a point approximately one mile south of Valley, thence easterly one and one-half miles to a junction with state route number 395. [1970 ex.s. c 51 § 91.]

47.17.455 State route No. 240. A state highway to be known as state route number 240 is established as follows:

Beginning at a junction with state route number 24 in the vicinity east of Cold Creek, thence southeasterly by the most feasible route across the Atomic Energy Commission Reservation to a junction with state route number 224 at Richland; also

From that junction with state route number 224 at Richland, thence southeasterly to a wye junction with state route number 12 at Richland. The director may enter into negotiations with appropriate federal agencies to secure right of way for said highway over and across the Atomic Energy Commission Reservation. [1970 ex.s. c 51 § 92.]

47.17.460 State route No. 241. A state highway to be known as state route number 241 is established as follows:

Beginning at a junction with state route number 12 approximately one mile east of Sunnyside, thence northeasterly to a junction with state route number 24. [1970 ex.s. c 51 § 93.]

47.17.465 State route No. 243. A state highway to be known as state route number 243 is established as follows:

Beginning at a junction with state route number 24 north of its crossing of the Columbia river, thence westerly and northerly by way of Arrowsmith and Beverly to a junction with state route number 26 south of the Columbia river bridge at Vantage. [1970 ex.s. c 51 § 94.]

47.17.470 State route No. 251. A state highway to be known as state route number 251 is established as follows:

Beginning at a junction with state route number 25 at Northport, thence northeasterly by the most feasible route to the international boundary in the vicinity of Boundary. [1970 ex.s. c 51 § 95.]

47.17.475 State route No. 260. A state highway to be known as state route number 260 is established as follows:

Beginning at a junction with state route number 17 west of Connell, thence easterly to a junction with state route number 395 in the vicinity of Connell, thence northeasterly by way of Kahlotus to a junction with state route number 26 at Washtucna. [1970 ex.s. c 51 § 96.]

47.17.480 State route No. 261. A state highway to be known as state route number 261 is established as follows:

Beginning at a junction with state route number 12 at Delaney, thence northwesterly to a junction with state route number 26 in the vicinity of Washtucna; also

Beginning at a junction with state route number 26 at Washtucna, thence northerly to a junction with state route number 90 at Ritzville. [1971 ex.s. c 73 § 12; 1970 ex.s. c 51 § 97.]

47.17.485 State route No. 270. A state highway to be known as state route number 270 is established as follows:

Beginning at a junction with state route number 195 at Pullman, thence easterly by the most feasible route to a point on the Washington-Idaho boundary line. [1970 ex.s. c 51 § 98.]

47.17.490 State route No. 271. A state highway to be known as state route number 271 is established as follows:

Beginning at a junction with state route number 27 in the vicinity of Oakesdale, thence northwesterly to a junction with state route number 195 in the vicinity south of Rosalia. [1970 ex.s. c 51 § 99.]

47.17.495 State route No. 272. A state highway to be known as state route number 272 is established as follows:

Beginning at a junction with state route number 195 at Colfax, thence easterly to a junction with state route number 27 at Palouse; also

Beginning at a junction with state route number 27 at Palouse, thence northeasterly by the most feasible route to a point on the Washington–Idaho boundary line. [1970 ex.s. c 51 § 100.]

47.17.500 State route No. 274. A state highway to be known as state route number 274 is established as follows:

Beginning at a junction with state route number 27 at Tekoa, thence easterly to the Washington–Idaho boundary line. [1970 ex.s. c 51 § 101.]

47.17.502 State route No. 276. A state highway to be known as state route number 276 is established as follows:

Beginning at a junction with state route number 195 west of Pullman, thence easterly and southeasterly to a junction with state route number 270 east of Pullman. [1973 1st ex.s. c 151 § 7.]

47.17.505 State route No. 281. A state highway to be known as state route number 281 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of George, thence northerly to a junction with state route number 28 at Quincy; also

Beginning at a junction with state route number 281 at a point north of the above described junction on state route number 90, thence in a southeasterly direction to a junction with state route number 90 in the vicinity east of George, some 1.6 miles more or less, resulting in a wye connection between state route number 281 and state route number 90. [1971 ex.s. c 73 § 13; 1970 ex.s. c 51 § 102.]

47.17.510 State route No. 282. A state highway to be known as state route number 282 is established as follows:

Beginning at a junction with state route number 28 in the vicinity of Ephrata, thence southeasterly to a junction with state route number 17 in the vicinity of Rocky Ford creek. [1970 ex.s. c 51 § 103.]

47.17.515 State route No. 283. A state highway to be known as state route number 283 is established as follows:

Beginning at a junction with state route number 281 in the vicinity of Burke Junction, thence northeasterly by the most feasible route to a junction with state route number 28 in the vicinity west of Ephrata. [1970 ex.s. c 51 § 104.]

47.17.520 State route No. 290. A state highway to be known as state route number 290 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northeasterly by way of Millwood, Trentwood, and Newman Lake to the termination of Idaho state highway number 53 at the Washington–Idaho boundary line. [1970 ex.s. c 51 § 105.]

47.17.525 State route No. 291. A state highway to be known as state route number 291 is established as follows:

Beginning at a junction with state route number 2 in Spokane, thence northwesterly along the north bank of the Spokane river to a point in Stevens county across the Spokane river from the Riverside State Park at the boundary line common to Stevens and Spokane counties. [1970 ex.s. c 51 § 106.]

47.17.530 State route No. 292. A state highway to be known as state route number 292 is established as follows:

Beginning at a junction with state route number 231 at Springdale, thence easterly to a junction with state route number 395 in the vicinity of Loon Lake. [1970 ex.s. c 51 § 107.]

47.17.540 State route No. 300. A state highway to be known as state route number 300 is established as follows:

Beginning at the western boundary of the Belfair State Park, thence generally easterly to a junction with state route number 3 at Belfair. [1970 ex.s. c 51 § 109.]

47.17.545 State route No. 302. A state highway to be known as state route number 302 is established as follows:

Beginning at a junction with state route number 3 in the vicinity of Belfair, thence generally easterly to a junction with state route number 16 in the vicinity of Purdy. [1970 ex.s. c 51 § 110.]

47.17.550 State route No. 303. A state highway to be known as state route number 303 is established as follows:

Beginning at a junction with state route number 304 at Bremerton, thence northerly by way of the Manette bridge, across the Port Washington Narrows to a junction with state route number 308 in the vicinity west of Keyport; also

Beginning at a junction with state route number 304, thence by way of the Warren Avenue bridge across the Port Washington Narrows northerly to a junction with state route number 303, all within Bremerton. [1971 ex.s. c 73 § 14; 1970 ex.s. c 51 § 111.]

47.17.555 State route No. 304. A state highway to be known as state route number 304 is established as follows:

Beginning at a junction with state route number 3 in Bremerton, thence easterly to the ferry terminal in Bremerton. [1970 ex.s. c 51 § 112.]

47.17.560 State route No. 305. A state highway to be known as state route number 305 is established as follows:

Beginning at the ferry terminal in Winslow, thence northerly by the most feasible route to the north end of Bainbridge Island, across Agate Pass, thence northwesterly by the most feasible route to a junction with state route number 3 in the vicinity north of Poulsbo. [1970 ex.s. c 51 § 113.]

47.17.565 State route No. 306. A state highway to be known as state route number 306 is established as follows:

Beginning at a junction with state route number 303 in the vicinity north of East Bremerton, thence easterly by the most feasible route to Illahee State Park. [1970 ex.s. c 51 § 114.]

47.17.567 State route No. 308. A state highway to be known as state route number 308 is established as follows:

Beginning at a junction with state route number 3 in the vicinity west of Keyport, thence easterly to Keyport. [1971 ex.s. c 73 § 15.]

47.17.570 State route No. 311. A state highway to be known as state route number 311 is established as follows:

Beginning at a junction with state route number 2 southwest of Newport, thence northerly by the most feasible route by way of Sacheen Lake to a junction with state route number 31 at Usk. [1970 ex.s. c 51 § 115.]

47.17.575 State route No. 395. A state highway to be known as state route number 395 is established as follows:

Beginning at the Washington–Oregon boundary line, thence northeasterly to a junction with state route number 12 at Wallula; also

Beginning at a junction with state route number 12 at Pasco, thence northeasterly by the most feasible route by way of Connell and Lind to a junction with state route number 90 at Ritzville; also

Beginning at a junction with state route number 2 in the vicinity north of Spokane, thence northerly by the most feasible route by way of Colville to the international boundary line in the vicinity of Laurier. [1970 ex.s. c 51 § 116.]

47.17.580 State route No. 401. A state highway to be known as state route number 401 is established as follows:

Beginning at Point Ellice on state route number 101, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle. [1970 ex.s. c 51 § 117.]

47.17.590 State route No. 403. A state highway to be known as state route number 403 is established as follows:

Beginning at the shore of the Columbia river, thence northerly by the most feasible route to a junction with state route number 4 in the vicinity west of Grays river. [1970 ex.s. c 51 § 119.]

47.17.595 State route No. 405. A state highway to be known as state route number 405 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Seattle, thence northeasterly to Renton, thence northerly east of Lake Washington to a junction with state route number 5 north of Seattle. [1970 ex.s. c 51 § 120.]

47.17.600 State route No. 407. A state highway to be known as state route number 407 is established as follows:

Beginning at a junction with state route number 4 in the vicinity north of Cathlamet, thence northeasterly by the most feasible route following the general course of the Elokomin river to the vicinity of its confluence with the west fork of the Elokomin river. [1970 ex.s. c 51 § 121.]

47.17.605 State route No. 409. A state highway to be known as state route number 409 is established as follows:

Beginning at the South Ferry landing, as now located, or as it may be relocated, on the south side of Puget Island, thence generally northerly by the most feasible route to the Puget Island bridge, thence crossing said bridge to a junction with state route number 4 at the north approach of said bridge at the town of Cathlamet: *Provided*, That the state of Washington shall not assume or pay any bond or bonds outstanding against said bridge, or interest on said bonds, but said bond or bonds, and interest thereon, shall remain the sole obligation of the obligors named on said bonds. [1970 ex.s. c 51 § 122.]

47.17.610 State route No. 410. A state highway to be known as state route number 410 is established as follows:

Beginning at a junction with state route number 167 at Sumner, thence in an easterly direction by way of Buckley, Enumclaw, and Chinook Pass, to a junction with state route number 12 northwest of Yakima: *Provided*, That until such time as state route number 167 is constructed and opened to traffic on an anticipated ultimate alignment from a junction with state route number 5 near Tacoma easterly to Sumner on the north side of the Puyallup river, the public highway between state route number 5 in Tacoma and state route number 161 in Sumner, on the south side of the Puyallup river, shall remain on the state highway system. [1973 1st ex.s. c 151 § 8; 1970 ex.s. c 51 § 123.]

47.17.615 State route No. 411. A state highway to be known as state route number 411 is established as follows:

Beginning at a junction with state route number 4 in West Kelso, thence northerly to a junction with state route number 506 in the vicinity of Vader. [1970 ex.s. c 51 § 124.]

47.17.620 State route No. 431. A state highway to be known as state route number 431 is established as follows:

Beginning at a junction with state route number 4 in Kelso, thence northeasterly to a junction with state route number 5. [1970 ex.s. c 51 § 125.]

47.17.625 State route No. 432. A state highway to be known as state route number 432 is established as follows:

Beginning at a junction with state route number 4 at Longview, thence southeasterly by the most feasible route to a junction with state route number 5 south of Kelso. [1970 ex.s. c 51 § 126.]

47.17.630 State route No. 433. A state highway to be known as state route number 433 is established as follows:

Beginning at the Washington–Oregon boundary on the interstate bridge at Longview, thence northerly by the most feasible route to a junction with state route number 4 at a point where it intersects with Oregon way in the city of Longview. [1970 ex.s. c 51 § 127.]

47.17.635 State route No. 500. A state highway to be known as state route number 500 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northeasterly to Orchards, thence southeasterly to a junction with state route number 14 at Camas. [1970 ex.s. c 51 § 128.]

47.17.640 State route No. 501. A state highway to be known as state route number 501 is established as follows:

Beginning at a junction with state route number 5 at Vancouver, thence northerly by way of the lower river road and an extension thereof to Ridgefield, thence easterly to a junction with state route number 5 in the vicinity south of La Center: *Provided*, That the state department of highways may enter into an agreement with the Port of Vancouver, and/or Clark county and/or the United States Army Engineers to obtain material dredged from the Columbia river and have the same stockpiled at no expense to the state. [1970 ex.s. c 51 § 129.]

47.17.645 State route No. 502. A state highway to be known as state route number 502 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Vancouver, thence easterly to a junction with state route number 503 at Battleground. [1970 ex.s. c 51 § 130.]

47.17.650 State route No. 503. A state highway to be known as state route number 503 is established as follows:

Beginning at a junction with state route number 500 at Orchards, thence northerly to a junction with state route number 502 at Battleground; also

From that junction with state route number 502 at Battleground, thence northerly to Amboy, thence westerly to a junction with state route number 5 in the vicinity north of Woodland. [1970 ex.s. c 51 § 131.]

47.17.655 State route No. 504. A state highway to be known as state route number 504 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence easterly by way of St. Helens and Spirit Lake to Mt. St. Helens. [1970 ex.s. c 51 § 132.]

47.17.660 State route No. 505. A state highway to be known as state route number 505 is established as follows:

Beginning at a junction with state route number 5 west of Toledo, thence via Toledo, easterly and southerly to a junction with state route number 504 in the vicinity north of Toutle. [1970 ex.s. c 51 § 133.]

47.17.665 State route No. 506. A state highway to be known as state route number 506 is established as follows:

Beginning at Ryderwood, thence by way of Vader northeasterly to a junction with state route number 5 west of Toledo. [1970 ex.s. c 51 § 134.]

47.17.670 State route No. 507. A state highway to be known as state route number 507 is established as follows:

Beginning at a junction with state route number 5 in Centralia, thence northerly by the most feasible route by way of Bucoda to Tenino, thence northeasterly by way of Rainier, Yelm and McKenna to a junction with state route number 7 in the vicinity south of Tacoma. [1970 ex.s. c 51 § 135.]

47.17.675 State route No. 508. A state highway to be known as state route number 508 is established as follows:

Beginning at a junction with state route number 5 south of Chehalis, thence easterly by way of Onalaska to a junction with state route number 7 at Morton. [1970 ex.s. c 51 § 136.]

47.17.680 State route No. 509. A state highway to be known as state route number 509 is established as follows:

Beginning at a junction with state route number 5 at Tacoma, thence northeasterly west of state route number 99 by way of Redondo to a junction with state route number 516 at Des Moines; also

From that junction with state route number 516 at Des Moines, thence northerly to a junction with state route number 5 in Seattle. [1970 ex.s. c 51 § 137.]

47.17.685 State route No. 510. A state highway to be known as state route number 510 is established as follows:

Beginning at a junction with state route number 5, thence southeasterly via St. Clair to a junction with state route number 507 at Yelm. [1970 ex.s. c 51 § 138.]

47.17.690 State route No. 512. A state highway to be known as state route number 512 is established as follows:

Beginning at a junction with state route number 5 south of Tacoma, thence easterly to a junction with state route number 7 south of Tacoma, thence easterly to a junction with state route number 167 in the vicinity of Puyallup. [1970 ex.s. c 51 § 139.]

47.17.695 State route No. 513. A state highway to be known as state route number 513 is established as follows:

Beginning at a junction with state route number 520 in Seattle, thence northerly and easterly to the vicinity of Sand Point, thence northwesterly to a junction with state route number 5 in the vicinity north of Seattle. [1971 ex.s. c 73 § 16; 1970 ex.s. c 51 § 140.]

47.17.700 State route No. 514. A state highway to be known as state route number 514 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Fife, thence easterly by way of Milton to a junction with state route number 161 in the vicinity east of Milton. [1971 ex.s. c 73 § 17; 1970 ex.s. c 51 § 141.]

47.17.705 State route No. 515. A state highway to be known as state route number 515 is established as follows:

Beginning at a junction with state route number 516 in the vicinity east of Kent, thence northerly to a junction with state route number 900 in Renton. [1970 ex.s. c 51 § 142.]

47.17.710 State route No. 516. A state highway to be known as state route number 516 is established as follows:

Beginning at a junction with state route number 509 in the vicinity south of Des Moines, thence southeasterly to a junction with state route number 5; also

From that junction with state route number 5, thence easterly to a junction with state route number 167 in Kent, thence easterly to a junction with state route number 169 south of Maple Valley. [1970 ex.s. c 51 § 143.]

47.17.715 State route No. 518. A state highway to be known as state route number 518 is established as follows:

Beginning at a junction with state route number 509 near Sunnysdale, thence easterly to a junction with state route number 5 in the vicinity of Seattle. [1970 ex.s. c 51 § 144.]

47.17.720 State route No. 520. A state highway to be known as state route number 520 is established as follows:

Beginning at a junction with state route number 5 in Seattle, thence easterly via the Evergreen Point bridge to a junction with state route number 202 in the vicinity of Redmond. [1970 ex.s. c 51 § 145.]

47.17.725 State route No. 522. A state highway to be known as state route number 522 is established as follows:

Beginning at Seattle in King county, thence easterly by the most feasible route to the north of Lake Washington by way of Bothell to a junction with state route number 202 near Bothell; also

From that junction with state route number 202 near Bothell, thence northeasterly by the most feasible route to a junction with state route number 2 in the vicinity of Monroe. [1970 ex.s. c 51 § 146.]

47.17.730 State route No. 524. A state highway to be known as state route number 524 is established as follows:

Beginning at a junction with state route number 104 at Edmonds, thence northeasterly to a junction with state route number 5 in the vicinity of Lynnwood, thence easterly to a junction with state route number 527: *Provided*, That until such times as state route number 524 east of Lynnwood is actually constructed on the location adopted by the highway commission, no existing county roads shall be maintained or improved by the highway commission as a temporary route of said state route number 524. [1970 ex.s. c 51 § 147.]

47.17.735 State route No. 525. A state highway to be known as state route number 525 is established as follows:

Beginning at a junction with state route number 5 in the vicinity south of Everett, thence northwesterly to Mukilteo; also

Beginning at the vicinity of Columbia Beach in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 in the vicinity east of Keystone. [1973 1st ex.s. c 151 § 15; 1970 ex.s. c 51 § 148.]

47.17.740 State route No. 526. A state highway to be known as state route number 526 is established as follows:

Beginning at a junction with state route number 525 at Mukilteo, thence easterly to a junction with state route number 5 in the vicinity of its junction with state route number 527. [1970 ex.s. c 51 § 149.]

47.17.745 State route No. 527. A state highway to be known as state route number 527 is established as follows:

Beginning at a junction with state route number 522 in the vicinity of Bothell, thence northerly to a junction with state route number 5 in the vicinity south of Everett. [1970 ex.s. c 51 § 150.]

47.17.750 State route No. 528. A state highway to be known as state route number 528 is established as follows:

Beginning at a junction with state route number 5 near Marysville, thence easterly to a junction with state route number 9: *Provided*, That until such time as state route number 528 from Marysville to a junction with

state route number 9 is actually constructed on the location adopted by the state highway commission, no existing city streets or county roads shall be maintained or improved by the state highway commission as a temporary route of said state route number 528. [1971 ex.s. c 73 § 18; 1970 ex.s. c 51 § 151.]

47.17.752 State route No. 529. A state highway to be known as state route number 529 is established as follows:

Beginning at a junction with state route number 5 in Everett, thence northerly through Everett to a junction with state route number 528 in Marysville. [1971 ex.s. c 73 § 19.]

47.17.755 State route No. 530. A state highway to be known as state route number 530 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southerly by way of Stanwood, thence southeasterly to a junction with state route number 5, thence easterly to a junction with state route number 9 at Arlington, thence easterly to Darrington. [1971 ex.s. c 73 § 20; 1970 ex.s. c 51 § 152.]

47.17.760 State route No. 532. A state highway to be known as state route number 532 is established as follows:

Beginning at a point on Camano Island known as McEacherns Corner, thence easterly over a bridge and by way of Stanwood to a junction with state route number 530 in the vicinity of Stanwood, thence easterly to a junction with state route number 5 in the vicinity east of Stanwood. [1970 ex.s. c 51 § 153.]

47.17.765 State route No. 534. A state highway to be known as state route number 534 is established as follows:

Beginning at a junction with state route number 5 at Conway, thence southeasterly to a junction with state route number 9 at McMurray. [1970 ex.s. c 51 § 154.]

47.17.770 State route No. 536. A state highway to be known as state route number 536 is established as follows:

Beginning at a junction with state route number 20 at Fredonia, thence easterly to a junction with state route number 5 at Mt. Vernon. [1973 1st ex.s. c 151 § 16; 1970 ex.s. c 51 § 155.]

47.17.775 State route No. 537. A state highway to be known as state route number 537 is established as follows:

Beginning at a junction with state route number 536 in the vicinity of Whitney, thence northerly to a junction with state route number 11 in the vicinity south of Blanchard. [1970 ex.s. c 51 § 156.]

47.17.780 State route No. 538. A state highway to be known as state route number 538 is established as follows:

Beginning at a junction with state route number 5 at Mt. Vernon, thence easterly to a junction with state route number 9. [1970 ex.s. c 51 § 157.]

47.17.785 State route No. 539. A state highway to be known as state route number 539 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence northerly to the international boundary in the vicinity east of Delta. [1970 ex.s. c 51 § 158.]

47.17.790 State route No. 540. A state highway to be known as state route number 540 is established as follows:

Beginning at a junction with a Whatcom county road known as Haxton Way in the vicinity of the easterly boundary of Range 1. E.W.M., thence easterly to a junction with state route number 5 northwest of Bellingham. [1971 ex.s. c 73 § 21; 1970 ex.s. c 51 § 159.]

47.17.795 State route No. 542. A state highway to be known as state route number 542 is established as follows:

Beginning at a junction with state route number 5 at Bellingham, thence easterly to a point in the vicinity of Austin Pass in Whatcom county. [1970 ex.s. c 51 § 160.]

47.17.797 State route No. 543. A state highway to be known as state route number 543 is established as follows:

Beginning at a junction with state route number 5 in the vicinity of Blaine, thence northerly to the international boundary. [1971 ex.s. c 73 § 22.]

47.17.800 State route No. 544. A state highway to be known as state route number 544 is established as follows:

Beginning at a junction with state route number 539 in the vicinity of Wiser lake, thence northeasterly by way of Everson to a junction with state route number 9 in the vicinity of Nooksack. [1970 ex.s. c 51 § 161.]

47.17.805 State route No. 546. A state highway to be known as state route number 546 is established as follows:

Beginning at a junction with state route number 539 approximately 2.7 miles south of the international boundary, thence easterly by way of Van Buren to a junction with state route number 9. [1970 ex.s. c 51 § 162.]

47.17.808 State route No. 599. A state highway to be known as state route number 599 is established as follows:

Beginning in the vicinity south of Seattle at a junction with state route number 5, thence in a northwesterly direction west of the Duwamish river to a junction with state route number 99 in the vicinity of South 118 street south of Seattle. [1971 ex.s. c 73 § 23.]

47.17.810 State route No. 603. A state highway to be known as state route number 603 is established as follows:

Beginning at a junction with state route number 5 in the vicinity north of Toledo, thence northerly by the most feasible route by way of Winlock and Napavine to a junction with state route number 6 in the vicinity west of Chehalis. [1970 ex.s. c 51 § 163.]

47.17.815 State route No. 702. A state highway to be known as state route number 702 is established as follows:

Beginning at a junction with state route number 507 at McKenna, thence easterly to a junction with state route number 7. [1970 ex.s. c 51 § 164.]

47.17.820 State route No. 706. A state highway to be known as state route number 706 is established as follows:

Beginning at a junction with state route number 7 at Elbe, thence easterly to a southwest entrance to Mt. Rainier National Park. [1970 ex.s. c 51 § 165.]

47.17.823 State route No. 821. A state highway to be known as state route number 821 is established as follows:

Beginning at a junction with state route number 82 in the vicinity north of Yakima, thence northerly to a junction with state route number 82 south of Ellensburg. [1973 1st ex.s. c 151 § 9.]

47.17.825 State route No. 900. A state highway to be known as state route number 900 is established as follows:

Beginning at Seattle in King county, thence in an easterly direction by the most feasible route by way of Renton to a junction with state route number 90 in the vicinity of Issaquah. [1970 ex.s. c 51 § 166.]

47.17.830 State route No. 901. A state highway to be known as state route number 901 is established as follows:

Beginning at a junction with state route number 90 in the vicinity west of Issaquah, thence northerly to the west of Lake Sammamish to a junction with state route number 908 in the vicinity of Redmond. [1971 ex.s. c 73 § 24; 1970 ex.s. c 51 § 167.]

47.17.835 State route No. 902. A state highway to be known as state route number 902 is established as follows:

Beginning in the vicinity of the state custodial school, thence northerly to the town of Medical Lake, thence northeasterly and easterly to a junction with state route number 90 at a point approximately three miles northeast of Four Lakes. [1970 ex.s. c 51 § 168.]

47.17.840 State route No. 903. A state highway to be known as state route number 903 is established as follows:

Beginning at a junction with state route number 97 in the vicinity of the junction of state route number 97 and state route number 90 east of Cle Elum, thence

northwesterly by way of Cle Elum and Roslyn to the National Forest boundary in the vicinity of Lake Cle Elum. [1970 ex.s. c 51 § 169.]

47.17.845 State route No. 904. A state highway to be known as state route number 904 is established as follows:

Beginning at a junction with state route number 90 in the vicinity of Tyler, thence northeasterly via Cheney to a junction with state route number 90 in the vicinity of Four Lakes. [1971 ex.s. c 73 § 25; 1970 ex.s. c 51 § 170.]

47.17.850 State route No. 906. A state highway to be known as state route number 906 is established as follows:

Beginning at a junction with state route number 90 at the West Summit interchange of Snoqualmie Pass, thence along the alignment of the state route number 90 as it existed on May 11, 1967 in a southeasterly direction to a junction with state route number 90 at the Hyak interchange.

The joint committee on highways and the Washington state highway commission shall undertake appropriate studies to evaluate state route number 906 to determine whether or not it should permanently remain on the state system. [1971 ex.s. c 73 § 26; 1970 ex.s. c 51 § 171.]

47.17.855 State route No. 908. A state highway to be known as state route number 908 is established as follows:

Beginning at a junction with state route number 520, Evergreen Point bridge route, in the vicinity of Northrup Road, thence northerly and easterly in the vicinity of Kirkland to a junction with state route number 202 in the vicinity of Redmond. [1971 ex.s. c 73 § 27.]

Chapter 47.20

SECONDARY HIGHWAY ROUTES— MISCELLANEOUS PROJECTS

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47.20.570 Manette bridge authorized. The director of highways is authorized and directed to construct a bridge across Port Washington Narrows connecting state route number 304 at or near Bremerton with state

route number 303 on the Manette Peninsula; to make surveys and plans; and to condemn or otherwise acquire such lands, as are necessary or proper for the approaches to such bridge and relocating any portion of said highway to locate said bridge at the most feasible place. Said bridge shall become and be maintained as a part of the state highway system. [1970 ex.s. c 51 § 173; 1961 c 13 § 47.20.570. Prior: 1947 c 4 p 6 § 2; Rem. Supp. 1947 § 6584a-1.]

47.20.580 Washington State University highway authorized. The director of highways is hereby authorized and directed to locate, construct, pave and maintain a suitable highway on the most feasible route beginning in the vicinity of the stadium of the Washington State University and extending in a northwesterly direction to a connection with state route number 27, near the north boundary of the city of Pullman. [1970 ex.s. c 51 § 174; 1961 c 13 § 47.20.580. Prior: 1945 c 27 § 1; Rem. Supp. 1945 § 6402-40.]

47.20.590 University of Washington approach authorized. The director of highways is hereby authorized and directed to select and locate a suitable and fitting street and highway approach to the University of Washington campus in the city of Seattle, from Roosevelt Way to Fifteenth Avenue northeast, including an underpass beneath the surface of Roosevelt Way, and necessary approaches to said underpass. [1961 c 13 § 47.20.590. Prior: 1945 c 27 § 2; Rem. Supp. 1945 § 6402-41.]

47.20.600 Washington State University highway, University of Washington approach—Acquisition of property. The director of highways is hereby authorized and directed in the name of the state of Washington to acquire by purchase, gift or condemnation, any and all private real estate, rights and interests necessary to locate, construct and maintain the Washington State University highway and the University of Washington approach provided for herein. [1961 c 13 § 47.20.600. Prior: 1945 c 27 § 3; Rem. Supp. 1945 § 6402-42.]

47.20.605 Washington State University highway, University of Washington approach—Public use. The use of the private real estate, rights and interests, selected by said director as necessary for said approach, underpass and highway, is hereby declared to be a public use. [1961 c 13 § 47.20.605. Prior: 1945 c 27 § 4; Rem. Supp. 1945 § 6402-43. Formerly RCW 47.20.600, part.]

47.20.610 Washington State University highway, University of Washington approach—Condemnation. In case of condemnation to secure any real estate, rights or interests, herein authorized, the court actions shall be brought in the name of the state of Washington in the respective counties in which the real estate is located, in the manner provided by law for acquiring property for public uses for the state, and in such actions the selection of the real estate, rights and interests by the director of highways is, in the absence of bad

faith, arbitrary, capricious or fraudulent action conclusive upon the court and judge before which the action is brought that said real estate, rights and interests are necessary for public use for the purposes sought. [1961 c 13 § 47.20.610. Prior: 1945 c 27 § 5; Rem. Supp. 1945 § 6402-44.]

47.20.620 Washington State University highway, University of Washington approach—Measure of damage to buildings. If, in any condemnation proceeding authorized herein, it appears that there is any building wholly or partially upon any of the real estate to be taken, the jury, or the court, if the jury be waived, shall add to the value of the land taken the amount of damages to the building. If the entire building is taken, or if the building is damaged so that it cannot be readjusted to the real estate not taken, then the measure of damages shall be the fair cash value of the building. If part of a building is taken or damaged and the building can be readjusted or replaced on the real estate remaining, then the measure of damages shall be the cost of readjusting or moving the building, or part thereof left, together with the depreciation in the market value of said building by reason of said readjustment or moving. [1961 c 13 § 47.20.620. Prior: 1945 c 27 § 6; Rem. Supp. 1945 § 6402-45.]

47.20.630 Washington State University highway, University of Washington approach—Sale of buildings, personalty, acquired in acquisition of land. The director of highways shall have power to sell at public or private sale any building, equipment or fixtures, acquired in the acquisition of said real estate for such price as he shall fix, and to execute to the purchaser upon payment of the purchase price a bill of sale in the name of the state; and the proceeds of said sale shall be placed in the motor vehicle fund of the state treasury. The director of highways shall have power to permit occupation of buildings on real estate so acquired for such specified limited time as he deems will lapse before construction of the approach, underpass and highway can be undertaken; and in behalf of the state it may be shown in any condemnation proceeding the period during which such occupancy will be permitted for the purpose of mitigating damages. [1961 c 13 § 47.20.630. Prior: 1945 c 27 § 7; Rem. Supp. 1945 § 6402-46.]

47.20.635 University of Washington approach—Ordinance requisite—Construction and maintenance. No action shall be taken by the director of highways for the acquisition of real estate, rights and interests for the approach and underpass to the University of Washington unless and until the city of Seattle, through its legislative authority shall enact an ordinance providing the city of Seattle will, within three months after the necessary real estate, rights and interests have been secured by the state as herein provided, begin the work of grading, paving and such other work as is necessary to complete and render available for use of the public, said approach and underpass and approaches to said underpass; and further providing that the city of Seattle shall thereafter keep and maintain said approach and

underpass and approach to said underpass in a good state of repair and suitable for public travel and use, which construction and maintenance work the city of Seattle is hereby authorized and empowered to do and perform. [1961 c 13 § 47.20.635. Prior: 1945 c 27 § 8; Rem. Supp. 1945 § 6402-47.]

47.20.640 Reestablishment and redesignation of intersections when highway relocated. In any case where a state highway is relocated in such manner that it shall cease to intersect another state highway, the state highway commission is hereby authorized to extend and designate either of such state highways to reestablish an appropriate intersection. [1967 ex.s. c 145 § 44; 1961 c 13 § 47.20.640. Prior: 1953 c 82 § 1.]

Chapter 47.22

COMBINATION HIGHWAY ROUTES

Sections

- 47.22.010 East Pacific highway.
47.22.020 Lewis and Clark highway.

47.22.010 East Pacific highway. There is hereby established the east Pacific highway which shall be composed of the following existing highway routes: Beginning on state route number 5 at or near Centralia; thence by way of state route number 5 to its junction with state route number 12 or by way of state route number 507 between Centralia and Tenino; thence on state route number 507 to Roy junction with state route number 7; thence on state route number 7 to a junction with state route number 512; thence on state route number 512 to Puyallup; thence on state route numbers 410 and 167 to Sumner, Auburn, Kent and Renton; thence on state route number 405 to Kirkland; thence on state route number 405 north to a junction with state route number 522; thence on state route number 522 to a junction with state route number 9 northeast of Woodinville; and thence on state route number 9 to Snohomish, Arlington, Sedro Woolley, and to a junction with state route number 542 at Deming; thence westerly on state route 542 to a junction with state route number 9 at Lawrence; thence on state route number 9 via Sumas, to the Canadian international boundary. [1970 ex.s. c 51 § 175; 1961 c 13 § 47.22.010. Prior: 1951 c 273 § 1.]

47.22.020 Lewis and Clark highway. There is established the Lewis and Clark highway, which shall be composed of the following existing routes: state route number 12 from Clarkston to Waitsburg; state route number 124 from Waitsburg to Pasco (west); state route number 12 from Pasco to Waitsburg via Wallula and Walla Walla (east); state route number 14 from Pasco to Maryhill; state route numbers 14, 5 and 4 from Maryhill to Naselle junction; state route number 401 from Naselle junction to Megler; and state route number 101 from Megler to Ilwaco. [1970 ex.s. c 51 § 176; 1967 ex.s. c 145 § 13; 1961 c 13 § 47.22.020. Prior: 1955 c 178 § 1.]

Chapter 47.24

CITY STREETS AS PART OF STATE HIGHWAYS

Sections

- 47.24.010 Designation of street as part of highway—Construction, maintenance—Return of street to city or town.
47.24.020 Jurisdiction, control of such streets.
47.24.030 Acquisition of rights of way—Condemnation proceedings.
47.24.040 Street fund—Expenditures on streets forming part of state highway.
47.24.050 Aid on streets by state or county—Payment.

City streets, parkways, boulevards, generally: Title 35 RCW.

City streets, sidewalks, etc.: Chapters 35.68-35.79 RCW.

Design standards committee for city streets: Chapter 35.78 RCW.

Off-street parking, cities: Chapter 35.86 RCW.

Off-street parking, towns: RCW 35.27.550-35.27.590.

Platted streets as public highways: RCW 58.08.035, 58.08.050.

Speed limits in cities: Chapter 46.61 RCW.

Viaducts, bridges, elevated roadways, tunnels, etc. in cities: Chapter 35.85 RCW.

47.24.010 Designation of street as part of highway—Construction, maintenance—Return of street to city or town. The state highway commission shall determine what streets, together with bridges thereon and wharves necessary for use for ferriage of motor vehicle traffic in connection with such streets, if any, in any incorporated cities and towns shall form a part of the route of state highways and between the first and fifteenth days of July of any year the state highway commission shall certify to the clerk of each city or town, by brief description, the streets, together with the bridges thereon and wharves, if any, in such city or town which are designated as forming a part of the route of any state highway; and all such streets, including curbs and gutters and street intersections and such bridges and wharves, shall thereafter be a part of the state highway system and as such shall be constructed and maintained by the state highway commission from any state funds available therefor: *Provided*, That the responsibility for the construction and maintenance of any such street together with its appurtenances may be returned to a city or a town upon certification by the state highway commission to the state auditor and to the clerk of any city or town that such street, or portion thereof, is no longer required as a part of the state highway system: *Provided further*, That any such certification that a street, or portion thereof, is no longer required as a part of the state highway system shall be made between the first and fifteenth of July following the determination by the state highway commission that such street or portion thereof is no longer required as a part of the state highway system, but this shall not prevent the state highway commission and any city or town from entering into an agreement that a city or town will accept responsibility for such a street or portion thereof at some time other than between the first and fifteenth of July of any year. [1973 c 95 § 3; 1961 c 13 § 47.24.010. Prior: 1959 c 160 § 1; 1957 c 83 § 2; 1955 c 179 § 2; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

47.24.020 Jurisdiction, control of such streets. The jurisdiction, control and duty of the state and city or town with respect to such streets shall be as follows:

(1) The state highway commission shall have no authority to change or establish any grade of any such street without approval of the governing body of such city or town, except with respect to limited access facilities established by the state highway commission;

(2) The city or town shall exercise full responsibility for and control over any such street beyond the curbs and if no curb is installed, beyond that portion of the highway used for highway purposes: *Provided*, That within incorporated cities and towns the title to a limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall exercise full jurisdiction, responsibility and control to, and over, such facility as provided in chapter 47.52 RCW, as amended;

(3) The state highway commission shall have authority to prohibit the suspension of signs, banners, or decorations above the portion of such street between the curbs or portion used for highway purposes up to a vertical height of twenty feet above the surface of the roadway;

(4) The city or town shall at its own expense maintain all underground facilities in such streets, and shall have the right to construct such additional underground facilities as may be necessary in such streets;

(5) The city or town shall have the right to grant the privilege to open the surface of any such street, but all damage occasioned thereby shall promptly be repaired either by the city or town itself or at its direction;

(6) The city or town at its own expense shall provide street illumination and shall clean all such streets, including storm sewer inlets and catch basins, and remove all snow, except that the state shall when necessary plow the snow on the roadway: *Provided*, That in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board, the state, when necessary for public safety, shall assume, at its expense, responsibility, for the stability of the slopes of cuts and fills and the embankments within the right of way to protect the roadway itself: *Provided further*, That the state shall install, maintain and operate all illuminating facilities on any limited access facility, together with their interchanges, located within the corporate limits of any city or town, and shall assume and pay the costs of all such installation, maintenance and operation incurred after November 1, 1954;

(7) The state highway commission shall have the right to utilize all storm sewers on such highways without cost; and if new storm sewer facilities are necessary in construction of new streets by the state highway commission, the cost of such facilities shall be borne by the state and/or city as may be mutually agreed upon between the state highway commission and the governing body of the city or town;

(8) Cities and towns shall have exclusive right to grant franchises, not in conflict with state laws, over, beneath and upon such streets but the state highway

commission shall be authorized to enforce in an action brought in the name of the state any condition of any franchise which a city or town shall have granted on such street: *Provided*, That no franchise for transportation of passengers in motor vehicles shall be granted on such streets without the approval of the state highway commission but the state highway commission shall not refuse to approve such franchise unless another street conveniently located and of strength of construction to sustain travel of such vehicles is accessible;

(9) Every franchise or permit granted any person by a city or town for use of any portion of such street by a public utility shall require the grantee or permittee to restore, repair and replace to its original condition any portion of the street damaged or injured by it;

(10) The city or town shall have the right to issue overload or overwidth permits for vehicles to operate on such streets or roads subject to regulations printed and distributed to the cities and towns by the state highway commission;

(11) Cities and towns shall regulate and enforce all traffic and parking restrictions on such streets, but all regulations adopted by a city or town relating to speed, parking, and traffic control devices on such streets not identical to state law relating thereto shall be subject to the approval of the state highway commission before becoming effective. All regulations pertaining to speed, parking, and traffic control devices relating to such streets heretofore adopted by a city or town not identical with state laws shall become null and void unless approved by the state highway commission heretofore or within one year after March 21, 1963;

(12) The state highway commission shall erect, control and maintain at state expense all route markers, and directional signs, except street signs, on such streets;

(13) The state highway commission shall install, operate, maintain and control at state expense all traffic control signals, signs and traffic control devices for the purpose of regulating both pedestrian and motor vehicular traffic on, entering upon, or leaving state highways in cities and towns having a population of fifteen thousand or less according to the latest determination of population by the state census board: *Provided*, That such cities and towns may submit to the state highway commission a plan for traffic control signals, signs and traffic control devices desired by them, indicating the location, nature of installation, or type thereof, or a proposed amendment to such an existing plan or installation, and the state highway commission shall consult with the cities or towns concerning the same prior to installing such signals, signs, or devices. Cities and towns having a population in excess of fifteen thousand according to the latest determination of population by the state census board shall install, maintain, operate and control such signals, signs and devices at their own expense, subject to approval of the state highway commission for the installation and type only. For the purpose of this subdivision striping, lane marking and channelization are considered traffic control devices;

(14) All revenue from parking meters placed on such streets shall belong to the city or town;

(15) Rights of way for such streets shall be acquired by either the city or town or by the state as shall be mutually agreed upon. Costs of acquiring rights of way may be at the sole expense of the state or at the expense of the city or town or at the expense of the state and the city or town as may be mutually agreed upon. Title to all rights of way so acquired shall vest in the city or town: *Provided*, That no vacation, sale or rental of any unused portion of any such street shall be made by the city or town without the approval of the state highway commission; and all revenue derived from sale, vacation or rental of such rights of way shall be shared by the city or town and the state in the same proportion as the purchase costs were shared;

(16) If any city or town shall fail to perform any of its obligations as set forth in this section or in any cooperative agreement entered into with the state highway commission for the maintenance of a city or town street forming part of the route of a state highway, the state highway commission may notify the mayor of such town to perform such necessary maintenance within thirty days. If the city or town within such thirty days shall fail to perform such maintenance or fail to authorize the state highway commission to perform such maintenance as provided by RCW 47.24.050, the state highway commission may perform such maintenance, the cost of which is to be deducted from any sums in the motor vehicle fund credited or to be credited to such city or town. [1967 c 115 § 1; 1963 c 150 § 1; 1961 c 13 § 47.24.020. Prior: 1957 c 83 § 3; 1955 c 179 § 3; 1953 c 193 § 1; 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

Reviser's note: The state census board was abolished, and its powers, duties and functions transferred to the planning and community affairs agency by 1967 ex.s. c 42 (chapter 43.63A RCW).

47.24.030 Acquisition of rights of way—Condemnation proceedings. The highway commission is authorized to acquire rights of way, by purchase, gift or condemnation for any such streets, highways, bridges and wharves. Any such condemnation proceedings shall be exercised in the manner provided by law for condemnation proceedings to acquire lands required for state highways. [1961 c 13 § 47.24.030. Prior: 1949 c 220 § 5, part; 1945 c 250 § 1, part; 1943 c 82 § 10, part; 1937 c 187 § 61, part; Rem. Supp. 1949 § 6450-61, part.]

47.24.040 Street fund—Expenditures on streets forming part of state highway. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund shall be paid monthly to such incorporated cities and towns and shall, by the respective cities and towns, be placed in a fund to be designated as "city street fund" and disbursed as authorized and directed by the legislative authority of the city or town, as agents of the state, for salaries and wages, material, supplies, equipment, purchase or condemnation of right of way, engineering or any other proper highway or street purpose in connection with the construction, alteration, repair, improvement or maintenance of any city street or

bridge, or viaduct or underpassage along, upon or across such streets. Such expenditure may be made either independently or in conjunction with any federal, state or any county funds. [1961 c 13 § 47.24.040. Prior: 1949 c 220 § 4; 1947 c 96 § 1; 1943 c 82 § 9; 1939 c 181 § 8; 1937 c 187 § 60; Rem. Supp. 1949 § 6450-60.]

47.24.050 Aid on streets by state or county—Payment. If a city or town, whether or not any of its streets are designated as forming a part of a state highway, is unable to construct, repair or maintain its streets for good cause, or if it is in need of engineering assistance to construct, repair or maintain any of its streets, it may authorize the highway commission to perform such construction, repair or maintenance, or may secure necessary engineering assistance from the highway commission, to the extent of the funds credited or to be credited in the motor vehicle fund for payment to the city or town. Any sums due from a city or town for such purposes shall be paid on vouchers approved and submitted by the highway commission from moneys credited to the city or town in the motor vehicle fund, and the amount of the payments shall be deducted from funds which would otherwise be paid to the city or town from the motor vehicle fund. The highway commission may in certain special cases, in its discretion, enter into an agreement with the governing officials of such city or town for the performance of such work or services, the terms of which shall provide for reimbursement of the motor vehicle fund for the benefit of the state's share of such fund by such city or town of the cost thereof from any funds on hand of such city or town and legally available for such work or services. The city or town may, by resolution, authorize the board of commissioners of the county in which it is located, to perform any such construction, repair or maintenance and the same shall be paid for by the city or town at the actual cost thereof as provided for payment for work performed on city streets, and any payment received therefor by a county shall be deposited in the county road fund to be expended under the same provisions as are imposed upon the funds used to perform such construction, repair or maintenance. [1961 c 13 § 47.24.050. Prior: 1951 c 54 § 1; 1949 c 220 § 6; 1943 c 82 § 11; 1937 c 187 § 63; Rem. Supp. 1949 § 6450-63.]

Chapter 47.26

DEVELOPMENT IN URBAN AREAS—URBAN ARTERIALS

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- 47.26.430 Expenditures from urban arterial trust account and bond proceeds in excess of amount apportionable to a region authorized.
- 47.26.440 Budget for expenditures from urban arterial trust account—Estimate of revenues—Submission to highway commission—Revision—Submission to governor and legislature.
- 47.26.450 Inclusion of portion of construction program for next biennial period in budget—Approval of urban arterial trust funds to be expended—Additional projects.
- 47.26.460 Increase in urban arterial trust account funds allocated to a project—Regulations—Factors.
- 47.26.900 Severability—1967 ex.s. c 83.
- 47.26.910 Effective dates—1967 ex.s. c 83.
- 47.26.930 Construction—1969 ex.s. c 171.

47.26.010 Declaration of intent. Due to unprecedented industrial development and population increases, the state of Washington is confronted with emergency needs for improvement of state highways, county roads, and city streets in urban areas. It is the intent of the legislature to provide sufficient new highway revenues to alleviate and prevent intolerable traffic congestion in urban areas without the disruption of the long range state-wide highway program essential to the economic well-being of the people of this state. [1967 ex.s. c 83 § 1.]

Reviser's note: Throughout chapter 47.26 RCW the term "this 1967 amendatory act" has been translated to "this chapter". "This 1967 amendatory act" [1967 ex.s. c 83] consists of chapter 47.26 RCW and also RCW 35.77.010, 36.81.121, 46.16.040, 46.16.070, 46.16.111, 46.16.121, 46.16.125, 46.68.100, 46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020, 82.40.290, and also the repeal of RCW 46.16.072, 46.16.075, 46.16.110 and 46.16.120.

47.26.020 Motor vehicle fuel tax—Tax imposed—Rate—Allocation of proceeds. See RCW 82.36.020.

47.26.022 Motor vehicle fuel tax—Tax required of persons not classed as distributors—Duties—Procedure—Distribution of proceeds—Penalties. See RCW 82.36.100.

47.26.024 Motor vehicle fuel importer tax—Tax imposed—Rate. See RCW 82.37.030.

47.26.026 Motor vehicle fuel importer tax—Disposition of revenues. See RCW 82.37.190.

47.26.028 Special fuel tax—Tax imposed—Rate. See RCW 82.38.030.

47.26.030 Special fuel tax—Disposition of funds. See RCW 82.38.290.

47.26.032 Allocation of net tax amount in motor vehicle fund. See RCW 46.68.100.

47.26.034 Construction and improvement of urban area highways—Expenditure of motor vehicle fuel taxes and bond proceeds. See RCW 46.68.150.

47.26.040 "Urban area" defined. The term "urban area" means every area of this state designated as an urban area by the state highway commission with the approval of the secretary of transportation or the federal highway administrator in accordance with federal law. [1967 ex.s. c 83 § 10.]

47.26.042 "Preliminary proposal" defined. The term "preliminary proposal" as used in this chapter means the preliminary engineering, right of way appraisal and the data collection, analysis and reporting of the environmental impact of a project. [1973 1st ex.s. c 126 § 4.]

47.26.043 "Construction project" defined. The term "construction project" as used in this chapter shall mean all work and necessities subsequent to the preliminary proposal and through to completion. [1973 1st ex.s. c 126 § 5.]

47.26.050 Urban areas grouped into regions for purpose of apportioning urban state highway funds. For the purpose of apportioning urban state highway funds, the urban areas of the state are grouped within five regions of the state as follows:

(1) Puget Sound region shall include those urban areas within the counties of King, Pierce and Snohomish.

(2) Northwest region shall include those urban areas within the counties of Clallam, Jefferson, Island, Kitsap, San Juan, Skagit and Whatcom.

(3) Northeast region shall include those urban areas within the counties of Adams, Chelan, Douglas, Ferry, Grant, Lincoln, Okanogan, Pend Oreille, Spokane, Stevens and Whitman.

(4) Southeast region shall include those urban areas within the counties of Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Klickitat, Walla Walla and Yakima.

(5) Southwest region shall include those urban areas within the counties of Clark, Cowlitz, Grays Harbor,

Lewis, Mason, Pacific, Skamania, Thurston and Wahkiakum. [1967 ex.s. c 83 § 11.]

47.26.060 Apportionment of funds to regions—Manner and basis—Biennial adjustment. Funds available for expenditure by the state highway commission pursuant to RCW 46.68.150 shall be apportioned to the five regions for expenditure upon state highways in urban areas in the following manner:

(1) One-third in the ratio which the population of the urban areas of each region bears to the total population of all of the urban areas of the state as last determined by the state census board;

(2) One-third in the ratio which the vehicle-miles traveled on state highways (other than interstate highways) within the urban areas of each region bears to the total vehicle-miles traveled on all state highways (other than interstate highways) within all urban areas of the state as last determined by the department of highways; and

(3) One-third in the ratio which the state highway needs on state highways (other than interstate highways) within the urban areas of each region bears to the total needs on state highways (other than interstate highways) within all urban areas of the state as last revised by the state highway commission.

The state highway commission shall adjust the schedule for apportionment of such funds to the five regions in the manner provided herein prior to the commencement of each biennium. [1967 ex.s. c 83 § 12.]

Reviser's note: The state census board was abolished by RCW 43.63A.150 and powers transferred to planning and community affairs agency by RCW 43.63A.080(10).

47.26.070 Apportioned funds to be budgeted and expended for projects in urban areas—Priority programming—Long range objectives. Funds available for expenditure by the state highway commission pursuant to RCW 46.68.150 and apportioned to the five regions of the state shall be budgeted and expended, pursuant to proper appropriations, for specific state highway improvement projects within the urban areas of each region in accordance with the priority programming procedures established in chapter 47.05 RCW. Such expenditures in urban areas shall be additional to expenditures from all other construction funds regularly programmed for state highway improvements throughout the state pursuant to chapter 47.05 RCW. The state highway commission is authorized to establish separate long range objectives in terms of the percentages of completion of construction needs for the several functional classes of highways within the urban areas of each region. [1967 ex.s. c 83 § 13.]

47.26.080 Urban arterial trust account—Created in motor vehicle fund—Expenditures from. There is hereby created in the motor vehicle fund the urban arterial trust account. All moneys deposited in the motor vehicle fund to be credited to the urban arterial trust account shall be expended for the construction and improvement of city arterial streets and county arterial

roads within urban areas, for expenses of the urban arterial board, or for the payment of principal or interest on bonds issued for the purpose of constructing or improving city arterial streets and county arterial roads within urban areas. [1967 ex.s. c 83 § 14.]

47.26.090 "Arterial" defined. The term "arterial" as used in RCW 47.26.080 through 47.26.290 and 47.26.420 through 47.26.440, 35.77.010 and 36.81.121 means any county road or city street so designated in accordance with criteria established by regulations of the urban arterial board. [1967 ex.s. c 83 § 15.]

Reviser's note: The reference to "46 through 55 of this 1967 amendatory act" has been translated to "RCW 47.26.420 through 47.26.440" A literal translation of said phrase would have been "RCW 47.26.421 through 47.26.900" which appears to be erroneous.

47.26.100 "City" defined. The term "city" as used in this chapter shall include incorporated towns. [1967 ex.s. c 83 § 16.]

Reviser's note: "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

47.26.110 "Urban arterial" defined. The term "urban arterial" as used in this chapter means an arterial within an urban area. [1967 ex.s. c 83 § 17.]

Reviser's note: "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

47.26.120 Urban arterial board—Created—Composition—Appointments—Terms—Vacancies—Chairman. (1) There is hereby created an urban arterial board of thirteen members, six of whom shall be county members, six of whom shall be city members. The chairman shall be the assistant director of highways for state aid.

(2) Of the county members of the board, one member shall be a county engineer from a county of the first class or larger; one member shall be a county engineer from a county of the second class or smaller; one member shall be an engineer occupying the position of county road administration engineer, created by RCW 36.78.060; one member shall be the chairman of the county road administration board created by RCW 36.78.030; one member shall be a county commissioner from a county of the first class or larger; one member shall be a county commissioner from a county of the second class or smaller. All county members of the board, except the county road administration engineer and the chairman of the county road administration board, shall be appointed. Not more than one county member of the board shall be from one county. For the purposes of this subsection, the term county engineer shall mean the director of public works in any county in which such a position exists.

(3) Of the city members of the board two shall be chief city engineers of cities over twenty thousand population; one shall be a chief city engineer of a city of less than twenty thousand population; two shall be mayors of cities of more than twenty thousand population; and one shall be a mayor of a city of less than

twenty thousand population. All of the city members shall be appointed. Not more than one city member of the board shall be from one city. For the purposes of this subsection the term chief city engineer shall mean the director of public works in any city in which such a position exists.

(4) Prior to July 1, 1967, the state highway commission shall appoint the first appointive county members of the board: Two members to serve two years and two members to serve four years from July 1, 1967.

(5) Prior to July 1, 1967, the state highway commission shall appoint the first city members of the board: Three members to serve two years and three members to serve four years from July 1, 1967.

(6) Upon expiration of the original terms subsequent appointments shall be made by the same appointing authority for four year terms except in the case of a vacancy, in which event the appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. A vacancy shall be deemed to have occurred on the board when any member elected to public office completes his term of office or is removed therefrom for any reason or when any member employed by a political subdivision terminates such employment for whatsoever reason.

(7) Before appointing any member to the urban arterial board, the state highway commission shall request from the executive committee of the Washington state association of counties, in the case of a county member appointment, and from the executive committee of the association of Washington cities, in the case of a city member appointment, recommendations of at least two eligible persons for each appointment to be made. The commission shall give due consideration to the recommendations submitted to it.

(8) Any member of the board, including the chairman, may designate an official representative to serve on the board in his place with the same authority as the member, subject to the conditions and under the circumstances set forth in rules adopted by the board. [1971 ex.s. c 85 § 8; 1969 ex.s. c 171 § 1; 1967 ex.s. c 83 § 18.]

47.26.130³ Urban arterial board—Expenses of members. Members of the urban arterial board shall receive no compensation for their services on the board, but shall be reimbursed for travel and other expenses incurred while attending meetings of the board or while engaged on other business of the board when authorized by the board to the extent of twenty-five dollars per day plus ten cents per mile or actual necessary transportation expenses. [1969 ex.s. c 171 § 2; 1967 ex.s. c 83 § 19.]

47.26.140 Urban arterial board—Staff services and facilities—Payment of costs and expenses—Executive secretary. The assistant director of highways for state aid shall furnish necessary staff services and facilities required by the urban arterial board. The cost of such services, together with travel expenses of the members and all other lawful expenses of the board, shall be paid from the urban arterial trust account in

the motor vehicle fund. The urban arterial board may appoint an executive secretary who shall serve at its pleasure and whose salary shall be set by the board and paid from the urban arterial trust account in the motor vehicle fund. [1969 ex.s. c 171 § 3; 1967 ex.s. c 83 § 20.]

47.26.150 Urban arterial board—Meetings. The urban arterial board shall first meet during the first week of July, 1967. Thereafter the board shall meet at least once quarterly and upon the call of its chairman and shall from time to time adopt rules and regulations for its own government and as may be necessary for it to discharge its duties and exercise its powers under this chapter. [1967 ex.s. c 83 § 21.]

Reviser's note: "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

47.26.160 Urban arterial board—Powers and duties. The urban arterial board shall:

(1) Adopt rules and regulations necessary to implement the provisions of this chapter relating to the allocation of funds in the urban arterial trust account of the motor vehicle fund to counties and cities.

(2) Adopt reasonably uniform design standards for city and county arterials which meet the requirements for urban development.

(3) Report biennially on the first day of November of the even-numbered years to the state highway commission and the joint committee on highways regarding progress of cities and counties in developing long range plans for their urban arterial construction and programming or urban arterial construction work and the allocation of urban arterial trust funds to the cities and counties. [1971 ex.s. c 291 § 1; 1967 ex.s. c 83 § 22.]

47.26.165 Commission and board to coordinate long range needs studies. See RCW 47.01.240.

47.26.170 Long range arterial construction plans—Counties and cities to prepare and submit to urban arterial board—Revision. The legislative authority of each county or city lying within or having within its boundaries an urban area shall prepare, adopt and submit to the urban arterial board a long range plan for arterial construction, taking into account the comprehensive land use plan of each such jurisdiction and setting forth arterial construction needs through a fourteen year advance planning period. The long range arterial construction plans shall be revised by the counties and cities every two years to show the current arterial construction needs through a fourteen year advanced planning period and as revised shall be submitted to the urban arterial board during the first week of January of every even-numbered year. The long range plans shall be prepared pursuant to guidelines established by the urban arterial board and with the assistance of such board and the state highway commission. Upon receipt of the long range arterial construction plans of the several counties and cities the urban arterial board shall revise the construction needs for urban arterials set forth in such plans as necessary to conform with its

uniform standards for establishing construction needs of the counties and cities. [1971 ex.s. c 291 § 2; 1967 ex.s. c 83 § 23.]

Revisions to include bicycle route systems: RCW 47.26.315.

47.26.180 Division of roads or streets into arterial or access roads or streets—Classification of arterials—Submission to board—Revision. The legislative authority of each county and city lying within or having within its boundaries an urban area shall with the advice and assistance of its chief engineer divide all of its roads or streets into arterial roads or streets and access roads or streets and shall further subdivide the arterials into three functional classes to be known as major arterials, secondary arterials, and collector arterials, all in accordance with uniform standards established by the urban arterial board. This classification of roads and streets shall be submitted to the urban arterial board by July 1, 1968. Upon receipt of the classification plans of the several counties and cities, the urban arterial board shall review and revise the classification for the urban arterials as necessary to conform with its uniform standards for classifying urban arterials. [1967 ex.s. c 83 § 24.]

47.26.190 Apportionment of funds in urban arterial trust account among regions—Date. Once each calendar quarter, the urban arterial board shall apportion funds credited to the urban arterial trust account, including the proceeds from motor vehicle fuel tax revenues, bond sales, anticipatory notes and interfund loans, which are available for the construction and improvement of urban arterials among the five regions defined in RCW 47.26.050 in the manner prescribed in RCW 47.26.060 relating to the apportionment of state urban funds except calculation of needs shall be based upon a projection of needs for the ensuing six year period as determined by the state highway commission. [1973 1st ex.s. c 126 § 2; 1971 ex.s. c 291 § 3; 1969 ex.s. c 171 § 4; 1967 ex.s. c 83 § 25.]

47.26.200 Counties—Perpetual advanced plans for coordinated road program—Six year program for arterial road construction. See RCW 36.81.121.

47.26.210 Cities—Perpetual advanced plans for coordinated street program—Six year program for arterial street construction. See RCW 35.77.010.

47.26.220 Six year programs for urban arterial improvements by cities and counties—Selection of specific priority projects for each functional class—Rating factors. Counties and cities, in preparing their respective six year programs relating to urban arterial improvements, shall select specific priority improvement projects for each functional class of arterial based on the rating of each arterial section proposed to be improved in relation to other arterial sections within the same functional class, taking into account the following:

(1) Its structural ability to carry loads imposed upon it;

- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

The six year construction programs shall remain flexible and subject to annual revision as provided in RCW 36.81.121 and 35.77.010. [1967 ex.s. c 83 § 28.]

47.26.230 Joint planning of urban arterial development—Arterial in city crossing into unincorporated area or adjacent city—Arterial affected by state highway—Urban arterial board to adopt regulations. Whenever an urban arterial in a city crosses into an unincorporated urban area or into an adjacent city, the proper city and county officials shall jointly plan the development of the arterial in their respective long range plans, arterial classification plans and six year construction programs. Whenever an urban arterial connects with and will be substantially affected by a programmed construction project on a state highway, the proper county or city officials shall jointly plan the development of such connecting arterial with the state highway department district engineer. The urban arterial board shall adopt regulations providing for the system development of county-city arterials and urban arterials with state highways. [1967 ex.s. c 83 § 29.]

47.26.240 Review of city or county six year program by urban arterial board—Revision. Upon receipt of a county's or city's revised six year program, the urban arterial board as soon as practicable shall review and may revise the construction program as it relates to urban arterials for which urban arterial trust account moneys are requested as necessary to conform to (1) the priority rating of the proposed project, based upon the factors in RCW 47.26.220, in relation to proposed projects in all other urban arterial construction programs submitted by the cities and counties in the same region, and (2) the amount of urban arterial trust account funds which the urban arterial board estimates will be apportioned to the region in the ensuing six year period. [1967 ex.s. c 83 § 30.]

47.26.260 Vouchers for payment from urban arterial trust account—Completion of preliminary proposal—Completion of project—During work progress. (1) Upon completion of a preliminary proposal, the county or city submitting said proposal shall submit to the urban arterial board its voucher for payment of the trust account share of the cost. Upon the completion of an approved urban arterial construction project, the county or city constructing the project shall submit to the urban arterial board its voucher for the payment of the trust account share of the cost. The chairman of the urban arterial board or his designated agent shall approve such voucher when proper to do so, for payment from the urban arterial trust account to the county or city submitting the voucher.

(2) The urban arterial board may adopt regulations providing for the approval of payments of funds in the urban arterial trust account to a county or city for costs

of preliminary proposal, and costs of construction of an approved project from time to time as work progresses. These payments shall at no time exceed the urban arterial trust account share of the costs of construction incurred to the date of the voucher covering such payment. [1973 1st ex.s. c 126 § 1; 1967 ex.s. c 83 § 32.]

47.26.270 Matching funds requirements for counties and cities receiving funds from urban arterial trust account. Counties and cities receiving funds from the urban arterial trust account for construction of arterials shall provide such matching funds as shall be established by regulations recommended by the urban arterial board subject to review, revision and final approval by the state highway commission. Matching requirements shall be established after appropriate studies by the board taking into account (1) financial resources available to counties and cities to meet arterial needs, (2) the amounts and percentages of funds available for road or street construction traditionally expended by counties and cities on arterials, (3) in the case of counties, the relative needs of arterials lying outside urban areas, and (4) the requirements necessary to avoid diversion of funds traditionally expended for arterial construction to other street or road purposes or to nonhighway purposes. [1967 ex.s. c 83 § 33.]

47.26.280 Apportionment and allocation of urban arterial account funds for period beginning July 1, 1967 and ending July 1, 1969. Notwithstanding any other provisions in this chapter, for the period beginning July 1, 1967 and ending July 1, 1969, the urban arterial board shall once quarterly apportion the funds from the urban arterial account among the five regions of the state defined in RCW 47.26.050 in the manner provided in RCW 47.26.190. Commencing on October 1, 1967, the board at the time of making each quarterly apportionment shall allocate urban arterial trust funds for each region to specific counties and cities within the region for the construction of specific urban arterial projects. The board shall allocate such funds to the counties and cities based upon the priority rating of construction projects for which urban arterial trust account moneys are requested by the counties and cities. The board shall determine the priority of specific improvement projects based upon the rating of each urban arterial section proposed to be improved in relation to all other urban arterial sections proposed to be improved taking into account the following:

- (1) Its structural ability to carry loads imposed upon it;
- (2) Its capacity to move traffic at reasonable speeds without undue congestion;
- (3) Its adequacy of alignment and related geometrics;
- (4) Its accident experience; and
- (5) Its fatal accident experience.

Urban arterial trust account moneys allocated during such period shall be matched in the case of cities from local funds by an amount not less than ten percent of the total cost of the construction project. The matching fund requirements prescribed in RCW 82.36.020 may be considered in meeting the matching requirements of

this section. Counties shall match such funds on the ratio of forty percent locally collected road funds to sixty percent urban arterial trust account moneys.

Urban arterial trust account funds allocated to a specific improvement project as provided in this section shall be paid to the county or city constructing the improvement on vouchers duly approved by the chairman of the urban arterial board or his agent in the manner provided in RCW 47.26.260.

The urban arterial board shall adopt regulations subject to the approval of the state highway commission providing for the implementation of this section. [1969 ex.s. c 171 § 5; 1967 ex.s. c 83 § 34.]

Reviser's note: "this chapter" has been substituted for "this 1967 amendatory act". See note following RCW 47.26.010 for codification of "this 1967 amendatory act" [1967 ex.s. c 83].

47.26.290 Appeal of action or decision of urban arterial board to state highway commission. The legislative body of any county or city feeling aggrieved by any action or decision of the urban arterial board may appeal to the state highway commission by filing with the secretary of the commission a notice of appeal within ninety days after such action or decision of the urban arterial board. Such notice shall specify the action or decision complained of. The state highway commission shall fix a time for a hearing on said appeal at the earliest convenient time and shall notify the county auditor or the city clerk as the case may be and the chairman of the urban arterial board by registered mail at least twenty days prior to the date of said hearing. At such hearing the state highway commission shall receive evidence from the county or city filing the appeal and from the urban arterial board. After such hearing the state highway commission shall make such order as in its judgment is just and proper. [1967 ex.s. c 83 § 35.]

47.26.300 Bicycle routes—Legislative declaration. The state of Washington is confronted with emergency shortages of energy sources utilized for the transportation of its citizens and must seek alternative methods of providing public mobility.

Bicycles are suitable for many transportation purposes, and are pollution-free in addition to using a minimal amount of resources and energy. However, the increased use of bicycles for both transportation and recreation has led to an increase in both fatal and non-fatal injuries to bicyclists.

The legislature therefore finds that the establishment, improvement, and upgrading of bicycle routes is necessary to promote public mobility, conserve energy, and provide for the safety of the bicycling and motoring public. [1974 1st ex.s. c 141 § 1.]

47.26.305 Bicycle routes—Establishment of system authorized and directed—Use of urban arterial trust funds. Each city and county eligible for receipt of urban arterial trust funds is hereby authorized and directed to establish a system of bicycle routes throughout its jurisdiction. Such routes shall, when established in accordance with standards adopted by the urban arterial board, be eligible for establishment, improvement, and

upgrading with urban arterial trust funds when accomplished in connection with an arterial project. [1974 1st ex.s. c 141 § 2.]

47.26.310 Bicycle routes—Standards for designation of bicycle route systems. Prior to July 1, 1974, the urban arterial board shall adopt:

(1) Standards for the designation of a bicycle route system which shall include, but need not be limited to, consideration of:

(a) Existing and potential bicycle traffic generating activities, including but not limited to places of employment, schools, colleges, shopping areas, and recreational areas;

(b) Directness of travel and distance between potential bicycle traffic generating activities; and

(c) Safety for bicyclists and avoidance of conflict with vehicular traffic which shall include, wherever feasible, designation of bicycle routes on streets parallel but adjacent to existing designated urban arterial routes.

(2) Insofar as is practicable to achieve reasonable uniformity, design standards for bicycle routes shall take into consideration the construction standards and signing system devised by the state highway department pursuant to RCW 47.30.060. [1974 1st ex.s. c 141 § 3.]

Pilot programs: "After April 1, 1974, two pilot programs shall be implemented to test the criteria adopted by the urban arterial board pursuant to section 3 of this 1974 amendatory act. The pilot programs shall be in cities and counties designated by the urban arterial board. A report of those programs and recommendations for any changes in criteria shall be made by the cities and counties involved to the urban arterial board prior to November 1, 1974. The urban arterial board shall then make any changes it finds desirable in the criteria, taking into consideration the experience gained in the pilot programs and the recommendations of the cities involved." [1974 1st ex.s. c 141 § 4.]

Appropriation: "To carry out the provisions of sections 3 and 4 of this 1974 amendatory act, there is appropriated to the urban arterial board the sum of fifty thousand dollars, or so much thereof as may be necessary, from the urban arterial trust account of the motor vehicle fund." [1974 1st ex.s. c 141 § 5.]

47.26.315 Bicycle routes—Revisions to long range arterial construction plans to include bicycle route system plans. The revisions of long range arterial construction plans directed by RCW 47.26.170 shall include plans for a bicycle route system. [1974 1st ex.s. c 141 § 6.]

BOND ISSUE—STATE HIGHWAYS IN URBAN AREAS

47.26.400 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose. In order to provide funds necessary to meet the urgent needs for highway construction on state highways within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.400 through 47.26.407 in any biennium shall not exceed the amount of a specific appropriation therefor from the proceeds of such bonds, for the construction of state highways in urban areas.

The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 1; 1967 ex.s. c 83 § 36.]

47.26.401 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 2; 1967 ex.s. c 83 § 37.]

47.26.402 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 83 § 38.]

47.26.403 Bonds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the construction of state highways within the urban areas of the state, and for payment of the expenses incurred in the printing, issuance, and sale of any such bonds. [1967 ex.s. c 83 § 39.]

47.26.404 Bonds—Statement describing nature of obligation—Pledge of excise taxes. Bonds issued under the provisions of RCW 47.26.400 through 47.26.407

shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal of and interest on such bonds shall be first payable in the manner provided in RCW 47.26.400 through 47.26.407 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.400 through 47.26.407, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of RCW 47.26.400 through 47.26.407. [1973 1st ex.s. c 169 § 3; 1967 ex.s. c 83 § 40.]

47.26.405 Bonds—Designation of funds to repay bonds and interest. Any funds required to repay such bonds, or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the state under the provisions of RCW 82.36.020(2) for construction of state highways in urban areas, and shall never constitute a charge against any allocations of any other such funds to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available to the state for construction of state highways in urban areas proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 83 § 41.]

47.26.406 Bonds—Repayment procedure—Bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any such bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.405, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 83 § 42.]

47.26.407 Bonds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 83 § 43.]

47.26.410 Expenditures from fuel taxes and bond proceeds for urban state highways in excess of amount apportionable to a region authorized. Notwithstanding the provisions of RCW 47.26.060, the state highway commission is authorized in any biennium, subject to proper appropriations, to expend from funds available pursuant to RCW 46.68.150, for urban state highway construction projects within a region, an amount including bond proceeds which may exceed the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of RCW 47.26.060 for such period. [1967 ex.s. c 83 § 44.]

BOND ISSUE—COUNTY AND CITY ARTERIALS IN URBAN AREAS

47.26.420 Issuance and sale of general obligation bonds—Authorized—Amount—Declaration of purpose. In order to provide funds necessary to meet the urgent construction needs on county and city arterials within urban areas, there shall be issued and sold general obligation bonds of the state of Washington in the sum of two hundred million dollars or such amount thereof and at such times as determined to be necessary by the state highway commission. The amount of such bonds issued and sold under the provisions of RCW 47.26.420 through 47.26.427 in any biennium shall not exceed the amount of a specific appropriation therefor, from the proceeds of such bonds, for the construction of county and city arterials in urban areas. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the state highway commission, shall provide for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as shall be requested by the state highway commission. [1973 1st ex.s. c 169 § 4; 1967 ex.s. c 83 § 45.]

47.26.421 Bonds—Term—Terms and conditions—Signatures—Registration—Where payable—Negotiable instruments. Each of such bonds shall be made payable at any time not exceeding thirty years from the date of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. The bonds

shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1973 1st ex.s. c 169 § 5; 1967 ex.s. c 83 § 46.]

47.26.422 Bonds—Denominations—Manner and terms of sale—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If the bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall be legal investment for any of the funds of the state, except the permanent school fund. [1967 ex.s. c 83 § 47.]

47.26.423 Bonds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the urban arterial trust account in the motor vehicle fund and such money shall be available only for the construction and improvement of county and city urban arterials, and for payment of the expense incurred in the printing, issuance and sale of any such bonds. [1967 ex.s. c 83 § 48.]

47.26.424 Bonds—Statement describing nature of obligation—Pledge of excise taxes. Bonds issued under the provisions of RCW 47.26.420 through 47.26.427 shall distinctly state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon and shall contain an unconditional promise to pay such principal and interest as the same shall become due. The principal and interest on such bonds shall be first payable in the manner provided in RCW 47.26.420 through 47.26.427 from the proceeds of state excise taxes on motor vehicle fuels imposed by chapter 82.36 RCW and chapter 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of RCW 47.26.420 through 47.26.427, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the

provisions of RCW 47.26.420 through 47.26.427. [1973 1st ex.s. c 169 § 6; 1967 ex.s. c 83 § 49.]

47.26.425 Bonds—Designation of funds to repay bonds and interest—Urban arterial trust account. Any funds required to repay such bonds or the interest thereon when due, subject to the proviso of this section, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is distributed to the urban arterial trust account in the motor vehicle fund, and shall never constitute a charge against any allocations of any other such funds in the motor vehicle fund to the state, counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise tax on motor vehicle fuels and distributed to the urban arterial trust account proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1967 ex.s. c 83 § 50.]

47.26.426 Bonds—Repayment procedure—Bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate, subject to the provisions of RCW 47.26.425, the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which shall be required to meet interest or bond payments hereunder when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the bond retirement fund, hereby created, which fund shall be available solely for payment of interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1967 ex.s. c 83 § 51.]

47.26.427 Bonds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels payable into the bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1967 ex.s. c 83 § 52.]

47.26.430 Expenditures from urban arterial trust account and bond proceeds in excess of amount apportionable to a region authorized. Notwithstanding the

provisions of RCW 47.26.190 and 47.26.240, the urban arterial board may, in any biennium, subject to proper appropriations, approve expenditures from the urban arterial trust account for construction of projects on urban arterials within a region, the total amount of which including bond proceeds, exceeds the amount apportionable during the biennium to the region. The total amounts apportioned to each region through 1985 shall meet the apportionment requirements of RCW 47.26.190 and 47.26.240 for such period. [1967 ex.s. c 83 § 53.]

47.26.440 Budget for expenditures from urban arterial trust account—Estimate of revenues—Submission to highway commission—Revision—Submission to governor and legislature. Not later than November 1 of each even-numbered year the urban arterial board shall prepare and present to the state highway commission a recommended budget for expenditures from the urban arterial trust account during the ensuing biennium. The budget shall contain an estimate of the revenues to be credited to the urban arterial trust account and the amount, if any, of bond proceeds which the board determines should be made available to the urban arterial trust account through the sale of bonds in the ensuing biennium.

The state highway commission shall review the budget as recommended, revise the same as it deems proper and include the budget for the urban arterial board as revised as a separate section of the state highway commission budget which it shall submit to the governor and the legislature at the time of its convening. [1967 ex.s. c 83 § 54.]

47.26.450 Inclusion of portion of construction program for next biennial period in budget—Approval of urban arterial trust funds to be expended—Additional projects. At the time the urban arterial board reviews the six-year program of each county and city each even-numbered year, it shall consider and shall approve for inclusion in its recommended budget, as required by RCW 47.26.440, the portion of the urban arterial construction program scheduled to be performed during the biennial period beginning the following July 1st. Subject to the appropriations actually approved by the legislature, the board shall as soon as feasible approve urban arterial trust account funds to be spent during the ensuing biennium for preliminary proposals in priority sequence as established pursuant to RCW 47.26.240. The board shall authorize urban arterial trust account funds for the construction project portion of a project previously authorized for a preliminary proposal in the sequence in which the preliminary proposal has been completed and the construction project is to be placed under contract. At such time the board may reserve urban arterial trust account funds for expenditure in future years as may be necessary for completion of preliminary proposals and construction projects to be commenced in the ensuing biennium.

The urban arterial board may, within the constraints of available urban arterial trust funds, consider additional projects for authorization upon a clear and conclusive showing by the submitting local government that the proposed project is of an emergent nature and that its need was unable to be anticipated at the time the six-year program of the local government was developed. Such proposed projects shall be evaluated on the basis of the priority rating factors specified in RCW 47.26.220. [1973 1st ex.s. c 126 § 3; 1969 ex.s. c 171 § 6.]

47.26.460 Increase in urban arterial trust account funds allocated to a project—Regulations—Factors. Whenever the board approves an urban arterial project it shall determine the amount of urban arterial trust account funds to be allocated for such project. The allocation shall be based upon information contained in the six-year plan submitted by the county or city seeking approval of the project and upon such further investigation as the board deems necessary. The board shall adopt reasonable regulations pursuant to which urban arterial trust account funds allocated to a project may be increased upon a subsequent application of the county or city constructing the project. The regulations adopted by the board shall take into account, but shall not be limited to, the following factors: (1) The financial effect of increasing the original allocation for the project upon other urban arterial projects either approved or requested; (2) whether the project for which an additional allocation is requested can be reduced in scope while retaining a usable segment; (3) whether the original cost of the project shown in the applicant's six-year program was based upon reasonable engineering estimates; and (4) whether the requested additional allocation is to pay for an expansion in the scope of work originally approved. [1969 ex.s. c 171 § 7.]

47.26.900 Severability—1967 ex.s. c 83. If any provision of this 1967 amendatory act or the application thereof to any person, firm, or corporation or circumstance is held invalid, in whole or in part, such invalidity shall not affect other provisions of the act which can be given effect without the invalid provisions or application and to this end the provisions of this 1967 amendatory act are declared to be severable. [1967 ex.s. c 83 § 55.]

47.26.910 Effective dates—1967 ex.s. c 83. This 1967 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and sections 1 through 55 and section 56, renumbered "Sec. 62", shall take effect on the first day of the month following the approval of this act by the governor; sections 56 through 61 shall take effect on July 1, 1967 with respect to fees paid on or after July 1, 1967. Fees paid pursuant to RCW 46.16.070, 46.16.072, 46.16.075 or 46.16.120 prior to July 1, 1967 shall not be affected by this act. [1967 ex.s. c 83 § 62.]

Reviser's note: (1) "sections 1 through 55" (1967 ex.s. c 83) are codified as chapter 47.26 RCW, RCW 35.77.010, 36.81.121, 46.68.100,

46.68.150, 82.36.020, 82.36.100, 82.37.030, 82.37.190, 82.40.020 and 82.40.290.

(2) "sections 56 through 61" (1967 ex.s. c 83) consist of RCW 46.16.070, 46.16.111, 46.16.121, 46.16.040, 46.16.125 and the repeal of 46.16.072, 46.16.075, 46.16.110 and 46.16.120.

47.26.930 Construction—1969 ex.s. c 171. The rule of strict construction shall have no application to this 1969 act or to the provisions of chapter 47.26 RCW, and they shall be liberally construed in order to carry out an effective, efficient and equitable program of financial assistance to urban area cities and counties for arterial roads and streets. [1969 ex.s. c 171 § 8.]

Chapter 47.28 CONSTRUCTION AND MAINTENANCE OF HIGHWAYS

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|-----------|--|
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Viaducts, bridges, elevated roadways, etc., authority of cities to construct: Chapter 35.85 RCW.

47.28.010 Latitude in selecting route. Whenever the general route of any state highway shall be designated and laid out as running to or by way of certain designated points, without specifying the particular route to be followed to or by way of such points, the highway commission shall determine the particular route to be followed by said state highway to or by way of said designated points, and shall be at liberty to select and adopt as a part of such state highway, the whole or any part of any existing public highway previously designated as a county road, primary road or secondary road or now or hereafter classified as a county road. The

highway commission need not select and adopt the entire routes for such state highways at one time, but may select and adopt parts of such routes from time to time as it deems advisable. Where a state highway is designated as passing by way of a certain point, this shall not require the highway commission to cause such state highway to pass through or touch such point but such designation is directional only and may be complied with by location in the general vicinity. The highway commission is empowered to construct as a part of any state highway as designated and in addition to any portion meeting the limits of any incorporated city or town a bypass section either through or around any such incorporated city or town. [1961 c 13 § 47.28.010. Prior: 1937 c 53 § 31; RRS § 6400-31.]

47.28.020 Width of right of way. From and after April 1, 1937, the width of one hundred feet is the necessary and proper right of way width for state highways unless the highway commission, for good cause, may adopt and designate a different width. This section shall not be construed to require the highway commission to acquire increased right of way for any state highway in existence on such date. [1961 c 13 § 47.28.020. Prior: 1937 c 53 § 30; RRS § 6400-30; 1913 c 65 § 8; RRS § 6831.]

47.28.025 Description and plan of new or limited access highway—Recording. Whenever any authority in behalf of the state shall establish the location, width and lines of any new highway, or declare any such new highway as a limited access facility, it may cause the description and plan of any such highway to be made, showing the center line of said highway and the established width thereof and attach thereto a certified copy of the resolution, and thereupon such description, plan and resolution shall be recorded in the office of the county auditor of the proper county in a separate book kept for such purposes, which shall be furnished to the county auditor of such county by the Washington state highway commission at the expense of the state. [1961 c 13 § 47.28.025. Prior: 1955 c 161 § 1.]

47.28.026 Description and plan of new or limited access highway—Buildings and improvements prohibited. No owner or occupier of lands, buildings or improvements shall erect any buildings or make any improvements within the limits of any such highway, location, width and lines of which have been established and recorded, as provided in RCW 47.28.025, and if any such erection and improvements shall be made, no allowances shall be had therefor by the assessment of damages. No permits for improvements within said limits shall be issued by any authority: *Provided*, That the establishment of any highway location as set forth in RCW 47.28.025 shall be ineffective after one year from the filing thereof if no action to condemn or acquire the property within said limits has been commenced within said time. [1961 c 13 § 47.28.026. Prior: 1955 c 161 § 2.]

47.28.030 Contracts—Day labor—Monetary limits—Small businesses and minority contractors—Rules and regulations. A state highway shall be constructed, altered, repaired, or improved by contract or day labor. The work may be done by day labor when the estimated cost thereof is less than fifteen thousand dollars: *Provided*, When delay of performance of such work would jeopardize a state highway or constitute a danger to the traveling public, the work may be done by day labor when the estimated cost thereof is less than twenty-five thousand dollars. When the state highway commission determines to do the work by day labor, it shall enter a resolution upon its records to that effect, stating the reasons therefor. To enable a larger number of small businesses and minority contractors to effectively compete for highway department contracts, the state highway commission may adopt rules and regulations providing for bids and award of contracts for the performance of work, or furnishing equipment, materials, supplies, or operating services whenever any work is to be performed and the engineer's estimate indicates the cost of the work would not exceed twenty-five thousand dollars. The rules and regulations adopted under this section:

(1) Shall provide for competitive bids to the extent that competitive sources are available except when delay of performance would jeopardize life or property or inconvenience the traveling public; and

(2) Need not require the furnishing of a bid deposit nor a performance bond, but in the event such a performance bond is not required then progress payments to the contractor may be required to be made based on submittal of paid invoices to substantiate proof that disbursements have been made to laborers, materialmen, mechanics and subcontractors from the previous partial payment; and

(3) May establish prequalification standards and procedures as an alternative to those set forth in RCW 47.28.070, but the prequalification standards and procedures under RCW 47.28.070 shall always be sufficient. [1973 c 116 § 1; 1971 ex.s. c 78 § 1; 1969 ex.s. c 180 § 2; 1967 ex.s. c 145 § 40; 1961 c 233 § 1; 1961 c 13 § 47.28.030. Prior: 1953 c 29 § 1; 1949 c 70 § 1, part; 1943 c 132 § 1, part; 1937 c 53 § 41, part; Rem. Supp. 1949 § 6400-41, part.]

47.28.040 Precontract preparation of maps, plans, and specifications—Filing. Before entering into any contract for the construction, alteration, repair or improvement of any state highway the highway commission shall cause the same to be surveyed throughout the entire length of such proposed construction, alteration, repair or improvement and cause to be prepared maps, plans and specifications, together with an estimate of the cost of such proposed work, and such information and directions as will enable a contractor to carry them out. The maps, plans, specifications and directions shall be approved by the highway commission and a copy thereof filed permanently in the office of the highway commission. [1961 c 13 § 47.28.040. Prior: 1937 c 53 § 32, part; RRS § 6400-32, part.]

47.28.050 Call for bids. Except as may be provided by rules and regulations adopted under RCW 47.28.030 as now or hereafter amended the Washington state highway commission shall publish a call for bids for the construction of the highway according to the maps, plans, and specifications, once a week for at least two consecutive weeks, next preceding the day set for receiving and opening the bids, in not less than one trade paper and one other paper, both of general circulation in the state. The call shall state the time, place, and date for receiving and opening the bids, give a brief description of the location and extent of the work, and contain such special provisions or specifications as the commission deems necessary: *Provided*, That when the estimated cost of any contract to be awarded is less than twenty-five thousand dollars, the call for bids need only be published in one paper of general circulation in the county where the major part of the work is to be performed: *Provided further*, That when the estimated cost of a contract to be awarded is seven thousand five hundred dollars or less, including the cost of materials, supplies, engineering, and equipment, the state highway commission need not publish a call for bids. [1973 c 116 § 2; 1969 ex.s. c 180 § 1; 1961 c 13 § 47.28.050. Prior: 1959 c 319 § 33; 1955 c 147 § 1; 1937 c 53 § 33; RRS § 6400-33.]

47.28.060 Copy of map, plans, etc.—Charge. Any person, firm or corporation shall be entitled to receive copies of the maps, plans, specifications and directions for any work upon which call for bids has been published, upon written request therefor and payment to the highway commission of a reasonable sum as required by the highway commission in the call for bids for each copy of such maps, plans and specifications. Any money so received shall be certified by the highway commission to the state treasurer and deposited to the credit of the motor vehicle fund: *Provided*, That the highway commission may deliver with or without charge informational copies of maps, plans, specifications and directions at such places as it may from time to time designate. [1971 c 36 § 1; 1965 ex.s. c 64 § 1; 1961 c 13 § 47.28.060. Prior: 1937 c 53 § 34; RRS § 6400-34.]

47.28.070 Form of bid—Data required—Requirements—Refusal to furnish form—Appeal. Bid proposals upon any construction or improvement of any state highway shall be made upon contract proposal form supplied by the highway commission, and in no other manner. The highway commission shall, before furnishing any person, firm or corporation desiring to bid upon any work for which a call for bid proposals has been published, with a contract proposal form, require from such person, firm or corporation, answers to questions contained in a standard form of questionnaire and financial statement, including a complete statement of the financial ability and experience of such person, firm, or corporation in performing state highway, road or other public work. Such questionnaire shall be sworn to before a notary public or other person authorized to take acknowledgment of deeds, and shall be submitted

once a year and at such other times as the highway commission may require. Whenever the highway commission is not satisfied with the sufficiency of the answers contained in such questionnaire and financial statement or whenever the highway commission determines that such person, firm, or corporation does not meet all of the requirements hereinafter set forth it may refuse to furnish such person, firm or corporation with a contract proposal form and any bid proposal of such person, firm or corporation must be disregarded. In order to obtain a contract proposal form, a person, firm or corporation shall have all of the following requirements:

- (1) Adequate financial resources, or the ability to secure such resources;
- (2) The necessary experience, organization, and technical qualifications to perform the proposed contract;
- (3) The ability to comply with the required performance schedule taking into consideration all of its existing business commitments;
- (4) A satisfactory record of performance, integrity, judgment, and skills; and
- (5) Be otherwise qualified and eligible to receive an award under applicable laws and regulations.

Such refusal shall be conclusive unless appeal therefrom to the superior court of Thurston county be taken within five days, which appeal shall be heard summarily within ten days after the same is taken and on five days' notice thereof to the highway commission. [1967 ex.s. c 145 § 39; 1961 c 13 § 47.28.070. Prior: 1937 c 53 § 35; RRS § 6400-35.]

47.28.080 Withdrawal of bids—New bids—Time fixed in call controls. Any person, firm, or corporation proposing a bid for the construction or improvement of any state highway in response to a call for bids published therefor may withdraw such bid proposal without forfeiture and without prejudice to the right of such bidder to file a new bid proposal before the time fixed for the opening of such bid proposals: *Provided*, That the request for such withdrawal shall have been made in writing, signed by the person proposing such bid or his duly authorized agent, and filed with the highway commission before the time fixed for the opening of such bid proposals. No bid proposal shall be considered which has not been filed with the highway commission before the time fixed for the opening of bid proposals. In any provisions regarding the filing or withdrawing of bid proposals the time fixed for the opening of bid proposals in the call for bid proposals as published shall control without regard for the time when such bid proposals are actually opened. [1961 c 13 § 47.28.080. Prior: 1937 c 53 § 36; RRS § 6400-36.]

47.28.090 Opening of bids and award of contract—Deposit. At the time and place named in the call for bids the Washington state highway commission shall publicly open and read the final figure in each of the bid proposals properly filed and read only the bid items on the three lowest bids, and shall award the contract to the lowest responsible bidder unless the commission has, for good cause, continued the date of opening bids

to a day certain, or rejected said bid: *Provided*, That any bid may be rejected if the bidder has previously defaulted in the performance of and failed to complete a written public contract, or has been convicted of a crime arising from a previous public contract: *And provided further*, That notwithstanding any other provision of law, the highway commission, in awarding contracts for which bids have been accepted prior to July 1, 1971, for construction of ferries for the Washington state ferry system, may consider the bid of the lowest responsible bidder operating shipbuilding facilities and proposing to build such ferries in the state of Washington by evaluating and including the projected direct and indirect tax revenues generated by construction of the ferries within the state. Moneys expended to meet the added cost incurred as a consequence of the award of a contract authorized by this proviso shall come from such funds as may be available. All bids shall be under sealed cover and accompanied by deposit in cash, certified check, cashier's check, or surety bond in an amount equal to five percent of the amount of the bid and no bid shall be considered unless the deposit is enclosed therewith. [1971 ex.s. c 21 § 2; 1961 c 13 § 47.28.090. Prior: 1955 c 83 § 1; 1949 c 64 § 1; 1937 c 53 § 37; Rem. Supp. 1949 § 6400-37.]

Legislative finding, intent—1971 ex.s. c 21: "The legislature finds the award of contracts to construct new ferries to persons intending to construct such ferries within the state will serve not only the public transportation needs of the state but also generate an increase in employment, salaries, wages, purchases, and general business activity which will cause a general increase in the tax revenues of the state. It is the intent of this act to effectively recognize all the benefits to the people of the state when contracts for the construction of ferries are awarded to persons intending to construct such ferries within the state and to provide for the consideration of such benefits in awarding a contract for construction. It is the further intent of this act to respond to the severe and extraordinary problem of unemployment which presently faces the citizens of the state and which diminishes the strength of the public institutions which serve the welfare of all the people of the state." [1971 ex.s. c 21 § 1.] This applies to the amendment to the above section by 1971 ex.s. c 21 § 2.

47.28.100 Contract and bond—Forfeiture and return of deposits—Rejection of all bids—Readvertisement. If the successful bidder fails to enter into the contract and furnish satisfactory bond as by law provided within twenty days from the award, exclusive of the day of the award, his deposit shall be forfeited to the state and be deposited by the state treasurer to the credit of the motor vehicle fund, and the highway commission may award the contract to the second lowest responsible bidder. If the second lowest responsible bidder fails to enter into the contract and furnish bond within twenty days after award to him, forfeiture of his deposit shall also be made and the contract may be awarded to the third lowest responsible bidder, and in like manner until the contract and bond are executed by a responsible bidder to whom award is made, or further bid proposals are rejected, or the number of bid proposals are exhausted: *Provided*, That if the contract is not executed or no contractor's bond provided within the time required, and there appear circumstances which are deemed to warrant an extension of time, the commission may extend the time for execution of the

contract or furnishing bond for not to exceed twenty additional days. After awarding the contract the deposits of unsuccessful bidders shall be returned: *Provided*, That the commission may retain the deposit of the next lowest responsible bidder or bidders as it desires until such time as the contract is entered into and satisfactory bond provided by the bidder to whom award was ultimately made.

If in the opinion of the commission the acceptance of the bid of the lowest responsible bidder or bidders, or on prior failure of the lowest responsible bidder or bidders, the acceptance of the bid of the remaining lowest responsible bidder or bidders will not be for the best interest of the state, it may reject all bids or all remaining bids and republish call for bids in the same manner as for an original publication thereof. [1961 c 13 § 47.28.100. Prior: 1953 c 53 § 1; 1937 c 53 § 38; RRS § 6400-38.]

47.28.110 Sureties—Qualifications—Additional sureties. At any time and as often as it may be deemed necessary, the highway commission may require any or all sureties or any surety company to appear and qualify themselves upon any contractor's bond. Whenever such surety or sureties upon any contractor's bond become insufficient or may be deemed by the highway commission to have become insufficient, the highway commission may demand in writing that the contracting person, firm or corporation furnish such further contractor's bond or bonds or additional surety in an amount not exceeding that originally required as may be deemed necessary considering the extent of the work remaining to be done upon such contract. No further payments shall be made on such contract until such additional surety as required is furnished. [1961 c 13 § 47.28.110. Prior: 1937 c 53 § 39; RRS § 6400-39.]

47.28.120 Actions for labor and materials—Limitation of action. Any contracting person, firm or corporation performing any labor or furnishing any materials upon their contract or otherwise for public work or improvement under the direction of the highway commission or any person claiming any right of action upon any such contract with the state of Washington or who claims a cause of action against the state of Washington arising out of any such contract must bring such suit in the proper court in Thurston county before the expiration of one hundred and eighty days from and after the final acceptance and the approval of the final estimate of such work by the highway commission; otherwise such action shall be forever barred. [1961 c 13 § 47.28.120. Prior: 1937 c 53 § 40; RRS § 6400-40.]

47.28.140 Agreements to benefit or improve highways, roads or streets, establish urban public transportation system—Labor or contract—Costs. When in the opinion of the governing authorities representing the state department of highways and any agency, instrumentality, municipal corporation or political subdivision of the state of Washington, any highway, road or street will be benefited or improved by constructing, reconstructing, locating, relocating, laying out, repairing,

surveying, altering, improving or maintaining, or by the establishment adjacent to, under, upon, within or above any portion of any such highway, road or street of an urban public transportation system, by either the said highway department or any agency, instrumentality, municipal corporation or political subdivision of the state, and it is in the public interest to do so, the authorities may enter into cooperative agreements wherein either agrees to perform the work and furnish the materials necessary and pay the cost thereof, including necessary engineering assistance, which costs and expenses shall be reimbursed by the party whose responsibility it was to do or perform such work or improvement in the first instance. Said work may be done by either day labor or contract, and the cooperative agreement between the parties shall provide for the method of reimbursement. In the case of some special benefit or improvement to a state highway derived from the construction of any public works project, including any urban public transportation system, the department of highways may contribute to the cost thereof by making direct payment to the particular state department, agency, instrumentality, municipal corporation or political subdivision on the basis of benefits received, but such payment shall be made only after a cooperative agreement has been entered into for a specified amount or on an actual cost basis prior to the commencement of said particular public works project. [1967 c 108 § 6; 1961 c 13 § 47.28.140. Prior: 1955 c 384 § 8.]

Urban public transportation system defined: RCW 47.04.082.

47.28.150 Underpasses, overpasses constructed with aid of federal funds—Apportionment of maintenance cost between railroad and state. Notwithstanding any of the provisions of RCW 81.53.090, where the cost of constructing an overpass or underpass which is part of the state highway system has been paid for in whole or in part by the use of federal funds, the state shall at its expense maintain the entire overpass structure and the approaches thereto, and the railroad company shall at its expense maintain the entire underpass structure, including the approaches thereto. The state shall at its expense maintain the roadway, and the railroad company shall at its expense maintain its roadbed and tracks on or under all such structures. [1961 c 13 § 47.28.150. Prior: 1959 c 319 § 34.]

47.28.170 Emergency protection and restoration of highways. (1) Whenever the state highway commission finds that as a consequence of accident, natural disaster, or other emergency, an existing state highway is in jeopardy or is rendered impassible in one or both directions and the commission further finds that prompt reconstruction, repair, or other work is needed to preserve or restore the highway for public travel, the highway commission may authorize the department of highways to obtain at least three written bids for the work without publishing a call for bids and to award a contract forthwith to the lowest responsible bidder.

The department of highways shall notify any association or organization of contractors filing a request to

regularly receive notification. Notification to an association or organization of contractors shall include: (a) The location of the work to be done; (b) the general anticipated nature of the work to be done; and (c) the date determined by the department as reasonable in view of the nature of the work and emergent nature of the problem after which the department will not receive bids.

(2) Whenever the state highway commission finds it necessary to protect a highway facility from imminent damage or to perform emergency work to reopen a highway facility, the highway commission may authorize the department of highways to contract for such work on a negotiated basis not to exceed force account rates for a period not to exceed thirty working days.

(3) When the engineer's estimate of the cost of work authorized in either subsections (1) or (2) of this section is less than one hundred thousand dollars, the director of highways may make findings as provided hereinabove and pursuant thereto the department of highways may award contracts as authorized by this section.

(4) Any person, firm, or corporation awarded a contract for work must be prequalified pursuant to RCW 47.28.070 and may be required to furnish a bid deposit or performance bond. [1971 ex.s. c 89 § 1.]

Chapter 47.30 TRAILS AND PATHS

Sections

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| 47.30.010 | Severance or destruction of recreational trail—Alternative, construction or reconstruction required—Signing. |
| 47.30.020 | Facilities for pedestrians, equestrians or bicyclists to be provided—Joint usage of rights of way. |
| 47.30.030 | Facilities for pedestrians, equestrians or bicyclists authorized—Expenditure of available funds. |
| 47.30.040 | Establishing paths and trails—Factors to be considered. |
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Recreation trails system: Chapter 67.32 RCW.

47.30.010 Severance or destruction of recreational trail—Alternative, construction or reconstruction required—Signing. (1) No limited access highway shall be constructed that will result in the severance or destruction of an existing recreational trail of substantial usage for pedestrians, equestrians or bicyclists unless an alternative recreational trail, satisfactory to the authority having jurisdiction over the trail being severed or destroyed, either exists or is reestablished at the time the limited access highway is constructed. If a proposed limited access highway will sever a planned recreational trail which is part of a comprehensive plan for trails adopted by a state or local governmental authority, and no alternative route for the planned trail exists which is satisfactory to the authority which adopted the comprehensive plan for trails, the state or local agency proposing to construct the limited access highway shall design the facility and acquire sufficient right of way to accommodate future construction of the portion of the

trail which will properly lie within the highway right of way. Thereafter when such trail is developed and constructed by the authority having jurisdiction over the trail, the state or local agency which constructed the limited access highway shall develop and construct the portion of such trail lying within the right of way of the limited access highway.

(2) Where a highway other than a limited access highway crosses a recreational trail of substantial usage for pedestrians, equestrians, or bicyclists, signing sufficient to insure safety shall be provided.

(3) Where the construction or reconstruction of a highway other than a limited access highway would destroy the usefulness of an existing recreational trail of substantial usage for pedestrians, equestrians, or bicyclists or of a planned recreational trail for pedestrians, equestrians, or bicyclists incorporated into the comprehensive plans for trails of the state or any of its political subdivisions, replacement land, space, or facilities shall be provided and where such recreational trails exist at the time of taking, reconstruction of said recreational trails shall be undertaken. [1971 ex.s. c 130 § 1.]

47.30.020 Facilities for pedestrians, equestrians or bicyclists to be provided—Joint usage of rights of way. Facilities for pedestrians, equestrians, or bicyclists shall be incorporated into the design of highways and free-ways along corridors where such facilities do not exist upon a finding that such facilities would be of joint use and conform to the comprehensive plans of public agencies for the development of such facilities, will not duplicate existing or proposed routes, and that safety to both motorists and to pedestrians, equestrians, and bicyclists would be enhanced by the segregation of traffic.

In planning and design of all highways, every effort shall be made consistent with safety to promote joint usage of rights of way for trails and paths in accordance with the comprehensive plans of public agencies. [1971 ex.s. c 130 § 2.]

47.30.030 Facilities for pedestrians, equestrians or bicyclists authorized—Expenditure of available funds. Where an existing highway severs, or where the right of way of an existing highway accommodates a trail for pedestrians, equestrians or bicyclists or where the separation of motor vehicle traffic from pedestrians, equestrians, or bicyclists will materially increase the motor vehicle safety the provision of facilities for pedestrians, equestrians, or bicyclists which are a part of a comprehensive trail plan adopted by federal, state, or local governmental authority having jurisdiction over the trail is hereby authorized. The state highway commission, or the county or city having jurisdiction over the highway, road, or street, or facility is further authorized to spend [expend] reasonable amounts out of the funds made available to them, according to the provisions of RCW 46.68.100, as necessary for the planning, accommodation, establishment, and maintenance of such facilities. [1974 1st ex.s. c 141 § 12; 1972 ex.s. c 103 § 2.]

Severability—1972 ex.s. c 103: "If any provision of this 1972 amendatory act, or its application to any person or circumstance is

held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1972 ex.s. c 103 § 8.] This applies to the 1972 ex.s. amendments to RCW 46.68-.070, 46.68.120 and 46.68.130, and to RCW 47.30.030-47.30.060.

47.30.040 Establishing paths and trails—Factors to be considered. Before establishing paths and trails, the following factors shall be considered:

- (1) Public safety;
- (2) The cost of such paths and trails as compared to the need or probable use;
- (3) Inclusion of the trail in a plan for a comprehensive trail system adopted by a city or county in a state or federal trails plan. [1972 ex.s. c 103 § 3.]

Severability—1972 ex.s. c 103: See note following RCW 47.30.030.

47.30.050 Expenditures for paths and trails—Minimum amount. The amount expended by the highway department or by a city, town, or county as authorized by RCW 47.30.030 shall never in any one fiscal year be less than one-half percent of the total amount of funds received from the motor vehicle fund according to the provisions of RCW 46.68.100: *Provided*, That this section does not apply to a city or town in any year in which the one-half percent equals five hundred dollars or less, or to a county in any year in which the one-half percent equals three thousand dollars or less: *Provided further*, That a city, town or county in lieu of expending the funds each year may credit the funds to a financial reserve or special fund, to be held for not more than ten years, and to be expended for the purposes required or permitted by RCW 47.30.030. [1972 ex.s. c 103 § 4.]

Severability—1972 ex.s. c 103: See note following RCW 47.30.030.

47.30.060 Expenditures deemed to be for highway, road and street purposes—Powers and duties of state highway department—Restrictions on use of paths and trails. For the purposes of this chapter, the establishment of paths and trails and the expenditure of funds as authorized by RCW 47.30.030 shall be deemed to be for highway, road and street purposes. The department of highways shall, when requested, and subject to reimbursement of costs, provide technical assistance and advice to cities, towns, and counties in carrying out the purposes of RCW 47.30.030. The department shall recommend construction standards for paths and trails. The department shall provide a uniform system of signing paths and trails which shall apply to paths and trails under the jurisdiction of the department and of cities, towns, and counties. The department and cities, towns, and counties may restrict the use of paths and trails under their respective jurisdictions to pedestrians, equestrians, and nonmotorized vehicles. [1972 ex.s. c 103 § 5.]

Severability—1972 ex.s. c 103: See note following RCW 47.30.030.

Chapter 47.32
OBSTRUCTIONS ON RIGHT OF WAY

Sections

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Fences: Chapter 16.60 RCW.

Mobile home movement permits: RCW 46.16.104 through 46.16.106.

Removal of disabled vehicle: RCW 46.61.565.

47.32.010 Order to remove obstructions—Removal by state. Whenever the highway commission shall determine and order that it is necessary for the convenience and safety of public travel and the use of (or construction, alteration, repair, improvement or maintenance of) any state highway to have the full width of right of way of any such state highway or of any portion of the right of way of any such state highway free from any and all obstructions, encroachments and occupancy, other than pole lines, pipe lines or other structures maintained thereon for public or quasi public utilities by virtue of a valid franchise, and shall cause due notice of such order to be given as provided by law, such obstructions, encroachments and means of occupancy, and any structure, building, improvement or other means of occupancy of any of the right of way of said state highway not removed within the time allowed by law shall become thereby and be an unlawful property and may be confiscated, removed and sold or destroyed by the state of Washington according to procedure as hereinafter provided, without any right in anyone to make any claim therefor, either by reason of the removal thereof or otherwise. It shall be unlawful for any person to keep, maintain or occupy any such unlawful structure. [1961 c 13 § 47.32.010. Prior: 1937 c 53 § 68; RRS § 6400-68.]

47.32.020 Notice of order, contents, posting—Return. Whenever the highway commission shall determine that the right of way of any state highway or any portion of the right of way of any state highway be made free from any and all obstructions, encroachments and occupancy it shall forthwith cause to be posted, by a competent person eighteen years of age or over upon any and all structures, buildings, improvements and other means of occupancy of such state

highway or portion thereof, other than property of public or quasi public utilities, by virtue of a valid franchise, a notice bearing a copy of such order and dated as of the date of posting, to all whom it may concern to vacate such right of way and to remove all property therefrom forthwith and within ten days after the posting of such notice exclusive of the date of posting of the same, and shall require the filing with it of duplicate affidavits in proof of such postings, showing upon what structures, buildings, improvements or other means of occupancy of such state highway or portions thereof, respectively, copies of such notice were posted and the date of each such posting, sworn to by the person making such posting. [1971 ex.s. c 292 § 46; 1961 c 13 § 47.32.020. Prior: 1937 c 53 § 69; RRS § 6400-69.]

Severability—1971 ex.s. c 292: See note following RCW 26.28.010.

47.32.030 Proceedings in rem authorized—Records certified. In case the property or any thereof described in such notice is not removed from such right of way within ten days after the date of such posting, exclusive of the date of posting, all such property upon the right of way of said state highway or portion thereof shall thereupon become unlawful and the highway commission shall commence proceedings in the name of the state of Washington for the removal thereof by court action. The highway commission shall thereupon prepare two original copies of such order together with two copies each of the notice posted and of the affidavits in proof of posting thereof and duplicate copies of a certificate by said highway commission describing with reasonable certainty and with due reference to the center line stationing of said state highway and to proper legal subdivisional points, each structure, building, improvement, encroachment or other means of occupancy, other than pole lines, pipe lines or other structures maintained for public and quasi public utilities, on the state highway or portion thereof specified in such order and remaining upon such right of way as aforesaid. Thereupon action shall be commenced in rem for the purpose of removal of all such unlawful property, in the superior court of the county in which such state highway or portion thereof containing such structures is situated, entitled and in the name of the state of Washington as plaintiff and describing each such unlawful structure, building, improvement, encroachment or other means of occupancy, which structures, buildings, improvements, encroachments or other means of occupancy shall be briefly named as defendants. [1961 c 13 § 47.32.030. Prior: 1937 c 53 § 70; RRS § 6400-70; prior: 1925 ex.s. c 131 § 3; RRS § 6837-3.]

47.32.040 Complaint, contents. The complaint shall, in such action, describe such property unlawfully remaining upon the right of way of such state highway or portion thereof with reasonable certainty by reference to the certificate of the highway commission, which shall be attached to and filed with said complaint, and praying that an order be entered for the removal from the right of way of such state highway or portion thereof of all the described property unlawfully thereon and

the disposal thereof. [1961 c 13 § 47.32.040. Prior: 1937 c 53 § 71; RRS § 6400-71; prior: 1925 ex.s. c 131 § 4; RRS § 6837-4.]

47.32.050 Notice, action, service, contents—Proceedings void when. Service of such complaint shall be given by publication of notice thereof once a week for two successive weeks in a newspaper of general circulation in the county in which such action is commenced, which notice shall briefly state the objects of the action and contain a brief description of each structure, building, improvement, encroachment or other means of occupancy sought to be removed from the right of way of the state highway, describe such state highway or portion thereof by number and location and state the time and place when and where the action will come before the court or judge thereof; and a copy of such notice shall also be posted at least ten days before the date of hearing of such action upon each such structure, building, improvement, encroachment or other means of occupancy described therein. Posting may be made by any person qualified to serve legal process. Want of posting upon, or failure to describe any such structure, building, improvement, encroachment or other means of occupancy shall render subsequent proceedings void as to those not posted upon or described but all others described and posted upon shall be bound by the subsequent proceedings. [1961 c 13 § 47.32.050. Prior: 1937 c 53 § 72; RRS 6400-72; prior: 1925 ex.s. c 131 § 5; RRS § 6837-5.]

47.32.060 Hearing—Findings—Order—Appeal. At the time and place appointed for hearing upon said complaint, which hearing shall be by summary proceedings, if the court or judge thereof shall find that due notice has been given by posting and publication and that the order of the highway commission was duly made, and shall be further satisfied and find that the state highway or portion thereof described is legally a state highway having the width of right of way specified in such order and that the structure, buildings, improvements or other means of occupancy of such state highway or portion thereof as stated in the certificate of the highway commission do in fact encroach, or that any portion thereof encroach, upon such state highway right of way, the court or judge thereof shall thereupon make and enter an order establishing that each of the structures, buildings, improvements and other means of occupancy specified in such order is unlawfully maintained within the right of way and is subject to confiscation and sale and that the same be forthwith confiscated, removed from such right of way and sold, and providing that six days after the entry of such order, a writ shall issue out of said court directed to the sheriff of such county, commanding such sheriff to seize and remove from the right of way of said state highway each such structure, building, improvement or other means of occupancy specified in such order forthwith on receipt of writ based on said order and to take and hold the same in his custody for a period of ten days unless sooner redelivered as provided for by law and if

not then so redelivered to sell the same at public or private sale and to pay the proceeds thereof into the registry of the court within sixty days after the issuance of such writ, and further in such action, including costs of posting original notices of the highway commission, the costs of posting and publishing notices of hearing as part thereof and any cost of removal, be paid by the clerk to the state treasurer and by him credited to the motor vehicle fund. Such order shall be filed with the clerk of such court and recorded in the minutes of said court and be final unless review thereof to the supreme court of the state be taken within five days after the filing thereof. [1961 c 13 § 47.32.060. Prior: 1937 c 53 § 73; RRS § 6400-73; prior: 1925 ex.s. c 131 § 7; RRS § 6837-7.]

47.32.070 Writ, execution of—Return—Disposition of unsold property. Six days after filing of the order above provided for, if no review thereof be taken to the supreme court or the court of appeals of the state, the clerk of the court shall issue under seal of such court a writ directed to the sheriff of the county in which such court is held commanding him to remove, take into custody and dispose of the property described in such order and make returns thereof as provided for such writ by said order. On receipt of such writ it shall be the duty of such sheriff to obey the command thereof, proceed as therein directed and make return within the time fixed by such writ; and said sheriff shall be liable upon his official bond for the faithful discharge of such duties. Upon filing of such return the clerk of court shall make payments as provided for in the order of court. If by the sheriff's return any of the property seized and removed pursuant to such writ is returned as unsold and as of no sale value, and if the court or judge thereof be satisfied that such is the fact, the court or judge thereof may make further order directing the destruction of such property, otherwise directing the sheriff to give new notice and again offer the same for sale, when, if not sold, the same may on order of court be destroyed. [1971 c 81 § 115; 1961 c 13 § 47.32.070. Prior: 1937 c 53 § 74; RRS § 6400-74; prior: 1925 ex.s. c 131 § 8; RRS § 6837-8.]

47.32.080 Property reclaimed—Bond. At any time within ten days after the removal by virtue of such writ of any such property from the right of way of such state highway any person, firm, association or corporation claiming ownership or right of possession of any such property may have the right to demand and to receive the same from the sheriff upon making an affidavit that such claimant owns such property or is entitled to possession thereof, stating on oath the value thereof satisfactory to said sheriff, or which value shall be raised to a value satisfactory to said sheriff, which value shall be indorsed on said affidavit and signed both by said claimant and said sheriff before such sheriff shall be required to accept the bond hereinafter provided for, and deliver to the sheriff a bond with sureties in double the value of such property, conditioned that such claimant will appear in the superior court of such county within ten days after the bond is accepted by the sheriff and

make good such claim of title thereto and pay all accrued costs of service of notice to remove, all costs and disbursements to be assessed to such property and the costs of removal and custody thereof and will hold said sheriff and the state of Washington free from any and all claims on account of such property or will return such property or pay its value to said sheriff, and that such claimant will at all times thereafter keep such property off the right of way of the state highway in question. [1961 c 13 § 47.32.080. Prior: 1937 c 53 § 75; RRS § 6400-75; prior: 1925 ex.s. c 131 § 9; RRS § 6837-9.]

47.32.090 Sureties on bond—Hearing on claim. The sureties on such bond shall justify as in other cases if the sheriff requires it and in case they do not so justify when required, the sheriff shall retain and sell or dispose of the property; and if the sheriff does not require the sureties to justify, he shall stand good for their sufficiency. He shall date and indorse his acceptance upon the bond, and shall return the affidavit, bond and justification, if any, to the office of the clerk of such superior court, whereupon such clerk shall set the hearing thereof as a separate case for trial, in which such claimant shall be the plaintiff and the sheriff and the state of Washington defendants: *Provided*, That no costs shall, in such case, be assessed against the sheriff or the state of Washington in the event the plaintiff should prevail. [1961 c 13 § 47.32.090. Prior: 1937 c 53 § 76; RRS § 6400-76; prior: 1925 ex.s. c 131 § 10; RRS § 6837-10.]

47.32.100 Procedure when claimant wins or loses. If the claimant makes good such claimant's title to or right to possession of the property, upon payment into the registry of the court, of the costs of service or posting of original notice issued by the highway commission with respect to such property, the cost of posting notice of hearing in such court and such proportion of the cost of publication of such notice as the court may fix and direct to be entered and the clerk's fees of filing such affidavit and bond as a separate action and of entry of judgment therein at the amounts provided for in civil actions, judgment shall be entered restoring such property to such claimant without any confirmation of title as to any other claimant thereto, relieving the sheriff from necessity of selling the same and making return thereon, and continuing the effect of such bond for a period of six years thereafter for the benefit of such adverse claimants to said property, if any, as may thereafter make claim to such property. If such claimant shall not make good such claim of title to or right to possession of such property, judgment shall be rendered against such claimant and the sureties of such claimant for the value of such property as finally shown by the affidavit as above provided for, together with such fees for filing such affidavit and bond as a separate action and for entry of judgment therein and other costs and disbursements as taxed in any civil action including the statutory attorney fee as part thereof, for all of which execution may accordingly issue, and relieving the sheriff from the necessity of selling such property or making return thereon. [1961 c 13 § 47.32.100. Prior: 1937 c 53

§ 77; RRS § 6400-77; prior: 1925 ex.s. c 131 § 11; RRS § 6837-11.]

47.32.110 Merchandising structures—Permit—Removal. It shall be unlawful for any person to build, erect, establish, operate, maintain or conduct along and upon the right of way of any state highway any platform, box, stand or any other temporary or permanent device or structure used or to be used for the purpose of receiving, vending or delivering any milk, milk cans, vegetables, fruits, merchandise, produce or any other thing or commodity of any nature unless a permit therefor shall first have been obtained from the highway commission. The highway commission shall in each instance determine where any platform, box, stand or any other temporary or permanent device or structure shall be permitted and upon the existence of any such device or structure without a permit first obtained, the same shall be considered an obstruction unlawfully upon the right of way of such state highway and the highway commission may proceed to effect the removal of the same. [1961 c 13 § 47.32.110. Prior: 1937 c 53 § 78; RRS § 6400-78; 1927 c 309 § 48; RRS § 6362-48; 1923 c 181 § 10; RRS § 6358-1.]

47.32.120 Business places along highway. It shall be unlawful for any person to erect a structure or establishment or maintain a business, the nature of which requires the use by patrons or customers of property adjoining such structure or establishment unless such structure or establishment be so located at a distance from the right of way of any state highway that none of the right of way thereof is required for the use of the patrons or customers of any such establishment. Any such structure erected or business maintained which makes use of or tends to invite patrons to make use of the right of way or any portion thereof of any state highway by occupying the same while a patron, is a public nuisance and the highway commission may fence the right of way of such state highway to prevent such unauthorized use thereof. [1961 c 13 § 47.32.120. Prior: 1937 c 53 § 79; RRS § 6400-79.]

47.32.130 Dangerous objects and structures as nuisances—Logs—Abatement—Removal. (1) Whenever there shall exist upon the right of way of any state highway or off the right of way thereof in sufficiently close proximity thereto, any structure, device or natural or artificial thing which threatens or endangers such state highway or portion thereof, or which tends to endanger persons traveling thereon, or obstructs or tends to obstruct or constitutes a hazard to vehicles or persons traveling thereon, such structure, device or natural or artificial thing is hereby declared to be a public nuisance and the highway commission is empowered to take such action as may be necessary to effect the abatement of the same. Any such structure, device or natural or artificial thing considered by the highway commission to be immediately or eminently dangerous to travel upon a state highway may be forthwith removed and such removal shall in no event constitute a breach of the peace or trespass.

(2) Logs dumped on any state highway roadway or in any state highway drainage ditch due to equipment failure or for any other reason shall be removed immediately. Logs remaining within the state highway right of way for a period of thirty days shall be confiscated and removed or disposed of as directed by the highway commission. [1961 c 13 § 47.32.130. Prior: 1947 c 206 § 3; 1937 c 53 § 80; Rem. Supp. 1947 § 6400-80.]

Injury to highway or bridge: RCW 9.61.010.

Obstructing highway is public nuisance: RCW 9.66.010.

Placing dangerous substances or devices on highway: RCW 9.61.010, 9.66.050, 70.93.060, 46.61.645.

47.32.140 Railroad crossings, obstructions—Hearing. Each railroad company shall keep its right of way clear of all brush and timber in the vicinity of a railroad grade crossing with a state highway for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. The Washington state highway commission shall cause brush and timber to be cleared from the right of way of a state highway in the proximity of a railroad grade crossing for a distance of one hundred feet from the crossing in such manner as to permit a person upon the highway to obtain an unobstructed view in both directions of an approaching train. It shall be unlawful to erect or maintain a sign, signboard, or billboard, except official highway signs and traffic devices and railroad warning or operating signs, at or near a grade crossing of a state highway and a railroad or within a distance of five hundred feet from the point of intersection of such highway and railroad.

When a person who has erected or who maintains such a sign, signboard, or billboard or when a railroad company permits such brush or timber in the vicinity of a railroad grade crossing with a state highway or permits the surface of a grade crossing to become inconvenient or dangerous for passage and who has the duty to maintain it, fails, neglects, or refuses to remove or cause to be removed such brush, timber, sign, signboard, or billboard, or maintain the surface of the crossing, the utilities and transportation commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, shall enter upon a hearing in the manner now provided for hearings with respect to railroad-highway grade crossings, and make and enforce proper orders for the removal of the brush, timber, sign, signboard or billboard, or maintenance of the crossing: *Provided*, That nothing in this section shall prevent the posting or maintaining of any legal notice or sign, signal, or traffic device required or permitted to be posted or maintained, or the placing and maintaining thereon of highway or road signs or traffic devices giving directions or distances for the information of the public when the signs are approved by the commission. The commission shall inspect highway grade crossings and make complaint of the violation of any provisions of this section. [1961 c 13 § 47.32.140. Prior: 1955 c 310 § 7; 1937 c 53 § 81; RRS § 6400-81; prior: 1923 c 129 §§ 1-6; RRS §§ 10510-1—10510-6.]

Railroad grade crossings, obstructions: RCW 36.86.100.

47.32.150 Approach roads, other appurtenances—Permit. No person, firm or corporation shall hereafter be permitted to build or construct on state highway rights of way any approach road or any other facility, thing or appurtenance not heretofore permitted by law, without first obtaining written permission from the highway commission of this state. [1961 c 13 § 47.32-.150. Prior: 1947 c 201 § 1; Rem. Supp. 1947 § 6402-50.]

47.32.160 Approach roads, other appurtenances—Rules and regulations—Construction, maintenance of approach roads. The highway commission is hereby authorized and empowered at its discretion to adopt reasonable rules and regulations and issue permits, not inconsistent with previous laws in effect, for the construction of any approach road, facility, thing or appurtenance, upon state highway rights of way. Such rules and regulations and such permits may include, but need not be limited to include, provisions for construction of culverts under approaches, requirements as to depth of fills over culverts, and requirements for such drainage facilities insofar as the said commission may deem any of such provisions or requirements to be necessary, and any such permit issued may contain such terms and conditions as may be prescribed. All such construction shall be under the supervision of the highway commission and at the expense of the applicant. After completion of the construction of the particular approach road, facility, thing or appurtenance, the same shall be maintained at the expense of the applicant and in accordance with the directions of the highway commission. [1961 c 13 § 47.32.160. Prior: 1947 c 201 § 2; Rem. Supp. 1947 § 6402-51.]

47.32.170 Approach roads, other appurtenances—Removal of installations from right of way for default. Upon failure of the applicant to construct or maintain the particular approach road, facility, thing or appurtenance, in accordance with the conditions of the permit and in accordance with the rules and regulations of the said highway commission therefor, the highway commission may, after the expiration of thirty days following transmittal of a written notice to the applicant, remove all installations upon the right of way at the expense of the applicant, which expense may be recovered from the applicant by the highway commission for the state in any court of competent jurisdiction. [1961 c 13 § 47.32.170. Prior: 1947 c 201 § 3; Rem. Supp. 1947 § 6402-52.]

Chapter 47.36

TRAFFIC CONTROL DEVICES

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- 47.36.230 Signs or flagmen at thoroughfare work sites—Penalty.
- 47.36.250 Dangerous road conditions requiring special tires, chains or traction equipment—Signs or devices—Penalty.

County roads, signs, signals, guideposts—Standards: RCW 36.86.040.

Range areas, signs: RCW 16.24.060.

Rules of the road: Chapter 46.61 RCW.

Townships to erect guideposts: Chapter 45.68 RCW.

47.36.010 Restoration of United States survey markers. It shall be the duty of the highway commission to fix permanent monuments at the original positions of all United States government monuments at township corners, section corners, quarter section corners, meander corners, and witness markers, as originally established by the United States government survey whenever any such original monuments or markers fall within the right of way of any state highway and to aid in the reestablishment of any such corners, monuments or markers destroyed or obliterated by the construction of any state highway by permitting inspection of the records in the office of the highway commission. [1961 c 13 § 47.36.010. Prior: 1937 c 53 § 42; RRS § 6400-42; 1931 c 117 § 1; RRS § 6830-1.]

47.36.020 Traffic control signals. The highway commission shall adopt specifications for a uniform system of traffic control signals consistent with the provisions of this title for use upon public highways within this state. Such uniform system shall correlate with and so far as possible conform to the system current as approved by the American Association of State Highway Officials and as set out in the manual of uniform traffic control devices for streets and highways. [1961 c 13 § 47.36.020. Prior: 1937 c 53 § 50; RRS § 6400-50; prior: 1927 c 309 § 6; RRS § 6362-6.]

47.36.030 Traffic control devices—Specifications to be furnished to counties and cities. The highway commission shall have the power and it shall be its duty to adopt and designate a uniform state standard for the manufacture, display, erection and location of all signs, signals, signboards, guideposts and other traffic devices erected or to be erected upon the state highways of the

state of Washington for the purpose of furnishing information to persons traveling upon such state highways regarding traffic regulations, directions, distances, points of danger and conditions requiring caution, and for the purpose of imposing restrictions upon persons operating vehicles thereon. Such signs shall conform as nearly as practicable to the manual of specifications for the manufacture, display, and erection of uniform traffic control devices for streets and highways and all amendments, corrections and additions thereto. The highway commission shall prepare plans and specifications of the uniform state standard of traffic devices so adopted and designated, showing the materials, colors and designs thereof, and shall upon the issuance of any such plans and specifications or revisions thereof and upon request, furnish to the boards of county commissioners and the governing body of any incorporated city or town, a copy thereof. Signs, signals, signboards, guideposts and other traffic devices erected on county roads shall conform in all respects to the specifications of color, design and location devised by the highway commission. Traffic devices hereafter erected within incorporated cities and towns shall conform to such uniform state standard of traffic devices so far as is practicable. [1961 c 13 § 47.36.030. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

47.36.040 Commission to furnish counties and cities with traffic devices. The highway commission, upon written request, shall cause to be manufactured, painted and printed, and shall furnish to any board of county commissioners or the governing body of any incorporated city or town, directional signboards, guide boards and posts of the uniform state standard of color, shape and design for the erection and maintenance thereof by the board of county commissioners or the governing body of any incorporated city or town upon the roads and streets within their respective jurisdiction. Such directional signboards, guide boards and posts shall be manufactured and furnished, as aforesaid, pursuant to written request showing the number of signs desired and the directional or guide information to be printed thereon. The highway commission is hereby authorized and directed to fix a charge for each signboard, guide board and post manufactured and furnished as aforesaid, based upon the ultimate cost of such operations to the highway commission, and the board of county commissioners, from the county road fund, and the governing body of any incorporated city or town, from the street fund, shall pay the charges so fixed for all signboards, guide boards and posts so received from the highway commission. [1961 c 13 § 47.36.040. Prior: 1945 c 178 § 1, part; 1937 c 53 § 48, part; Rem. Supp. 1945 § 6400-48, part; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; 1917 c 78 § 1, part; RRS § 6303, part.]

47.36.050 Duty to erect traffic devices on state highways and railroad crossings. It shall be the duty of the highway commission to erect and maintain upon every state highway in the state of Washington suitable and proper signs, signals, signboards, guideposts and other traffic devices according to the adopted and designated state standard of design, erection and location, and in the manner required by law; it shall be the duty of the highway commission to erect and maintain upon all state highways appropriate stop signs, warning signs and school signs. Any person, firm, corporation or municipal corporation, building, owning, controlling or operating a railroad that crosses any state highway at grade shall construct, erect and maintain at or near each point of crossing, or at such point or points as will meet the approval of the highway commission, a sign of the type known as the saw buck crossing sign with the lettering "railroad crossing" inscribed thereon, also a suitable inscription indicating the number of tracks; said sign must be of standard design that will comply with the plans and specifications furnished by the highway commission. Additional safety devices and signs may be installed at any time when required by the utilities and transportation commission as provided by laws regulating railroad-highway grade crossings. [1961 c 13 § 47.36.050. Prior: 1937 c 53 § 49; RRS § 6400-49; prior: 1931 c 118 § 1, part; RRS § 6308-1, part; 1923 c 102 § 1, part; RRS § 6303, part; 1919 c 146 § 1; 1917 c 78 § 2; RRS § 6304. FORMER PART OF SECTION: 1937 c 53 § 51 now in RCW 47.36.053.]

47.36.053 General duty to erect and maintain traffic devices on state highways and railroad crossings. The highway commission shall place and maintain such traffic devices conforming to the manual and specifications adopted upon all state highways as it shall deem necessary to carry out the provisions of this title or to regulate, warn, or guide traffic. [1961 c 13 § 47.36.053. Prior: 1937 c 53 § 51; RRS § 6400-51. Formerly RCW 47.36.050, part.]

47.36.060 Traffic devices on county roads and city streets. Local authorities in their respective jurisdictions shall place and maintain such traffic devices upon public highways under their jurisdiction as are necessary to carry out the provisions of the law or local traffic ordinances or to regulate, warn, or guide traffic. Cities and towns, which as used in this section mean cities and towns having a population of over fifteen thousand according to the latest federal census, shall adequately equip with traffic devices, streets which are designated as forming a part of the route of a primary or secondary state highway and streets which constitute connecting roads and secondary state highways to such cities and towns. Such traffic devices, signs, signals and markers shall comply with the uniform state standard for the manufacture, display, direction and location thereof as designated by the state highway commission. The design, location, erection and operation of traffic devices and traffic control signals upon such city or town streets constituting either the route of a primary or secondary state highway to such city or town or

connecting streets to the primary or secondary state highways through the city or town shall be under the direction of the state highway commission and if such city or town fails to comply with any such directions, the state highway commission shall provide for the design, location, erection, or operation thereof, and any cost incurred therefor shall be charged to and paid from any funds in the motor vehicle fund of the state, which have accrued or may accrue to the credit of such city or town and the state treasurer shall issue warrants therefor upon vouchers submitted and approved by the state highway commission. [1961 c 13 § 47.36.060. Prior: 1955 c 179 § 4; 1939 c 81 § 1; 1937 c 53 § 52; RRS § 6400-52.]

47.36.070 Failure to erect signs, procedure. Whenever any person, firm, corporation, municipal corporation or local authorities responsible for the erection and maintenance, or either, of signs at any railroad crossing or point of danger upon any state highway fails, neglects or refuses to erect and maintain, or either, such sign or signs as required by law at highway-railroad grade crossings, it shall be the duty of the utilities and transportation commission upon complaint of the highway commission or upon complaint of any party interested, or upon its own motion, to enter upon a hearing in the manner now provided by law for hearings with respect to railroad-highway grade crossings and to make and enforce proper orders for the erection or maintenance of such signs, or both. [1961 c 13 § 47.36.070. Prior: 1937 c 53 § 54; RRS § 6400-54.]

47.36.080 Signs at railroad crossings. Wherever it is considered necessary or convenient the highway commission may erect approach and warning signs upon the approach of any state highway to a highway-railroad grade crossing situated at a sufficient distance therefrom to make the warning effective. The highway commission may further provide such additional or other highway-railroad grade crossing markings as may be considered to serve the interests of highway safety. [1961 c 13 § 47.36.080. Prior: 1937 c 53 § 57; RRS § 6400-57.]

47.36.090 Cooperation with United States on road markers. Standard federal road markers shall be placed on state highways in the manner requested by the department of commerce of the United States. The highway commission of the state of Washington is authorized and empowered to cooperate with the several states and with the federal government in promoting, formulating and adopting a standard and uniform system of numbering or designating state highways of an interstate character and in promoting, formulating and adopting uniform and standard specifications for the manufacture, display, erection and location of road markers and signs, for the information, direction and control of persons traveling upon public highways. [1961 c 13 § 47.36.090. Prior: 1937 c 53 § 55; RRS § 6400-55; prior: 1925 c 24 § 1; RRS § 6303-1.]

47.36.095 Establishment of continuing system for designation of highways—Signs. The state highway commission is hereby authorized to establish a continuing system for the designating of state highways and branches or portions thereof, heretofore established by the legislature of the state of Washington, to give designations to such state highways and branches, or portions thereof, in accord with such system, and to install signs in accord therewith on such state highways and branches, or portions thereof. Such system may be changed from time to time and shall be extended to new state highways and branches, or portions thereof, as they are hereafter established by the legislature. [1967 ex.s. c 145 § 43; 1963 c 24 § 1.]

Classification of highways: RCW 47.04.020.

47.36.097 Establishment of continuing system for designation of highways—Filing designations with secretary of state and county auditors. Designations or redesignations assigned under such system by the highway commission pursuant to RCW 47.36.095 as each is made, shall be filed with the secretary of state and with the auditor of each county. Thereafter such highways shall be so designated for all purposes. [1967 ex.s. c 145 § 46.]

47.36.100 Directional, caution, and stop signs. Directional signs showing distance and direction to points of importance may be placed at all crossings and intersections of primary and secondary state highways. The highway commission may place such directional signs as it deems necessary upon any city streets designated by it as forming a part of the route of any primary or secondary state highway through any incorporated city or town. Caution and warning signs or signals shall be placed wherever practicable on all primary and secondary state highways in a manner provided by law. Stop signs shall be placed, erected and maintained by the highway commission as follows: Upon all county roads at the point of intersection with any arterial primary or secondary state highway; upon all primary and secondary state highways at the point of intersection with any county road which has been designated by the highway commission as an arterial having preference over the traffic on the state highway; upon at least one state highway at the intersection of two state highways. [1967 ex.s. c 145 § 38; 1961 c 13 § 47.36.100. Prior: 1947 c 206 § 1; 1937 c 53 § 56; Rem. Supp. 1947 § 6400-56.]

47.36.110 Stop signs, "Yield" signs—Duties of persons using highway—Presumption. In order to provide safety at intersections on the state highway system, the Washington state highway commission may require persons traveling upon any portion of such highway to stop before entering the intersection. For this purpose there may be erected a standard stop sign as prescribed in the state of Washington department of highways "Manual for Signing." All persons traveling upon the highway shall come to a complete stop at such a sign and the appearance of any sign so located shall be sufficient warning to a person that he is required to stop. A person stopping at such a sign shall proceed through

such portion of the highway in a careful manner and at a reasonable rate of speed not to exceed twenty miles per hour. It shall be unlawful to fail to comply with the directions of any such a stop sign: *Provided*, That when the findings of a traffic engineering study show that the condition of an intersection is such that vehicles may safely enter the major artery without stopping, the Washington state highway commission or local authorities in their respective jurisdictions shall install and maintain a "Yield" sign.

The driver of a vehicle approaching a "Yield" sign shall reduce speed or stop if necessary in order to yield the right of way to all traffic on the intersecting street which is so close as to constitute an immediate hazard. A motorist proceeding past such a sign with a resultant collision or other interferences with traffic on the intersecting street shall be prima facie evidence that the motorist had not obeyed the sign and yielded the right of way as provided by this statute. [1963 ex.s. c 3 § 49; 1961 c 13 § 47.36.110. Prior: 1955 c 146 § 6; 1937 c 53 § 59; RRS § 6400-59.]

Arterial highways designated—Stopping on entering: RCW 46.61.195.

47.36.120 City limit signs. The highway commission shall erect wherever it deems necessary upon state highways at or near their point of entrance into cities and towns, signs of the standard design designating the city or town limits of such cities or towns. [1961 c 13 § 47.36.120. Prior: 1937 c 53 § 58; RRS § 6400-58.]

47.36.130 Meddling with signs prohibited. No person shall without lawful authority attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control signal, traffic device or railroad sign or signal, or any inscription, shield, or insignia thereon, or any other part thereof. [1961 c 13 § 47.36.130. Prior: 1937 c 53 § 53; RRS § 6400-53.]

Imitation of signs: RCW 46.61.075.

Penalty for defacing, injuring, or destroying signs: RCW 46.61.080.

Structures concealing signs prohibited: RCW 46.61.075.

Unlawful erection of traffic devices: RCW 46.61.075.

47.36.180 Forbidden devices—Penalty. It shall be unlawful to erect or maintain at or near a city street, county road or state highway any structure, sign, or device:

(1) Visible from a city street, county road or state highway and simulating any directional, warning, or danger sign or light likely to be mistaken for such a sign or bearing any such words as "danger," "stop," "slow," "turn," or similar words, figures, or directions likely to be construed as giving warning to traffic;

(2) Visible from a city street, county road or state highway and displaying any red, green, blue, or yellow light or intermittent or blinking light or rotating light identical or similar in size, shape and color to that used on any emergency vehicle or road equipment or any light otherwise likely to be mistaken for a warning, danger, directional, or traffic control signal or sign;

(3) Visible from a city street, county road or state highway and displaying any lights tending to blind persons operating vehicles upon the highway, city street or county road, or any glaring light, or any light likely to be mistaken for a vehicle upon the highway or otherwise to be so mistaken as to constitute a danger; or

(4) Visible from a city street, county road or state highway and flooding or intending to flood or directed across the roadway of the highway with a directed beam or diffused light, whether or not the flood light is shielded against directing its flood beam toward approaching traffic on the highway, city street or county road.

Any structure or device erected or maintained contrary to the provisions of this section is a public nuisance, and the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town shall notify the owner thereof that it constitutes a public nuisance and must be removed, and if the owner fails to do so, the Washington state highway commission, the chief of the Washington state patrol, the county sheriff or the chief of police of any city or town may abate the nuisance.

If the owner shall fail to remove any such structure or device within fifteen days after being notified to remove such structure or device, he shall be guilty of a misdemeanor. [1961 c 13 § 47.36.180. Prior: 1957 c 204 § 1; 1937 c 53 § 62; RRS § 6400-62.]

47.36.200 Signs or flagmen at thoroughfare work sites. When construction, repair or maintenance work is conducted on or adjacent to a public highway, county road, street, bridge or other thoroughfare commonly traveled and when such work interferes with the normal and established mode of travel on such highway, county road, street, bridge or thoroughfare, such location shall be properly posted by prominently displayed signs or flagmen or both. Signs used for posting in such an area shall be consistent with the provisions found in the state of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" obtainable from the Washington state highway commission. [1961 c 13 § 47.36.200. Prior: 1957 c 95 § 1.]

47.36.210 Signs or flagmen at thoroughfare work sites—Compliance enjoined. Any contractor, firm, corporation, political subdivision, or other agency performing such work shall comply with RCW 47.36.200 through 47.36.230. [1961 c 13 § 47.36.210. Prior: 1957 c 95 § 2.]

47.36.220 Signs or flagmen at thoroughfare work sites—Drivers of vehicles engaged in work must obey signs or flagmen. Each driver of a motor vehicle used in connection with such construction, repair, or maintenance work shall obey traffic signs posted for, and flagman stationed at such location in the same manner and under the same restrictions as is required for the driver of any other vehicle. [1961 c 13 § 47.36.220. Prior: 1957 c 95 § 3.]

47.36.230 Signs or flagmen at thoroughfare work sites—Penalty. A violation of or a failure to comply with any provision of RCW 47.36.200 through 47.36.220 shall be a misdemeanor. Each day upon which there is a violation, or there is a failure to comply, shall constitute a separate violation. [1961 c 13 § 47.36.230. Prior: 1957 c 95 § 4.]

47.36.250 Dangerous road conditions requiring special tires, chains or traction equipment—Signs or devices—Penalty. If the highway commission or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains or traction equipment in addition to or beyond the ordinary pneumatic rubber tires the commission may establish the following recommendation or requirement for all persons using such public highway:

(1) Dangerous road conditions, chains or studded tires recommended.

(2) Dangerous road conditions, chains or studded tires required.

(3) Dangerous road conditions, chains required.

Any equipment which may be required by this section shall be approved by the state commission on equipment as authorized under RCW 46.37.420.

The highway commission shall place and maintain signs and other traffic control devices on the public highways which shall indicate the tire, tire chain or traction equipment recommendation or requirement determined under this section.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section shall be a misdemeanor. [1969 ex.s. c 7 § 2.]

Restrictions as to tire equipment, metal studs: RCW 46.37.420.

Chapter 47.38

ROADSIDE AREAS—SAFETY REST AREAS

Sections

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| 47.38.010 | Promulgation of rules and regulations to govern use and control of rest areas, historic sites, viewpoints, etc. |
| 47.38.020 | Limitations on use of rest areas. |
| 47.38.030 | Penalty. |
| 47.38.040 | Information centers may be established. |

Acquisition of property for safety rest areas, buffers, viewpoint, historic sites: RCW 47.12.250.

47.38.010 Promulgation of rules and regulations to govern use and control of rest areas, historic sites, viewpoints, etc. Pursuant to chapter 34.04 RCW, the state highway commission shall promulgate rules and regulations consistent with the safety of the traveling public to govern the use and control of rest areas and other areas as designated in RCW 47.12.250, as now or hereafter amended. Nothing herein shall be construed as limiting the powers of the highway commission as provided by law. [1967 ex.s. c 145 § 29.]

Roadside areas—Safety rest areas, provisions of scenic and recreational highway act concerning: Chapter 47.39 RCW.

47.38.020 Limitations on use of rest areas. Except where specifically authorized by the state highway commission, it shall be unlawful for any person or persons to stop, stand, or park, any vehicle, including but not limited to trailers, campers, motorcycles, for more than eight hours, or for any person or persons to camp, or to maintain a camp, tent, or other sleeping accommodation or facility, in any rest area or safety rest area within the limits of the right of way of interstate highways or other state highways or in other areas of state or interstate highways as designated in RCW 47.12.250, as now or hereafter amended: *Provided*, That this section shall not apply to disabled vehicles. [1967 ex.s. c 145 § 30.]

47.38.030 Penalty. Any person violating RCW 47.38.020 or any rule or regulation adopted or promulgated pursuant to RCW 47.38.020 above shall be guilty of a misdemeanor. [1967 ex.s. c 145 § 31.]

47.38.040 Information centers may be established. In order to provide information in the specific interest of the traveling public, the commission may establish information centers at safety rest areas and permit maps, informational directories, and advertising pamphlets to be made available there for the purpose of informing the public of places of interest within the state and providing such other information as the commission may deem desirable. [1967 ex.s. c 145 § 32.]

Chapter 47.39

SCENIC AND RECREATIONAL HIGHWAY ACT OF 1967

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| Sections | |
| 47.39.010 | System created—Standards. |
| 47.39.020 | Designation of portions of existing highways as part of system. |
| 47.39.030 | Development and maintenance of system by highway commission and parks and recreation commission—Allocation of costs. |
| 47.39.040 | Planning and design standards to be established by office of community affairs. |
| 47.39.050 | Planning and design standards to be established by office of community affairs—Facilities and factors to be considered. |
| 47.39.060 | Designation of system on maps or other descriptive material. |
| 47.39.900 | Short title. |
| 47.39.910 | Severability—1967 ex.s. c 85. |

47.39.010 System created—Standards. There is hereby created a scenic and recreational highway system. Highways in this system shall be developed and maintained in accordance with general standards for state highways of comparable classification and usage. [1967 ex.s. c 85 § 1.]

47.39.020 Designation of portions of existing highways as part of system. The following portions of highways are designated as part of the scenic and recreational highway system:

(1) State route number 2, beginning at the crossing of Woods creek at the east city limits of Monroe, thence in

an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin;

(2) State route number 3, beginning at a junction with state route number 106 in the vicinity of Belfair, thence in a northeasterly direction to a junction with Arsenal Way south of Bremerton; also

Beginning at a junction of Carr Boulevard north of Bremerton thence northeasterly to a junction with state route number 104 in the vicinity of Port Gamble;

(3) State route number 8, beginning at a junction with state route number 12 in the vicinity of Elma, thence easterly to a junction with state route number 101 near Tumwater;

(4) State route number 10, beginning at Teanaway junction, thence easterly to a junction with state route number 131 west of Ellensburg;

(5) State route number 12, beginning at a junction with a county road approximately 2.8 miles west of the crossing of the Wynooche river which is approximately 1.2 miles west of Montesano, thence in an easterly direction to a junction with state route number 8 in the vicinity of Elma; also

Beginning at the Burlington Northern Railroad bridge approximately 3.4 miles west of Dixie, thence in a northerly and easterly direction by way of Dayton, Dodge, and Pomeroy to a junction with a county road approximately 2.4 miles west of a junction with state route number 129 at Clarkston;

(6) State route number 14, beginning at the crossing of Gibbons creek approximately 0.9 miles east of Washougal, thence in an easterly direction by way of Stevenson to a westerly junction with state route number 97 in the vicinity of Maryhill; also

Beginning at the easterly junction with state route number 97 in the vicinity of Maryhill, thence easterly along the north bank of the Columbia river to a point in the vicinity of Plymouth;

(7) State route number 17, beginning at a junction with state route number 395 in the vicinity of Eltopia, thence in a northwesterly direction to the south end of the overcrossing of state route number 90, in the vicinity of Moses Lake; also

Beginning at a junction with Grape Drive in the vicinity of Moses Lake, thence northwesterly and northerly by way of Soap Lake to a junction with state route number 2 west of Coulee City;

(8) State route number 20, beginning at the Keystone ferry slip on Whidbey Island, thence easterly and northerly to a junction with Rhododendron road in the vicinity east of Coupeville; also

Beginning at a junction with Sherman road in the vicinity west of Coupeville, generally northerly to a junction with Miller road in the vicinity southwest of Oak Harbor; also

Beginning at a junction with Torpedo road in the vicinity northeast of Oak Harbor, thence northerly by way of Deception Pass to a junction with state route number 20 north in the vicinity southeast of Anacortes; also

Beginning at the crossing of Hanson creek approximately 6.0 miles west of Lyman, thence easterly by way

of Concrete, Marblemount, Diablo Dam, and Twisp to a junction with state route number 153 southeast of Twisp; also

Beginning at a junction with state route number 21 approximately three miles east of Republic, thence in an easterly direction to a junction with state route number 395 at the west end of the crossing over the Columbia river at Kettle Falls; also

Beginning at a junction with a county road 2.76 miles east of the junction with state route number 395 in Colville, thence in a northeasterly direction to a junction with state route number 31 at Tiger; thence in a southerly direction to a junction with state route number 2 at Newport;

(9) State route number 21, beginning at the Keller ferry slip on the north side of Roosevelt lake, thence in a northerly direction to the crossing of Granite creek approximately fifty-four miles north of the Keller ferry;

(10) State route number 90, beginning at the CMSTPP railroad overcrossing approximately 2.3 miles southeast of North Bend, thence in an easterly direction by way of Snoqualmie pass to the crossing of the Cle Elum river approximately 2.6 miles west of Cle Elum;

(11) State route number 97, beginning at the crossing of the Columbia river at Biggs Rapids, thence in a northerly direction to the westerly junction with state route number 14 in the vicinity of Maryhill;

(12) State route number 101, beginning at a junction with state route number 109 in the vicinity of Queets, thence in a northerly, northeasterly, and easterly direction by way of Forks to the west boundary of the Olympic national park in the vicinity of Lake Crescent; also

Beginning at Sequim Bay state park, thence in a southeasterly and southerly direction to a junction with the Airport road north of Shelton; also

Beginning at a junction with a county road 2.64 miles south of the junction with state route number 3 in Shelton, thence in a southerly and southeasterly direction to the west end of the Black Lake road overcrossing in the vicinity northeast of Tumwater;

(13) State route number 104, beginning at a junction with state route number 101 in the vicinity south of Discovery bay, thence in a southeasterly direction to the vicinity of Shine on Hood Canal; also

Beginning at a junction with state route number 3 east of the Hood Canal crossing, thence northeasterly to Port Gamble;

(14) State route number 105, beginning at a junction with state route number 101 at Raymond, thence westerly and northerly by way of Tokeland and North Cove to the shore of Grays Harbor north of Westport; also

Beginning at a junction with state route number 105 in the vicinity south of Westport, thence northeasterly to a junction with state route number 101 at Aberdeen;

(15) State route number 106, beginning at a junction with state route number 101 in the vicinity of Union, thence northeasterly to a junction with state route number 3 in the vicinity of Belfair;

(16) State route number 109, beginning at a junction with a county road approximately 3.0 miles northwest of the junction with state route number 101 in

Hoquiam, thence in a northwesterly direction by way of Ocean City, Copalis, Pacific Beach, and Moclips to a junction with state route number 101 in the vicinity of Queets;

(17) State route number 112, beginning at the easterly boundary of the Makah Indian reservation, thence in an easterly direction to the vicinity of Laird's corner on state route number 101;

(18) State route number 126, beginning at a junction with state route number 12 in the vicinity of Dayton, thence in a northeasterly direction to a junction with state route number 12 in the vicinity west of Pomeroy;

(19) State route number 153, beginning at a junction with state route number 97 in the vicinity of Pateros, thence in a northerly direction to a junction with state route number 20 in the vicinity south of Twisp;

(20) State route number 155, beginning at a junction with state route number 2 in the vicinity north of Coulee City, thence in a northeasterly direction to the boundary of the federal reservation at the Grand Coulee dam; also

Beginning at a junction with a county road 2.07 miles north of the junction with 12th street in Elmer City, thence in a northwesterly direction to the west end of the crossing of Omak creek east of Omak;

(21) State route number 206, Mt. Spokane Park Drive, beginning at a junction with state route number 2 near the north line of section 3, township 26 N, range 43 E, thence northeasterly to a point in section 28, township 28 N, range 45 E at the entrance to Mt. Spokane state park;

(22) State route number 395, beginning at a point approximately 2.6 miles north of Pasco thence in a northerly direction to a junction with state route number 17 in the vicinity of Eltopia; also

Beginning at the north end of the crossing of Mill creek in the vicinity of Colville, thence in a northwesterly direction to a junction with state route number 30 at the west end of the crossing over the Columbia river at Kettle Falls;

(23) State route number 401, beginning at a junction with state route number 101 at Point Ellice, thence easterly and northerly to a junction with state route number 4 in the vicinity north of Naselle;

(24) State route number 504, beginning at a junction with state route number 5 in the vicinity north of Castle Rock, thence in an easterly direction by way of St. Helens and Spirit lake to Mt. St. Helens;

(25) State route number 525, beginning at a junction with Maxwellton road in the southern portion of Whidbey Island, thence northwesterly to a junction with state route number 20 east of the Keystone ferry slip;

(26) State route number 542, beginning at the Nugent crossing over the Nooksack river approximately 7.7 miles northeast of Bellingham, thence easterly to the vicinity of Austin pass in Whatcom county;

(27) State route number 821, beginning at a junction with state route number 82 at the Yakima firing center interchange, thence in a northerly direction to a junction with state route number 82 at the Thrall road interchange. [1973 1st ex.s. c 151 § 10; 1971 ex.s. c 73 §

29; 1970 ex.s. c 51 § 177; 1969 ex.s. c 281 § 6; 1967 ex.s. c 85 § 2.]

47.39.030 Development and maintenance of system by highway commission and parks and recreation commission—Allocation of costs. (1) The highway commission shall pay from motor vehicle funds appropriated for construction of state highways, the following costs of developing and constructing scenic and recreational highways: (a) Acquisition of the right of way necessary for state highway purposes, (b) construction of the portion of the highway designed primarily for motor vehicle travel, (c) exit and entrance roadways providing access to scenic observation points, (d) safety rest areas, (e) roadside landscaping within the portion of the highway right of way acquired by the highway commission for state highway purposes, (f) the uniform signs and markers designating the various features and facilities of the scenic and recreational highways, and (g) any additional costs of constructing and developing the scenic and recreational highways, including property acquisition adjacent to highways as authorized by RCW 47.12.250, for which the highway commission shall receive reimbursement from the federal government or any other source.

(2) The parks and recreation commission shall pay the costs of developing and constructing the scenic and recreational highways not provided for in subsection (1) of this section from any funds appropriated for such purposes.

(3) The costs of maintaining the scenic and recreational highway system shall be allocated between the highway commission and the parks and recreation commission in the same manner that costs of developing and constructing such highways are allocated in subsections (1) and (2) of this section. [1967 ex.s. c 85 § 3.]

Safety rest areas: Chapter 47.38 RCW.

47.39.040 Planning and design standards to be established by office of community affairs. The establishment of planning and design standards for items provided for in RCW 47.39.050 shall be coordinated by the state office of community affairs. The highway commission, parks and recreation commission, and any other departments or commissions whose interests are affected shall prepare, submit and file with the state office of community affairs standards relating to the scenic and recreational highway system. In the event varying planning and design standards are filed, the state office of community affairs shall consult with the submitting agencies on the merits of the several proposals and, based upon such consultation, establish a set of standards. Pursuant to the planning and design standards so established, the highway commission and parks and recreation commission shall develop the highways and areas adjacent thereto to accomplish the purposes of this chapter: *Provided*, That the highway commission shall retain exclusive authority over the highway right of way.

Responsibility for construction and maintenance is hereby established between the highway commission

and the parks and recreation commission with the highway commission responsible for activities financed with funds provided for under RCW 47.39.030(1) and the parks and recreation commission responsible for activities financed from other sources of funds. By mutual consent, responsibility for development and/or maintenance may be transferred between the two commissions. [1967 ex.s. c 85 § 4.]

Planning and community affairs agency: Chapter 43.63A RCW.

47.39.050 Planning and design standards to be established by office of community affairs—Facilities and factors to be considered. Planning and design standards established for highways falling within the scenic and recreational highways system may include, but shall not be limited to, provision for the following:

- (1) Hiking, bicycle, and bridle trails, including regulations for their use;
- (2) Campsites and shelters;
- (3) Boat launching sites;
- (4) Access trails to lakes, rivers and streams, and easements along their shores;
- (5) Safety rest areas;
- (6) Historic and geologic interpretative facilities;
- (7) Scenic observation facilities;
- (8) Roadside landscaping, restoration and aesthetic enhancement;
- (9) Specifically delineated highway corridors and means for the preservation of natural beauty, historic sites, or viewpoints;
- (10) A uniform system of signs and markers designating the various features and facilities of the scenic and recreational highway systems. [1967 ex.s. c 85 § 5.]

47.39.060 Designation of system on maps or other descriptive material. The highway commission and parks and recreation commission shall on any maps, or in any relevant descriptive material they may prepare at state expense, include reference to those portions of highways designated in RCW 47.39.020 by appropriate color or code designation. [1967 ex.s. c 85 § 6.]

47.39.900 Short title. RCW 47.39.010 through 47.39.910 shall constitute a new chapter in Title 47 RCW and shall be known and may be cited as the "Scenic and Recreational Highway Act of 1967." [1967 ex.s. c 85 § 7.]

47.39.910 Severability—1967 ex.s. c 85. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1967 ex.s. c 85 § 8.]

Chapter 47.40 ROADSIDE IMPROVEMENT AND BEAUTIFICATION

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| Sections | |
| 47.40.010 | Improvement and beautification a highway purpose. |
| 47.40.020 | Use of funds authorized. |
| 47.40.030 | Permit to private persons. |
| 47.40.040 | Application for permit, contents. |

- 47.40.050 Survey—Report—Permit.
 47.40.060 Agreement to maintain project.
 47.40.070 Damage to project unlawful.
 47.40.080 Penalty for destroying native flora on state lands or on or adjoining highways and parks.
 47.40.090 Glass bottles and containers along highways—Collection and removal.

Advertisements, placing upon property without consent of owner: RCW 9.61.040.

City streets, parkways, boulevards, etc.: Title 35 RCW.

State parks and recreation commission may plant trees along highway: RCW 43.51.040.

Withdrawal of public lands abutting highway: RCW 43.51.100.

47.40.010 Improvement and beautification a highway purpose. The planting and cultivating of any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points, and the correction of unsightly conditions, upon the right of way of any state highway is hereby declared to be a proper state highway purpose. [1961 c 13 § 47.40.010. Prior: 1937 c 53 § 88; RRS § 6400–88.]

47.40.020 Use of funds authorized. Whenever funds are available for the purpose of planting or cultivating any shrubs, trees, hedges or other domestic or native ornamental growth, the improvement of roadside facilities and view points and the correction of unsightly conditions upon the right of way of any state highway and for the roadside development and beautification thereof, the highway commission is empowered to expend such funds, either independently or in conjunction with the funds of any county, political subdivision or any person, firm, corporation, association or organization. [1961 c 13 § 47.40.020. Prior: 1937 c 53 § 89; RRS § 6400–89.]

47.40.030 Permit to private persons. Any person, firm, corporation, association or organization owning lands abutting upon any state highway and desiring to plant, cultivate and grow any hedge, shade or ornamental trees or shrubs along the right of way thereof, or to clear and cultivate a portion of such state highway right of way for the purpose of growing crops and destroying noxious weeds, or any person, firm, corporation, association or organization interested in public improvement and desiring to improve and beautify any state highway right of way or any portion thereof by planting, cultivating or growing any hedge, shade or ornamental trees or cultivate along or upon the right of way thereof, may upon application to the highway commission, be granted a permit therefor as by law provided. [1961 c 13 § 47.40.030. Prior: 1937 c 53 § 90; RRS § 6400–90; prior: 1927 c 242 § 1; RRS § 6437–1.]

47.40.040 Application for permit, contents. Each application for a permit to plant, cultivate and grow any hedge, shade or ornamental trees or shrubbery along or upon the right of way of any state highway or improve such right of way shall be in writing, signed by the applicant, and shall describe the state highway or portion thereof along or upon the right of way of which permit to plant, cultivate, grow or improve is sought, by name, number, or other reasonable description, and the lands

bordering thereon by governmental subdivisions, and shall state the names, places or residence and post office addresses of the applicant or applicants owning the land abutting upon such state highway or the name of the person, firm, corporation, association or organization applying for the permit and the names of its officers and their places of residence and their post office addresses, and shall state definitely the purpose for which the permit is sought, giving a description of the kind of hedge, or variety of shrubbery or trees desired to be planted or the kinds of crops to be grown, or improvement to be made, with a diagram illustrating the location and number of hedges, trees or shrubs or the area of cultivation desired or plans of the improvement proposed to be made. [1961 c 13 § 47.40.040. Prior: 1937 c 53 § 91; RRS § 6400–91; prior: 1927 c 242 § 2; RRS § 6437–2.]

47.40.050 Survey—Report—Permit. Upon the filing of such application, the highway commission shall cause a survey of such state highway to be made with reference to such application and a report of the findings and recommendations as to the granting of the permit, and if it shall appear to the satisfaction of the highway commission that the use of a portion of the state highway for the purpose set out in the application will not interfere with the use of such state highway for public travel and will beautify and improve such state highway, permit may be granted and issued to the applicant to plant, cultivate and grow any hedge, shade or ornamental trees, shrubbery or crops, or make such improvement along or upon the right of way of such portion of such state highway as shall be definitely described in said permit, and to construct and maintain such temporary and substantial fence on and along the portion of the right of way of the state highway described in the permit as shall be specified in such permit, and such permit shall specify the exact location of all hedges, shade or ornamental trees or shrubbery to be planted and grown or area to be cultivated under such permit, or area to be improved to which specified location the person, firm, corporation, association or organization receiving such permit shall specifically conform: *Provided*, That the highway commission may in its discretion refuse such permit and any such permit granted shall be revocable at the will of the highway commission and nothing in this title shall be construed as in anywise affecting the title of the state to the lands included in such state highway, or the right to use the same for state highway purposes or to remove or destroy any of such hedges, trees, shrubbery or crops for the purpose of construction, alteration, repair, improvement or maintenance of such state highway or for any other purpose and at any time. [1961 c 13 § 47.40.050. Prior: 1937 c 53 § 92; RRS § 6400–92; prior: 1927 c 242 § 3, part; RRS § 6437, part.]

47.40.060 Agreement to maintain project. In the event that any such permit is granted the highway commission shall enter into an agreement with any such person, firm, corporation, association or organization

agreeing that such roadside development or beautification shall be maintained and kept up by the state through the highway commission or by such person, firm, corporation, association or organization. In the event that any such person, firm, corporation, association or organization so agreeing shall fail or neglect to maintain such roadside development or beautification the highway commission is empowered so to do and the expense thereof shall be a charge against such person, firm, corporation, association or organization. [1961 c 13 § 47.40.060. Prior: 1937 c 53 § 93; RRS § 6400-93; prior: 1927 c 242 § 3, part; RRS § 6437-3, part.]

47.40.070 Damage to project unlawful. It shall be unlawful for any person to injure, destroy or remove any hedge, shade or ornamental trees or shrubbery or crops, plants, cultivated and grown or improvement made upon or along any portion of any state highway under permit from the highway commission or otherwise, or to injure, destroy or remove any fence erected under any such permit or otherwise: *Provided*, That nothing in this section shall be construed to prevent any person with the highway commission to do so or the officers of the state charged with the duty of constructing and maintaining any such state highway, from removing any hedges, trees, shrubbery or crops planted or improvements or fences built under permit, where in their judgment they interfere with or are detrimental to, the use of such state highway for public travel, or such removal is necessary for the construction, alteration, repair, improvement or maintenance of such state highway. [1961 c 13 § 47.40.070. Prior: 1937 c 53 § 94; RRS § 6400-94; prior: 1927 c 242 § 4; RRS § 6437-4.]

47.40.080 Penalty for destroying native flora on state lands or on or adjoining highways and parks. Any person who shall break or cut from any lands owned by the state of Washington or shall cut down, remove, destroy or uproot any rhododendron, evergreen, huckleberry, native dogwood or any other native tree, shrub, fern, herb, bulb or wild plants, or any part thereof, within three hundred feet of the center line of any state or county road, or who shall cut down, remove or destroy any flowering or ornamental tree or shrub, or any native flowering plant, fern, herb or bulb, either perennial or annual, situate, growing or being on any public street or highway, state or city park, in the state of Washington, unless such person be engaged in the work of constructing or repairing such highway or street under authority and direction of the legally constituted public officials being charged by law with the duty of constructing or repairing such highways or streets, state or city parks, shall be guilty of a misdemeanor. [1961 c 13 § 47.40.080. Prior: 1933 c 133 § 1; 1925 ex.s. c 59 § 1; RRS § 2787-1.]

47.40.090 Glass bottles and containers along highways—Collection and removal. The highway commission, and any other governmental subdivision shall, with the staff, equipment and material under their control, or by contract with others, take all necessary actions to collect and remove any or all glass bottles or

glass containers along the right of way of any public road or public highway. [1969 ex.s. c 281 § 48.]

Deposit of unwholesome substance: RCW 9.66.050.

Placing dangerous matter on highway: RCW 9.61.010(1).

Removal of glass after accident: RCW 46.61.645, 46.61.650.

Throwing glass on highway: RCW 70.93.060, 46.61.645.

Chapter 47.41 JUNKYARDS ADJACENT TO INTERSTATE AND PRIMARY HIGHWAYS

Sections

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| 47.41.080 | Agreements with United States secretary of transportation. |
| 47.41.900 | Severability—1971 ex.s. c 101. |

Motor vehicle wreckers: Chapter 46.80 RCW.

47.41.010 Legislative declaration—Purpose. For the purpose of promoting the public safety, health, welfare, convenience, and enjoyment of public travel, to protect the public investment in public highways, and to preserve and enhance the scenic beauty of lands bordering public highways, it is hereby declared to be in the public interest to regulate and restrict the establishment, operation, and maintenance of junkyards in areas adjacent to the interstate and federal-aid primary systems within this state. The legislature hereby finds and declares that junkyards which do not conform to the requirements of this chapter are public nuisances. [1971 ex.s. c 101 § 1.]

47.41.020 Definitions. When used in this chapter, the term:

(1) "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junked, dismantled or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

(2) "Automobile graveyard" shall mean any establishment or place of business which is maintained, used, or operated by storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

(3) "Junkyard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk or for the maintenance or operation of an automobile graveyard and the term shall include garbage dumps and sanitary fills.

(4) "Interstate system" means that portion of the national system of interstate and defense highways located within this state, as officially designated or as may

hereafter be so designated by the commission and approved by the secretary of transportation pursuant to the provisions of Title 23 United States Code.

(5) "Federal-aid primary system" means that portion of connected main highways as officially designated or as may hereafter be so designated by the commission and approved by the secretary of transportation as the federal-aid primary system pursuant to the provisions of Title 23 United States Code.

(6) "Commission" means the Washington state highway commission. [1971 ex.s. c 101 § 2.]

47.41.030 Junkyards adjacent to highways prohibited—Exceptions. No person shall establish, operate, or maintain a junkyard any portion of which is within one thousand feet of the nearest edge of the right of way of any interstate or federal-aid primary highway, except the following:

(1) Those which are screened by natural objects, plantings, fences, or other appropriate means so as not to be visible from the main-traveled way of the system or otherwise removed from sight.

(2) Those located within areas which are zoned for industrial use under authority of law.

(3) Those located within unzoned industrial areas, which areas shall be determined from actual land uses and defined by regulations to be promulgated by the commission and approved by the secretary of transportation.

(4) Those which are not visible from the main-traveled way of the system. [1971 ex.s. c 101 § 3.]

47.41.040 Screening feasibility determination—Notice—Acquisition of property by commission—Screening or removal of junkyard. Prior to the first day of July, 1971, the highway commission shall determine whether or not the topography of the land adjoining the highway will permit adequate screening of any junkyard lawfully in existence located outside of a zoned industrial area or an unzoned industrial area as defined herein on August 9, 1971 which is within one thousand feet of the nearest edge of the right of way and visible from the main-traveled way of any highway on the interstate and primary system and whether screening of such junkyard would be economically feasible. Within thirty days thereafter the commission shall notify by registered or certified mail the record owner of the land upon which such junkyard is located, or the operator thereof, of its determination.

If it is economically feasible to screen any such junkyard, the commission shall screen the same so it will not be visible from the main-traveled way of such highway. The highway commission is authorized to acquire by gift, purchase, exchange, or condemnation such lands or interest in lands as may be required for such purposes.

In the event that it is not economically feasible to screen any such junkyard, the highway commission shall acquire by purchase, gift or condemnation an interest in the real property used for junkyard purposes which is visible from the main traveled way of such highway, restricting any owner of the remaining interest to use of such real estate for purposes other than a

junkyard. In addition to compensation for such real property interest, the operator of a junkyard shall receive the actual reasonable expenses in moving his business personal property to a location within the same general area where a junkyard may be lawfully established, operated and maintained. This section shall be interpreted as in addition to all other rights and remedies of a junkyard owner or operator and shall not be interpreted as a limitation on or alteration of the law of compensation in eminent domain. [1971 ex.s. c 101 § 4.]

47.41.050 Regulations—Review. The commission shall prescribe regulations for administration of this chapter consistent with the policy of this chapter and the national policy set forth in 23 U.S.C. Sec. 136, and the regulations promulgated thereunder by the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county. [1971 ex.s. c 101 § 5.]

47.41.060 Other laws not affected. Nothing in this chapter shall be construed to permit a person to maintain any junkyard that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town, nor to abrogate or affect the lawful provisions of any statute, ordinance, regulation, or resolution which are more restrictive than the provisions of this chapter. [1971 ex.s. c 101 § 6.]

47.41.070 Violations—Penalty—Abatement as public nuisance. If the owner of the land upon which any such junkyard is located, or the operator thereof as the case may be, shall fail to comply with the notice or remove any such junk within the time provided in this chapter after being so notified, he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction, an order may be entered compelling compliance with this chapter. Each day such junkyard shall be maintained in a manner so as not to comply with this chapter shall constitute a separate offense.

If the operator of the junkyard or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the property upon which it is located with a notice that the junkyard constitutes a public nuisance and that the junk thereon must be removed as in this chapter provided. If the notice is not complied with, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and remove the junk, and for that purpose may enter upon private property without incurring liability for so doing. [1971 ex.s. c 101 § 7.]

47.41.080 Agreements with United States secretary of transportation. The commission is hereby authorized to enter into agreements with the United States secretary of transportation as provided in Title 23 United States Code, relating to the control of junkyards in areas adjacent to the interstate and primary systems, and to take action in the name of the state to comply with the terms of such agreement. [1971 ex.s. c 101 § 8.]

47.41.900 Severability—1971 ex.s. c 101. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 101 § 9.]

Chapter 47.42 HIGHWAY ADVERTISING CONTROL ACT— SCENIC VISTAS ACT

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| 47.42.020 | Definitions. |
| 47.42.025 | Sections of highways excluded from definition of scenic system. |
| 47.42.030 | Signs visible from interstate, primary or scenic systems prohibited except as permitted by chapter. |
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| 47.42.910 | Short title—1961 c 96. |
| 47.42.911 | Short title—1971 ex.s. c 62. |

47.42.010 Declaration of purpose. The control of signs in areas adjacent to state highways of this state is hereby declared to be necessary to promote the public health, safety, welfare, convenience and enjoyment of public travel, to protect the public investment in the interstate system and other state highways, and to attract visitors to this state by conserving the natural beauty of areas adjacent to the interstate system, and of scenic areas adjacent to state highways upon which they travel in great numbers, and to insure that information in the specific interest of the traveling public is presented safely and effectively. [1961 c 96 § 1.]

47.42.020 Definitions. When used in this chapter the term:

(1) "Commission" means the Washington state highway commission;

(2) "Erect" means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish;

(3) "Interstate system" means any state highway which is or does become part of the national system of interstate and defense highways as described in section 103(d) of title 23, United States Code;

(4) "Maintain" means to allow to exist;

(5) "Person" means this state or any public or private corporation, firm, partnership, association, as well as any individual, or individuals;

(6) "Primary system" means any state highway which is or does become part of the federal-aid primary system as described in section 103(b) of title 23, United States Code;

(7) "Scenic system" means (a) any state highway within any public park, federal forest area, public beach, public recreation area, or national monument, (b) any state highway or portion thereof outside the boundaries of any incorporated city or town designated by the legislature as a part of the scenic system, or (c) any state highway or portion thereof, outside the boundaries of any incorporated city or town, designated by the legislature as a part of the scenic and recreational highway system except for the sections of highways specifically excluded in RCW 47.42.025;

(8) "Sign" means any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard or other thing which is designed, intended or used to advertise or inform any part of the advertising or informative contents of which is visible from any place on the main-traveled way of the interstate system or other state highway;

(9) "Commercial and industrial areas" means any area zoned commercial or industrial by a county or municipal code, or if unzoned by a county or municipal code, that area occupied by three or more separate and distinct commercial and/or industrial activities within a

space of five hundred feet and the area within five hundred feet of such activities on both sides of the highway. The area shall be measured from the outer edges of the regularly used buildings, parking lots, storage or processing areas of the commercial or industrial activity and not from the property lines of the parcels upon which such activities are located. Measurements shall be along or parallel to the edge of the main traveled way of the highway. The following shall not be considered commercial or industrial activities:

(a) Agricultural, forestry, grazing, farming, and related activities, including, but not limited to, wayside fresh produce stands;

(b) Transient or temporary activities;

(c) Railroad tracks and minor sidings;

(d) Signs;

(e) Activities more than six hundred and sixty feet from the nearest edge of the right of way;

(f) Activities conducted in a building principally used as a residence.

Should any commercial or industrial activity, which has been used in defining or delineating an unzoned area, cease to operate for a period of six continuous months, any signs located within the former unzoned area shall become nonconforming and shall not be maintained by any person after three years from May 10, 1971.

(10) "Specific information panel" means a panel, rectangular in shape, located in the same manner as other official traffic signs readable from the main traveled ways, and consisting of:

(a) The words "GAS", "FOOD", or "LODGING" and directional information; and

(b) One or more individual business signs mounted on the panel.

(11) "Business sign" means a separately attached sign mounted on the specific information panel to show the brand or trademark and name, or both, of the motorist service available on the crossroad at or near the interchange. Nationally, regionally, or locally known commercial symbols or trademarks for service stations, restaurants and motels shall be used when applicable. The brand or trademark identification symbol used on the business sign shall be reproduced with the colors and general shape consistent with customary use. Any messages, trademarks, or brand symbols which interfere with, imitate, or resemble any official warning or regulatory traffic sign, signal or device are prohibited. [1974 1st ex.s. c 80 § 1; 1971 ex.s. c 62 § 1; 1961 c 96 § 2.]

47.42.025 Sections of highways excluded from definition of scenic system. The following sections of the scenic and recreational highway system are excluded from the scenic system as defined in subsection (7) of RCW 47.42.020:

(1) Beginning on state route number 101 at the junction with Airport Road north of Shelton, thence north to a point two thousand feet north of Airport Road.

(2) Beginning on state route number 101 at the junction with Mill Creek Road south of Forks, thence north two and four-tenths miles to the Calawah River bridge.

(3) Beginning on state route number 105 at a point one-half mile southwest of the boundary of Aberdeen, thence northeast to the boundary of Aberdeen.

(4) Beginning on state route number 17 at a point nine-tenths of a mile west of Grape Drive in the vicinity of Moses Lake, thence easterly to a junction of Grape Drive.

(5) Beginning on state route number 12 at a point one-half mile south of the south boundary of Dayton, thence northerly to the south boundary of Dayton.

(6) Beginning on state route number 14 one-half mile west of the west boundary of Bingen, thence east to a point one-half mile east of the east boundary of Bingen. [1971 ex.s. c 62 § 2.]

47.42.030 Signs visible from interstate, primary or scenic systems prohibited except as permitted by chapter.

Except as permitted under this chapter, no person shall erect or maintain a sign which is visible from the main traveled way of the interstate system, the primary system, or the scenic system. In case a highway or a or a section of highway is both a part of the primary system and the scenic system, only those signs permitted along the scenic system shall be erected or maintained. [1971 ex.s. c 62 § 3; 1961 c 96 § 3.]

47.42.040 Permissible signs classified. It is declared to be the policy of the state that no signs which are visible from the main traveled way of the interstate system, primary system, or scenic system shall be erected or maintained except the following types:

(1) Directional or other official signs or notices that are required or authorized by law;

(2) Signs advertising the sale or lease of the property upon which they are located;

(3) Signs advertising activities conducted on the property on which they are located;

(4) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the national standards promulgated thereunder by the secretary of commerce or the secretary of transportation, advertising activities being conducted at a location within twelve miles of the point at which such signs are located: *Provided*, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971;

(5) Signs, not inconsistent with the policy of this chapter and the national policy set forth in section 131 of title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, and the regulations promulgated thereunder by the secretary of commerce or the secretary of transportation, designed to give information in the specific interest of the traveling public: *Provided*, That no sign lawfully erected pursuant to this subsection adjacent to the interstate system and outside commercial and industrial areas shall be maintained by any person after three years from May 10, 1971.

Only signs of type 1, 2 and 3 shall be erected or maintained within view of the scenic system. [1971 ex.s. c 62 § 4; 1961 c 96 § 4.]

47.42.045 Number of signs permitted—Spacing—Tourist facility signs. (1) Not more than one type 3 sign visible to traffic proceeding in any one direction on an interstate system, primary system outside an incorporated city or town or commercial or industrial area, or scenic system highway may be permitted more than fifty feet from the advertised activity;

(2) A type 3 sign, other than one along any portion of the primary system within an incorporated city or town or within any commercial or industrial area, permitted more than fifty feet from the advertised activity pursuant to subsection (1) of this section shall not be erected or maintained a greater distance from the advertised activity than one of the following options selected by the owner of the business being advertised:

(a) One hundred fifty feet measured along the edge of the protected highway from the main entrance to the activity advertised (when applicable);

(b) One hundred fifty feet from the main building of the advertised activity; or

(c) Fifty feet from a regularly used parking lot maintained by and contiguous to the advertised activity.

(3) The commission with advice from the parks and recreation commission shall adopt specifications for a uniform system of official tourist facility directional signs to be used on the scenic system highways. Official directional signs shall be posted by the commission to inform motorists of types of tourist and recreational facilities available off the scenic system which are accessible by way of public or private roads intersecting scenic system highways. [1974 1st ex.s. c 154 § 1; 1974 1st ex.s. c 138 § 1; 1971 ex.s. c 62 § 5.]

47.42.046 Specific information panels within right of way of interstate highway system—"Gas", "Food", or "Lodging"—Directional information—Individual business signs. The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of the interstate highway system to give the traveling public specific information as to gas, food, or lodging available on a crossroad at or near an interchange. Specific information panels shall include the words "GAS", "FOOD", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23, United States Code and regulations adopted by the commission. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual

business signs to defray the costs of their installation and maintenance. [1974 1st ex.s. c 80 § 2.]

47.42.047 Specific information panels within portion of right of way of primary and scenic systems—"Gas", "Food", "Recreation", "Lodging"—Directional information—Individual business signs. The Washington state highway commission is authorized to erect and maintain specific information panels within the right of way of those portions both of the primary system and the scenic system lying outside of cities and towns and lying outside of commercial and industrial areas to give the traveling public specific information as to gas, food, recreation, or lodging available off the primary or scenic highway accessible by way of highways intersecting the primary or scenic highway. Specific information panels shall include the words "GAS", "FOOD", "RECREATION", or "LODGING" and directional information and may contain one or more individual business signs maintained on the panel. The erection and maintenance of specific information panels along primary or scenic highways shall conform to the national standards promulgated by the secretary of transportation pursuant to sections 131 and 315 of Title 23 United States Code and regulations adopted by the commission including the manual on uniform traffic control devices for streets and highways. A motorist service business shall not be permitted to display its name, brand, or trademark on a specific information panel unless its owner has first entered into an agreement with the commission limiting the height of its on-premise signs at the site of its service installation to not more than fifteen feet higher than the roof of its main building. The commission shall charge reasonable fees for the display of individual business signs to defray the costs of their installation and maintenance. [1974 1st ex.s. c 80 § 4.]

47.42.048 Signs prohibited by statute, resolution or ordinance. Nothing in this chapter shall be construed to permit a person to erect or maintain a sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city or town of the state of Washington. [1974 1st ex.s. c 80 § 3.]

47.42.050 Governmental units may erect, maintain information signs. Information signs may be erected and maintained by the state, any county, city, or town. [1961 c 96 § 5.]

47.42.060 Regulations for signs visible from interstate and scenic systems—Judicial review. The commission shall prescribe regulations for the erection and maintenance of signs which are visible from the main traveled way of the interstate system and the scenic system and which are permitted by this chapter, and other regulations for the administration of this chapter consistent with the policy of this chapter and the national policy set forth in section 131, title 23, United States Code as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342 and the regulations promulgated thereunder by the secretary

of commerce or the secretary of transportation. Proceedings for review of any action taken by the commission pursuant to this chapter shall be instituted by filing a petition only in the superior court of Thurston county. [1971 ex.s. c 62 § 6; 1961 c 96 § 6.]

47.42.062 Permissible signs visible from primary system within commercial and industrial areas—Sign requirements, restrictions and prohibitions. Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with the customary use of property for the effective display of outdoor advertising as set forth in this section may be erected and maintained: *Provided*, That this section shall not serve to restrict type 3 signs located along any portion of the primary system within an incorporated city or town or within any commercial or industrial area.

(1) General: Signs shall not be erected or maintained which (a) imitate or resemble any official traffic sign, signal, or device; (b) are erected or maintained upon trees or painted or drawn upon rocks or other natural features and which are structurally unsafe or in disrepair; or (c) have any visible moving parts.

(2) Size of signs:

(a) The maximum area for any one sign shall be six hundred seventy-two square feet with a maximum height of twenty-five feet and maximum length of fifty feet inclusive of any border and trim but excluding the base or apron, supports and other structural members: *Provided*, That cut-outs and extensions may add up to twenty percent of additional sign area.

(b) For the purposes of this subsection, double-faced, back-to-back, or V-type signs shall be considered as two signs.

(c) Signs which exceed three hundred twenty-five square feet in area may not be double-faced (abutting and facing the same direction).

(3) Spacing of signs:

(a) Signs may not be located in such a manner as to obscure, or otherwise physically interfere with the effectiveness of an official traffic sign, signal, or device, obstruct or physically interfere with the driver's view of approaching, merging, or intersecting traffic.

(b) On limited access highways established pursuant to chapter 47.52 RCW no two signs shall be spaced less than one thousand feet apart, and no sign may be located within three thousand feet of the center of an interchange, a safety rest area, or information center, or within one thousand feet of an intersection at grade. Double-faced signs shall be prohibited. Not more than a total of five sign structures shall be permitted on both sides of the highway per mile.

(c) On noncontrolled access highways inside the boundaries of incorporated cities and towns not more than a total of four sign structures on both sides of the highway within a space of six hundred sixty feet shall be permitted with a minimum of one hundred feet between sign structures. In no event, however, shall more than four sign structures be permitted between platted intersecting streets or highways. On noncontrolled access highways outside the boundaries of incorporated

cities and towns minimum spacing between sign structures on each side of the highway shall be five hundred feet.

(d) For the purposes of this subsection, a back-to-back sign and a V-type sign shall be considered one sign structure.

(e) Official signs, and signs advertising activities conducted on the property on which they are located shall not be considered in determining compliance with the above spacing requirements. The minimum space between structures shall be measured along the nearest edge of the pavement between points directly opposite the signs along each side of the highway and shall apply to signs located on the same side of the highway.

(4) Lighting: Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the highway and which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(c) No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.

(d) All such lighting shall be subject to any other provisions relating to lighting of signs presently applicable to all highways under the jurisdiction of the state. [1974 1st ex.s. c 154 § 2; 1974 1st ex.s. c 138 § 2; 1971 ex.s. c 62 § 7.]

47.42.063 Permissible signs visible from primary system within commercial and industrial areas—Preexisting signs—Permissible signs—Spacing. (1) Signs lawfully erected and maintained which are visible from the main traveled way of the primary system within commercial and industrial areas on June 1, 1971 shall be permitted to remain and be maintained.

(2) Signs visible from the main traveled way of the primary system within commercial and industrial areas whose size, lighting, and spacing are consistent with customary use as set forth in RCW 47.42.062 may be erected and maintained. Signs lawfully erected and maintained on June 1, 1971 shall be included in the determination of spacing requirements for additional signs. [1971 ex.s. c 62 § 8.]

47.42.065 Regulations permitting signs for viewing from highways or streets not part of any system—Requirements. Notwithstanding any other provision of chapter 47.42 RCW, the commission shall adopt regulations permitting the erection and maintenance of signs which are more than six hundred and sixty feet from the nearest edge of the right of way and visible from the main traveled way of the interstate system, primary

system, or scenic system which are designed and oriented to be viewed from highways or streets other than the interstate system, primary system, or the scenic system and the advertising or informative contents of such signs may not be clearly comprehended by motorists using the main traveled way of the interstate system, primary system or scenic system. [1971 ex.s. c 62 § 9.]

47.42.070 Other prohibitory state and local laws unaffected by chapter. Nothing in this chapter shall be construed to permit a person to erect or maintain any sign that is otherwise prohibited by statute or by the resolution or ordinance of any county, city, or town of the state of Washington. [1961 c 96 § 7.]

47.42.080 Prohibited signs declared public nuisance—Procedure for abatement—Penalty. (1) Any sign erected or maintained contrary to the provisions of this chapter or regulations promulgated hereunder and which is designed to be viewed from the interstate system or from any part of the scenic system which is not a part of the primary system shall be a public nuisance and the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall notify the permittee or, if there is no permittee, the owner of the property on which the sign is located, by registered mail at his last known address, that it constitutes a public nuisance and must comply with the chapter or be removed.

(2) If the permittee or owner, as the case may be, shall fail to comply with the chapter or remove any such sign within fifteen days after being notified to remove such sign he shall be guilty of a misdemeanor. In addition to the penalties imposed by law upon conviction an order may be entered compelling removal of the sign. Each day such sign shall be maintained shall constitute a separate offense.

(3) If the permittee or the owner of the property upon which it is located, as the case may be, shall not be found or refuses receipt of the notice, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall post the sign and property upon which it is located with a notice that the sign constitutes a public nuisance and must be removed. If the sign is not removed within fifteen days after such posting, the commission, the chief of the Washington state patrol, the county sheriff, or the chief of police of any city or town shall abate the nuisance and destroy the sign, and for that purpose may enter upon private property without incurring liability for so doing. [1971 ex.s. c 62 § 10; 1961 c 96 § 8.]

47.42.090 Revocation of permit. If any person is convicted of a violation of this chapter, or any regulation promulgated hereunder, the commission may revoke any permit issued to that person under this chapter. [1961 c 96 § 9.]

47.42.100 Preexisting signs—Moratorium. (1) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, within a commercial or industrial zone within the boundaries of any city or town, as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after March 11, 1965.

(2) No sign lawfully erected in a protected area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to March 11, 1961, other than within a commercial or industrial zone within the boundaries of a city or town as such boundaries existed on September 21, 1959, wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control but which does not comply with the provisions of this chapter or any regulations promulgated hereunder, shall be maintained by any person after three years from March 11, 1961.

(3) No sign lawfully erected in a scenic area as defined by section 2, chapter 96, Laws of 1961 (before the amendment thereof), prior to the effective date of the designation of such area as a scenic area shall be maintained by any person after three years from the effective date of the designation of any such area as a scenic area.

(4) No sign visible from the main traveled way of the interstate system, the primary system (other than type 3 signs along any portion of the primary system within an incorporated city or town or within a commercial or industrial area), or the scenic system which was there lawfully maintained immediately prior to May 10, 1971, but which does not comply with the provisions of chapter 47.42 RCW as now or hereafter amended, shall be maintained by any person (a) after three years from May 10, 1971, or (b) with respect to any highway hereafter designated by the legislature as a part of the scenic system, after three years from the effective date of the designation. [1974 1st ex.s. c 154 § 3; 1974 1st ex.s. c 138 § 3; 1971 ex.s. c 62 § 11; 1963 ex.s. c 3 § 55; 1961 c 96 § 10.]

47.42.102 Compensation for removal of signs—Authorized—Signs to which applicable. (1) Just compensation shall be paid upon the removal of the following outdoor advertising signs:

(a) Those signs within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system which were lawfully in existence on October 22, 1965;

(b) Those signs lawfully within six hundred and sixty feet of the nearest edge of the right of way of any highway made a part of the interstate or primary system between October 21, 1965 and January 1, 1968; and

(c) Those signs lawfully erected within six hundred and sixty feet of the nearest edge of the right of way of the interstate system and the primary system on or after January 1, 1968.

(2) Such compensation shall be paid for the following:

(a) The taking from the owner of such sign, display, or device of all right, title, leasehold, and interest in such sign, display, or device; and

(b) The taking from the owner of the real property on which the sign, display, or device is located, of the right to erect and maintain such signs, displays, and devices thereon.

(3) In no event, however, shall compensation be paid for the taking or removal of signs adjacent to the interstate system and the scenic system which became subject to removal pursuant to chapter 96, Laws of 1961 as amended by section 55, chapter 3, Laws of 1963 ex. sess. prior to May 10, 1971. [1971 ex.s. c 62 § 12.]

47.42.103 Compensation for removal of signs—Action to determine amount of compensation—Payment—State's share. (1) Compensation as required by RCW 47.42.102 shall be paid to the person or persons entitled thereto for the removal of such signs. If no agreement is reached on the amount of compensation to be paid, the commission may institute an action by summons and complaint in the superior court for the county in which the sign is located to obtain a determination of the compensation to be paid. If the owner of the sign is unknown and cannot be ascertained after diligent efforts to do so, the commission may remove the sign upon the payment of compensation only to the owner of the real property on which the sign is located. Thereafter the owner of such sign may file an action at any time within one year after the removal of the sign to obtain a determination of the amount of compensation he should receive for the loss of the sign. If either the owner of the sign or the owner of the real property on which the sign is located cannot be found within the state, service of the summons and complaint on such person for the purpose of obtaining a determination of the amount of compensation to be paid may be by publication in the manner provided by RCW 4.28.100.

(2) In the event compensation is determined by judicial proceedings, the sum so determined shall be paid into the registry of the court to be disbursed upon removal of the sign by its owner or by the owner of the real property on which the sign is located. If the amount of compensation is agreed upon the commission may pay the agreed sum into escrow to be released upon the removal of the sign by its owner or the owner of the real property on which the sign is located.

(3) The state's share of compensation shall be paid from the motor vehicle fund, or if a court having jurisdiction enters a final judgment declaring that motor vehicle funds may not be used, then from the general fund. [1971 ex.s. c 62 § 13.]

47.42.104 Compensation for removal of signs—Federal share—Acceptance. The commission may accept any allotment of funds by the United States, or any agency thereof, appropriated to carry out the purposes of section 131 of title 23, United States Code, as now or hereafter amended. The commission shall take such steps as may be necessary from time to time to

obtain from the United States, or the appropriate agency thereof, funds allotted and appropriated, pursuant to said section 131, for the purpose of paying the federal share of the just compensation to be paid to sign owners and owners of real property under the terms of subsection (g) of said section 131 and RCW 47.42.102, 47.42.103 and 47.42.104. [1971 ex.s. c 62 § 14.]

47.42.105 Compensation for removal of signs—Removal of signs, displays or devices not required if federal share not available. No sign, display, or device shall be required to be removed if the federal share of the just compensation to be paid upon the removal of such sign, display, or device is not available to make such payment. [1971 ex.s. c 62 § 15.]

47.42.110 Agreements to secure federal aid. The commission is authorized to enter into agreements (and such supplementary agreements as may be necessary) consistent with this chapter, with the secretary of commerce or the secretary of transportation authorized under section 131(b) of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342, in order that the state may become eligible for increased federal aid as provided for in section 131 of title 23, United States Code, as codified and enacted by Public Law 85-767 and amended only by section 106, Public Law 86-342. [1971 ex.s. c 62 § 16; 1961 c 96 § 11.]

47.42.120 Permits—Fees—Renewal—Permissible acts—Revocation. Notwithstanding any other provisions of this chapter, no sign except a sign of type 1 or 2 or those type 3 signs which advertise activities conducted upon the properties where such signs are located, shall be erected or maintained without a permit issued by the commission. Application for permit shall be made to the commission on forms furnished by it, which forms shall contain a statement that the owner or lessee of the land in question has consented thereto and shall be accompanied by a fee of ten dollars to be deposited with the state treasurer to the credit of the motor vehicle fund. Permits shall be for the calendar year and shall be renewed annually upon payment of said fee for the new year without the filing of a new application. Fees shall not be prorated for fractions of the year. Advertising copy may be changed at any time without the payment of additional fee. Assignment of permits in good standing shall be effective only upon receipt of written notice of assignment by the highway commission. A permit may be revoked after hearing if the commission finds that any statement made in the application therefor was false or misleading, or that the sign covered thereby is not in good general condition and in a reasonable state of repair, or is otherwise in violation of this chapter, provided that such false or misleading information has not been corrected and that the sign has not been brought into compliance with this chapter within thirty days after written notification thereof. [1971 ex.s. c 62 § 17; 1961 c 96 § 12.]

47.42.130 Permit identification number—Signs to contain number and permittee's name—Presumption of noncompliance. Every permit issued by the commission shall be assigned a separate identification number, and it shall be the duty of each permittee to fasten to each sign a weatherproof label, not larger than six square inches, which shall be furnished by the commission and on which shall be plainly visible the said permit number. The permittee shall also place his name in a conspicuous position on the front or back of each sign. The failure of a sign to have affixed thereto such a label shall be prima facie evidence that the same is not in compliance with the provisions of this chapter. [1961 c 96 § 13.]

47.42.140 Scenic areas designated. The following portions of state highways are designated as a part of the scenic system:

(1) State route number 2 beginning at the crossing of Woods creek at the east city limits of Monroe, thence in an easterly direction by way of Stevens pass to a junction with state route number 97 in the vicinity of Peshastin.

(2) State route number 7 beginning at a junction with state route number 706 at Elbe, thence in a northerly direction to a junction with state route number 507 south of Spanaway.

(3) State route number 11 beginning at the Blanchard overcrossing, thence in a northerly direction to the limits of Larabee state park (north line of section 36, township 37 north, range 2 east).

(4) State route number 12 beginning at Kosmos southeast of Morton, thence in an easterly direction across White pass to the Oak Flat junction with state route number 410 northwest of Yakima.

(5) State route number 90 beginning at the westerly junction with state route number 901, thence in an easterly direction by way of North Bend and Snoqualmie pass to a junction with state route number 97 at Cle Elum.

(6) State route number 97 beginning at a junction with state route number 90 at Cle Elum, thence via Blewett (Swauk) pass to a junction with state route number 2 in the vicinity of Peshastin.

(7) State route number 123 beginning at a junction with state route number 12 at Ohanapecosh junction in the vicinity west of White pass, thence in a northerly direction to a junction with state route number 410 at Cayuse junction in the vicinity west of Chinook pass.

(8) State route number 165 beginning at the northwest entrance to Mount Rainier national park, thence in a northerly direction to a junction with state route number 162 east of the town of South Prairie.

(9) State route number 305, beginning at the ferry slip at Winslow on Bainbridge Island, thence northwesterly by way of Agate Pass bridge to a junction with state route number 3 approximately four miles northwest of Poulsbo.

(10) State route number 410 beginning at the crossing of Scatter creek approximately six miles east of Enumclaw, thence in an easterly direction by way of

Chinook pass to a junction of state route number 12 and state route number 410.

(11) State route number 706 beginning at a junction with state route number 7 at Elbe thence in an easterly direction to the southwest entrance to Mount Rainier national park. [1974 1st ex.s. c 138 § 4. Prior: 1971 ex.s. c 73 § 28; 1971 ex.s. c 62 § 18; 1961 c 96 § 14. Cf. 1974 1st ex.s. c 154 § 4.]

47.42.150 Joint fact finding committee—Studies—Report. The joint fact finding committee on highways, streets and bridges is authorized and directed to study the application of the federal standards to the regulation of outdoor advertising upon the interstate highways within the state of Washington and criteria for the establishment of additional scenic areas upon any state highway upon which outdoor advertising shall be regulated, and report to the 1963 legislature thereon. [1961 c 96 § 15.]

47.42.900 Severability—1961 c 96. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter, or the application of the provision to other persons or circumstances is not affected. [1961 c 96 § 16.]

47.42.901 Severability—1963 ex.s. c 3. If any provision of section 55 of this amendatory act shall be held to be invalid or shall be held to invalidate any provision of chapter 96, Laws of 1961 (chapter 47.42 RCW), then that provision of this amendatory act shall be of no force and effect and the provisions of chapter 96, Laws of 1961 (chapter 47.42 RCW) shall continue in effect. [1963 ex.s. c 3 § 56.]

Reviser's note: "... section 55 of this amendatory act" refers to the 1963 amendment of RCW 47.42.100.

47.42.902 Severability—1971 ex.s. c 62. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1971 ex.s. c 62 § 20.]

47.42.910 Short title—1961 c 96. This chapter shall be known and may be cited as the highway advertising control act of 1961. [1961 c 96 § 17.]

47.42.911 Short title—1971 ex.s. c 62. This act may be cited as the "Scenic Vistas Act of 1971". [1971 ex.s. c 62 § 19.]

Chapter 47.44

FRANCHISES ON STATE HIGHWAYS

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47.44.010 Wire and pipe line and tram and railway franchises—Application—Notice—Hearing. The highway commission shall have the power to grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any state highway for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, and any other such facilities. All applications for such franchise shall be made in writing and subscribed by the applicant, and shall describe the state highway or portion thereof over which franchise is desired and the nature of the franchise. Upon the filing of any such application a time and place for hearing the same shall be fixed and a notice thereof shall be given in the county or counties in which any portion of the state highway upon which such franchise is applied for is located, at the expense of the applicant, by posting written or printed notices in three public places at the county seat of such county or counties for at least twenty days before the day fixed for such hearing, and by publishing a like notice in three successive weekly issues of a newspaper having a general circulation in such county or counties, the last publication to be at least five days before the day fixed for the hearing; which notice shall state the name or names of the applicant or applicants, a description of the state highway or part thereof over which the franchise is applied for, and the time and place of such hearing. It shall be the duty of the county auditor of the respective counties to cause such notices to be posted and published and to file proof of such posting and publication with the highway commission.

Sufficient copies of the notice required by this section shall be sent directly to the county auditor of the respective counties at least forty-five days prior to the date fixed for the hearing. [1967 c 108 § 7; 1963 c 70 § 1; 1961 ex.s. c 21 § 26; 1961 c 13 § 47.44.010. Prior:

1943 c 265 § 2; 1937 c 53 § 83; Rem. Supp. 1943 § 6400-83.]

Urban public transportation system defined: RCW 47.04.082.

47.44.020 Hearing—Grant of franchise—Conditions. The hearing shall be conducted by the highway commission or such person as it may designate, and may be adjourned from time to time until completed. The applicant may be required to produce all facts pertaining to the franchise, and evidence may be taken for and against granting it.

After the hearing, if the commission deems it to be for the public interest, it may grant the franchise in whole or in part, under such regulations and conditions as it may prescribe, with or without compensation, but not in excess of the reasonable cost to the commission for investigating, handling and granting the franchise. The commission may require that the utility and appurtenances be so placed on the highway that they will, in its opinion, least interfere with other uses of the highway.

The facility shall be made subject to removal when necessary for the construction, alteration, repair, or improvement of the highway and at the expense of the franchise holder, except that the state shall pay the cost of such removal whenever the state shall be entitled to receive proportionate reimbursement therefor from the United States in the cases and in the manner set forth in RCW 47.44.030. Renewal upon expiration of a franchise shall be by application and notice posted and published, and hearing conducted in the same manner as an original application. A person constructing or operating such a utility on a state highway is liable to any person injured thereby for any damages incident to the work of installation or the continuation of the occupancy of the highway by the utility, and except as provided above, is liable to the state for all necessary expenses incurred in restoring the highway to a permanent suitable condition for travel. No franchise shall be granted for a longer period than fifty years, and no exclusive franchise or privilege shall be granted. [1961 c 13 § 47.44.020. Prior: 1959 c 330 § 1; 1937 c 53 § 84; RRS § 6400-84.]

47.44.030 Removal of facilities—Notice—Reimbursement of owner when national system involved. If the highway commission deems it necessary that such a facility be removed from the highway for the safety of persons traveling thereon or for construction, alteration, improvement, or maintenance purposes, it shall give notice to the franchise holder to remove the facility at his expense and as the highway commission orders: *Provided*, That notwithstanding any contrary provision of law or of any existing or future franchise held by a public utility, the state highway commission shall pay or reimburse the owner for relocation or removal of any publicly, privately or cooperatively owned public utility facilities when necessitated by the construction, reconstruction, relocation or improvement of a highway which is part of the national system of interstate and defense highways for each item of cost for which the state shall be entitled to be reimbursed by the United

States in an amount equal to at least ninety percent thereof under the provisions of section 123, federal aid highway act of 1958, and any other subsequent act of congress under which the state shall be entitled to be reimbursed by the United States in an amount equal to at least ninety percent of the cost of relocation of utility facilities on said national system of interstate and defense highways. [1961 c 13 § 47.44.030. Prior: 1959 c 330 § 2; 1937 c 53 § 85; RRS § 6400-85.]

47.44.031 Removal of facilities—Limitation. The provisions of RCW 47.44.030 authorizing the state highway commission to pay or reimburse the owner of a utility shall apply only to relocation or removal of utility facilities required by state construction contracts which are advertised for bids by the state highway commission after June 30, 1959. [1961 c 13 § 47.44.031. Prior: 1959 c 330 § 3.]

47.44.040 Franchises across joint bridges. Whenever any bridge shall exist on the route of any state highway and crosses any stream, body of water, gulch, navigable water, swamp or other topographical formation constituting the boundary of a county, city or town of this state or the boundary of this state and the same is owned or operated by this state jointly with any such county, city or town or with any municipal corporation of this state, or with such other state or with any county, city or town of such other state, the highway commission is empowered to join with the proper officials of such county, city or town or such municipal corporation of this state or of such other state or of such county, city or town of such other state in granting franchises to persons or private or municipal corporations for the construction and maintenance thereon of water pipes, flumes, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams and railways, and any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the highway commission, or any other such facilities. All such franchises shall be granted in the same manner as provided for the granting of like franchises on state highways. Any revenue accruing to the state of Washington from such franchises shall be paid to the state treasurer and by him deposited to the credit of the fund from which this state's share of the cost of joint operation of such bridge is paid. [1967 c 108 § 8; 1961 c 13 § 47.44.040. Prior: 1937 c 53 § 86; RRS § 6400-86.]

Urban public transportation system defined: RCW 47.04.082.

47.44.050 Permit for short distances. The highway commission is empowered to grant a permit to construct or maintain on, over, across or along any state highway any water, gas, telephone, telegraph, light, power or other such facilities when the same does not extend along such state highway for a distance greater than three hundred feet. The highway commission may require such information as it deems necessary in the application for any such permit and may grant or withhold the permit within its discretion. Any permit

granted may be canceled at any time and any facilities remaining upon the right of way of such state highway after thirty days written notice of such cancellation shall be an unlawful obstruction and may be removed in the manner provided by law. [1961 c 13 § 47.44.050. Prior: 1943 c 265 § 3; 1937 c 53 § 87; Rem. Supp. 1943 § 6400-87.]

47.44.060 Penalty. Any person, firm or corporation who shall construct or maintain on, over, across or along any state highway any water pipe, flume, gas pipe, telegraph, telephone, electric light or power lines, or tram or railway, or any other such facilities, without having first obtained and having at all times in full force and effect a franchise or permit to do so in the manner provided by law shall be guilty of a misdemeanor and each day of violation shall be a separate and distinct offense. [1961 c 13 § 47.44.060. Prior: 1943 c 265 § 1; 1937 c 53 § 82; Rem. Supp. 1943 § 6400-82.]

47.44.070 Franchises to use toll facility property. See RCW 47.56.256.

47.44.080 Payment for costs of relocating utilities within right-of-way of interstate highways—Legislative finding. The legislature finds that federal regulations governing the construction, reconstruction, repair, alteration, relocation and improvement of the national system of defense and interstate highways, funded in large part by funds of the United States, require substantial removal and relocation of the facilities of local utilities. The removal and relocation of these facilities in Washington, necessary to serve the national need for safe interstate highways, cost millions of dollars. The congress, accepting a national interstate highway system as a national commitment to be paid for nationally, has provided federal funds to pay the great bulk of the costs—including the costs of removing and relocating utility facilities where payment of such costs is permitted by state law. Thus the cost of utility facility removal and relocation was intended to be part of the national highway commitment, rather than a burden to the utility rate payers of this state.

The legislature further finds that it is in the public interest and for a public purpose that utilities owning such facilities be paid or reimbursed for the relocation and removal costs so that federal moneys might be obtained and Washington tax and utility rate payers pay no more than their fair share for the national highway program. Receipt of federal funds will benefit utility rate payers who make up the public and will not confer a significant benefit on utility owners. [1971 ex.s. c 262 § 1.]

47.44.090 Payment for costs of relocating utilities within right-of-way of interstate highways—Federal-aid utility relocation fund. There is hereby established in the state treasury a special fund, to be known as the federal-aid utility relocation fund and to be administered by the state highway commission in accordance with the provisions of RCW 47.44.080 through 47.44.140. The special fund is and shall be administered as a

separate and special fund of a proprietary nature. There shall be appropriate accounts and subaccounts within the fund, as required by sound accounting practices, including but not limited to individual accounts for each of the several utilities making payments to the fund as hereinafter provided. The special fund shall not be a part of the general fund of the state nor of the state motor vehicle fund, and in no event shall any of the general fund or the motor vehicle fund be used in connection with RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 2.]

47.44.100 Payment for costs of relocating utilities within right-of-way of interstate highways—Contributions and advances to fund. Contributions and advances may be made to the federal-aid utility relocation fund by publicly, privately or cooperatively owned utilities, and shall be credited to individual accounts for those utilities. The contributions and advances shall be accepted on such terms and conditions as are appropriate for the purposes of carrying out RCW 47.44.080 through 47.44.140. All moneys received by the fund shall upon receipt become funds of the state, subject, however, to the provisions of RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 3.]

47.44.110 Payment for costs of relocating utilities within right-of-way of interstate highways—Use of fund moneys, limitations. Moneys in the federal-aid utility relocation fund shall be used as follows:

(1) To pay the cost of administering the provisions of RCW 47.44.080 through 47.44.140, which cost shall be equitably apportioned among and paid from the individual accounts of the participating utilities;

(2) To pay the costs of relocation and removal of utility facilities required by the construction, reconstruction, repair, alteration, relocation and improvement of interstate highways, notwithstanding any contrary provision of law or of any existing or future franchise held by any publicly, privately or cooperatively owned utility, but subject to the following limitations:

(a) No payment shall be made except in connection with the removal and relocation of facilities pursuant to highway commission order and except upon the presentation of evidence satisfactory to the state highway commission substantiating utility expenditures for removal or relocation; and

(b) No payment shall be made from the individual account of any utility which exceeds the total moneys in such individual account. [1971 ex.s. c 262 § 4.]

47.44.120 Payment for costs of relocating utilities within right-of-way of interstate highways—Application for reimbursement under Federal-aid Highway Act of 1958. Promptly after the highway commission has paid or reimbursed a utility, in accordance with the provisions of RCW 47.44.080 through 47.44.140, for costs of the removal or relocation of its facilities located on the federal interstate highway system, the highway commission shall apply to the United States for reimbursement of such removal and relocation costs under

the provisions of section 123, Federal-aid Highway Act of 1958. Any funds received as a result of such application shall be deposited in the federal-aid utility relocation fund, and credited to the accounts of individual utilities in such amounts as the funds received represent and are attributable to federal reimbursement for state payments from those individual accounts as provided in RCW 47.44.080 through 47.44.140. [1971 ex.s. c 262 § 5.]

47.44.130 Payment for costs of relocating utilities within right-of-way of interstate highways—Transmission of account moneys to utilities—Disposition of fund moneys if federal program discontinued. All moneys in individual accounts shall be transmitted to the particular utilities within thirty days of their receipt by the highway commission. In the event of the discontinuance of the federal-aid highway program, any moneys remaining in the federal-aid utility relocation fund, after all proper payments have been made therefrom, shall be paid to the state general fund. [1971 ex.s. c 262 § 6.]

47.44.140 Payment for costs of relocating utilities within right-of-way of interstate highways—Severability, 1971 ex.s. c 262—Repayment of contributions in event of invalidity. The legislature intends that the provisions of this act shall be nonseverable. If any provision of this act, or part thereof, or its application to any person or circumstance is held invalid, the entire act shall be inoperative. In the event this act should be declared unconstitutional, all contributions and advances to the federal-aid utility relocation fund shall be repaid to the utilities in proportion to their contributions and advances. [1971 ex.s. c 262 § 7.]

Chapter 47.48

CLOSING HIGHWAYS AND RESTRICTING TRAFFIC

Sections

- 47.48.010 Closure authorized—Restricting use of portion of highway to urban public transportation system use.
47.48.020 Notice of closure—Emergency closure.
47.48.040 Penalty.

Closure of Camas slough: RCW 88.28.055.

47.48.010 Closure authorized—Restricting use of portion of highway to urban public transportation system use. Whenever the condition of any state highway, county road or city street, either newly or previously constructed, altered, repaired or improved, or any part thereof is such that for any reason its use or continued use by vehicles or by any class of vehicles will greatly damage such state highway, county road or city street or will be dangerous to traffic thereon or the same is being constructed, altered, repaired, improved or maintained in such a manner as to require that such state highway, county road or city street or any portion thereof be closed to travel by all vehicles or by any class of vehicles for any period of time, the highway commission if it be a state highway, the county commissioners if it be a county road, or the governing body of any city or town if it be a city street, is authorized to

close such state highway, county road or city street, as the case may be, to travel by all vehicles or by any class of vehicles for such a definite period as they shall determine: *Provided*, That nothing in the law of this state shall prevent the highway commission, county commissioners, or governing body of any city or town from classifying vehicles according to gross weight, axle weight, height, width, length, braking area, performance, or tire equipment for the purposes of this section, or from restricting the use of any portion of any public highway within the jurisdiction and control of any such commission or governing body to its use by an urban public transportation system. [1967 c 108 § 9; 1961 c 13 § 47.48.010. Prior: 1937 c 53 § 65; RRS § 6400-65; prior: 1929 c 214 § 1; 1927 c 232 § 1; 1921 c 21 § 1; RRS § 6839.]

Urban public transportation system defined: RCW 47.04.082.

47.48.020 Notice of closure—Emergency closure. Before any state highway, county road or city street is closed to all vehicles or any class of vehicles, a notice of the date on and after which the state highway, county road or city street or any part thereof shall be closed and the definite period of such closing and whether it shall be closed to all vehicles or to vehicles of a particular class or classes shall be published in one issue of a newspaper of general circulation in the county or city or town in which such state highway, county road or city street or any portion thereof to be closed is located; and a like notice shall be posted on or prior to the date of publication of such notice in a conspicuous place at each end of the state highway, county road or city street or portion thereof to be closed: *Provided*, That no such state highway, county road or city street or portion thereof shall be closed sooner than three days after the publication and the posting of the notice herein provided for: *Provided, however*, That in cases of emergency the proper officers may, without publication or delay, close state highways, county roads and city streets temporarily by posting notices at each end of the closed portion thereof and at all intersecting state highways if the closing be of a portion of a state highway, at all intersecting state highways and county roads if the closing be a portion of a county road, and at all intersecting city streets if the closing be of a city street. In all emergency cases, as herein provided, the orders of the proper authorities shall be immediately effective. [1961 c 13 § 47.48.020. Prior: 1937 c 53 § 66, part; RRS § 6400-66 part; prior: 1921 c 21 § 2, part; RRS § 6840, part. Formerly RCW 47.48.020 and 47.48.030.]

47.48.040 Penalty. When any state highway, county road or city street or portion thereof shall have been closed, as by law provided, any person, firm or corporation disregarding such closing and using such state highway, county road or city street or portion thereof with any vehicle or any class of vehicle, as the case may be, to which said state highway, county road or city street or portion thereof is closed by any notice or emergency notice, shall be guilty of a misdemeanor, and shall in addition to any penalty for violation of the provisions of this section, be liable in any civil action

instituted in the name of the state of Washington or the county or city or town having jurisdiction for any damages occasioned to such state highway, county road, or city street, as the case may be, as the result of disregarding such closing and using such state highway, county road, or city street, or portion thereof with any vehicle or any class of vehicle to which the same is closed. [1961 c 13 § 47.48.040. Prior: 1937 c 53 § 67; RRS § 6400-67; prior: 1921 c 21 § 3; RRS § 6841.]

Chapter 47.52 LIMITED ACCESS FACILITIES

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Port districts, toll facilities: Chapter 53.34 RCW.

Speed limits on limited access facilities: RCW 46.61.430.

47.52.001 Declaration of policy. Unrestricted access to and from public highways has resulted in congestion and peril for the traveler. It has caused undue slowing of all traffic in many areas. The investment of the public in highway facilities has been impaired and highway facilities costing vast sums of money will have to be relocated and reconstructed. It is the declared policy of this state to limit access to the highway facilities of this state in the interest of highway safety and for the preservation of the investment of the public in such facilities. [1961 c 13 § 47.52.001. Prior: 1951 c 167 § 1.]

47.52.010 "Limited access facility" defined. For the purposes of this chapter, a "limited access facility" is defined as a highway or street especially designed or designated for through traffic, and over, from, or to which owners or occupants of abutting land, or other persons, have no right or easement, or only a limited right or easement of access, light, air, or view by reason of the fact that their property abuts upon such limited access facility, or for any other reason to accomplish the purpose of a limited access facility. Such highways or streets may be parkways, from which vehicles forming part of an urban public transportation system, trucks, buses, or other commercial vehicles may be excluded; or they may be freeways open to use by all customary forms of street and highway traffic, including vehicles forming a part of an urban public transportation system. [1967 c 108 § 10; 1961 c 13 § 47.52.010. Prior: 1951 c 167 § 2; 1947 c 202 § 1; Rem. Supp. 1947 § 6402-60.]

Urban public transportation system defined: RCW 47.04.082.

47.52.011 "Existing highway" defined. For the purposes of this chapter, the term "existing highway" shall include all highways, roads and streets duly established, constructed, and in use. It shall not include new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated. [1961 c 13 § 47.52.011. Prior: 1951 c 167 § 3.]

47.52.020 Powers of highway authorities—State facility, county road crossings. The highway authorities of the state, counties, and incorporated cities and towns, acting alone or in cooperation with each other, or with any federal, state, or local agency, or any other state having authority to participate in the construction and maintenance of highways, may plan, designate, establish, regulate, vacate, alter, improve, construct, maintain, and provide limited access facilities for public use wherever such authority or authorities are of the opinion that traffic conditions, present or future, will justify such special facilities: *Provided*, That upon county roads within counties, such state or county authorities shall be subject to the consent of the board of county commissioners, except that where a state limited access facility crosses a county road the state highway commission may, without the consent of the board of

county commissioners, close off such county road so that it will not intersect such limited access facility.

The state highway commission may, in constructing or relocating any state highway, cross any county road at grade without obtaining the consent of the board of county commissioners, and in so doing may revise the alignment of such county road to the extent that the state highway commission finds necessary for reasons of traffic safety or practical engineering considerations. [1961 c 13 § 47.52.020. Prior: 1957 c 235 § 2; prior: 1953 c 30 § 1; 1951 c 167 § 4; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

47.52.025 Additional powers—May control use of limited access facilities—Reservation of facility, lanes or ramps for public transportation vehicles, etc. Highway authorities of the state, counties, and incorporated cities and towns, in addition to the specific powers granted in this chapter, shall also have, and may exercise, relative to limited access facilities, any and all additional authority, now or hereafter vested in them relative to highways or streets within their respective jurisdictions, and may regulate, restrict, or prohibit the use of such limited access facilities by various classes of vehicles or traffic. Such highway authorities may reserve any limited access facility or portions thereof, including designated lanes or ramps for the exclusive or preferential use of public transportation vehicles, privately owned buses, or private motor vehicles carrying not less than a specified number of passengers when such limitation will increase the efficient utilization of the highway facility or will aid in the conservation of energy resources. Regulations authorizing such exclusive or preferential use of a highway facility may be declared to be effective at all time or at specified times of day or on specified days. [1974 1st ex.s. c 133 § 1; 1961 c 13 § 47.52.025. Prior: 1957 c 235 § 3; prior: 1951 c 167 § 5; 1947 c 202 § 2, part; Rem. Supp. 1947 § 6402-61, part.]

47.52.026 Regulations—Control of vehicles entering limited access highways—Closure, metering or restrictions as to highway ramps—Notice. (1) The state highway commission may adopt regulations for the control of vehicles entering any state limited access highway as it deems necessary (a) for the efficient or safe flow of traffic traveling upon any part of the highway or connections therewith or (b) to avoid exceeding federal, state, or regional air pollution standards either along the highway corridor or within an urban area served by the highway.

(2) Regulations adopted by the highway commission pursuant to subsection (1) of this section may provide for the closure of highway ramps or the metering of vehicles entering highway ramps or the restriction of certain classes of vehicles entering highway ramps (including vehicles with less than a specified number of passengers), and any such restrictions may vary at different times as necessary to achieve the purposes mentioned in subsection (1) of this section.

(3) Restrictions of vehicles authorized by regulations adopted pursuant to this section shall be effective when proper notice thereof is given by any police officer or by

appropriate signals, signs, or other traffic control devices. [1974 1st ex.s. c 133 § 3.]

47.52.027 Standards and rules relating to national interstate and defense highways—Construction, maintenance, access. The state highway commission may adopt design standards, rules and regulations relating to construction, maintenance and control of access of the national system of interstate and defense highways within this state as it deems advisable to properly control access thereto, to preserve the traffic-carrying capacity of such highways, and to provide the maximum degree of safety to users thereof. In adopting such standards, rules and regulations the commission shall take into account the policies, rules and regulations of the secretary of commerce and the bureau of public roads relating to the construction, maintenance and operation of the system of interstate and defense highways. The standards, rules and regulations so adopted by the commission shall constitute the public policy of this state and shall have the force and effect of law. [1961 c 13 § 47.52.027. Prior: 1959 c 319 § 35.]

Nonmotorized traffic may be prohibited: RCW 46.61.160.

47.52.040 Design of facility—Ingress and egress restricted—Closure of intersecting roads. The highway authorities of the state, counties and incorporated cities and towns may so design any limited access facility and so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended; and the determination of design by such authority shall be conclusive and final. In this connection such highway authorities may divide and separate any limited access facility into separate roadways by the construction of raised curbs, central dividing sections, or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes and other devices. No person shall have any right of ingress or egress to, from, or across limited access facilities to or from abutting lands, except at designated points at which access may be permitted by the highway authorities upon such terms and conditions as may be specified from time to time: *Provided*, That any intersecting streets, roads or highways, not made a part of such facility, shall be deemed closed at the right of way line by the designation and construction of said facility and without the consent of any other party or the necessity of any other legal proceeding for such closing, notwithstanding any laws to the contrary. [1961 c 13 § 47.52.040. Prior: 1955 c 75 § 1; 1947 c 202 § 3; Rem. Supp. 1947 § 6402–62.]

47.52.041 Closure of intersecting roads—Rights of abutters. No person, firm or corporation, private or municipal, shall have any claim against the state, city or county by reason of the closing of such streets, roads or highways as long as access still exists or is provided to such property abutting upon the closed streets, roads or highways. Circuity of travel shall not be a compensable item of damage. [1961 c 13 § 47.52.041. Prior: 1955 c 75 § 2.]

47.52.042 Closure of intersecting roads—Other provisions of chapter not affected. RCW 47.52.040 and 47.52.041 shall not be construed to affect provisions for establishment, notice, hearing and court review of any decision establishing a limited access facility on an existing highway pursuant to chapter 47.52. [1961 c 13 § 47.52.042. Prior: 1955 c 75 § 3.]

47.52.050 Acquisition of property for facility. (1) For the purpose of this chapter the highway authorities of the state, counties and incorporated cities and towns, respectively, or in cooperation one with the other, may acquire private or public property and property rights for limited access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase, or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire property or property rights in connection with highways and streets within their respective jurisdictions. Except as otherwise provided in subsection (2) of this section all property rights acquired under the provisions of this chapter shall be in fee simple. In the acquisition of property or property rights for any limited access facility or portion thereof, or for any service road in connection therewith, the state, county, incorporated city and town authority may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interest of the public will be best served, even though said entire lot, block or tract is not immediately needed for the limited access facility.

(2) The highway authorities of the state, counties, and incorporated cities and towns may acquire by gift, devise, purchase, or condemnation a three dimensional air space corridor in fee simple over or below the surface of the ground, together with such other property in fee simple and other property rights as are needed for the construction and operation of a limited access highway facility, but only if the acquiring authority finds that the proposal will not:

(a) impair traffic safety on the highway or interfere with the free flow of traffic; or

(b) permit occupancy or use of the air space above or below the highway which is hazardous to the operation of the highway. [1971 ex.s. c 39 § 1; 1961 c 13 § 47.52.050. Prior: 1947 c 202 § 4; Rem. Supp. 1947 § 6402–63.]

Award of costs in air space corridor acquisitions: RCW 8.25.073.

47.52.060 Court process to be expedited. Court proceedings necessary to acquire property or property rights for purposes of this chapter shall take precedence over all other causes not involving the public interest in all courts to the end that the provision for limited access facilities may be expedited. [1961 c 13 § 47.52.060. Prior: 1947 c 202 § 5; Rem. Supp. 1947 § 6402–64.]

47.52.070 Establishment of facility—Grade separation—Service roads. The designation or establishment of a limited access facility shall, by the authority making the designation or establishment, be entered upon the records or minutes of such authority in the customary manner for the keeping of such records or minutes.

The state, counties and incorporated cities and towns may provide for the elimination of intersections at grade of limited access facilities with existing state or county roads, and with city or town streets, by grade separation or service road, or by closing off such roads and streets at the right of way boundary line of such limited access facility; and after the establishment of any such facility, no highway or street which is not part of said facility, shall intersect the same at grade. No city or town street, county road, or state highway, or any other public or private way, shall be opened into or connect with any such limited access facility without the consent and previous approval of the highway authority of the state, county, incorporated city or town having jurisdiction over such limited access facility. Such consent and approval shall be given only if the public interest shall be served thereby. [1961 c 13 § 47.52.070. Prior: 1951 c 167 § 10; 1947 c 202 § 6; Rem. Supp. 1947 § 6402-65.]

47.52.080 Abutter's right of access protected—
Compensation. No existing public highway, road or street shall be constructed as a limited access facility except upon the waiver, purchase, or condemnation of the abutting owner's right of access thereto as herein provided. In cases involving existing highways, if the abutting property is used for business at the time the notice is given as provided in RCW 47.52.072, the owner of such property shall be entitled to compensation for the loss of adequate ingress to or egress from such property as business property in its existing condition at the time of the notice provided in RCW 47.52.072 as for the taking or damaging of property for public use. [1961 c 13 § 47.52.080. Prior: 1955 c 54 § 2; 1951 c 167 § 11; 1947 c 202 § 7; Rem. Supp. 1947 § 6402-66.]

Reviser's note: RCW 47.52.072 was repealed by 1965 ex.s. c 75 § 7.

47.52.090 Cooperative agreements—Provision for urban public transportation systems—Title to facility—Traffic regulations—Underground utilities and overcrossings—Passenger transportation—Storm sewers—City street crossings. The highway authorities of the state, counties, incorporated cities and towns, and municipal corporations owning or operating an urban public transportation system are authorized to enter into agreements with each other, or with the federal government, respecting the financing, planning, establishment, improvement, construction, maintenance, use, regulation, or vacation of limited access facilities in their respective jurisdictions to facilitate the purposes of this chapter. Any such agreement may provide for the exclusive or nonexclusive use of a portion of such facility by street cars, trains or other vehicles forming a part of an urban public transportation system and for the erection, construction and maintenance thereon of structures and facilities of such a system including facilities for the receipt and discharge of passengers: *Provided*, That within incorporated cities and towns the title to such limited access facility, after purchase and construction by the state alone, shall vest in the state, and the Washington state highway commission shall

exercise full jurisdiction, responsibility and control to, and over, such facilities: *Provided, further*, That:

(1) Cities and towns shall regulate all traffic restrictions on such facilities except as provided in RCW 46.61.430 and all regulations adopted shall be subject to approval of the state highway commission before becoming effective. Nothing herein shall preclude the state patrol, any county, or city or town from enforcing any traffic regulations and restrictions prescribed by state law, county resolution, or municipal ordinance.

(2) The city or town or franchise holder shall at its own expense maintain its underground facilities beneath the surface across the highway and shall have the right to construct such additional facilities underground or beneath the surface of the facility or necessary overcrossings of power lines and other utilities as may be necessary insofar as such facilities do not interfere with the use of the right of way for limited access highway purposes, and the city or town shall have the right to maintain any municipal utility and the right to open the surface of such highway, and the construction, maintenance until permanent repair is made, and permanent repair of such facilities shall be done in a time and manner authorized by permit to be issued by the state highway commission or its authorized representative, except to meet emergency conditions for which no permit will be required, but any damage occasioned thereby shall promptly be repaired by the city or town itself, or at its direction. Where a city or town is required to relocate overhead facilities within the corporate limits of a city or town as a result of the construction of a limited access facility, the cost of such relocation shall be paid by the state.

(3) Cities and towns shall have the right to grant utility franchises crossing the facility underground and beneath its surface insofar as such franchises are not inconsistent with the use of the right of way for limited access facility purposes: *Provided*, That such franchises are not in conflict with state laws: *Provided further*, That the state highway commission shall be authorized to enforce, in an action brought in the name of the state, any condition of any franchise which a city or town shall have granted: *And provided further*, That no franchise for transportation of passengers in motor vehicles shall be granted on such highways without the approval of the state highway commission, except cities and towns shall not be required to obtain a franchise for the operation of municipal vehicles or vehicles operating under franchises from the city or town operating within the corporate limits of a city or town and within a radius not to exceed eight miles outside of such corporate limits for public transportation on such facilities, but such vehicles may not stop on the limited access portion of such facility to receive or to discharge passengers unless appropriate special lanes or deceleration, stopping and acceleration space is provided for such vehicles.

Every franchise or permit granted any person by a city or town for use of any portion of a limited access facility shall require the grantee or permittee to restore, permanently repair and replace to its original condition any portion of the highway damaged or injured by it.

Except to meet emergency conditions, the construction and permanent repair of any limited access facility by the grantee of a franchise shall be in a time and manner authorized by permit to be issued by the state highway commission, or its authorized representative.

(4) The state highway commission shall have the right to utilize all storm sewers which are adequate and available for the additional quantity of run-off proposed to be passed through such storm sewers.

(5) The construction and maintenance of city streets over and under crossings and surface intersections of the limited access facility shall be in accordance with the governing policy entered into between the state highway commission and the association of Washington cities on June 21, 1956, or as such policy may be amended by agreement between the Washington state highway commission and the association of Washington cities. [1967 c 108 § 11; 1961 c 13 § 47.52.090. Prior: 1957 c 235 § 4; 1947 c 202 § 8; Rem. Supp. 1947 § 6402-67.]

Urban public transportation system defined: RCW 47.04.082.

47.52.100 Existing roads and streets as service roads. In connection with the development of any limited access facility the state, county or incorporated city or town highway authorities are authorized to plan, designate, establish, use, regulate, alter, improve, construct, maintain and vacate local service roads and streets, or to designate as local service roads and streets any existing road or street, and to exercise jurisdiction over service roads in the same manner as is authorized for limited access facilities under the terms of this chapter. If, in their opinion such local service roads and streets are necessary or desirable, such local service roads or streets shall be separated from the limited access facility by such means or devices designated as necessary or desirable by the proper authority. [1961 c 13 § 47.52.100. Prior: 1947 c 202 § 9; Rem. Supp. 1947 § 6402-68.]

47.52.105 Acquisition and construction to preserve limited access or reduce compensation. Whenever, in the opinion of the Washington state highway commission, frontage or service roads in connection with limited access facilities, are not feasible either from an engineering or economic standpoint, the highway commission may acquire private or public property by purchase or condemnation and construct any road, street or highway thereon connecting to or leading into any other road, street or highway, when by so doing, it will preserve a limited access facility or reduce compensation required to be paid to an owner by reason of reduction in or loss of access. The commission shall provide by agreement with a majority of the board of county commissioners or city governing body of the county or city concerned as to location, future maintenance and control of any road, street or highway to be so constructed. Such road, street or highway need not be made a part of said state highway system or connected thereto, but may upon completion by the state be turned over to the county or city, as the case may be, for location, maintenance and control pursuant to the agreement as part

of said system of such county roads or city streets. [1967 c 117 § 1; 1961 c 13 § 47.52.105. Prior: 1955 c 63 § 1.]

47.52.110 Marking of facility with signs. After the opening of any new and additional limited access highway facility, or after the designation and establishment of any existing street or highway, as included the particular highways and streets or those portions thereof designated and established, shall be physically marked and indicated as follows: By the erection and maintenance of such signs as in the opinion of the respective authorities may be deemed proper, indicating to drivers of vehicles that they are entering a limited access area and that they are leaving a limited access area. [1961 c 13 § 47.52.110. Prior: 1947 c 202 § 10; Rem. Supp. 1947 § 6402-69.]

47.52.120 Violations specified—Penalty. After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, or dividing section or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: *Provided*, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to said facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained herein shall prevent the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law. [1961 c 13 § 47.52.120. Prior: 1959 c 167 § 1; 1947 c 202 § 11; Rem. Supp. 1947 § 6402-70.]

47.52.121 Prior determinations validated. Any determinations of an authority establishing a limited access facility subsequent to March 19, 1947, and prior to March 16, 1951, in connection with new highways, roads or streets, or relocated highways, roads or streets, or portions of existing highways, roads or streets which are relocated, and all acquirements of property or access rights in connection therewith are hereby validated, ratified, approved and confirmed, notwithstanding any lack of power (other than constitutional) of such authority, and notwithstanding any defects or irregularities (other than constitutional) in such proceedings. [1961 c 13 § 47.52.121. Prior: 1951 c 167 § 12.]

47.52.131 Establishment of facility by state—Consideration of data—Report to local authorities—Conferences—Proposed plan. When the state highway commission is planning a limited access facility through a county or an incorporated city or town, the commission, or its staff, prior to any hearing hereinafter provided, shall give careful consideration to available data as to the county or city's comprehensive plan, land use pattern, present and potential traffic volume of county roads and city streets crossing the proposed facility, origin and destination traffic surveys, existing utilities, the physical appearance the facility will present, and other pertinent surveys, and shall submit to the county and city officials for study a report showing how these factors have been taken into account and how the proposed plan for a limited access facility will serve public convenience and necessity, together with the locations and access and egress plans, and over and under crossings under consideration. Such report shall show the proposed approximate right of way limits and profile of the facility with relation to the existing grade and shall discuss in a general manner plans for landscaping treatment, fencing, and illumination, and shall include sketches of typical roadway sections for the roadway itself and any necessary structures such as viaducts or bridges, subways, or tunnels.

Conferences shall be held on the merits of this state report and plans, and any proposed modification or alternate proposal of the county, city or town in order to attempt to reach an agreement between the state highway commission and the county or city officials. As a result of the conference, the proposed plan, together with any modifications thereof, shall be prepared by the state highway commission and presented to the county or city for inspection and study. [1965 ex.s. c 75 § 1.]

47.52.133 Establishment of facility—Public hearing—Notices. The highway authorities of the state, counties, and incorporated cities and towns, prior to the establishment of any limited access facility, shall hold a public hearing within the county, city or town wherein the limited access facility is to be established, to determine the desirability of the plan proposed by such authority. Notice of such hearing shall be given to the owners of property abutting the section of any existing highway, road or street being established as a limited access facility, as indicated in the tax rolls of the county, and in the case of a state limited access facility, to

the county and/or city or town. Such notice shall be by United States mail in writing, setting forth a time for the hearing, which time shall be not less than fifteen days after mailing of such notice. Notice of such hearing also shall be given by publication to be not less than fifteen days prior to such hearing in one or more newspapers of general circulation within the county, city or town. Such notice by publication shall be deemed sufficient as to any owner or reputed owner or any unknown owner or owner who cannot be located. Such notice shall indicate a suitable location where plans for such proposal may be inspected. [1965 ex.s. c 75 § 2.]

47.52.135 Hearing procedure. At the hearing any representative of the county, city or town, or any other person may appear and be heard even though such official or person is not an abutting property owner. Such hearing shall be conducted in such a manner as to comply with the requirements of section 116(c) of the Federal Aid Highway Act of 1956 or any act supplemental thereto or amendatory thereof. The members of such authority shall preside, or may designate some suitable person to preside as examiner. All testimony or statements given at such hearing shall be taken down by a stenographer under oath, as in superior courts. The authority shall introduce by competent evidence a summary of the proposal for the establishment of a limited access facility and any evidence that supports the adoption of the plan as being in the public interest. At the conclusion of such evidence, any person entitled to notice who has entered a written appearance shall be deemed a party to this hearing for purposes of this chapter and may thereafter introduce, either in person or by counsel, evidence and statements or counterproposals bearing upon the reasonableness of the proposal. Any such evidence and statements or counterproposals shall receive reasonable consideration by the authority before any proposal is adopted. Such evidence must be material to the issue before the authority and shall be presented in an orderly manner. [1965 ex.s. c 75 § 3.]

47.52.137 Adoption of plan—Service of findings and order—Resume to be published—Finality—Review. Following the conclusion of such hearing the authority shall adopt a plan with such modifications, if any, it deems proper and necessary. Its findings and order shall be in writing and copies thereof shall be served by United States mail upon all persons having entered a written appearance at such hearing, and in the case of a state limited access facility, the county commissioners of the county affected and the mayor of the city or town affected. The authority shall also cause a resume of such plan to be published once each week for two weeks in one or more newspapers of general circulation within such county, city or town beginning not less than ten days after the mailing of such findings and order. Such determination by the authority shall become final within thirty days after such mailing unless a review is taken as hereinafter provided. In case of an appeal, the order shall be final as to all parties not appealing. [1965 ex.s. c 75 § 4.]

47.52.139 Approval by county, city or town upon receipt of findings and order—Disapproval, request for review. Upon receipt of the findings and order adopting a plan, the county, city or town may notify the state highway commission of its approval of such plan in writing, in which event such plan shall be final.

In the event that a county, city or town does not approve the plan, the county, city or town shall file its disapproval in writing with the state highway commission within thirty days after the mailing thereof to such mayor or county commissioner. Along with the written disapproval shall be filed a written request for a hearing before a board of review, hereinafter referred to as the board. The request for hearing shall set forth the portions of the plan of the state highway commission to which the county, city or town objects, and shall include every issue to be considered by the board. The hearing before a board of review shall be governed by RCW 47.52.150 through 47.52.190. [1965 ex.s. c 75 § 5.]

47.52.150 State facility through city or town—Board of review, composition and appointment. Upon request for a hearing before the board by any county, city or town, a board consisting of five members shall be appointed as follows: The mayor or the county commissioners, as the case may be shall appoint two members of the board, of which one shall be a duly elected official of the city, county or legislative district, except that of the legislative body of the county, city or town requesting the hearing, subject to confirmation by the legislative body of the city or town; the state highway commission shall appoint two members of the board who shall not be members of such commission; and one member shall be selected by the four members thus appointed. Such fifth member shall be a licensed civil engineer or a recognized professional city or town planner, who shall be chairman of the board. In the case both the county and an included city or town request a hearing, the board shall consist of nine members appointed as follows: The mayor and the county commission shall each appoint two members from the elective officials of their respective jurisdictions and of the four thus selected no more than two thereof may be members of a legislative body of the county, city or town. The state highway commission shall appoint four members of the board who shall not be members of such commission. One member shall be selected by the members thus selected and such ninth member shall be a licensed civil engineer or a recognized city or town planner who shall be chairman of the board. Such boards as are provided by this section shall be appointed within thirty days after the next meeting of the state highway commission immediately following the receipt of such a request by the commission. In the event the state highway commission or a county, city or town shall not appoint members of the board or members thus appointed fail to appoint a fifth or ninth member of the board, as the case may be, either the state highway commission or the county, city or town may apply to the superior court of the county in which the county, city or town is situated to appoint the member or

members of the board in accordance with the provisions of this chapter. [1963 c 103 § 3; 1961 c 13 § 47.52.150. Prior: 1959 c 242 § 3; 1957 c 235 § 7.]

47.52.160 State facility through city or town—Hearing—Notice—Evidence—Determination of issues. The board shall fix a reasonable time not more than thirty days after the date of their appointment and shall indicate the time and place for the hearing, and shall give notice thereof to the county, city or town and to the state highway commission. At the time and place fixed for the hearing, the state and the county, the city or town shall present all of their evidence with respect to the objections set forth in the request for the hearing before the board, and if either the state, the county or the city or town fails to do so, the board may determine the issues upon such evidence as may be presented to it at said hearing. [1963 c 103 § 4; 1961 c 13 § 47.52.160. Prior: 1957 c 235 § 8.]

47.52.170 State facility through city or town—Hearing—Procedure. No witness's testimony shall be received unless he shall have been duly sworn, and the board may cause all oral testimony to be stenographically reported. Members of the board, its duly authorized representatives, and all persons duly commissioned by it for the purpose of taking depositions, shall have power to administer oaths; to preserve and enforce order during such hearings; to issue subpoenas for, and to compel the attendance and testimony of witnesses, or the production of books, papers, documents and other evidence, or the taking of depositions before any designated individual competent to administer oaths, and it shall be their duty so to do; to examine witnesses; and to do all things conformable to law which may be necessary to enable them, or any of them, effectively to discharge the duties of their office. [1961 c 13 § 47.52.170. Prior: 1957 c 235 § 9.]

47.52.180 State facility through city or town—Hearing—Findings of board. At the conclusion of such hearing, the board shall consider the evidence taken and shall make specific findings with respect to the objections and issues within thirty days after the hearing, which findings shall approve, disapprove or modify the proposed plan of the state highway commission. Such findings shall be final and binding upon both parties. [1961 c 13 § 47.52.180. Prior: 1957 c 235 § 10.]

47.52.190 State facility through city or town—Hearing—Assistants—Costs—Reporter. The board shall employ such assistance and clerical help as is necessary in the performance of its duties. The costs thereby incurred and incident to the conduct of the hearing, necessary expenses and fees, if any, of members of the board shall be borne equally by the county, city or town requesting the hearing and the state highway commission. When oral testimony is stenographically reported, the state highway commission shall provide a reporter at its expense. [1963 c 103 § 5; 1961 c 13 § 47.52.190. Prior: 1957 c 235 § 9.]

47.52.195 Review and appeal on petition of abutter.

An abutting property owner may petition for review in the superior court of the state of Washington in the county where the limited access facility is to be located. Such review and any appeal therefrom shall be considered and determined by said court upon the record of the authority in the manner, under the conditions and subject to the limitations and with the effect specified in the Administrative Procedure Act, chapter 34.04 RCW, as amended. [1965 ex.s. c 75 § 6.]

47.52.200 Enforcement of laws on facility within city or town—Jurisdiction. Whenever any limited access highway facility passes within or through any incorporated city or town the municipal police officers of such city or town, the sheriff of the county wherein such city or town is situated and officers of the Washington state patrol shall have independent and concurrent jurisdiction to enforce any violation of the laws of this state occurring thereon: *Provided*, The Washington state patrol shall bear primary responsibility for the enforcement of laws of this state relating to motor vehicles within such limited access highway facilities. [1961 c 122 § 1.]

Chapter 47.56**STATE TOLL BRIDGES, TUNNELS AND FERRIES**

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Port districts, toll facilities: Chapter 53.34 RCW.

Toll bridge bonds authorized, adjoining counties: RCW 36.76.140.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

Viaducts, bridges, elevated roadways, tunnels, etc., authority of cities to construct: Chapter 35.85 RCW.

47.56.010 Definitions. "Toll bridge" means a bridge constructed or acquired under this chapter, upon which tolls are charged, together with all appurtenances, additions, alterations, improvements, and replacements thereof, and the approaches thereto, and all lands and interests therein used therefor, and buildings and improvements thereon;

"Toll road" means any express highway, superhighway or motorway at such locations and between such termini as may hereafter be established by law, and constructed or to be constructed as a limited access highway under the provisions of this chapter by the authority, and shall include, but not be limited to all bridges, tunnels, overpasses, underpasses, interchanges,

entrance plazas, approaches, toll houses, service areas, service facilities, communications facilities, and administration, storage and other buildings which the authority may deem necessary for the operation of such project, together with all property, rights, easements and interests which may be acquired by the authority for the construction or the operation of such project, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. [1961 c 13 § 47.56.010. Prior: 1953 c 220 § 1; 1937 c 173 § 1, part; RRS § 6524-1, part.]

47.56.020 Authority created—Members. There is hereby created the Washington toll bridge authority composed of the governor, two members of the state highway commission designated by said commission to serve at its pleasure, and two members appointed by the governor for terms of office as herein provided. The members appointed by the governor shall be known as appointive members. The director of highways shall be an ex officio member of said authority but without a vote. [1961 c 278 § 1; 1961 c 13 § 47.56.020. Prior: 1955 c 285 § 20; 1953 c 220 § 2; 1937 c 173 § 2; RRS § 6524-2.]

47.56.021 Terms of appointive members of authority—Vacancies. Within ninety days after March 10, 1961, the governor shall appoint the first appointive members of the authority: One member to serve two years and one member to serve four years from the first day of July 1961. Upon expiration of said original terms subsequent appointments of the appointive members shall be for four years except in the case of vacancy, in which event appointment shall be only for the remainder of the unexpired term in which the vacancy has occurred. [1961 c 278 § 2.]

47.56.023 Per diem and expenses for members of authority. The appointive members and the highway commission members of the Washington toll bridge authority shall receive forty dollars per diem for each day actually spent in performance of his duties, but in no event shall such a member's per diem payment exceed three thousand dollars in any one year; nor shall a highway commission member's total per diem pay for serving on the highway commission and on the authority exceed the maximum per diem payments specified in RCW 47.01.040 in any one year. Each member of the authority shall receive his actual necessary traveling and other expenses in going to, attending, and returning from meetings of the authority, and his actual and necessary traveling and other expenses incurred in the discharge of such duties as may be requested of him by a majority vote of the authority. [1965 ex.s. c 170 § 32; 1961 c 278 § 4.]

47.56.025 Authority continued with same powers notwithstanding change in membership. Notwithstanding the change in membership in the Washington toll bridge authority as provided in section 1 of this act,

said authority as created by section 2, chapter 173, Laws of 1937, as last amended by section 20, chapter 285, Laws of 1955 shall be deemed to be a continuing agency of this state and shall continue to be vested with all the powers, functions, and duties heretofore vested in the Washington toll bridge authority. [1961 c 278 § 5.]

Reviser's note: "section 1 of this act" refers to 1961 c 278 § 1 codified as RCW 47.56.020. Such code section formerly codified 1937 c 173 § 2 as last amended by 1955 c 285 § 20, referred to in the above printed section, which prior law provided for authority membership as follows: Governor, state auditor, chairman of the public service commission, chairman of the Washington state highway commission, and the director of general administration.

47.56.027 Rules, general powers of authority—Executive secretary. The authority shall establish such rules and regulations as may be deemed wise and lay down policies of procedure and generally supervise and control the operation of the functions vested in it by law and said authority is hereby clothed with all necessary powers to carry out said functions. The authority shall appoint an executive secretary who shall serve at its pleasure and who shall be the chief administrative officer of the authority. [1961 c 278 § 6.]

47.56.029 Authority's resolutions, motions—Notice of meetings—Quorum. The authority shall act collectively with recorded resolutions or motions adopted by a majority of the authority at regular or special meetings, notice of which meetings shall be given to all members pursuant to the rules of said authority. Three members shall constitute a quorum at any meeting, but no resolution, motion, or other decision of the authority shall be adopted or passed without a favorable vote of at least three members. [1961 c 278 § 7.]

47.56.030 Highway commission in charge of toll facilities including state ferries for purposes of design, construction, operation, maintenance, and collection of tolls. The state highway commission shall have full charge of the construction of all toll bridges and other toll facilities including the Washington state ferries that may be authorized by the Washington toll bridge authority, and the operation and maintenance thereof and the collection of tolls and charges thereon. The commission shall have full charge of design of all toll facilities. The commission shall proceed with the construction of such toll bridges and other facilities and the approaches thereto by contract in the manner of state highway construction immediately upon there being made available funds for such work and shall prosecute such work to completion as rapidly as practicable. The highway commission is authorized to negotiate contracts for any amount without bid in order to make repairs to ferries or ferry terminal facilities or removal of such facilities whenever continued use of ferries or ferry terminal facilities constitutes a real or immediate danger to the traveling public or precludes prudent use of such ferries or facilities. [1969 ex.s. c 180 § 3; 1961 c 278 § 8; 1961 c 13 § 47.56.030. Prior: 1937 c 173 § 10; RRS § 6524-10.]

47.56.032 Authority to perform powers relating to state ferries through highway commission—Acquisition, operation, construction, maintenance, collection of tolls, etc. All powers vested in the authority relating to the acquiring, operating, extending, designing, constructing, repairing and maintenance of the Washington state ferries or any part thereof and the collecting of tolls and charges for use of its facilities, shall be performed by the authority through the state highway commission: *Provided*, That the authority shall determine all fares, tolls and other charges for its facilities and shall directly perform all duties and exercise all powers relating to financing, refinancing and fiscal management of the system's bonded indebtedness in the manner provided by law. [1961 c 278 § 9.]

47.56.034 Division of toll facilities in highway commission—Powers and duties. There shall be in the state highway commission a division of toll facilities. The division of toll facilities shall perform all functions vested by law in the state highway commission relating to the acquisition, operation, design, construction, improvement, maintenance and repair of all toll bridges and other toll facilities, including the Washington state ferries. [1965 ex.s. c 170 § 30; 1961 c 278 § 10.]

47.56.040 Toll bridges authorized—Investigations. The Washington toll bridge authority is empowered, in accordance with the provisions of this chapter, to provide for the establishing and constructing of toll bridges upon any public highways of this state together with approaches thereto wherever the same is considered necessary or advantageous and practicable for crossing any stream, body of water, gulch, navigable water, swamp or other topographical formation whether the same is within this state or constitutes a boundary between this state and an adjoining state or country. The necessity or advantage and practicability of any such toll bridge shall be determined by the Washington toll bridge authority and the feasibility of financing any toll bridge in the manner provided by this chapter shall be a primary consideration and determined according to the best judgment of the Washington toll bridge authority. For the purpose of obtaining information for the consideration of the authority upon the construction of any toll bridge or any other matters pertaining thereto it shall be the duty of any cognizant officer or employee of the state upon the request of the authority to make reasonable examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority. The cost of any such examination, investigation, survey or reconnaissance shall be borne by the department or office conducting the same from the funds provided for such department or office for its usual functions. [1961 c 13 § 47.56.040. Prior: 1937 c 173 § 3; RRS § 6524–3; prior: 1913 c 56 § 2; RRS § 6525.]

47.56.042 State boundary bridges—Investigations—Agreements with counties or states. The Washington toll bridge authority is hereby authorized

to enter into agreements with any county of this state and/or with an adjoining state or county thereof for the purpose of implementing an investigation of the feasibility of any toll bridge project for the bridging of a river forming a portion of the boundary of this state, and such adjoining state. The authority may use funds from its revolving fund to carry out the purposes of this section. Such agreements may provide that in the event any such project is determined to be feasible and adopted, any advancement of funds by any state or county may be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived from such project. [1961 c 13 § 47.56.042. Prior: 1955 c 203 § 1.]

47.56.050 Purchase of bridges and ferries authorized—Provisions applicable. (1) The Washington toll bridge authority, whenever it is considered necessary or advantageous and practicable, is empowered to provide for the acquisition by purchase of, and to acquire by purchase, (a) any bridge or bridges or ferries which connect with or may be connected with the public highways of this state, and (b) together with approaches thereto.

(2) In connection with the acquisition by purchase of any bridge or bridges or ferries pursuant to the provisions of subsection (1) of this section, the Washington toll bridge authority, the state highway commission, the state treasurer, any city, county or other political subdivision of this state, and all said officers—

(a) are empowered and required to do all acts and things as in this chapter provided for the establishing and constructing of toll bridges and operating, financing and maintaining such bridges insofar as such powers and requirements are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance; and

(b) in purchasing, operating, financing and maintaining any bridge or bridges or ferries acquired or to be acquired by purchase pursuant to the provisions of this section, shall act in the same manner and under the same procedures as are provided in this chapter for the establishing, constructing, operating, financing and maintaining of toll bridges insofar as such manner and procedure are applicable to the purchase of any bridge or bridges or ferries and their operation, financing and maintenance.

(3) Without limiting the generality of the provisions contained in subsections (1) and (2) hereof, the Washington toll bridge authority is empowered (a) to cause surveys to be made for the purpose of investigating the propriety of acquiring by purchase any such bridge or bridges or ferries and the right of way necessary or proper for said bridge or bridges or ferries, and other facilities necessary to carry out the provisions of this chapter; (b) to issue, sell and redeem bonds and to deposit and pay out the proceeds of said bonds for the financing thereof; (c) to collect, deposit, and expend toll therefrom; (d) to secure and remit financial and other assistance in the purchase thereof; and (e) to carry insurance thereon.

(4) The provisions of RCW 47.56.220 shall apply when any such bridge or bridges or ferries are acquired by purchase pursuant to this section. [1973 c 106 § 25; 1961 c 13 § 47.56.050. Prior: 1945 c 266 § 1; Rem. Supp. 1945 § 6524-3a.]

47.56.060 Toll bridges—General powers of the authority and officials—Financial statements. The Washington toll bridge authority, the officials thereof and all state officials are empowered to do such acts and make such agreements not inconsistent with law as may be necessary or desirable in connection with the duties and powers conferred upon them respectively by law regarding the construction, maintenance, operation and insurance of such toll bridges or the safeguarding of the funds and revenues required for such construction and the payment of the indebtedness incurred therefor. The Washington toll bridge authority and the highway commission shall keep full, complete and separate accounts of each toll bridge and annually shall prepare balance sheet and income and profit and loss statements showing the financial condition of each such toll bridge, which statement shall be open to the inspection of holders of bonds issued by said authority at all reasonable times. [1961 c 13 § 47.56.060. Prior: 1937 c 173 § 17; RRS § 6524-17.]

47.56.070 Toll facilities authorized—Provisions applicable—Restrictions. The authority may provide for the establishment, construction, and operation of toll tunnels, toll roads and other facilities necessary for their construction and connection with public highways of the state. It may cause surveys to be made to determine the propriety of their establishment, construction, and operation, and may acquire rights of way and other facilities necessary to carry out the provisions hereof; and may issue, sell, and redeem bonds, and deposit and expend them; secure and remit financial and other assistance in the construction thereof; carry insurance thereon; and handle any other matters pertaining thereto, all of which shall be conducted in the same manner and under the same procedure as provided for the establishing, constructing, operating, and maintaining of toll bridges by the authority, insofar as reasonably consistent and applicable. No toll facility, toll bridge, toll road or toll tunnel, shall be combined with any other toll facility for the purpose of financing unless such facilities form a continuous project, to the end that each such facility or project be self-liquidating and self-sustaining: *Provided*, That no toll road shall be constructed, obligations for the construction thereof entered into, or right of way acquired without prior approval of the location, plans and specifications by the Washington state highway commission. [1961 c 13 § 47.56.070. Prior: 1953 c 220 § 3; 1937 c 173 § 3 1/2 ; RRS § 6524-3 1/2.]

47.56.075 Toll roads, facilities—Legislative authorization or local sponsorship required. The authority shall approve for construction only such toll roads as the

legislature shall specifically authorize or such toll facilities as shall be specifically sponsored by a city, town or county. [1961 c 13 § 47.56.075. Prior: 1953 c 220 § 7.]

47.56.077 Concessions to operate private business on toll road right of way prohibited. The authority shall not grant concessions for the operation or establishment of any privately owned business upon toll road rights of way. [1961 c 13 § 47.56.077. Prior: 1953 c 220 § 8.]

47.56.080 Construction of toll bridges and issuance of bonds authorized. Whenever in the judgment of the highway commission it is considered in the best interest of the public highways of the state that any new toll bridge or bridges be constructed upon any public highway and across any stream, body of water, gulch, navigable water, swamp or other topographical formation and operated by the state the highway commission shall submit its recommendation to that effect to the Washington toll bridge authority together with preliminary estimates of the cost of such construction and an estimate of the amount necessary to be raised for such purpose by the issuance of revenue bonds, and a statement of the probable amount of money, property, materials or labor to be contributed from other sources in aid of any such construction. If the Washington toll bridge authority concurs in the recommendation of the highway commission or on its own motion determines to construct any toll bridge or toll bridges, the Washington toll bridge authority shall adopt a resolution declaring that public interest and necessity require the construction of such toll bridge or bridges and authorizing the issuance of revenue bonds for the purpose of obtaining funds in an amount not in excess of that estimated to be required for such construction. The issuance of bonds as provided in this chapter for the construction of more than one toll bridge may at the discretion of the Washington toll bridge authority be included in the same authority and issue of bonds. [1961 c 13 § 47.56.080. Prior: 1937 c 173 § 6; RRS § 6524-6.]

47.56.090 Authority to acquire right of way in constructing a toll bridge. Whenever the Washington toll bridge authority shall authorize and direct the highway commission to construct a toll bridge the highway commission is empowered to secure right of way therefor and for approaches thereto by gift or purchase, or by condemnation in the manner provided by law for the taking of private property for public highway purposes. [1961 c 13 § 47.56.090. Prior: 1937 c 173 § 5; RRS § 6524-5.]

47.56.100 Toll bridges—Right of way across state land, streets, roads—Compensation. The right of way is hereby given, dedicated and set apart upon which to locate, construct and maintain bridges or approaches thereto or other highway crossings, and transportation facilities thereof or thereto, through, over or across any of the lands which are now or may be the property of this state, including highways, and through, over or across the streets, alleys, lanes and roads within any

city, county, or other political subdivision of the state. If any property belonging to any city, county or other political subdivision of the state is required to be taken for the construction of any such bridge or approach thereto or should any such property be injured or damaged by such construction, such compensation therefor as may be proper or necessary and as shall be agreed upon may be paid by the Washington toll bridge authority to the particular county, city, or other political subdivision of the state owning such property, or condemnation proceedings may be brought for the determination of such compensation. [1961 c 13 § 47.56-.100. Prior: 1937 c 173 § 16; RRS § 6524-16.]

47.56.110 Toll bridges—Resolution of necessity in acquiring right of way—Effect of. Before the highway commission shall proceed with any action to secure right of way or with construction of any toll bridge under the provisions of this chapter the Washington toll bridge authority shall have first passed a resolution that public interest and necessity require the acquisition of right of way for and the construction of such toll bridge. Such resolution shall be conclusive evidence (1) of the public necessity of such construction; (2) that such property is necessary therefor and, (3) that such proposed construction is planned or located in a manner which will be most compatible with the greatest public good and the least private injury. When it becomes necessary for the highway commission to condemn any real estate to be used in connection with any such bridge, the attorney general of the state shall represent the highway commission. In eminent domain proceedings to acquire property for any of the purposes of this chapter, any toll bridge, real property, personal property, franchises, rights, easements or other property or privileges appurtenant thereto appropriated or dedicated to a public use or purpose by any person, firm, private, public or municipal corporation, county, city, town, district or any political subdivision of the state, may be condemned and taken, and the acquisition and use thereof as herein provided for the same public use or purpose to which such property has been so appropriated or dedicated, or for any other public use or purpose, shall be deemed a superior and permanent right and necessity, and a more necessary use and purpose than the public use or purpose to which such property has already been appropriated or dedicated. It shall not be necessary in any eminent domain proceedings hereunder to plead or prove any acts or proceedings preliminary or prior to the adoption of the resolution hereinbefore referred to describing the property sought to be taken and directing such proceedings. [1961 c 13 § 47.56.110. Prior: 1937 c 173 § 11; RRS § 6524-11.]

47.56.120 Toll bridges—Construction directed—Costs. In the event that the Washington toll bridge authority should determine that any toll bridge should be constructed under its authority it shall authorize and direct the highway commission to construct such toll bridge. In the event the highway commission is authorized and directed to construct such toll bridge all cost

thereof including right of way, survey and engineering shall be paid out of any funds available for payment of the cost of such toll bridge under this chapter. [1961 c 13 § 47.56.120. Prior: 1937 c 173 § 4; RRS § 6524-4.]

47.56.130 Toll bridges—Bonds—Cooperative funds from state and federal government. The Washington toll bridge authority is hereby empowered to issue bonds for the construction of any toll bridge or toll bridges authorized under the provisions of this chapter. Any and all bonds issued for the construction of any toll bridge or toll bridges under the authority of the Washington toll bridge authority, shall be issued in the name of the Washington toll bridge authority and shall constitute obligations only of said Washington toll bridge authority and shall be identified as ----- toll bridge bonds and shall contain a recital on the face thereof that the payment or redemption of said bonds and the payment of the interest thereon is secured by a direct and exclusive charge and lien upon the tolls and other revenues of any nature whatever received from the operation of the particular toll bridge or bridges for the construction of which the bonds are issued and that neither the payment of the principal or any part thereof nor of the interest thereon or any part thereof constitutes a debt, liability or obligation of the state of Washington. The Washington toll bridge authority is empowered to receive and accept funds from the state of Washington or the federal government upon a cooperative or other basis for the construction of any toll bridge authorized under this chapter and is empowered to enter into such agreements with the state of Washington or the federal government as may be required for the securing of such funds. [1961 c 13 § 47-.56.130. Prior: 1937 c 173 § 7; RRS § 6524-7.]

47.56.140 Toll bridges, bonds—Form, contents, manner of sale—Interim bonds. The revenue bonds may be issued and sold by the authority from time to time and in such amounts as it deems necessary to provide sufficient funds for the construction of the bridge, and to pay interest on outstanding bonds issued for its construction during the period of actual construction and for six months after completion thereof.

The authority shall determine the form, conditions, and denominations of the bonds, and the maturity dates which the bonds to be sold shall bear and the interest rate thereon. All bonds of the same issue need not bear the same interest rate. Principal and interest of the bonds shall be payable at such place as determined by the authority, and may contain provisions for registration as to principal or interest, or both. They shall be in coupon form with interest payable at such times as determined by the authority, and shall mature at such times and in such amounts as the authority prescribes. The authority may provide for the retirement of the bonds at any time prior to maturity, and in such manner and upon payment of such premiums as it may determine in the resolution providing for the issuance of the bonds. All such bonds shall be signed by the state

auditor and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state auditor. The countersignature of the governor on such bonds and the signature of the state auditor on such coupons may be their printed or lithographed facsimile signatures. Successive issues of such bonds within the limits of the original authorization shall have equal preference with respect to the redemption thereof and the payment of interest thereon. The authority may fix different maturity dates, serially or otherwise, for successive issues under any one original authorization. The bonds shall be negotiable instruments under the law merchant. All bonds issued and sold hereunder shall be sold on sealed bids to the highest and best bidder after such advertising for bids as the authority deems proper. The authority may reject any and all bids and may thereafter sell the bonds at private sale under such terms and conditions as it deems most advantageous to its own interests; but not at a price below that of the best bid which was rejected. The authority may contract loans and borrow money through the sale of bonds of the same character as those herein authorized, from the United States or any agency thereof, upon such conditions and terms as may be agreed to and the bonds shall be subject to all the provisions of this chapter, except the requirement that they be first offered at public sale.

Temporary or interim bonds, certificates, or receipts, of any denomination, and with or without coupons attached, signed by the state auditor, may be issued and delivered until bonds are executed and available for delivery. [1970 ex.s. c 56 § 62; 1969 ex.s. c 232 § 33; 1963 ex.s. c 3 § 45; 1961 c 13 § 47.56.140. Prior: 1953 c 79 § 1; 1937 c 173 § 8; RRS § 6524-8.]

~~Purpose~~ ~~Effective date~~—1970 ex.s. c 56: See notes following RCW 39.44.030.

~~Validation~~ ~~Saving~~ ~~Severability~~—1969 ex.s. c 232: See notes following RCW 39.44.030.

47.56.150 Toll bridges—Bond proceeds and toll revenues, disposition of—Construction fund—Disbursement—Investment. The proceeds from the sale of all bonds authorized under the provisions of this chapter shall be paid to the state treasurer for the credit of the Washington toll bridge authority and be deposited as demand deposits forthwith in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a fund to be designated as the construction fund of the particular toll bridge or toll bridges for which such bonds were issued and sold, which fund shall not be a state fund and shall at all times be kept segregated and set apart from all other funds and in trust for the purposes herein set out. Such proceeds shall be paid out or disbursed solely for the construction of such toll bridge or toll bridges, the acquisition of the necessary lands and easements therefor and the payment of interest on such bonds during the period of actual construction and for a period of six months thereafter, only as the need therefor shall arise and the Washington toll bridge authority may agree with the purchaser of said bonds upon any conditions or limitations restricting the disbursement of such funds

that may be deemed advisable, for the purpose of assuring the proper application of such funds. All moneys in such fund and not required to meet current construction costs of the toll bridge or toll bridges for which such bonds were issued and sold, and all funds constituting surplus revenues which are not immediately needed for the particular object or purpose to which they must be applied or are pledged shall be invested in bonds and obligations of the nature eligible for investment of surplus state moneys: *Provided*, That the Washington toll bridge authority may provide in the proceedings authorizing the issuance of said bonds that the investment of such moneys shall be made only in particular bonds and obligations within the classifications eligible for such investment and such provisions shall thereupon be binding upon the said authority and all officials having anything to do with such investment. Any surplus which may exist in said construction fund shall be applied to the retirement of bonds issued for the construction of such toll bridge or toll bridges by purchase or call and in the event such bonds cannot be purchased at a price satisfactory to the Washington toll bridge authority and are not by their terms callable prior to maturity such surplus shall be paid into the fund applicable to the payment of principal and interest of said bonds and shall be used for that purpose. The proceedings authorizing the issuance of bonds may provide limitations and conditions upon the time and manner of applying such surplus to the purchase and call of outstanding bonds and the terms upon which they shall be purchased or called and such limitations and conditions shall be followed and observed in the application and use of such surplus. All bonds so retired by purchase or call shall be immediately canceled. [1961 c 13 § 47.56.150. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.160 Toll bridges—Toll revenue fund. All tolls or other revenues received from the operation of any toll bridge or toll bridges constructed with the proceeds of bonds issued and sold hereunder shall be paid over by the highway commission to the state treasurer who shall deposit the same forthwith as demand deposits in such depository or depositories as may be authorized by law to receive deposits of state funds to the credit of a special trust fund to be designated as the toll revenue fund of the particular toll bridge or toll bridges producing such tolls or revenue, which fund shall be a trust fund and shall at all times be kept segregated and set apart from all other funds. [1961 c 13 § 47.56.160. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.170 Toll bridges—Transfer of funds for bond payments—Surplus funds. From the money so deposited in each separate construction fund as hereinabove provided, the state treasurer shall transfer to the place or places of payment named in said bonds such sums as may be required to pay the interest as it becomes due on all bonds sold and outstanding for the construction of such particular toll bridge or toll bridges during the period of actual construction and during the period of six months immediately thereafter. The state treasurer shall thereafter transfer from each separate toll revenue

fund to the place or places of payment named in said bonds such sums as may be required to pay the interest on said bonds and redeem the principal thereof as such interest payments and bond redemption become due for all bonds issued and sold for the construction of the particular toll bridge or toll bridges producing the tolls or revenues so deposited in said toll revenue fund. All funds so transferred for the payment of principal or interest on bonds issued for any particular toll bridge shall be segregated and applied solely for the payment of said principal or interest. The proceedings authorizing the issuance of bonds may provide for the setting up of a reserve fund or funds out of the tolls and other revenues not needed for the payment of principal and interest, as the same currently matures and for the preservation and continuance of such fund in a manner to be provided therein, and such proceedings may also require the immediate application of all surplus moneys in such toll revenue fund to the retirement of such bonds prior to maturity, by call or purchase, in such manner and upon such terms and the payment of such premiums as may be deemed advisable in the judgment of said Washington toll bridge authority.

The moneys remaining in each separate toll revenue fund after providing the amount required for interest and redemption of bonds as hereinabove provided, shall be held and applied as provided in the proceedings authorizing the issuance of said bonds. In the event the proceedings authorizing the issuance of said bonds do not require surplus revenues to be held or applied in any particular manner, they shall be allocated and used for such other purposes incidental to the construction, operation and maintenance of such toll bridge or bridges as the Washington toll bridge authority may determine. [1961 c 13 § 47.56.170. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.180 Toll bridges—Payments made by warrants on vouchers—Interest on deposits. Warrants for payments to be made on account of such bonds shall be duly drawn by the state treasurer on vouchers approved by the Washington toll bridge authority.

Moneys required to meet the costs of construction and all expenses and costs incidental to the construction of any particular toll bridge or toll bridges or to meet the costs of operating, maintaining and repairing the same, shall be paid from the proper fund therefor by the state treasurer upon voucher submitted by the highway commission approved by the Washington toll bridge authority.

All interest received or earned on money deposited in each and every fund herein provided for shall be credited to and become a part of the particular fund upon which said interest accrues. [1973 c 106 § 26; 1961 c 13 § 47.56.180. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.190 Toll bridges—Agreement on deposit of funds. The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds or may otherwise agree with the purchasers of bonds regarding the deposit of all moneys constituting

the construction fund and the toll revenue fund and provide for the deposit of such money at such times and with such depositaries or paying agents and upon the furnishing of such security as may meet with the approval of the purchasers of such bonds: *Provided*, That the depositaries and security so provided for or agreed upon shall be qualified and eligible in accordance with the requirements of law. [1961 c 13 § 47.56.190. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.200 Toll bridges—Use of bond proceeds and revenue for expenses. Notwithstanding anything contained in this chapter the proceeds received from the sale of bonds and the tolls or other revenues received from the operation of any toll bridge or toll bridges may be used to defray any expenses incurred by the Washington toll bridge authority in connection with and incidental to the issuance and sale of bonds for the construction of such toll bridge or toll bridges including expenses for the preparation of surveys and estimates and the making of inspections and examinations as may be required by the purchasers of such bonds: *Provided*, That the proceedings authorizing the issuance of such bonds may contain appropriate provisions governing the use and application of said bond proceeds and toll or other revenues for the purposes herein specified. [1961 c 13 § 47.56.200. Prior: 1937 c 173 § 14, part; RRS § 6524-14, part.]

47.56.210 Toll bridges—Remedies of bond holders. While any bonds issued by said Washington toll bridge authority remain outstanding, the powers, duties or existence of the said Washington toll bridge authority or of the highway commission or of any other official or agency of the state shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds. The holder of any bond may by mandamus or other appropriate proceeding require and compel the performance of any of the duties imposed upon any state department, official or employee or imposed upon the authority or its officers, agents and employees in connection with the construction, maintenance, operation and insurance of any bridge and in connection with the collection, deposit, investment, application and disbursement of all tolls and other revenues derived from the operation and use of any bridge and in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds: *Provided*, That the enumeration of such rights and remedies herein shall not be deemed to exclude the exercise or prosecution of any other rights or remedies by the holders of such bonds. [1961 c 13 § 47.56.210. Prior: 1937 c 173 § 18; RRS § 6524-18.]

47.56.220 Toll bridges—Limitations on other service—Protection of outstanding bonds. As long as any of the bonds issued hereunder for the construction of any toll bridge are outstanding and unpaid, there shall not be erected, constructed or maintained any other bridge or other crossing over, under, through or across the waters over which such toll bridge is located or constructed, connecting or joining directly or indirectly

the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such toll bridge within a distance of ten miles from either side of such toll bridge excepting bridges or other highway crossings actually in existence and being maintained, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such toll bridge and prior to the time of the authorization of such revenue bonds, and no ferry or other similar means of crossing the said waters within the said distance and connecting or plying directly or indirectly between the lands or extensions thereof or abutments thereon on both sides of the waters spanned or crossed by such bridge shall be maintained or operated or permitted or allowed: *Provided*, That ferries and other similar means of crossing actually in existence and being maintained and operated, or for which there was outstanding an existing and lawfully issued franchise, at the time of the location of such bridge and prior to the time of the authorization of such revenue bonds, may continue and be permitted to be operated and maintained under such existing rights and franchises, or any lawful renewal or extension thereof. The provisions of this section shall be binding upon the Washington toll bridge authority, the state of Washington and all of its departments, agencies or instrumentalities as well as any and all private, political, municipal and public corporations and subdivisions, including cities, counties, and other political subdivisions and the prohibitions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as any of such bonds are outstanding and unpaid and shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds. [1961 c 13 § 47.56.220. Prior: 1937 c 173 § 13; RRS § 6524-13.]

47.56.230 Toll bridges—Insurance or indemnity bonds authorized. When any such toll bridge or bridges authorized hereunder is being built by the highway commission the Washington toll bridge authority may carry or cause to be carried such an amount of insurance or indemnity bond or bonds as protection against loss or damage as the Washington toll bridge authority may deem proper. The Washington toll bridge authority is hereby further empowered to carry such an amount of insurance to cover any accident or destruction in part or in whole to any toll bridge or toll bridges until all bonds sold for the construction of such toll bridge or toll bridges and interest accrued thereon have been fully redeemed and paid. All moneys collected on any indemnity bond or insurance policy as the result of any damage or injury to any such toll bridge or toll bridges shall be used for the purpose of repairing or rebuilding of any such toll bridge or toll bridges as long as there are revenue bonds against any such structure outstanding and unredeemed. The Washington toll bridge authority is also empowered to carry insurance or indemnity bonds insuring against the loss of tolls or other revenues to be derived from any such toll bridge or bridges by reason of any interruption in the use of

such toll bridge or toll bridges from any cause whatever, and the proceeds of such insurance or indemnity bonds shall be paid into the fund into which the tolls and other revenues of the bridge thus insured are required to be paid and shall be applied to the same purposes and in the same manner as other moneys in the said fund. Such insurance or indemnity bonds may be in an amount equal to the probable tolls and other revenues to be received from the operation of such toll bridge or toll bridges during any period of time that may be determined upon by the Washington toll bridge authority and fixed in its discretion, and be paid for out of the toll revenue fund as may be specified in said proceedings. The Washington toll bridge authority may provide in the proceedings authorizing the issuance of bonds for the carrying of insurance as authorized by this chapter, and the purchase and carrying of insurance as authorized by this chapter, and the purchase and carrying of such insurance shall thereupon be obligatory upon the said authority and be paid for out of the toll revenue fund as may be specified in said proceedings. [1961 c 13 § 47.56.230. Prior: 1937 c 173 § 15; RRS § 6524-15.]

47.56.240 Toll bridges—Fixing of toll rates authorized—Lien of bonds on revenue. The Washington toll bridge authority is hereby empowered to fix the rates of toll and other charges for all toll bridges built under the terms of this chapter. Toll charges so fixed may be changed from time to time as conditions may warrant. The said authority in establishing toll charges shall give due consideration to the cost of operating and maintaining such toll bridge or toll bridges including the cost of insurance and to the amount required annually to meet the redemption of bonds and interest payments thereon. The tolls and charges shall be at all times fixed at rates to yield annual revenue equal to annual operating and maintenance expenses including insurance costs and all redemption payments and interest charges of the bonds issued for any particular toll bridge or toll bridges as the same become due and the bond redemption and interest payments shall constitute a first direct and exclusive charge and lien on all such tolls and other revenues and interest thereon and sinking funds created therefrom received from the use and operation of said toll bridge or toll bridges and such tolls and revenues together with the interest earned thereon shall constitute a trust fund for the security and payment of such bonds and shall not be used or pledged for any other purpose as long as such bonds or any of them are outstanding and unpaid. [1961 c 13 § 47.56.240. Prior: 1937 c 173 § 9; RRS § 6524-9.]

47.56.242 Liquidation and closure of facility accounts upon removal of tolls—Transfer to motor vehicle fund. The state highway commission is hereby authorized to liquidate and close toll facility trust and other facility accounts established without the state treasury pursuant to the provisions of chapter 47.56 RCW after the removal of tolls from the facility for which the accounts

were established. Any balance remaining in such accounts shall thereupon be transferred to the motor vehicle fund. In addition, the state highway commission may, after the removal of tolls from a particular facility or facilities, require that all moneys transferred to the place of payment named in the revenue bonds, for the purpose of paying principal or interest or for redemption of said bonds, not then expended for such purpose, be returned to the state treasurer for deposit in the motor vehicle fund. [1967 ex.s. c 145 § 48.]

47.56.243 Liquidation and closure of facility accounts upon removal of tolls—Satisfaction of valid claims. After transfer of such moneys pursuant to RCW 47.56.242, all valid claims against such accounts, including proper claims for refunds for unused commute media and other prepaid toll fees, may be satisfied, and any outstanding bonds or coupons may be redeemed by payment from the motor vehicle fund upon proper application to and approval by the highway commission.

Neither the provisions of this section nor of RCW 47.56.242 shall be construed to preclude any remedy otherwise available to bond or coupon holders. [1967 ex.s. c 145 § 49.]

47.56.245 Toll charges retained until costs paid. The authority shall retain toll charges on all existing and future facilities until all costs of investigation, financing, acquisition of property, and construction advanced from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945 have been fully paid. With respect to every facility completed after March 19, 1953, costs of maintenance, management and operation shall be paid periodically out of the revenues of the facility in which such costs were incurred. [1965 ex.s. c 170 § 53; 1961 c 13 § 47.56.245. Prior: 1953 c 220 § 6.]

47.56.247 Credit permits for vehicular passage. The toll bridge authority may issue permits for the passage of vehicles on any or all of its toll bridges, toll tunnels, toll roads or for the Washington state ferry system on a credit basis upon such terms and conditions as the authority shall deem proper. [1961 c 258 § 1.]

Severability—1961 c 258: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 258 § 3.] This applies to RCW 47.56.247 and 47.56.248.

47.56.248 Credit permits for vehicular passage—Cash deposit or bond may be required—Revocation of permit. The authority may require the holder of such a permit to furnish to and maintain in force with the authority a cash deposit or a corporate surety bond: *Provided*, That the authority may require the holder of such permit to increase the amount of cash bond, or to furnish an additional surety bond, or may reduce the amount of the cash bond or surety bond required, as the amount of charges incurred and regularity of payment warrant, or may revoke any permit granted for failure of the holder to comply with any of its terms. [1961 c 258 § 2.]

47.56.250 Contributions by the state or political subdivision—Bonds—Repayment. Whenever a proposed toll bridge, toll road, toll tunnel or any other toll facility of any sort is to be constructed, any city, county or other political subdivision located in relation to such facility so as to benefit directly or indirectly thereby, may, either jointly or separately, at the request of the Washington state highway commission or the authority advance or contribute money, or bonds, rights of way, labor, materials, and other property toward the expense of building the toll facility, and for preliminary surveys and the preparation of plans and estimates of cost therefor and other preliminary expenses. Any such city, county or other political subdivision may, either jointly or separately, at the request of the commission or the authority advance or contribute money or bonds for the purpose of guaranteeing the payment of interest or principal on the bonds issued by the authority to finance the toll facility. Appropriations for such purposes may be made from any funds available, including county road funds received from or credited by the state, or funds obtained by excess tax levies made pursuant to law or the issuance of general obligation bonds for this purpose. General obligation bonds issued by a city, county, or political subdivision may with the consent of the state highway commission or the authority be placed with the Washington toll bridge authority to be sold by the authority to provide funds for such purpose. Money, or bonds or property so advanced or contributed may be immediately transferred or delivered to the authority to be used for the purpose for which contribution was made. The authority may enter into an agreement with a city, county, or other political subdivision to repay any money, or bonds or the value of a right of way, labor, materials, or other property so advanced or contributed. The authority may make such repayment to a city, county or other political subdivision and reimburse the state for any expenditures made by it in connection with the toll facility out of tolls and other revenues for the use of the toll facility. [1961 c 13 § 47.56.250. Prior: 1959 c 162 § 1; 1955 c 166 § 1; 1937 c 173 § 12; RRS § 6524-12.]

47.56.252 Sale of unneeded property to governmental entities—Certification to governor—Execution, delivery of deed. If the toll bridge authority deems that any land, including improvements thereon, is no longer required for toll bridge, toll tunnel, toll road or Washington state ferry system purposes and that it is in the public interest, the authority may negotiate for the sale of such land to the state or to any city, county, port district, or other political subdivision or municipal corporation of the state. The authority shall certify the agreement for the sale to the governor, with a description of the land and the terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1961 c 257 § 1.]

Severability—1961 c 257: "If any provision of this act, or its application to any person or circumstance is held invalid, the remainder

of the act, or the application of the provision to other persons or circumstances is not affected." [1961 c 257 § 7.] This applies to RCW 47.56.252 through 47.56.257.

47.56.253 Permits, leases, licenses to governmental entities to use property of toll facility or ferry system. If the authority deems it in the public interest and not inconsistent with the use and operation of the toll facility involved, the authority may on application therefor issue a permit, lease or license to the state, or to any city, county, port district, or other political subdivision or municipal corporation of the state to use any portion of the property of any toll bridge, toll road, toll tunnel, or Washington state ferry system upon such terms and conditions as the authority may prescribe. [1961 c 257 § 2.]

47.56.254 Sale of unneeded property—Authorized—Rules. If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for purposes of the authority, the authority shall offer it for sale as authorized by RCW 47.56.252 or in the manner and with the authority authorized to the state highway commission by RCW 47.12.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. [1973 1st ex.s. c 177 § 3; 1961 c 257 § 3.]

47.56.255 Sale of unneeded property—Certification to governor—Execution, delivery of deed. When full payment for real property agreed to be sold as authorized by RCW 47.56.254 has been received the authority may certify this fact to the governor, with a description of the land and terms of the sale and the governor may execute and the secretary of state shall attest the deed and deliver it to the grantee. [1973 1st ex.s. c 177 § 4; 1961 c 257 § 4.]

47.56.256 Highway commission may grant franchises for utility, railway, urban public transportation purposes. If the Washington state highway commission deems it not inconsistent with the use and operation of any facility of the toll bridge authority, the commission may grant franchises to persons, associations, private or municipal corporations, the United States government or any agency thereof, to use any portion of the property of any toll bridge, toll road, toll tunnel or the Washington state ferry system, including approaches thereto, for the construction and maintenance of water pipes, flume, gas pipes, telephone, telegraph and electric light and power lines and conduits, trams or railways, any structures or facilities which are part of an urban public transportation system owned or operated by a municipal corporation, agency or department of the state of Washington other than the state highway commission, and any other such facilities in the manner of granting franchises on state highways. [1967 c 108 § 12; 1961 c 257 § 5.]

Urban public transportation system defined: RCW 47.04.082.

47.56.257 Moneys received under RCW 47.56.252 through 47.56.256 to be deposited in proper trust fund. Any moneys received pursuant to the provisions of RCW 47.56.252 through 47.56.256 shall be deposited into the separate and proper trust fund with the state treasurer established for the respective toll facility. [1961 c 257 § 6.]

47.56.260 Ferry service at Tacoma Narrows—Ratification. All of the acts of the department of highways of the state of Washington, done and performed in connection with the operation and maintenance of ferry service at the Tacoma Narrows after the collapse of the Tacoma Narrows bridge, are hereby ratified. [1961 c 13 § 47.56.260. Prior: 1941 c 9 § 1; Rem. Supp. 1941 § 6524–3b. FORMER PART OF SECTION: 1941 c 9 § 2 now codified as RCW 47.56.261.]

47.56.261 Ferry service at Tacoma Narrows—Authorization. The department of highways is hereby authorized to continue to operate said ferries and pay the revenue derived therefrom to the state treasurer for the credit of the motor vehicle fund. [1961 c 13 § 47.56.261. Prior: 1941 c 9 § 2; Rem. Supp. 1941 § 6524–3c. Formerly RCW 47.56.260, part.]

47.56.270 Lake Washington and Tacoma Narrows bridges made a part of primary highways. The Lake Washington bridge and the Tacoma Narrows bridge in chapter 47.16 made a part of the primary state highways of the state of Washington, shall, upon completion, be operated, maintained, kept up and repaired by the highway commission and the Washington toll bridge authority in the manner provided in this chapter, and the cost of such operation, maintenance, upkeep and repair shall be paid from funds appropriated for the use of the highway commission for the construction and maintenance of the primary state highways of the state of Washington. The highway commission is authorized and empowered to enter into agreements with the Washington toll bridge authority, agreeing to construct upon a particular route and between established termini, and fixing a date for the completion thereof, portions of primary state highways or secondary state highways, as the case may be, to and connecting with the Lake Washington bridge and/or the Tacoma Narrows bridge. [1961 c 13 § 47.56.270. Prior: 1939 c 5 § 4; RRS § 6524–3a.]

47.56.271 Tacoma Narrows bridge to be operated as a toll free facility. The Tacoma Narrows bridge hereinbefore by the provisions of RCW 47.16.140 and 47.56.270 made a part of the primary state highways of the state, shall be operated and maintained by the state highway commission as a toll free facility at such time as the present bonded indebtedness relating thereto is wholly retired and tolls equaling the present indebtedness of the toll bridge authority to the county of Pierce have been collected. It is the express intent of the legislature that the provisions of RCW 47.56.245 (section 47.56.245, chapter 13, Laws of 1961) shall not be applicable to the Tacoma Narrows bridge. [1965 c 50 § 1.]

Reviser's note: RCW 47.16.140 was repealed by 1970 ex. sess. c 51 § 178.

47.56.273 Fox Island toll bridge—Need for removal of tolls. Present tolls on the Fox Island toll bridge have retarded the development of Fox Island for residential purposes because of the financial burden upon residents and potential residents resulting from paying these tolls in addition to those imposed upon the Narrows bridge. The removal or readjustment of tolls from the Fox Island toll bridge is required in the interest of the orderly development of Fox Island. The development of Fox Island will provide additional users of the Narrows bridge with a resultant increase of revenue to the state from tolls due to such additional use. [1961 c 13 § 47.56.273. Prior: 1957 c 270 § 1.]

47.56.274 Fox Island toll bridge—Appropriation—Not available until Pierce county assumes obligations. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1959, the sum of one million three hundred fifty thousand dollars or so much thereof as is necessary to make the payment as provided by RCW 47.56.275. Such appropriation shall not be made unless Pierce county shall by resolution of the board of county commissioners agree to be bound by and perform all obligations imposed upon such county by RCW 47.56.273 through 47.56.278. [1961 c 13 § 47.56.274. Prior: 1957 c 270 § 2.]

47.56.275 Fox Island toll bridge—Retirement of revenue bonds—Deposit of appropriation. As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall request the toll bridge authority to retire all Fox Island toll bridge revenue bonds issued in accordance with the resolution of the toll bridge authority adopted February 16, 1953, as amended in part by the resolution of the toll bridge authority adopted March 2, 1953. The toll bridge authority shall then direct the state treasurer to deposit so much of such appropriation in the Fox Island toll bridge revenue bond fund, as established by resolutions of the toll bridge authority heretofore referred to in this section, as is required to retire all outstanding Fox Island toll bridge revenue bonds, including interest and premium on bond retirement. The state treasurer shall then deposit such sum in such bond fund, and the toll bridge authority shall then proceed to redeem all Fox Island toll bridge revenue bonds. [1961 c 13 § 47.56.275. Prior: 1957 c 270 § 3.]

47.56.276 Fox Island toll bridge—Tacoma Narrows toll bridge county aid fund—Assignment—Disposition. As a condition of the appropriation referred to in RCW 47.56.274, Pierce county shall by resolution of its board of county commissioners assign to the motor vehicle fund so much of its right, title, and interest in any moneys now or hereafter deposited in the Tacoma Narrows toll bridge county aid fund, established by resolution of Pierce county adopted March 12, 1948, as shall equal the moneys appropriated and paid from the motor vehicle fund in accordance with RCW 47.56.274 and

47.56.275, together with such interest as shall be earned by that portion of the Tacoma Narrows toll bridge county aid fund assigned to the motor vehicle fund in accordance with the terms of RCW 47.56.274 through 47.56.278.

Such resolution of the board of county commissioners of Pierce county shall provide that moneys released from the Tacoma Narrows toll bridge county aid fund in accordance with resolutions of the toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953, relating to the Tacoma Narrows toll bridge and Fox Island toll bridge bond issues, shall first be paid to the motor vehicle fund until the full amount assigned to said fund, including interest thereon, shall have been so paid. The balance remaining in the county aid fund shall thereafter be released to Pierce county in accordance with resolutions of toll bridge authority adopted March 25, 1948, February 16, 1953, and March 2, 1953. [1961 c 13 § 47.56.276. Prior: 1957 c 270 § 4.]

47.56.277 Fox Island toll bridge—Continuation of tolls to repay funds—Revision, readjustment of tolls, traffic classification. Upon the retirement of all Fox Island toll bridge revenue bonds as provided by RCW 47.56.275, the toll bridge authority shall maintain and collect the tolls on the Fox Island toll bridge at the same rates that were in effect at the time the last of said bonds were retired for as long as will be necessary to provide revenue sufficient to repay to Pierce county the amount advanced out of the Tacoma Narrows toll bridge county aid fund from funds deposited with the state treasurer under the provisions of RCW 47.56.275 to pay the principal and interest of the Fox Island toll bridge revenue bonds: *Provided*, That following retirement of all Fox Island toll bridge revenue bonds, the board of county commissioners of Pierce county may by resolution and with the concurrence of the toll bridge authority revise from time to time the schedule of tolls and readjust classifications of traffic on the Fox Island toll bridge and cancel any part of the indebtedness due Pierce county for such advances made by it to pay principal and interest on the Fox Island toll bridge revenue bonds. [1961 c 13 § 47.56.277. Prior: 1957 c 270 § 5.]

47.56.278 Fox Island toll bridge—Disposition of various funds—Accounts—Audit—Toll operations and maintenance of bridge. All residual sums in the Fox Island toll bridge accounts shall be transferred to the Fox Island toll bridge revenue bond fund when the one million three hundred and fifty thousand dollars appropriation, as appropriated in RCW 47.56.274, becomes available from the motor vehicle fund for deposit in the Fox Island toll bridge revenue bond fund, except that the Fox Island toll bridge change fund and the Fox Island toll bridge operating fund shall be maintained as now provided by resolution of the toll bridge authority adopted February 16, 1953 and amended by resolution of the toll bridge authority adopted March 2, 1953. All costs of toll collection shall be paid from the operating fund. The balance of tolls collected each month and not retained in the operating fund shall be paid to Pierce

county on or before the fifteenth day of the following month.

Proper books of account shall be maintained by the Washington toll bridge authority and shall be audited yearly by a qualified auditor designated by the state auditor. A copy of each yearly audit shall be provided for Pierce county.

Toll operations of the Fox Island toll bridge shall be under the complete control of the toll bridge authority, subject however to the provisions of RCW 47.56.277. Maintenance of the Fox Island toll bridge shall be the sole obligation of Pierce county. [1961 c 13 § 47.56.278. Prior: 1957 c 270 § 6.]

47.56.281 Additional Lake Washington bridge (1957 Act)—Approaches—Site. The Washington toll bridge authority is hereby authorized and directed to make all surveys necessary, design, and construct an additional bridge, including approaches adequate to carry a free flow of traffic thereto, across Lake Washington at a site in the vicinity of Union Bay and Evergreen Point or at such other location across Lake Washington which is deemed feasible by the authority. [1961 c 13 § 47.56.281. Prior: 1957 c 266 § 1; prior: 1953 c 192 § 1.]

47.56.282 Additional Lake Washington bridge (1957 Act)—Revenue bonds—Toll charges and other support. The authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all costs of construction of an additional Lake Washington bridge and approaches and all costs of construction or any alterations to the existing Lake Washington bridge or its approaches as a result of the construction of the additional bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted and from any other moneys or funds available therefor. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility,

including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon. [1965 ex.s. c 170 § 56; 1961 c 13 § 47.56.282. Prior: 1957 c 266 § 2.]

47.56.283 Additional Lake Washington bridge (1957 Act)—Imposition of tolls on existing and additional bridges. The authority shall have the right to impose tolls for pedestrian or vehicular traffic over either the additional Lake Washington bridge or the existing Lake Washington bridge, or both bridges, for the purpose of paying the costs of reconstructing and improving the existing bridge and its approaches, if necessary, and the construction of the new bridge and its approaches, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for the account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter. [1961 c 13 § 47.56.283. Prior: 1957 c 266 § 3.]

47.56.284 Additional Lake Washington bridge (1957 Act)—Bridges designated as continuous project—Other additional bridges authorized. The existing Lake Washington bridge, the toll bridge authorized herein, and any other bridge hereafter constructed across Lake Washington, are hereby construed and designated as a continuous project within the terms and provisions of RCW 47.56.070; and notwithstanding the provisions of RCW 47.56.220, the authority may authorize additional toll bridges across Lake Washington at such times as traffic may warrant and at such sites as deemed feasible. [1961 c 13 § 47.56.284. Prior: 1957 c 266 § 4.]

47.56.285 Additional Lake Washington bridge (1957 Act)—Appropriation—Repayment from sale of bonds. There is appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1959, the sum of two hundred fifty thousand dollars, or so much thereof as may be necessary, for the purpose of location, design, and all other things preliminary to the construction of an additional Lake Washington bridge. Any funds herein appropriated from the motor vehicle fund shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds as provided in RCW 47.56.282. [1961 c 13 § 47.56.285. Prior: 1957 c 266 § 5.]

47.56.286 Additional Lake Washington bridge (1957 Act)—Interpretation. The provision of chapter 47.56 RCW, except where inconsistent with RCW 47.56.281 through 47.56.286, shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.281 through 47.56.286. Nothing in RCW 47.56.281 through 47.56.286 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll

bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.281 through 47.56.286 for the uses and purposes herein set forth, and RCW 47.56.281 through 47.56.286 shall be additional to such existing statutes and concurrent therewith. [1961 c 13 § 47.56.286. Prior: 1957 c 266 § 6.]

47.56.287 Second Lake Washington bridge—Use of motor vehicle fund moneys to pay deficits. To the extent that revenues from the imposition of tolls and franchise fees for use of the second Lake Washington bridge authorized and constructed under the provisions of RCW 47.56.281 are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds issued pursuant to the provisions of RCW 47.56.282 or on any subsequent refunding bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits. [1965 ex.s. c 170 § 54.]

47.56.288 Second Lake Washington bridge—Designation of funds to pay deficits—Pledge of excise tax proceeds. Any funds required to pay such deficits shall be from the proceeds of state excise taxes on motor vehicle fuels and shall be taken from that portion of the motor vehicle fund which is or may be appropriated for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet such deficits.

The proceeds of such excise taxes are hereby pledged to the payment of any such deficits in the costs of maintenance and operation of the bridge and in the payment of principal and interest which may arise on account of the bonds issued under the provisions of RCW 47.56.282, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, such deficits. [1965 ex.s. c 170 § 55.]

47.56.290 Additional Lake Washington bridge (1953 Act)—Appropriation—Repayment from bond issue. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending March 31, 1955, the sum of two hundred thousand dollars or so much thereof as may be necessary to carry out the provisions of chapter 192, Laws of 1953, which sum shall be considered as a loan from the motor vehicle fund to be repaid to said fund on the sale of bonds issued in connection therewith. [1961 c 13 § 47.56.290. Prior: 1953 c 192 § 2.]

47.56.291 Additional Lake Washington bridge in vicinity of first bridge—Design and construction authorized. Notwithstanding the provisions of RCW 47.56.220, the Washington state highway commission is authorized to design and construct an additional bridge across

Lake Washington at a site in the vicinity of the first Lake Washington bridge. [1965 ex.s. c 170 § 57.]

47.56.310 Additional Columbia river bridge authorized—Vancouver to Portland bridges—Cooperation with Oregon. The Washington toll bridge authority is hereby authorized in conjunction with the Oregon state highway commission, to erect an additional bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river adjacent to the existing interstate bridge between Vancouver, Washington, and Portland, Oregon, and to reconstruct and improve the said existing interstate bridge and its approaches or so much thereof as may be agreed upon with the Oregon state highway commission. Such additional bridge, together with the existing interstate bridge, shall be an integral part of U. S. highway No. 99, and to the Oregon boundary shall be a part of primary state highway No. 1. All acts necessary to the design and construction of said new bridge and approaches thereto and the reconstruction and alteration of the existing bridge and approaches may be done and performed by either the Oregon state highway commission or the Washington toll bridge authority with the approval of the other or by both of them jointly. [1961 c 13 § 47.56.310. Prior: 1955 c 152 § 1; 1953 c 132 § 1.]

47.56.320 Additional Columbia river bridge authorized—Tolls. The Washington toll bridge authority is authorized to enter into an agreement with the Oregon state highway commission that the new bridge, including approaches, provided for herein shall be merged and consolidated with the existing interstate bridge, including its approaches, located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of both bridges constituting said toll facility for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction of the new bridge including approaches thereto in both states, the reconstruction and improvement of the existing interstate bridge including approaches thereto in both states, the cost of maintaining, operating and repairing both of said bridges while the same are operated as said toll facility, and for the payment of the principal of and interest on its revenue bonds authorized by, and for the purposes set forth in, RCW 47.56.310 through 47.56.345. [1961 c 13 § 47.56.320. Prior: 1955 c 152 § 2; 1953 c 132 § 2.]

47.56.330 Additional Columbia river bridge authorized—Agreements with Oregon authorized. The Washington toll bridge authority and the Washington state highway commission are hereby authorized to enter into such agreements with the Oregon state highway commission as they shall find necessary or convenient

to carry out the purposes of RCW 47.56.310 through 47.56.345.

Any such agreements may include, but shall not be limited to, the following:

(1) A provision that all acts pertaining to the design and construction of said new bridge and the reconstruction and improvement of the existing interstate bridge may be done and performed by the Oregon state highway commission or the Washington toll bridge authority, with the approval of the other, or by both, and that any and all contracts for the construction of the new bridge and the reconstruction and improvement of the existing bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington under direction of the Washington toll bridge authority, or both: *Provided*, That there shall be a further provision that each state shall have full power to design and construct approaches to each bridge within the respective boundaries of said state with reimbursement from the proceeds of the sale of revenue bonds to be issued.

(2) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington toll bridge authority.

(3) A provision that during the period of operation of said bridges and the approaches thereto as a toll facility all maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington toll bridge authority with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on said toll facility.

Any such agreements shall include the following provisions:

(1) A provision that the new bridge and approaches provided for herein shall be consolidated and merged with the existing interstate bridge and its approaches located between Vancouver, Washington and Portland, Oregon so that both bridges shall be and become a single toll facility.

(2) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of both bridges and approaches thereto as a single toll facility except as to repair and maintenance, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of said bridges and to disburse the revenue derived therefrom for the payment of expenses of maintenance and operation and repair thereof, all costs of constructing said new bridge and reconstructing and

improving said existing bridge and all expenses incidental thereto, and the payment of the principal of and the interest on the revenue bonds herein provided for.

(3) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon both bridges as a single toll facility, and that such bonds shall be in such amounts as to provide funds with which to pay the costs of the design and construction of the proposed new bridge, including the approaches thereto in both states and the costs of acquisition of rights of way therefor, the reconstruction and alteration of the existing bridge and approaches thereto, expenses incident to the issuance of such bonds including the payment of interest for the period beginning with the date of issuance thereof and ending at the expiration of six months after tolls are first imposed, and a reasonable amount for working capital and prepaid insurance, with the further provision that any sale of the bonds to be issued shall be approved by the Oregon state highway commission.

(4) A provision that the Washington toll bridge authority, after consultation with the Oregon state highway commission, shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Oregon state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed, with the further provision that such toll charges shall be removed after all costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs, shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed. [1961 c 13 § 47.56.330. Prior: 1955 c 152 § 4; 1953 c 132 § 3.]

47.56.340 Additional Columbia river bridge authorized—When toll free. Both the bridges herein provided for shall be operated as toll-free bridges whenever the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all incidental costs shall have been paid, and when all of said revenue bonds and interest thereon issued and sold pursuant to the authority of RCW 47.56.310 through 47.56.345 shall have been fully paid and redeemed. [1961 c 13 § 47.56.340. Prior: 1955 c 152 § 3; 1953 c 132 § 4.]

47.56.343 Additional Columbia river bridge authorized—Revenue bonds. The Washington toll bridge authority shall have the power and is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of the new bridge and approaches thereto and the reconstruction and improvement of the existing bridge and approaches thereto, including all

costs of survey, acquisition of rights of way, engineering, legal and incidental expenses, to pay the interest due thereon during the period beginning with the date of issue of the bonds and ending at the expiration of six months after the first imposition and collection of tolls from the users of said toll facility, and to pay amounts that will provide a reasonable sum for working capital and prepaid insurance and all costs incidental to the issuance and sale of the bonds.

Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denominations, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal thereof and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon. [1961 c 13 § 47.56.343. Prior: 1955 c 152 § 5.]

47.56.345 Additional Columbia river bridge authorized—Construction—Severability. Except as may be otherwise specifically provided in RCW 47.56.310 through 47.56.345, the provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.310 through 47.56.345. Nothing in RCW 47.56.310 through 47.56.345 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.310 through 47.56.345 for the uses and purposes herein set forth, and RCW 47.56.310 through 47.56.345 shall be additional to such existing statutes and concurrent therewith.

If any sentence, clause or phrase of RCW 47.56.310 through 47.56.345 shall be held to be invalid or unconstitutional, the invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other sentence, clause or phrase of RCW 47.56.310 through 47.56.345.

The provisions of RCW 47.56.310 through 47.56.345 shall be liberally construed so that the uses and purposes hereof may be achieved and accomplished. [1961 c 13 § 47.56.345. Prior: 1955 c 152 § 6.]

47.56.350 Bridging Puget Sound, Hood Canal—Study, construction, authorized—Bonds. For the biennium ending March 31, 1955, there is appropriated to the Washington toll bridge authority from the motor vehicle fund the sum of seven hundred thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Two hundred fifty thousand dollars of the appropriation shall be available for further study, including traffic surveys acceptable to prospective bond purchasers or investment firms, securing necessary permits for the bridging of Puget Sound, including Hood Canal, as more specifically set forth in the printed report of the Washington toll bridge authority to the governor and the legislature dated December 1, 1952, and entitled "Bridging Puget Sound": *Provided*, That any such study shall be directed to the bridging of Puget Sound and as well the bridging of Hood Canal or to the bridging of both and shall not be applied to either of the said subjects to the exclusion of the other: *Provided further*, That four hundred fifty thousand dollars from the appropriation, or such additional funds which have not been expended, shall lapse and revert to the motor vehicle fund in the event that the authority determines that neither of the projects is feasible.

(2) If a project is deemed feasible by the authority as an integral part of the state highway system and has been approved by the highway commission, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in accordance with the applicable provisions of RCW 47.56.080, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, to pay interest on said bonds during construction and for six months thereafter, and to pay and redeem all outstanding ferry bonds of the authority theretofore issued for operation of ferries upon Puget Sound. [1961 c 13 § 47.56.350. Prior: 1953 c 78 § 1.]

47.56.360 Bridging Puget Sound, Hood Canal—Operation, maintenance, prior charge upon revenue—Appropriations to be repaid. All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority, together

with the sum of two hundred twenty-five thousand dollars heretofore appropriated by section 19, chapter 259, Laws of 1951, shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds of any project. [1961 c 13 § 47.56.360. Prior: 1953 c 78 § 2.]

47.56.365 Hood Canal bridge—Continuation of tolls. Any part of the appropriation or reappropriation provided for by this act which is expended shall be repaid to the motor vehicle fund to be used for state highway purposes, from revenues of the Hood Canal bridge. Tolls may be continued on said bridge any required additional length of time necessary for this purpose: *Provided*, That the obligations imposed by this section shall be subordinate to any obligations to pay principal, interest, reserves and sinking funds required for any refunding or parity bonds hereafter issued by the Washington toll bridge authority in connection with the Washington state ferry system and Hood Canal bridge. [1961 ex.s. c 9 § 7; 1961 c 10 § 3.]

Reviser's note: The language "this act" refers to chapter 10, Laws of 1961 the first two sections of which read as follows:

"Section 1. There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, the sum of five million five hundred thousand dollars for the repair, modification, and completion of construction of the Hood Canal bridge. No part of this appropriation shall be used until all moneys now in the "Ferry System, 1957, Construction Fund" established by resolution No. 325 of the Washington toll bridge authority, adopted October 16, 1957, have been fully expended."

"Sec. 2. There is hereby reappropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, and for obligations incurred and not yet paid, the sum of five million five hundred thousand dollars, the same being the unexpended balance of the appropriation contained in section 1 of this act, for the repair, modification, and completion of construction of the Hood Canal bridge: *Provided*, That no expenditure authorized by this section shall exceed the unexpended balance of this appropriation as shown on the records of the state treasurer as of June 30, 1961."

Refunding or parity bonds: RCW 47.60.400-47.60.470.

47.56.366 Hood Canal bridge—Authority may permit public sport fishing—Disclaimer. The Washington toll bridge authority may permit public sport fishing from the Hood Canal bridge. The commission may establish and promulgate rules and regulations governing public use of the bridge for sport fishing to the end that such activity shall not interfere with the primary use and operation of the bridge as a highway facility. Notwithstanding the provisions of RCW 4.92.090 or any other statute imposing liability upon the state of Washington, the state hereby disclaims any liability arising out of loss or injury in connection with the public use of the aforesaid bridge for sport fishing purposes. [1963 c 240 § 2.]

47.56.380 Express highway—Tacoma—Seattle—Everett—Limited access. The Washington toll bridge authority is hereby authorized to study and if feasible, after approval by the state highway commission, to locate, construct, finance and operate as a toll road, until paid for, an express highway from the vicinity of Tacoma through Seattle to the vicinity of Everett. Right

of way shall be acquired as a limited access facility. [1961 c 13 § 47.56.380. Prior: 1953 c 183 § 1.]

47.56.390 Express highway—Operation as toll highway—Part of state system. The toll road, when completed, shall become a part of the state highway system but may be operated as a toll highway by the Washington toll bridge authority until such time as all costs of investigation, financing, acquisition of property, construction, maintenance, management, operation, repayment of advances from the motor vehicle fund, and obligations incurred under RCW 47.56.250 and chapter 16, Laws of 1945, have been fully paid. [1961 c 13 § 47.56.390. Prior: 1953 c 183 § 2.]

47.56.400 Express highway—Powers and duties of the authority. The Washington toll bridge authority shall have the same powers, duties and functions with respect to toll roads as it now has with respect to toll bridges and all the provisions of chapter 47.56 RCW shall apply to and govern toll roads insofar as is reasonably consistent and applicable, except as otherwise provided in RCW 47.56.380 through 47.56.400. [1961 c 13 § 47.56.400. Prior: 1953 c 183 § 3.]

47.56.410 Lopez Island—San Juan toll bridge—Appropriation—Study—Location, exploration, foundation, design. There is appropriated to the Washington toll bridge authority from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred seventy-five thousand dollars or so much thereof as thereafter may be necessary for the following purposes:

(1) Twenty-five thousand dollars of the appropriation shall be available to study and make surveys, including traffic studies acceptable to prospective bond purchasers or investment firms, of the feasibility of the construction of a toll bridge between Lopez Island and San Juan Island in San Juan county so as to permit ferry runs from the mainland to Upright Head, overland travel from Upright Head to Roche Harbor, and ferry runs from Roche Harbor to Sidney, British Columbia. It shall be understood in such feasibility studies that San Juan county shall construct and maintain all road connections between the proposed bridge and the ferry landings at Upright Head and Roche Harbor.

(2) If as a result of the studies referred to above the toll bridge authority determines the project is feasible, and if San Juan county shall agree to sponsor such project and to conduct and maintain the road connections referred to above, one hundred fifty thousand dollars shall be available for the location, foundation exploration, and design of such bridge. [1961 c 13 § 47.56.410. Prior: 1957 c 141 § 1.]

47.56.420 Lopez Island—San Juan toll bridge—Final designs, construction, revenue bonds authorized. If the project is deemed feasible by the authority, the authority shall enter into final design plans, and construction thereof, issue revenue bonds to pay all costs of the project and let contracts in connection with the proposed project. Such revenue bonds shall be issued in

accordance with the applicable provisions of RCW 47.56.080 through 47.56.250, and in addition to the purposes above stated may be issued to provide funds for paying all costs of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months thereafter. [1961 c 13 § 47.56.420. Prior: 1957 c 141 § 2.]

47.56.430 Lopez Island–San Juan toll bridge—Operation, maintenance, prior charge upon revenue—Appropriations to be repaid. All operation and maintenance on any project while tolls are collected thereon shall be paid as they are incurred as a prior charge upon the revenue and tolls collected upon such project. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project. [1961 c 13 § 47.56.430. Prior: 1957 c 141 § 3.]

47.56.440 Lopez Island–San Juan toll bridge—Effect of toll bridge authority resolution No. 295—Ferry system refunding revenue bonds. Nothing authorized by RCW 47.56.410 through 47.56.440 shall be undertaken or done in any manner not in accord with any of the covenants and conditions contained in resolution No. 295 passed by the toll bridge authority on February 9, 1955, providing for the sale of Washington state ferry system refunding revenue bonds; and all things authorized by RCW 47.56.410 through 47.56.440, including but not limited to feasibility, studies, location, design, construction and financing, shall be performed in accordance with the covenants and conditions of said resolution. If the terms of such resolution shall require that tolls on the bridge authorized by RCW 47.56.410 through 47.56.440 be used to redeem outstanding bonds issued pursuant to said resolution, such tolls shall be so used. [1961 c 13 § 47.56.440. Prior: 1957 c 141 § 4.]

47.56.450 Columbia river bridge at Biggs Rapids—Authorized—Cooperation with Klickitat county, highway commission, Oregon highway commission and Sherman county. If the Washington toll bridge authority should conclude that the construction of a toll bridge across the Columbia river in the vicinity of Biggs Rapids is feasible as a result of studies presently being conducted, the authority is hereby authorized, in conjunction with Klickitat county, the Washington state highway commission, the Oregon state highway commission, and Sherman county, Oregon, to design and construct a toll bridge at such location. All acts necessary to the design and construction of such bridge and approaches thereto may be done by the Washington toll bridge authority, Klickitat county, the Washington state highway commission, the Oregon state highway commission, Sherman county, Oregon, or any of such governmental agencies pursuant to agreement with the Washington toll bridge authority. [1961 c 13 § 47.56.450. Prior: 1957 c 142 § 1.]

47.56.460 Columbia river bridge at Biggs Rapids—Appropriation—Repayment from bond issue. There is appropriated from the motor vehicle fund for the biennium ending June 30, 1959, the sum of one hundred fifty thousand dollars, or as much thereof as may be necessary for the purpose of location, design, preparation of cost estimates, and all other things preliminary to the construction of such bridge. Any funds herein appropriated from the motor vehicle fund to the Washington toll bridge authority shall be considered as a loan and repaid by the authority to the motor vehicle fund upon the sale of bonds for this project as provided in RCW 47.56.470. [1961 c 13 § 47.56.460. Prior: 1957 c 142 § 2.]

47.56.470 Columbia river bridge at Biggs Rapids—Revenue bonds. The Washington toll bridge authority is hereby authorized by resolution to issue and sell its revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.56.450 through 47.56.500, the provisions of chapter 47.56 RCW shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest solely from the tolls and revenues derived from the operation of said toll facility as hereinbefore constituted. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll facility and from any interest which may be earned from the deposit or investment of any such revenues, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon. [1961 c 13 § 47.56.470. Prior: 1957 c 142 § 3.]

47.56.480 Columbia river bridge at Biggs Rapids—Construction of act. The provisions of chapter 47.56 RCW shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.56.450 through 47.56.500. Nothing in RCW 47.56.450 through 47.56.500 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the specific provisions of RCW 47.56.450 through 47.56.500 for the uses and purposes herein set forth, and RCW 47.56.450 through 47.56.500 shall be additional to such existing statutes and concurrent therewith. [1961 c 13 § 47.56.480. Prior: 1957 c 142 § 4.]

47.56.490 Columbia river bridge at Biggs Rapids—Powers of toll bridge authority—Tolls. The Washington toll bridge authority is hereby authorized to operate and to assume the full control of said toll facility and each portion thereof, whether within or without the borders of the state of Washington, with full power to impose and collect tolls from the users of such bridge for the purpose of providing revenue at least sufficient to pay the cost and incidental expenses of construction, maintenance, repair, and operation of such bridge and approaches in both states, and for the payment of the principal of and interest on its revenue bonds as authorized by RCW 47.56.470. [1961 c 13 § 47.56.490. Prior: 1957 c 142 § 5.]

47.56.500 Columbia river bridge at Biggs Rapids—Agreements authorized. The Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to enter into such agreement with each other, the Oregon state highway commission and Sherman county, Oregon, as they shall find necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500; and the Washington toll bridge authority, the Washington state highway commission and Klickitat county are each authorized to do any and all acts contained in such agreement and necessary and convenient to carry out the purposes of RCW 47.56.450 through 47.56.500.

Such agreement shall include, but shall not be restricted to the following provisions:

(1) A provision that the Washington toll bridge authority shall assume and have complete responsibility for the operation of such bridge and approaches thereto, and with full power in the Washington toll bridge authority to impose and collect all toll charges from the users of such bridge and to disburse the revenue derived therefrom for the expenses of maintenance and operation and repair thereof, all costs of construction, and the payment of principal and interest on any revenue bonds herein provided for.

(2) A provision that the Washington toll bridge authority shall provide for the issuance, sale and payment of revenue bonds payable solely from the revenue derived from the imposition and collection of tolls upon such toll bridge.

(3) A provision that the Washington toll bridge authority, after consultation with the other governmental agencies who are parties to such agreement, shall fix and revise the classifications and amounts of tolls to be charged and collected from the users of the toll bridge, with the further provision that such toll charges shall be removed after all costs of planning, designing, and construction of such toll bridge and approaches thereto and all incidental costs shall have been paid, and all of said revenue bonds, and interest thereon, issued and sold pursuant to RCW 47.56.450 through 47.56.500 shall have been fully paid and redeemed.

(4) A provision that all acts pertaining to the design and construction of such toll bridge may be done and performed by the Oregon state highway commission, the Washington state highway commission or the Washington toll bridge authority, or any of them, and that any and all contracts for the construction of such toll bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission or its toll bridge authority, or all of them.

(5) A provision that the state of Washington, the state of Oregon, and all governmental agencies party to such agreement shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred for any of the purposes for which said revenue bonds may be issued, after duly verified itemized statements of such advances and expenses have been submitted to and been approved by all parties to such agreement.

(6) A provision that during the period of operation of such bridge and approaches thereto as a toll facility all maintenance and repair may be performed by either the Oregon state highway commission or the Washington state highway commission with a provision for reimbursement of the costs of such maintenance and repair from revenue derived from the collection of tolls on such bridge. [1961 c 13 § 47.56.500. Prior: 1957 c 142 § 6.]

47.56.570 Naches Pass tunnel—Study—May be part of highway system or toll project—Description. The Washington state highway commission and the Washington toll bridge authority are hereby authorized and directed, acting jointly with the joint fact-finding committee on highways, streets and bridges, to retain an independent engineering firm to prepare traffic, engineering and financial studies, and surveys to determine the feasibility of undertaking the construction of a Naches cut-off and tunnel on primary state highway No. 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways in whole or in part as an improvement on the state highway system, or as a toll tunnel project, in either case making use of federal agency funds as appropriate and available and funds contributed or advanced by any political subdivisions which it is determined will be economically benefited by construction of the project, said cut-off shall start on state highway No. 5 near the junction of the White and Greenwater rivers; thence in

an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park, a distance of 1.85 miles to the east portal, thence following the north fork of the Little Naches river to the Little Naches river, thence down it to its junction with the Bumping river at state primary highway No. 5. [1961 c 13 § 47.56.570. Prior: 1959 c 292 § 1.]

47.56.580 Naches Pass tunnel—What studies and surveys shall include. Such studies and surveys shall include but shall not be confined to the following:

- (1) The most desirable design, tunnel approaches, and connecting roads;
- (2) The most desirable location;
- (3) The cost of construction and the length of construction time required;
- (4) The financial feasibility of the tunnel and the amount, if any, of supplementary aid required to finance it;
- (5) The relative economic benefit to counties, cities, or other political subdivisions to be principally served by construction of the tunnel;
- (6) The benefit to the state highway system, taking into account the statewide interest in the tunnel and the estimated additional motor vehicle fuel tax revenue which would accrue to the motor vehicle fund as a result of the construction of the tunnel. [1961 c 13 § 47.56.580. Prior: 1959 c 292 § 2.]

47.56.590 Naches Pass tunnel—Plan for financing. Upon the completion of such studies and surveys, the highway commission and the toll bridge authority, in cooperation with the joint fact-finding committee on highways, streets and bridges, shall prepare a plan for financing the project. The plan shall include the cost of the entire project; the portion of such total cost which can be financed by the issuance of toll bridge authority revenue bonds; the portion of such total cost and the amount of guarantee funds which should be contributed or advanced by any political subdivisions to be economically benefited by construction of the project; and the portion of such total cost and the amount of guarantee funds which should be contributed from that portion of the motor vehicle fund available to the department of highways for state highway purposes. When completed, the financing plan shall be adopted by resolution of the commission and the authority. [1961 c 13 § 47.56.590. Prior: 1959 c 292 § 3.]

47.56.600 Naches Pass tunnel—Design. Upon adoption of the financing plan the commission and the authority, acting jointly, shall forthwith proceed to make the design for the entire project. [1961 c 13 § 47.56.600. Prior: 1959 c 292 § 4.]

47.56.610 Naches Pass tunnel—Contribution by political subdivisions. After adoption of the financing plan, the authority and the highway commission, acting jointly, shall request any political subdivision which will be benefited by the construction of the project, to advance or contribute money or bonds toward the expenses of construction or to guarantee toll bridge

authority revenue bonds to be issued to finance the project. [1961 c 13 § 47.56.610. Prior: 1959 c 292 § 5.]

47.56.620 Naches Pass tunnel—Appropriation. There is appropriated from the motor vehicle fund jointly to the Washington state highway commission and the Washington toll bridge authority for the period beginning July 1, 1959 and ending June 30, 1961, the sum of one hundred thousand dollars or so much thereof as shall be necessary to carry out the provisions of RCW 47.56.570 through 47.56.630. [1961 c 13 § 47.56.620. Prior: 1959 c 292 § 6.]

47.56.630 Naches Pass tunnel—Repayment to motor vehicle fund of funds appropriated. All funds herein appropriated from the motor vehicle fund to the Washington state highway commission and the Washington toll bridge authority shall be considered as a loan and shall be repaid by the commission and the authority to the motor vehicle fund upon the sale of bonds for this project. [1961 c 13 § 47.56.630. Prior: 1959 c 292 § 7.]

47.56.631 Naches Pass tunnel—Additional studies—Route of highway and tunnel—Appropriation. The Washington toll bridge authority is authorized and directed to make all necessary traffic studies, acceptable to prospective bond purchasers or investment firms to determine the amount of subsidy or other financial assistance necessary to make feasible the construction of a toll highway and tunnel on primary state highway 5 through the Cascade mountains, together with the necessary approaches connecting to existing highways. Said highway and tunnel project shall start on state highway 5 near the junction of the White and Greenwater rivers; thence in an easterly direction through Greenwater river drainage area to the west portal of the tunnel under Pyramid Park; thence to the east portal; thence following the north fork of the Little Naches river to the Little Naches river; thence down to its junction with the Bumping river at state highway 5.

There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1963 the sum of fifty thousand dollars to carry out the provisions of this section. [1961 ex.s. c 21 § 18.]

47.56.640 Bridging lower Columbia river in vicinity of Astoria—Megler. The Washington state highway commission is hereby authorized in conjunction with the Oregon state highway commission to erect a bridge or so much thereof as may be agreed upon with the Oregon state highway commission, including approaches thereto, across the Columbia river in the vicinity of Astoria, Oregon and Megler, Washington. Such bridge shall be an integral part of U. S. highway No. 101 and to the Oregon boundary shall be a part of primary state highway No. 12. All acts necessary to the design and construction of said new bridge and approaches thereto may be done and performed by either the Oregon state highway commission or the

Washington state highway commission with the approval of the other or by both of them jointly. [1961 c 209 § 1.]

47.56.643 Bridging lower Columbia river in vicinity of Astoria-Megler—Agreements with United States—Acceptance of public or private funds. In order to carry out the provisions of RCW 47.56.640 through 47.56.667 the Washington state highway commission may consult, cooperate and enter into agreements with the government of the United States or any of its agencies and accept and expend moneys from any public or private source, including the government of the United States or any political subdivision, which is now or may be made available for carrying out the purposes contained in RCW 47.56.640 through 47.56.667. [1961 c 209 § 2.]

47.56.646 Bridging lower Columbia river in vicinity of Astoria-Megler—Agreements with Oregon—Provisions for Oregon bond issue, powers and duties of both states, tolls, apportionment of costs, etc. Subject to the conditions stated in RCW 47.56.658, the Washington state highway commission is hereby authorized to enter into such agreements with the Oregon state highway commission as it shall find necessary or convenient to carry out the purposes of RCW 47.56.640 through 47.56.667.

Any such agreements shall include, but shall not be limited to, the following:

(1) A provision that the state of Oregon or the Oregon state highway commission shall issue general obligation bonds in the aggregate principal sum of not to exceed twenty-four million dollars par value or so much thereof as shall be required to pay all costs of location and construction of said bridge, but excluding costs of location, relocation, improvement, construction or reconstruction of approaches as the same are shown and described in "A Report On a Proposed Bridge Across the Columbia River," prepared by the Oregon and Washington state highway commissions, dated January, 1959. In determining the amount of money required for construction, there shall be taken into account all available financial contributions for such construction costs, of whatever description and from whatever source.

(2) A provision that to the extent that revenues derived from the imposition and collection of tolls and franchise fees for the use of the bridge in any year are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by Oregon or any subsequent refunding bond issues, the state of Oregon will pay the first one hundred thousand dollars of such deficit and the state of Washington is bound to pay, when due, forty percent of the balance of such deficit for such year from any moneys in the motor vehicle fund not otherwise pledged or from any other source available to the Washington state highway commission for said purpose: *Provided*, That in no case shall the portion of such deficit paid by the state of Washington exceed two hundred thousand dollars in any such year.

(3) A provision that the Oregon state highway commission shall assume and have complete responsibility for the operation of the bridge as a toll facility and each portion thereof, whether within or without the borders of Washington and with full power in the Oregon state highway commission to impose and collect all toll charges and franchise fees from the users of said bridge and to disburse the revenue derived therefrom for the following purposes in the following order:

(a) Payment of all costs of toll collection and insurance in the event the bridge is insured.

(b) Payment of the principal, interest and other charges incidental to the issuance, sale and retirement of the bonds herein provided for including any subsequent refunding bonds.

(4) A provision that the Oregon state highway commission, after consultation with the Washington state highway commission shall fix the classifications and amounts of tolls to be charged and collected from users of said toll facility with power after consultation with the Washington state highway commission to revise the same if deemed necessary, and the time or times when such tolls shall first be imposed.

(5) A provision that all acts pertaining to the design and construction of said bridge may be done and performed by the Oregon state highway commission or the Washington state highway commission with the approval of the other, or by both, and that any and all contracts for the construction of the bridge shall be awarded in the name of the state of Oregon by and through its state highway commission or the state of Washington by and through its state highway commission, or both: *Provided, however*, That there shall be a further provision that each state shall have full power to design and construct approaches to the bridge within the respective boundaries of each state. Such approaches shall constitute a part of the state highways system of each state and the cost of design, right of way and construction thereof shall be borne by the respective states from any funds available for such purposes. In the event design or construction of approaches is included in any contract for the construction of the bridge, the cost of such approaches within the respective boundaries of each state shall be segregated and paid for by the respective states.

Any such agreements may include, but shall not be limited to the following:

(1) A provision that the state of Oregon, the Oregon state highway commission, and any other duly constituted agency of the state of Oregon, the state of Washington, the Washington toll bridge authority, the Washington state highway commission, and any other duly constituted agency of the state of Washington shall be reimbursed out of the proceeds of the sale of such bonds for any advances they may have made or expenses they may have incurred subsequent to March 1, 1961 for any of the purposes for which said bonds may be issued by the state of Oregon, after duly verified, itemized statements of such advances and expenses have been submitted to and jointly approved by the Oregon state highway commission and Washington state highway commission.

(2) A provision that during the period of operation of said bridge as a toll facility all or any part of the maintenance and repair work may be performed by either the Oregon state highway commission or by the Washington state highway commission with a provision for payment of the costs of such maintenance and repair one-half from the Oregon state highway commission and one-half from the Washington state highway commission. [1961 c 209 § 3.]

47.56.649 Bridging lower Columbia river in vicinity of Astoria-Megler—Use of Washington motor vehicle fuel taxes, motor vehicle fund to pay Oregon bonds if tolls and fees insufficient. To the extent that all revenues from the imposition and collection of tolls and franchise fees for use of the bridge are insufficient to provide for the payment of principal, interest and other charges incidental to the issuance, sale and retirement of the bonds issued by the state of Oregon in connection with this project, or on any subsequent refunding bond issues, there is hereby imposed, to the extent provided in first subsection (2) of RCW 47.56.646, a first and prior charge against all revenues hereafter derived from the proceeds of state excise taxes on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund available for state highway commission purposes.

To the extent that revenues of the project are insufficient to meet required payments of principal, interest and other charges incidental to the issuance, sale and retirement of bonds, the Washington state highway commission shall use moneys in the motor vehicle fund to pay its share of such deficits. [1961 c 209 § 4.]

47.56.652 Bridging lower Columbia river in vicinity of Astoria-Megler—Procedure for this state paying deficiency in tolls and fees for Oregon bond issue. The payments provided for in RCW 47.56.649, as they come due, shall be authorized by the Washington state highway commission and paid by warrants signed by the state treasurer, upon the duly verified itemized statements of the Oregon state highway commission showing the amount due from the state of Washington required to meet its share of any deficit computed as provided in subsection (2) of RCW 47.56.646. [1961 c 209 § 5.]

47.56.655 Bridging lower Columbia river in vicinity of Astoria-Megler—Washington liability for costs—Maintenance and repair—Approaches. The Washington state highway commission shall pay one-half of all costs of maintenance and repair of said bridge from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways. The Washington state highway commission shall pay for the costs of design, right of way and construction of approaches to said bridge within the boundaries of the state of Washington from funds appropriated for the use of the Washington state highway commission for construction and maintenance of the primary state highways or from any other funds available for said purpose. [1961 c 209 § 6.]

47.56.658 Bridging lower Columbia river in vicinity of Astoria-Megler—Financial responsibility of Pacific county—Prior commitment required. The Washington state highway commission shall not enter into agreements with the Oregon state highway commission for the construction of the toll bridge over the lower Columbia river as authorized by RCW 47.56.646 unless and until:

Pacific county has, at the request of the state highway commission, contributed or properly authorized the contribution of money or bonds in the sum of one hundred eighty-five thousand dollars or so much thereof as may be necessary to reimburse the Washington state highway commission for costs of design and construction of the approaches to said bridge within the boundaries of the state of Washington, such contribution to be made by any of the methods authorized in RCW 47.56.250. [1969 ex.s. c 281 § 52; 1961 c 209 § 7.]

47.56.659 Bridging lower Columbia river in vicinity of Astoria-Megler—Contractual obligations of Pacific county terminated. All accrued and unaccrued obligations of Pacific county created by that certain contract between the Washington state highway commission and Pacific county dated June 20, 1961, entered into pursuant to subsection (2) of RCW 47.56.658 are hereby terminated. [1969 ex.s. c 281 § 53.]

47.56.661 Bridging lower Columbia river in vicinity of Astoria-Megler—Deposit of contribution of Pacific county in motor vehicle fund—Use. In the event Pacific county makes the contribution authorized in subsection (1) of RCW 47.56.658, such contribution shall be placed in the motor vehicle fund and shall be available for state highway purposes. [1961 c 209 § 8.]

47.56.667 Bridging lower Columbia river in vicinity of Astoria-Megler—When toll free. The bridge herein provided for shall be operated as a toll-free bridge whenever the bonds to be issued by the state of Oregon together with interest thereon have been fully paid, unless the state of Washington and the state of Oregon hereafter agree through their highway commissions that tolls shall be retained on the bridge to repay in whole or in part the respective states for moneys advanced to pay principal or interest on the bonds issued by the state of Oregon. [1961 c 209 § 10.]

47.56.700 Columbia river, Vernita bridge and highway approach from Richland—Authorized. If the Washington toll bridge authority shall conclude that the construction of a toll bridge across the Columbia river in the vicinity of Vernita, including approaches, and a highway approach from the vicinity of Richland to said toll bridge, are feasible, the authority is hereby authorized to make all surveys, design and construct said toll bridge and approaches. [1963 c 197 § 1.]

47.56.701 Columbia river, Vernita bridge and highway approach from Richland—Revenue bonds—Tolls and charges. The Washington toll bridge authority is hereby authorized by resolution to issue and sell its

revenue bonds in an amount sufficient to provide funds to pay all the costs of construction of such bridge and approaches thereto, and the highway approach from the vicinity of Richland to said bridge, including but not limited to all costs of survey, acquisition of rights of way, design, engineering, all expenses of issuance and sale of such bonds, and to pay interest on said bonds during construction and for six months after tolls are first imposed.

Except as may be otherwise specifically provided in RCW 47.20.410, 47.20.415, and 47.56.700 through 47.56.706, the provisions of RCW 47.56.130 through 47.56.245 shall govern the issuance and sale of said revenue bonds, the execution thereof, the disbursement of the proceeds of sale thereof, the interest rate or rates thereon, their form, terms, conditions, covenants, negotiability, denomination, maturity date or dates, the creation of special funds or accounts safeguarding and providing for the payment of the principal therefor and interest thereon, and their manner of redemption and retirement.

Said revenue bonds shall constitute obligations only of the Washington toll bridge authority and shall be payable both principal and interest from the tolls and revenues derived from the operation of said toll bridge and from that portion of the motor vehicle fund as provided in RCW 47.56.702. Said bonds shall not constitute an indebtedness of the state of Washington and shall contain a recital on the face thereof to that effect, and shall be negotiable instruments under the law merchant. Such bonds shall include a covenant that the payment or redemption thereof and the interest thereon are secured by a first and direct charge and lien on all of the tolls and other revenues received from the operation of said toll bridge and from any interest which may be earned from the deposit or investment of any such revenues and such sums as are pledged from the motor vehicle fund as provided in RCW 47.56.702, except for payment of costs of operation, maintenance and necessary repairs of said facility. The tolls and charges to be imposed shall be fixed in such amounts so that when collected they, together with said pledge from the motor vehicle fund, will produce revenues that shall be at least equal to expenses of operating, maintaining and repairing said toll facility, including all insurance costs, amounts for adequate reserves and coverage of annual debt service on said bonds, and all payments necessary to pay the principal thereof and interest thereon.

Until all of said bonds are fully paid and until the motor vehicle fund is fully reimbursed for all sums advanced therefrom to pay principal and interest on said bonds or any subsequent refunding bond issue, the tolls charged for the use of said facility shall never be reduced below the sums specified in the following schedule:

For every combination of vehicles and for buses having a seating capacity for over fifteen persons \$0.75
For all trucks licensed for a maximum gross load of over 8,000 lbs. other than a combination of vehicles and all buses having

a seating capacity for less than sixteen persons \$0.50
For all other motor vehicles not specified above and for motorcycles \$0.25

[1963 c 197 § 2.]

47.56.702 Columbia river, Vernita bridge and highway approach from Richland—Pledge of excise taxes imposed on motor vehicle fuels. The state highway commission may, at the request of the toll bridge authority, pledge the proceeds of all excise taxes imposed on motor vehicle fuels now directed by law to be deposited in the motor vehicle fund and which are available for appropriation to the state highway commission for state highway purposes in the sum of one hundred thousand dollars per year for the purpose of guaranteeing the payment of principal and interest on bonds issued by the authority as authorized in RCW 47.56.701 or for sinking fund requirements or reserves established by the authority with respect thereto or for guaranteeing the payment of principal and interest on any subsequent refunding bond issues. To the extent of any such pledge the state highway commission shall use such moneys to meet such obligations as they arise but only to the extent that net revenues of the project are insufficient therefor. [1963 c 197 § 3.]

47.56.703 Columbia river, Vernita bridge and highway approach from Richland—Continued imposition of such taxes. Whenever the state highway commission shall have made a pledge of motor vehicle funds as authorized in RCW 47.56.702 the legislature agrees to continue to impose excise taxes on motor vehicle fuels, and there is imposed a first and prior charge thereon, in amounts sufficient to provide the state highway commission with funds necessary to enable it to comply with such pledge. [1963 c 197 § 4.]

47.56.704 Columbia river, Vernita bridge and highway approach from Richland—Repayment of motor vehicle fund money—Continuation of tolls. Any money from the motor vehicle fund used by the state highway commission for payment of expenses of location, maintenance, repair and operation of said bridge and approaches and highway approach, and principal or interest on any bonds issued pursuant to RCW 47.56.701 or any subsequent refunding bond issue shall be repaid to the motor vehicle fund to be used for state highway purposes from revenues of such project and tolls shall be continued for any additional length of time necessary for this purpose. [1963 c 197 § 5.]

Appropriation, repayment to motor vehicle fund: "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority for the biennium ending June 30, 1965, the sum of one hundred seventy-five thousand dollars, or so much thereof as may be necessary for the purpose of location, design, and all other things preliminary to the construction of the toll bridge and highway approach provided for in this amendatory act. This appropriation shall be considered a loan and repaid to the motor vehicle fund by the authority upon the sale of bonds as provided for under section 2 of this amendatory act [or] at the discretion of the toll bridge authority from tolls on the Vernita toll bridge." [1963 c 197 § 10.] "This

amendatory act" is codified as RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706. "Section 2 of this amendatory act" is codified as RCW 47.56.701.

47.56.705 Columbia river, Vernita bridge and highway approach from Richland—Facility to be part of highway system—Operation, collection of tolls. The toll facility, when completed, shall become a part of the state highway system and the Washington state highway commission is hereby authorized to operate and to assume the full control of said toll bridge with full power to collect tolls from the users of such bridge as established by the toll bridge authority for the purpose of providing revenue which, with the pledge from the motor vehicle fund provided for in RCW 47.56.702, shall be sufficient to pay all costs and incidental expenses of location, construction, maintenance, repair and operation of said bridge and approaches and highway approach from the vicinity of Vernita to said bridge, for the repayment of the principal and interest on its revenue bonds, and reimbursement to the motor vehicle fund of all sums expended therefrom under RCW 47.20.410, 47.20.415, and 47.56.700 through 47.56.706. [1963 c 197 § 6.]

Reviser's note: RCW 47.20.410 was repealed by 1970 ex.s. c 51 § 178; RCW 47.20.415 was repealed by 1967 ex.s. c 145 § 8.

47.56.706 Columbia river, Vernita bridge and highway approach from Richland—Laws applicable—Construction of 1963 statute. Except as specifically provided in RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706, the provisions of RCW 47.56.010 through 47.56.257 shall govern and be controlling in all matters and things necessary to carry out the purposes of RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706. Nothing in RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 is intended to amend, alter, modify or repeal any of the provisions of any statute relating to the powers and duties of the Washington toll bridge authority except as such powers and duties are amplified or modified by the special provisions of RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 for the uses and purposes herein set forth, and the provisions of RCW 47.20.410, 47.20.415 and 47.56.700 through 47.56.706 shall be additional to such existing statutes and concurrent therewith. [1963 c 197 § 7.]

Reviser's note: See note following RCW 47.56.705.

47.56.710 Spokane river toll bridge—Contracts with bondholders authorized—Additional bridges. The highway commission is hereby authorized to contract with the bondholders of the Spokane river toll bridge to fulfill the purposes, terms, and conditions of such contracts as are hereinafter provided for in this section. Notwithstanding the provisions of RCW 47.56.220, the highway commission is authorized to design and construct additional bridges across the Spokane river within ten miles of the existing Spokane river toll bridge: *Provided*, That the highway commission has executed contracts with the bondholders of the existing Spokane river toll bridge providing that to the extent that revenues from the imposition of tolls and franchise fees for

use of the Spokane river toll bridge are insufficient to meet costs of maintenance and operation and required payments of principal, interest, and other charges incidental to the issuance, sale, and retirement of the bonds or any subsequent refunding bond issues, the Washington state highway commission shall use moneys in the motor vehicle fund to pay such deficits. [1969 ex.s. c 117 § 1.]

47.56.720 Puget Island–Westport ferry—Payments for operation and maintenance to Wahkiakum county. (1) The legislature finds that the ferry operated by Wahkiakum county between Puget Island and Westport on the Columbia river provides service which is primarily local in nature with secondary benefits to the state highway system in providing a bypass for state route 4 and providing the only crossing of the Columbia river between the Astoria–Megler bridge and the Longview bridge.

(2) The Washington state highway commission is hereby authorized to enter into a continuing agreement with Wahkiakum county pursuant to which the state highway commission shall pay to Wahkiakum county from moneys appropriated for such purpose the sum of one thousand dollars per month to be used in the operation and maintenance of the Puget Island ferry, commencing July 1, 1971: *PROVIDED*, That from October 1, 1973 through June 30, 1975 the state highway commission shall pay Wahkiakum county one thousand one hundred forty-two dollars and eighty-six cents per month.

Additionally, the Washington state highway commission is authorized to include in the continuing agreement a provision to reimburse Wahkiakum county for sixty percent of the deficit incurred during each previous fiscal year in the operation and maintenance of the ferry, commencing with the fiscal year ending June 30, 1972. The state's sixty percent share of the annual operating and maintenance deficit shall include the one thousand dollars per month authorized in this subsection and the one thousand one hundred forty-two dollars and eighty-six cents per month authorized to be paid from October 1, 1973 through June 30, 1975.

(3) The annual deficit, if any, incurred in the operation and maintenance of the ferry shall be determined by Wahkiakum county subject to the approval of the Washington state highway commission. If sixty percent of the deficit for the preceding fiscal year exceeds the total amount paid to the county for that year, the additional amount shall be paid to the county by the Washington state highway commission upon the receipt of a properly executed voucher: *Provided*, That the total of all payments to the county in any biennium shall not exceed the amount appropriated for that biennium. [1973 2nd ex.s. c 26 § 1; 1971 ex.s. c 254 § 1.]

Effective date—1973 2nd ex.s. c 26: "This 1973 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect October 1, 1973." [1973 2nd ex.s. c 26 § 3.]

47.56.730 "No Smoking" areas on ferries—Establishment authorized. The legislature finds that the public health, safety, and welfare requires that "No Smoking" areas be established on all state ferries since there is a significant number of our citizens who are nonsmokers. The state highway commission is hereby authorized and directed to promulgate rules and regulations pursuant to the administrative procedure act, chapter 34.04 RCW, to establish and clearly designate areas on all state operated ferries which are expressly reserved for use by nonsmokers. [1974 1st ex.s. c 10 § 1.]

Chapter 47.58

EXISTING AND ADDITIONAL BRIDGES

Sections

- 47.58.010 Improvement of existing bridge and construction of new bridge as single project—Agreement—Tolls.
- 47.58.020 Examinations and surveys—Preliminary expenses—Financing.
- 47.58.030 Construction, operation of bridges—Collection of tolls—Schedule of charges.
- 47.58.040 Revenue bonds—Form—Sale—Interim bonds—Deposit of proceeds.
- 47.58.050 Revenue bonds—Expenses includable—Conditions—Remedies of bondholders.
- 47.58.060 Bond resolution—Disposition of income and revenues.
- 47.58.070 Bonds legal investment for state moneys.
- 47.58.080 Eminent domain.
- 47.58.090 Study of projects—Construction, finance, requires specific authorization.
- 47.58.500 Manette bridge—Port Washington Narrows project.
- 47.58.900 Chapter provides additional method.

Bridges over navigable waters: RCW 79.01.368–79.01.380.

47.58.010 Improvement of existing bridge and construction of new bridge as single project—Agreement—Tolls. Whenever the legislature shall specifically authorize, as a single project, the construction of an additional toll bridge, including approaches, and the reconstruction of an existing adjacent bridge, including approaches, and the imposition of tolls on both bridges, the state highway commission and the Washington toll bridge authority are each hereby authorized to enter into appropriate agreements whereunder the existing bridge or its approaches will be reconstructed and improved and an additional bridge, including approaches and connecting highways will be constructed as a part of the same project to be located adjacent to or within two miles of such existing bridge and will be financed through the issuance of revenue bonds of the same series. The authority shall have the right to impose tolls for traffic over the existing bridge as well as the additional bridge for the purpose of paying the cost of operation and maintenance of said bridge or bridges and the interest on and creating a sinking fund for retirement of revenue bonds issued for account of such project, all in the manner permitted and provided by this chapter. [1961 c 13 § 47.58.010. Prior: 1955 c 208 § 1.]

47.58.020 Examinations and surveys—Preliminary expenses—Financing. For the purpose of obtaining information as to the necessity of the reconstruction or improvement of any such bridge and the expediency of

constructing any such additional bridge it shall be the duty of the director of highways upon request of the state highway commission or the authority to make any examination, investigation, survey or reconnaissance pertaining thereto and the cost of any such examination, investigation, survey or reconnaissance, and all preliminary expenses in the issuance of any revenue bonds, making surveys and appraisals and drafting, printing, issuance and sale of bonds under this chapter, shall be advanced by any interested municipality, agency or department of the state of Washington and all such advancements shall be reimbursed out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder for account of the project, as may be agreed upon between the authority and such municipality, agency or department. [1961 c 13 § 47.58.020. Prior: 1955 c 208 § 2.]

47.58.030 Construction, operation of bridges—Collection of tolls—Schedule of charges. The director of highways shall have full charge of the construction of all such improvements and reconstruction work and the construction of any additional bridge, including approaches and connecting highways, that may be authorized by the authority under this chapter and the operation of such bridge or bridges, as well as the collection of tolls and other charges for services and facilities thereby afforded. The schedule of charges for such services and facilities shall be fixed and revised from time to time by the authority so that the tolls and revenues collected will yield annual revenue and income sufficient, after payment or allowance for all operating, maintenance and repair expenses, to pay the interest on all revenue bonds outstanding under the provisions of this chapter for account of the project and to create a sinking fund for the retirement of such revenue bonds at or prior to maturity, and such charges shall be continued until all such bonds and interest thereon and unpaid advancements, if any, shall have been paid. [1961 c 13 § 47.58.030. Prior: 1955 c 208 § 3.]

47.58.040 Revenue bonds—Form—Sale—Interim bonds—Deposit of proceeds. For the purpose of paying the cost of all or any part of such improvement and reconstruction work and the construction of any such additional bridge, approaches thereto and connecting highways, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable from any funds available, except that portion of the motor vehicle fund allocated by law to the Washington state highway commission, and except revenue from the general fund, including but not limited to the revenues and income from the operation of the bridge or bridges constituting the project as may be provided in and by such resolution. Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of

Washington. Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: *Provided*, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures. Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder at such price or prices, at such rate or rates of interest and after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem advantageous. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority. [1973 c 106 § 27; 1970 ex.s. c 56 § 64; 1969 ex.s. c 232 § 78; 1961 c 102 § 1; 1961 c 13 § 47.58.040. Prior: 1955 c 208 § 4.]

Purpose—Effective date—1970 ex.s. c 56: See notes following RCW 39.44.030.

Validation—Saving—Severability—1969 ex.s. c 232: See notes following RCW 39.44.030.

47.58.050 Revenue bonds—Expenses includable—Conditions—Remedies of bondholders. In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority, or approved by the authority, in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, required reserves, if any, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for initial operating expenses and prepaid insurance. The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the revenues and income from the bridge

or bridges. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with any improvement or reconstruction work on any such existing bridge, the construction of any such additional bridge, including approaches and connecting highways, provided to be so constructed, the maintenance and operation of the bridge or bridges and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenues and income derived from the operation of the bridge or bridges. [1961 c 13 § 47.58.050. Prior: 1955 c 208 § 5.]

47.58.060 Bond resolution—Disposition of income and revenues. Each resolution providing for the issuance of revenue bonds shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds. All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and set apart for the payment of the revenue bonds or may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. [1961 c 13 § 47.58.060. Prior: 1955 c 208 § 6.]

47.58.070 Bonds legal investment for state moneys. Notwithstanding any other provision of the law, bonds issued under this chapter shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds. [1961 c 13 § 47.58.070. Prior: 1955 c 208 § 7.]

47.58.080 Eminent domain. The authority is hereby authorized and empowered to acquire in the name of the state by the exercise of the power of eminent domain any lands, property, rights, rights of way, franchises, easements and other property of any person, firm or corporation, political subdivision or other owner, deemed necessary or convenient for the construction, reconstruction, improvement and operation of any project initiated and carried on by the authority under this chapter. Such proceedings shall be in accordance with and subject to the provisions of any and all laws applicable to the exercise of the power of eminent domain by the state. [1961 c 13 § 47.58.080. Prior: 1955 c 208 § 8.]

47.58.090 Study of projects—Construction, finance, requires specific authorization. Under the provisions of this chapter projects other than those specifically authorized herein involving existing bridges may be studied and analyzed by the authority and the

commission, and recommendations therefor may be submitted to the legislature, but such other projects shall not be financed or constructed by the said authority under the provisions hereof until further specific authorization therefor has been provided by the legislature. [1961 c 13 § 47.58.090. Prior: 1955 c 208 § 11.]

47.58.500 Manette bridge—Port Washington Narrows project. (1) The authority is especially authorized under the provisions of this chapter to reconstruct and improve the existing approaches and construct new approaches to the Manette bridge on secondary state highway 21-B in the city of Bremerton, and to construct an additional bridge, including approaches, over Port Washington Narrows in the vicinity of the said Manette bridge, at such exact location as may be selected by the director of highways, the state highway commission and the authority. Such project shall be known and designated as the Port Washington Narrows project and such new bridge and approaches when constructed shall be and become an integral part of the state highway system to be connected with and be a part of secondary state highway 21-B.

(2) The authority shall have the right to impose tolls for pedestrian and vehicular traffic over the existing Manette bridge, as well as such new bridge when constructed, for the purpose of paying the costs of reconstructing and improving approaches and constructing new approaches to the existing Manette bridge, constructing the new bridge in the vicinity thereof, to pay interest on and create a sinking fund for the retirement of revenue bonds issued for account of such project, and to pay any and all costs and expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds, and for the preparation of surveys and estimates and to establish the required interest reserves for and during the estimated construction period and for six months thereafter. [1961 c 13 § 47.58.500. Prior: 1955 c 208 § 10.]

47.58.900 Chapter provides additional method. This chapter shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby, and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers existing on June 8, 1955. [1961 c 13 § 47.58.900. Prior: 1955 c 208 § 9.]

Chapter 47.60

PUGET SOUND FERRY AND TOLL BRIDGE SYSTEM

Sections

- 47.60.010 Ferry system, toll bridges, and facilities authorized—Power to contract.
- 47.60.015 "Washington State Ferries"—Name authorized.
- 47.60.017 State ferry system declared to be a public mass transportation system.
- 47.60.020 Eminent domain—Condemnation proceedings.
- 47.60.030 Existing contracts—Prior negotiations and bids validated.
- 47.60.040 Survey by highway commission.

- 47.60.045 Comprehensive long range plan for cross sound transportation.
- 47.60.050 Improvement of facilities—Financing.
- 47.60.060 Revenue bonds authorized—Issuance—Conditions—Negotiability—Interim bonds.
- 47.60.070 Bond resolution to provide for setting aside funds.
- 47.60.080 Determining amount of bonds to be issued.
- 47.60.090 Sale of bonds—Deposit, disbursement of proceeds.
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- 47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Agreement to continue imposition of certain taxes.
- 47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Ferry system a revenue-producing undertaking—Debt service—Tolls on ferry system and Hood Canal bridge.
- 47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Revision of tolls to meet debt service.
- 47.60.460 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Repayment of 1961 appropriation for Hood Canal bridge—Continuation of tolls—Obligations subordinate to obligations subsequently incurred for ferry system and bridge.
- 47.60.470 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Periodic reports by authority to joint fact-finding committee on highways.
- 47.60.500 Acquisition of additional ferries—Legislative finding—Highway commission authority.
- 47.60.505 Puget Sound capital construction account—Created—Use.
- 47.60.510 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters.
- 47.60.520 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters—Cross sound transportation plan—Progress reports.
- 47.60.530 Puget Sound ferry operations account—Created—Use.
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Bridges across navigable waters: RCW 79.01.368–79.01.380.

Credit permits for vehicular passage: RCW 47.56.247, 47.56.248.

Sale, lease of unneeded toll facility, ferry system property—Franchises for utility, railway purposes: RCW 47.56.252 through 47.56.257.

Study of alternative methods of financing cross sound transportation facilities: RCW 44.40.026.

Traffic violations and unlawful acts on toll facility or ferry: RCW 46.61.690.

47.60.010 Ferry system, toll bridges, and facilities authorized—Power to contract. The Washington toll bridge authority hereinafter referred to as the authority is hereby authorized to acquire by lease, charter, contract, purchase, condemnation or construction, and partly by any or all of such means, and to thereafter operate, improve and extend, a system of ferries on and crossing Puget Sound and any of its tributary waters and connections thereof and connecting with the public streets and highways in the state, such system of ferries to include such boats, vessels, wharves, docks, approaches, landings, franchises, licenses, and appurtenances, as shall be determined by the authority to be necessary or desirable for efficient operation of the ferry system and best serve the public. The authority may in like manner acquire by purchase, condemnation or construction and include in such ferry system such toll bridges, approaches and connecting roadways as may be deemed by the authority advantageous in channeling traffic to points served by the ferry system. In addition to the powers of acquisition herein granted the authority is hereby empowered to enter into any contracts,

agreements or leases with any person, firm or corporation and to thereby provide, on such terms and conditions as it shall determine, for the operation of any ferry or ferries or system thereof, whether acquired by the authority or not. [1961 c 13 § 47.60.010. Prior: 1949 c 179 § 1; Rem. Supp. 1949 § 6584–30.]

47.60.015 "Washington State Ferries"—Name authorized. The Washington toll bridge authority is hereby authorized to operate its ferry system under the name: "Washington State Ferries." [1961 c 13 § 47.60.015. Prior: 1953 c 33 § 1.]

47.60.017 State ferry system declared to be a public mass transportation system. The legislature finds and declares that the state ferry system is a public mass transportation system. [1974 1st ex.s. c 105 § 1.]

47.60.020 Eminent domain—Condemnation proceedings. For the purpose of carrying out any or all of the powers herein granted the authority shall have the power of eminent domain for the acquisition of either real or personal property, used or useful for such Puget Sound ferry system. Condemnation pursuant to this chapter shall be the procedure set out in chapter 8.04 RCW: *Provided*, That the authority may institute condemnation proceedings in the superior court of any county or other court of competent jurisdiction in which any of the property sought to be condemned is located or in which the owner of any thereof does business, and the court in any such action shall have jurisdiction to condemn property wherever located within the state: *Provided further*, That it shall not be necessary to allege or prove any offer to purchase or inability to agree with the owners thereof for the purchase of any such property in said proceedings. It is the intention of this section to permit the consolidation in one action of all condemnation proceedings necessary to acquire a ferry system, and every type of property incident thereto, irrespective of its location within the state or diversity of ownership. Upon the filing of a petition for condemnation as provided in this section the court may issue an order restraining the removal from the jurisdiction of the state of any personal property sought to be acquired by the proceeding during the pendency thereof. The court shall further have the power to issue such orders or process as shall be necessary to place the authority into possession of any property condemned. [1961 c 13 § 47.60.020. Prior: 1949 c 179 § 2; Rem. Supp. 1949 § 6584–31.]

47.60.030 Existing contracts—Prior negotiations and bids validated. In any case where the authority shall take over any property or properties which are under lease, contract or concession, or where the authority has heretofore entered into any contract or negotiation or received any bid for any of the purposes set forth in this chapter, the authority is hereby authorized to continue in effect and carry out any such contract, lease or concession or complete any such negotiation or accept any such bid or any modification of any of them which shall appear advantageous to the authority without regard to

any limitations or directions as to the manner thereof contained in this chapter: *Provided*, That this section shall not be construed as requiring the authority so to act, but this section shall be permissive only and then only in respect to contracts, leases, concessions, negotiations or bids existing, entered into or received prior to April 1, 1949. [1961 c 13 § 47.60.030. Prior: 1949 c 179 § 7; Rem. Supp. 1949 § 6584–36.]

47.60.040 Survey by highway commission. For the purpose of obtaining information for the consideration of the authority upon the acquisition of any ferries or ferry facilities or the construction of any toll bridge under this chapter, it shall be the duty of the highway commission, upon request of the authority, to make any examination, investigation, survey or reconnaissance for the determination of material facts pertaining thereto and report the same to the authority.

The cost of any such examination, investigation, survey or reconnaissance and all preliminary expenses leading up to and resulting in the issuance of any revenue bonds including, but not being limited to expenses in making surveys and appraisals and the drafting, printing, issuance and sale of bonds under this chapter shall be borne by the highway commission out of the motor vehicle fund. All such costs and expenses as well as any thereof heretofore incurred shall be reimbursed to said motor vehicle fund out of any proceeds derived from the sale of bonds or out of tolls and revenues to be derived by the authority through its operations hereunder. [1961 c 13 § 47.60.040. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584–33, part.]

47.60.045 Comprehensive long range plan for cross sound transportation. The Washington state highway commission, in cooperation with the legislative transportation committee, is authorized and directed to prepare a comprehensive long range plan for cross sound transportation concerning the proper location of bridges and ferry routes, possible use of hovercraft or other forms of water transportation, together with necessary connecting roads and terminals for the facilities of transportation across Puget Sound. The committee and commission shall utilize all current and prior surveys and reports heretofore made concerning cross sound transportation.

The comprehensive plan provided for in this section shall be transmitted with the financing plan provided for in RCW 44.40.026 to the 1973 legislature. [1971 ex.s. c 195 § 17; 1963 ex.s. c 3 § 23.]

Severability—1971 ex.s. c 195: See note following RCW 44.40.010.

47.60.050 Improvement of facilities—Financing. Any facility which the authority acquires or is authorized to acquire under the provisions of this chapter may be rehabilitated, rebuilt, enlarged or improved, and the cost thereof may be paid from the revenues of the system or through the issuance of bonds as hereinafter provided. [1961 c 13 § 47.60.050. Prior: 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584–32, part.]

47.60.060 Revenue bonds authorized—Issuance—Conditions—Negotiability—Interim bonds. For the purpose of paying the cost of acquiring by lease, charter, contract, purchase, condemnation or construction all or any part of such Puget Sound ferry system, including toll bridges, approaches and roadways incidental thereto, and for rehabilitating, rebuilding, enlarging or improving all or any part of said system, the authority is hereby authorized by resolution to issue its revenue bonds which shall constitute obligations only of the authority and shall be payable solely and only from all or such part of the revenues from the operation of the system as may be provided in and by such resolution.

Each such revenue bond shall contain a recital that payment or redemption of the bond and payment of the interest thereon is secured by a direct charge and lien upon the tolls and revenues pledged for that purpose and that such bond does not constitute an indebtedness of the state of Washington.

The authority is hereby empowered to include in any resolution authorizing the issuance of the bonds such covenants, stipulations and conditions as may be deemed necessary with respect to the continued use and application of the income and revenues from the undertaking.

Such revenue bonds may bear such date or dates, may mature at such time or times as the authority shall determine, may bear interest at such rate or rates, may be in such denomination or denominations, may be in such form, either coupon or registered, may carry such registration and conversion privileges, may be made subject to such terms of redemption with or without premium, and may contain such other terms and covenants not inconsistent with this chapter as may be provided in such resolution. Notwithstanding the form or tenor thereof, and in the absence of an express recital on the face thereof that the bond is nonnegotiable each such revenue bond shall at all times be and shall be treated as a negotiable instrument for all purposes. All such bonds shall be signed by the state treasurer and countersigned by the governor and any interest coupons appertaining thereto shall bear the signature of the state treasurer: *Provided*, That the countersignature of the governor on such bonds and the signature of the state treasurer on such coupons may be their printed or lithographed facsimile signatures.

Pending the issuance of definitive bonds, temporary or interim bonds, certificates or receipts of any denomination and with or without coupons attached may be issued as may be provided by said resolution. [1973 c 106 § 28; 1970 ex.s. c 56 § 65; 1969 ex.s. c 232 § 34; 1961 c 13 § 47.60.060. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584–33, part.]

Purpose—Effective date—1970 ex.s. c 56: See notes following RCW 39.44.030.

Validation—Saving—Severability—1969 ex.s. c 232: See notes following RCW 39.44.030.

47.60.070 Bond resolution to provide for setting aside funds. Any resolution of the Washington toll bridge authority providing for the issuance of revenue bonds

shall provide for setting aside the necessary amounts for the reasonable and proper operation, maintenance, and repair expenses, and shall fix and determine the amounts to be set apart and applied to the payment of the interest on and retirement of the revenue bonds, and the amounts to be set apart and paid into any special funds for renewals, replacements, rebuilding, enlarging, or improving the system. Each such resolution made hereafter shall provide for proceeds of the sale of revenue bonds to be placed in the "authority revolving fund," as established by RCW 47.60.180 as follows: Three-fourths of one percent on the first five million dollars or part thereof; five-eighths of one percent on the amount over five million dollars to and including ten million dollars; one-half of one percent on the amount over ten million dollars to and including twenty-five million dollars; three-eighths of one percent on the amount over twenty-five million dollars to and including fifty million dollars, one-quarter of one percent on the amount over fifty million dollars to and including seventy-five million dollars; and one-eighth of one percent on all amounts over seventy-five million dollars: *Provided*, That no such payments shall be made to the authority revolving fund from proceeds derived from the sale of bonds for the construction, maintenance, and operation of facilities between the state of Washington and any other state, territory, or province, where such other state, territory, or province, or any political subdivision thereof, joins with the state of Washington in the construction or operation of such facility: *Provided further*, That no such payments shall be made into the authority revolving fund from the proceeds of bonds sold for the purpose of refunding outstanding revenue bonds of the Washington toll bridge authority. [1961 c 13 § 47.60.070. Prior: 1957 c 230 § 1; 1955 c 21 § 1; 1953 c 220 § 4; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

47.60.080 Determining amount of bonds to be issued.

In determining the amount of bonds required to be issued there may be included any expenses incurred by the authority in connection with and incidental to the issuance and sale of bonds and for the preparation of surveys and estimates and making inspections and examinations, interest during the estimated construction period, and for six months thereafter, and a reasonable amount for working capital and prepaid insurance. [1961 c 13 § 47.60.080. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

47.60.090 Sale of bonds—Deposit, disbursement of proceeds. All bonds issued under or by authority of this chapter shall be sold to the highest and best bidder after such advertising for bids as the authority may deem proper: *Provided*, That the authority may reject any and all bids so submitted and thereafter sell such bonds so advertised under such terms and conditions as the authority may deem most advantageous to its own interests. The purchase price of all bonds issued hereunder shall be paid to the state treasurer consistent with the provisions of the resolution pursuant to which such bonds have been issued or to the trustee designated in

the bond resolution and held as a separate trust fund to be disbursed on the orders of the authority. [1961 c 13 § 47.60.090. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

47.60.100 Bonds are legal investment for state moneys. Notwithstanding any other provision of the law, bonds issued by the authority shall be legal investments by the state finance committee of any state moneys in its hands, except permanent school funds and motor vehicle funds. [1961 c 13 § 47.60.100. Prior: 1953 c 154 § 14; 1951 c 259 § 3; 1951 c 121 § 14; 1949 c 179 § 8; Rem. Supp. 1949 § 6584-37.]

47.60.110 Bondholders may compel performance. The holder of any bond or the trustee for any bonds designated by resolution may by mandamus or other appropriate proceeding require and compel performance of any duties imposed upon any state department, official or employee, including any duties imposed upon or undertaken by the authority or its officers, agents and employees in connection with the construction, maintenance and operation of the ferry system and in connection with the collection, deposit, investment, application and disbursement of the proceeds of the bonds and the revenue and income derived from the operation of the system. [1961 c 13 § 47.60.110. Prior: 1949 c 179 § 4, part; Rem. Supp. 1949 § 6584-33, part.]

47.60.113 Refunding bonds—Authorization—Amount—Interest—Conditions. The Washington toll bridge authority is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity or if all of the holders thereof consent thereto, upon such terms and conditions as it shall deem best, any or all of its revenue bonds now or hereafter outstanding, issued for the purpose of acquiring, constructing or reconstructing any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, or issued for the purpose of refunding such bonds, which revenue bonds are payable out of all or part of the revenues of such toll facility. Refunding bonds may be issued hereunder in a sufficient amount to provide additional funds for acquiring, constructing, reconstructing, rehabilitating, rebuilding, enlarging or improving any toll bridge, toll road, toll tunnel, ferry system, or any other toll facility of any sort, and to pay all refunding costs and expenses and to provide adequate reserves for said toll facility and for any such refunding bonds. Various issues and series of such outstanding bonds, including refunding bonds, may be combined and refunded by a single issue of refunding bonds. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, and shall contain such other covenants and conditions as the Washington toll bridge authority shall determine by resolution. [1961 c 13 § 47.60.113. Prior: 1957 c 152 § 1; 1955 c 17 § 1.]

47.60.114 Refunding bonds—Payable from revenues. Any refunding bonds authorized herein shall constitute obligations of the Washington toll bridge authority only and not of the state of Washington. They shall be payable solely out of all or such part of the revenues derived from the operation of the toll bridge, toll road, toll tunnel, ferry system, or any other toll facility, as shall be provided in the resolution authorizing the issuance of such refunding bonds. [1961 c 13 § 47.60.114. Prior: 1957 c 152 § 2; 1955 c 17 § 2.]

47.60.115 Refunding bonds—Disposition—Laws applicable. The bonds herein authorized shall, in the discretion of the Washington toll bridge authority, be exchanged at the best possible price for the bonds being refunded or any such bonds not exchanged shall be sold in the manner provided in RCW 47.60.090. The bonds herein authorized shall be issued in accordance with, and shall be subject to, the provisions of RCW 47.60.050, 47.60.060, 47.60.070, 47.60.080, 47.60.100, 47.60.110 and 47.60.120. [1961 c 13 § 47.60.115. Prior: 1957 c 152 § 3; 1955 c 17 § 3.]

47.60.120 Other crossings—Infringement of existing franchises—Protection of outstanding bonds. In the event the authority acquires or constructs, maintains and operates any ferry crossings upon or toll bridges over Puget Sound or any of its tributary or connecting waters there shall not be constructed, operated or maintained any other ferry crossing upon or bridge over any such waters within ten miles of any such crossing or bridge operated or maintained by the authority excepting such bridges or ferry crossings in existence, and being operated and maintained under a lawfully issued franchise at the time of the location of the ferry crossing or construction of the toll bridge by the authority. The authority shall not maintain and operate any ferry crossing or toll bridge over Puget Sound or any of its tributary or connecting waters which would infringe upon any franchise lawfully issued by the state and in existence and being exercised at the time of the location of the ferry crossing or toll bridge by the authority, without first acquiring the rights granted to such franchise holder under said franchise.

While any revenue bonds issued by the authority under the provisions of this chapter are outstanding no additional bonds shall be issued for the purposes of acquiring, constructing, operating or maintaining any ferries or toll bridges within the aforesaid ten mile distance by the authority unless the revenues of any such additional ferries or toll bridges are pledged to the bonds then outstanding to the extent provided by the resolution authorizing the issue of such outstanding bonds. The provisions of this section shall be binding upon the state, and all of its departments, agencies and instrumentalities, as well as any and all private, political, municipal and public corporations and subdivisions, including cities, towns, counties and other political subdivisions, and the prohibitions of this section shall restrict and limit the powers of the legislature of the state in respect to the matters herein mentioned so long as any of such bonds are outstanding and unpaid and

shall be deemed to constitute a contract to that effect for the benefit of the holders of all such bonds. [1961 c 13 § 47.60.120. Prior: 1949 c 179 § 6; Rem. Supp. 1949 § 6584–35.]

47.60.122 Ferries, terminal facilities—Interim revenue warrants authorized. For the purpose of paying the cost of acquiring, constructing or reconstructing ferries or ferry terminal facilities, and all costs which may be incurred in connection therewith, the Washington toll bridge authority is hereby authorized to issue interim revenue warrants, which shall constitute obligations only of the authority, and which shall not be obligations of the state of Washington. Such warrants shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance, and shall be drawn upon, and the principal thereof and interest thereon shall be payable out of, such fund or funds as shall be created in and provided by such resolution. Such warrants may be interest bearing coupon warrants with a fixed maturity date, or may be interest bearing registered warrants payable in order of their issuance whenever there is sufficient money in the fund upon which they were drawn to redeem any of the same. [1961 c 13 § 47.60.122. Prior: 1953 c 159 § 1.]

47.60.124 Revenue refunding bonds to redeem interim warrants. In the event it is deemed advisable or found necessary to redeem any or all of such warrants, the authority is authorized to issue its revenue refunding bonds for such purpose. Said bonds shall constitute obligations only of the authority, and shall not be obligations of the state of Washington. Such refunding bonds shall be payable solely out of part or all of the revenues derived from the operation of the Puget Sound ferry system as shall be provided in the resolution authorizing their issuance. [1961 c 13 § 47.60.124. Prior: 1953 c 159 § 2.]

47.60.126 Interim warrants and refunding bonds—Laws applicable. All provisions of chapter 47.60 RCW pertaining and applicable to the revenue bonds of the authority authorized therein are made applicable to the warrants and revenue refunding bonds authorized herein except insofar as otherwise provided by RCW 47.60.122 through 47.60.126. [1961 c 13 § 47.60.126. Prior: 1953 c 159 § 3.]

47.60.130 Unit or combined operation—Continuous project—Rental, charter, lease, of system property—Sale of unneeded property. Such ferry system, including any toll bridges, approaches, and roadways incidental thereto, may be financed and operated in combination or separately as one or more units as the authority may determine, and such ferry system together with any toll bridge hereafter constructed by the authority upon or across the waters of Puget Sound or Hood Canal, or any part of either, replacing one or more presently operated ferry routes, is declared to be a continuous project within the meaning of RCW 47.56.070. The authority is empowered to rent, lease, or

charter any property acquired under this chapter. If the authority determines that any real property (including lands, improvements thereon, and any interests or estates) held by the authority is no longer required for the purposes of the ferry system, the authority shall offer it for sale in the manner and with the authority authorized to the state highway commission by RCW 47.12-.280. The authority may adopt rules further implementing this section as granted to the highway commission by RCW 47.12.280. The proceeds of all such sales shall be paid into the separate trust fund of the state treasury established pursuant to RCW 47.60-.150. [1973 1st ex.s. c 177 § 5; 1961 c 13 § 47.60.130. Prior: 1955 c 22 § 1; 1953 c 32 § 1; 1949 c 179 § 3, part; Rem. Supp. 1949 § 6584-32, part.]

47.60.140 System as self-liquidating undertaking—Powers of highway commission—Concessions. The authority is empowered to operate such ferry system, including all operations, whether intrastate or international, upon any route or routes, and toll bridges as a revenue producing and self-liquidating undertaking. The highway commission shall have full charge of the construction, rehabilitation, rebuilding, enlarging, improving, operation and maintenance of the ferry system, including toll bridges, approaches and roadways incidental thereto that may be authorized by the authority, including the collection of tolls and other charges for the services and facilities of the undertaking: *Provided*, That the authority shall have the exclusive right to enter into leases and contracts for use and occupancy by other parties of the concessions and space located on the ferries, wharves, docks, approaches and landings, but no such leases or contracts shall be entered into for more than five years, nor without public advertisement for bids as may be prescribed by the authority: *Provided further*, That the Colman Dock facilities may be leased for a period not to exceed ten years: *Provided further*, That the authority may accept and continue leases and contracts for a period of ten years without advertisement or bid, if such leases or contracts were in effect or entered into at the time of the purchase of the Puget Sound ferry system, and any leases or contracts so made are hereby validated. [1965 ex.s. c 170 § 58; 1961 c 13 § 47.60.140. Prior: 1951 c 259 § 1; 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

47.60.150 Fixing of charges—Deposit, segregation, and disbursement of revenues. Subject to the provisions of RCW 47.60.325, the schedule of charges for the services and facilities of the system shall be fixed and revised from time to time by the authority so that the tolls and revenues collected together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation, and all moneys in the Puget Sound reserve account available for debt service will yield annual revenue and income sufficient, after allowance for all operating, maintenance and repair expenses to pay the interest and principal and sinking fund charges for all outstanding revenue bonds, and to create and maintain a fund for ordinary renewals and

replacements: *Provided*, That if provision is made by any resolution for the issuance of revenue bonds for the creation and maintenance of a special fund for rehabilitating, rebuilding, enlarging or improving all or any part of the ferry system then such schedule of tolls and rates of charges shall be fixed and revised so that the revenue and income will also be sufficient to comply with such provision.

All income and revenues as collected shall be paid to the state treasurer for the account of the authority as a separate trust fund and to be segregated and disbursed upon order of the authority: *Provided*, That the fund so segregated and set apart for the payment of the revenue bonds may be remitted to and held by a designated trustee in such manner and with such collateral as may be provided in the resolution authorizing the issuance of said bonds. [1972 ex.s. c 24 § 5; 1961 c 13 § 47.60-.150. Prior: 1949 c 179 § 5, part; Rem Supp. 1949 § 6584-34, part.]

47.60.160 Reimbursement of motor vehicle fund. In the event it be ascertained that any expense to the motor vehicle fund has been incurred in any manner under this chapter through the authority, the highway commission, or otherwise, all such expenses shall be promptly reimbursed to the motor vehicle fund out of tolls and revenues derived by the authority through any or all of its operations hereunder. [1961 c 13 § 47.60-.160. Prior: 1949 c 179 § 5, part; Rem. Supp. 1949 § 6584-34, part.]

47.60.170 Ferries revolving fund authorized—Deposit of excess funds. Nothing in RCW 47.60.150 shall forbid the establishment by the authority of a Washington state ferries revolving fund of not to exceed six hundred thousand dollars from the proceeds of any bonds sold under the provisions of this chapter. Such fund may be deposited by the authority in such banks or financial institutions as it may select throughout the state. The provisions of RCW 43.01.050 shall not be applicable to such fund or any deposits therein made by the authority under the provisions of this section. The authority may deposit thereafter therein all moneys received under the provisions of this chapter. All expenses whatsoever arising in the operations of the Puget Sound ferry system shall be paid from such fund if established by check or voucher in such manner as may be prescribed by the authority.

All moneys received by the authority or any employee under the foregoing sections of this chapter, except an amount of petty cash for each day's needs as fixed by the regulation of the authority, shall be each day and as often during such day as advisable, deposited in the nearest authorized depository selected by the authority under the terms of this section.

Whenever the fund shall exceed six hundred thousand dollars, the authority shall forthwith transmit such excess to the state treasurer for deposit in the trust fund established by RCW 47.60.150. [1970 ex.s. c 85 § 6; 1961 c 13 § 47.60.170. Prior: 1951 c 259 § 13.]

Effective date—1970 ex.s. c 85: See note following RCW 47.60.500.

47.60.180 "Authority revolving fund" established—
Purposes. There is hereby established a permanent fund in the state treasury to be known as the "authority revolving fund," which fund shall be available to the Washington toll bridge authority in lieu of any allocation from any other appropriation from the motor vehicle fund. Said authority shall use said fund firstly to pay its investigation, management, maintenance and operation costs, unless otherwise provided for; secondly to reimburse for past and future advances from the motor vehicle fund, at such times and in such amounts as the authority shall in its discretion deem feasible. The projects to be investigated must propose facilities to be financed by revenue bonds of the authority to be repaid by tolls or charges. [1961 c 13 § 47.60.180. Prior: 1953 c 220 § 5; 1951 c 259 § 14.]

47.60.190 Projects established through authority revolving fund—Repayment of fund. Any sums expended under the provisions of RCW 47.60.180 as to each projected facility which shall be adopted and constructed by the authority shall be repaid from the revenues of such facility after it becomes operative to the authority revolving fund. The authority shall take into account any such expense in setting up any schedule of tolls or charges for such project. The authority shall make and order an orderly schedule of payments for the recovery of such expenses from any constructed facility within a reasonable time, which schedule shall be so made that it will not interfere with the other necessary expenses to be recovered by tolls or charges but shall operate with such other expense charges. Any sums so recovered shall be paid into the state treasury and by the treasurer deposited in the authority revolving fund. [1961 c 13 § 47.60.190. Prior: 1951 c 259 § 15.]

47.60.200 Consent to liability not general liability of state. Any consent to liability given under the provisions of this chapter shall create liability of the authority only and shall not create any general liability of the state. [1961 c 13 § 47.60.200. Prior: 1951 c 259 § 5.]

47.60.210 Seamen may sue for injuries—Venue. The state consents to suits against the authority by seamen for injuries occurring upon vessels of the authority in accordance with the provisions of section 688, title 46, of the United States code. The venue of such actions may be in the superior court for Thurston county or the county where the injury occurred. [1961 c 13 § 47.60.210. Prior: 1951 c 259 § 6.]

47.60.220 Authority as common carrier—Rights and liabilities. The authority shall have all the obligations, duties and rights of a common carrier of persons and property in its operation of ferries, terminals or other facilities used in its ferry operations, including the right to participate in joint rates and through routes, agreements, and divisions of through and joint rates with railroads and other common carriers and the right to make any filings with the interstate commerce commission, the United States maritime commission or any other state or federal regulatory or governmental body

and to comply with the lawful rules and regulations or requirements of any such body, and shall be subject to laws relating to carrier's liability for loss or damage to property transported, and for personal injury or death of persons transported. [1961 c 13 § 47.60.220. Prior: 1951 c 259 § 7.]

47.60.230 Liability for damages as to persons or property. In case of property loss or damage, personal injuries or death resulting from the operation of any ferry or terminal by the authority, any person or the personal representative of any person shall, subject to and to the extent hereinafter provided, have a right of action against the authority for such damage, loss, injury or death. [1961 c 13 § 47.60.230. Prior: 1951 c 259 § 8.]

47.60.240 Liability to persons other than shippers or passengers—Limitation. The right of action extended by this chapter shall be applicable to loss or damage of property and/or personal injury or death, resulting from the operation of ferries or terminals by the authority to persons other than shippers or passengers, but any recovery of damages in such cases shall not exceed an amount equal to the limitations of the insurance carried by the authority to insure it against loss for such liability. [1961 c 13 § 47.60.240. Prior: 1951 c 259 § 9.]

47.60.250 Claim for damages—Filing—Contents—Time limitations. As a condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be presented to the authority and filed with its secretary within one hundred twenty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said one hundred twenty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory. [1967 c 164 § 3; 1961 c 13 § 47.60.250. Prior: 1951 c 259 § 10.]

Purpose—1967 c 164: See note following RCW 4.96.010.

Severability—1967 c 164: See note following RCW 4.96.010.

Claims against the state: Chapter 4.92 RCW.

47.60.260 Payment of claims. The authority may upon such terms and conditions as it may impose and under such rules and regulations as it may adopt, pay claims arising under its operation of ferries or terminals

or compromise or settle such claims. No claim shall be paid by the authority or any settlement or compromise hereof be made except from its operating revenues derived from its operation of ferries or terminals or from the proceeds of insurance recoveries. [1961 c 13 § 47.60.260. Prior: 1951 c 259 § 11.]

47.60.270 Venue of actions—Enforcement of judgment. Actions for the recovery of damages under RCW 47.60.220 through 47.60.260 may be brought in Thurston county or in the county in which the aggrieved person resides. No execution upon a judgment or attachment shall be levied against the property of the authority, nor does the state consent to any maritime lien against vessels of the authority, but the authority may be required by order of court to pay any judgment. [1961 c 13 § 47.60.270. Prior: 1951 c 259 § 12.]

47.60.275 Authority and jurisdiction of local law enforcement officers at state ferry terminals and upon ferries. Law enforcement officers of cities, towns, and counties which are served by state ferries shall have, and are hereby authorized to exercise, concurrent jurisdiction and authority with state law enforcement officers in the enforcement of laws of the state and local governmental divisions at those state ferry terminals located within the respective governmental division served by such local law enforcement officers and on state ferries at the terminals and throughout the ferry runs, notwithstanding that the ferry may not be in the officer's governmental division. [1969 ex.s. c 13 § 1.]

47.60.277 "No Smoking" areas on state ferries—Establishment authorized. See RCW 47.56.730.

47.60.280 Ferry service—Lummi Island to Orcas Island—Limitation on operation. The Washington toll bridge authority is hereby authorized and directed to establish and operate a ferry service from a suitable point on Lummi Island in Whatcom county to a suitable point on Orcas Island in San Juan county by the most feasible route if and when Whatcom county constructs a bridge from Gooseberry Point on the mainland to Lummi Island. The actual operation of such ferry service shall not begin until Whatcom county has completed the construction of such bridge. [1961 c 13 § 47.60.280. Prior: 1959 c 198 § 1.]

47.60.282 Ferry service between Port Townsend and Keystone—Operation authorized, when. The Washington toll bridge authority and the Washington state highway commission are authorized to operate a ferry service between Port Townsend and Keystone on Admiralty Inlet in the event that the certificate of convenience and necessity for the ferry operation is theretofore surrendered, rights thereunder are abandoned, and the ferry service is discontinued. In no event shall the authority and the commission undertake such a ferry service preceding events as set forth herein or before April 1, 1973. [1972 ex.s. c 44 § 1.]

47.60.283 Ferry service between Port Townsend and Keystone—Purpose. The purpose of RCW 47.60.282 and 47.60.283 is to provide service on the ferry route between Port Townsend and Keystone to be determined by the toll bridge authority. Operation of this route is necessary for the economic health, safety and welfare of the people of the state. Additionally, state operation of this route will further benefit the people of the state by providing better access to important installations maintained by the United States Navy and the United States Coast Guard. [1972 ex.s. c 44 § 2.]

47.60.290 State ferries—Review of tariffs and charges. Subject to the provisions of RCW 47.60.325, the Washington toll bridge authority is hereby authorized and directed to review tariffs and charges as applicable to the operation of the Washington state ferries for the purpose of establishing a more fair and equitable tariff to be charged passengers, vehicles, and commodities on the routes of the Washington state ferries. [1972 ex.s. c 24 § 6; 1961 c 13 § 47.60.290. Prior: 1959 c 199 § 1.]

47.60.300 State ferries—Scope of review—Periodic reviews required. The review is to include but shall not be limited to tariffs for automobiles, passengers, trucks, commutation rates, and volume discounts. The review shall give proper consideration to time of travel, distance of travel, operating costs, maintenance and repair expenses, and the resultant effect any change in tariff might have on the debt service requirements of the authority as specifically provided in existing financing programs. The review shall also include the allocation of vessels to particular runs, the scheduling of particular runs, the adequacy and arrangements of docks and dock facilities, and any other subject deemed by the authority to be properly within the scope of the review. The authority is further authorized and directed to make a like review within every three year period. [1961 c 13 § 47.60.300. Prior: 1959 c 199 § 2.]

47.60.310 State ferries—Local expressions—Local advisory committees. The authority is further directed to conduct such review by soliciting and obtaining expressions from local community groups in order to be properly informed as to problems being experienced within the area served by the Washington state ferries. In order that local representation may be established, the authority is hereby directed to advise the board of county commissioners of each county wherein a terminal of the Washington state ferries is located prior to the time that the review is to be commenced, and each board of county commissioners is hereby directed to appoint a committee to consist of no more than five members to serve as an advisory committee to the authority or its designated representative in such review. The committees to be appointed by the boards of county commissioners shall serve without fee or compensation. It is not the intent of RCW 47.60.290 through 47.60.320 that any powers or duties now prescribed and delegated to the authority shall be assumed

by any other board or committee. [1961 c 13 § 47.60-.310. Prior: 1959 c 199 § 3.]

47.60.325 State ferries—Tolls—Stabilization—Changes. (1) So long as moneys in the Puget Sound ferry operations account in the motor vehicle fund are appropriated for maintenance and operation of the Washington state ferries, tolls for use of ferries shall be stabilized at current rates except as otherwise authorized in subsections (2) and (3) of this section.

(2) The Washington toll bridge authority may from time to time pursuant to periodic reviews of its ferry toll schedules, adjust tolls for different classes of users and uses including commutation rates and volume discounts to eliminate inequities, or respond to changing economic factors.

(3) Each year the authority shall review the February consumer price index of the United States department of labor for the city of Seattle, or if the index for Seattle has been discontinued, then for the nearest city to Seattle, to ascertain the amount of any increase or decrease in relation to the same index for the previous February, taking into consideration the provisions of RCW 47.60.530. Changes in tolls if any, shall be adjusted by such increase or decrease and shall be rounded to the nearest multiple of five cents. The adjusted tolls if any, shall become effective on May 1st of the same year. [1972 ex.s. c 24 § 8.]

47.60.350 Puget Sound reserve account—Created—Use. There is hereby created in the motor vehicle fund the Puget Sound reserve account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys hereafter deposited in said account shall be used by the Washington toll bridge authority only for the purposes hereinafter set forth. [1961 ex.s. c 7 § 18.]

47.60.360 Puget Sound reserve account—Excess funds in account to be transferred to Puget Sound capital construction account. Whenever the total balance in the Puget Sound reserve account shall exceed one million dollars, a sum equal to such excess of one million dollars shall be transferred from the Puget Sound reserve account to the Puget Sound capital construction account of the motor vehicle fund. [1970 ex.s. c 85 § 5; 1961 ex.s. c 7 § 19.]

Effective date—1970 ex.s. c 85: See note following RCW 47.60.500.

Puget Sound capital construction account: RCW 47.60.500–47.60.505.

47.60.370 Puget Sound reserve account—Specific uses enumerated. The Puget Sound reserve account shall be used by the Washington toll bridge authority for the following purposes:

The authority may pledge any moneys in the Puget Sound reserve account or to be deposited in said account to guarantee the payment of principal or interest on (1) bonds issued to refund the outstanding 1955 Washington state ferry system refunding bonds and the 1957 ferry and Hood Canal bridge revenue bonds, or

(2) subsequent parity bonds issued to pay costs of improving the Washington state ferry system or constructing additional transportation facilities for the crossing of any part of Puget Sound other than bridging between the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the authority shall not pledge any moneys in the Puget Sound reserve account to guarantee interest or principal on such parity bonds without further express authorization by legislative act.

The authority may further pledge moneys in the Puget Sound reserve account to meet any sinking fund requirements or reserves established by the authority with respect to any new bond issues provided for in this section.

To the extent of any pledge herein authorized, the authority shall use the first moneys available in the Puget Sound reserve account to meet such obligations as they arise. [1961 ex.s. c 7 § 20.]

47.60.380 Puget Sound reserve account—Transfer of moneys to commission secondary to unpaid obligation—Continuing levy and deposit of motor vehicle fuel and use fuel taxes pledged. Notwithstanding the provisions of RCW 47.60.360 the treasurer shall never transfer any moneys from the Puget Sound reserve account for use by the state highway commission for state highway purposes so long as there is due and unpaid any obligations for payment of principal, interest, sinking funds or reserves as required by any pledge of the Puget Sound reserve account. Whenever the authority shall have pledged any moneys in said account for the purposes authorized in RCW 47.60.370, the state agrees to continue to deposit in the Puget Sound reserve account the motor vehicle fuel taxes and use fuel taxes as provided in RCW 82.36.020 and *82.40.290, and further agrees that so long as there exists any outstanding obligations pursuant to such pledge, to continue to impose such taxes. [1961 ex.s. c 7 § 21.]

***Reviser's note:** Chapter 82.40 RCW, the use fuel tax, was repealed by 1971 ex.s. c 175 § 33; for later enactment see chapter 82.38 RCW, the special fuel tax act.

47.60.390 Puget Sound reserve account—Investment of funds not required for specified purposes. Any funds in the Puget Sound reserve account of the motor vehicle fund which are not required by the authority for payment of principal or interest on any bond issues or for any of the other purposes authorized in RCW 47.60.370, may be invested by the authority, subject to the approval of the highway commission, in bonds and obligations of the nature eligible for the investment of current state funds as provided in RCW 43.84.080. [1961 ex.s. c 7 § 22.]

47.60.400 Additional revenue bonds, refunding bonds, authorized, 1961 Act. The Washington toll bridge authority is authorized to issue revenue bonds to refund all or any part of the authority's outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds, and may issue additional revenue bonds in parity

therewith to pay cost of improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters and connections thereof other than bridging from the east side of Puget Sound to the Kitsap Peninsula, Vashon Island or Bainbridge Island: *Provided*, That the toll bridge authority shall not issue any such additional revenue bonds without further express authorization by the legislature. With respect to the issuing of such bonds and the payment of principal and interest thereon, the payment into reserves, sinking funds, and the ferry improvement fund established in connection therewith, and the fixing and revision of charges for services and facilities of the system, and in managing all its fiscal operations, the authority shall have all the powers and shall follow the same procedures established for it under existing laws, except as otherwise provided herein. [1961 ex.s. c 9 § 1.]

Appropriation—1961 ex.s. c 9: "There is hereby appropriated from the motor vehicle fund to the Washington toll bridge authority, for the biennium ending June 30, 1963, the sum of two million six hundred thousand dollars or so much thereof as may be necessary for the operation and maintenance of the Washington state ferries and the payments of principal and interest on outstanding 1955 Washington state ferry system refunding revenue bonds and 1957 ferry and Hood Canal bridge revenue bonds and payments into reserves thereof as required by resolutions adopted by the authority with respect to such bond issues. Whenever such bond issues shall be refunded, any unexpended part of this appropriation shall lapse." [1961 ex.s. c 9 § 8.]

47.60.410 Additional revenue bonds, refunding bonds, authorized, 1961 Act—"Ferry improvement fund"——Uses—Composition. In the event refunding bonds are issued as provided in RCW 47.60.400, the authority is hereby directed to establish a fund to be called the "ferry improvement fund" to be used to pay all or any part of the cost of constructing, purchasing, reconstructing, replacing, extending, bettering, developing or otherwise improving any part of the Washington state ferry system.

Into this fund the authority shall place each year such sums as it finds needed for the aforesaid and available from the revenues of the ferry system and Hood Canal bridge after payment of costs of maintenance and operation, bond interest, bond reserve funds, and payments upon principal required during the year by bond resolutions: *Provided*, That not more than two hundred fifty thousand dollars in any year shall be placed in such fund and the amount accumulated in the fund shall not at any time exceed three million dollars. [1961 ex.s. c 9 § 2.]

47.60.420 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Prior charge against Puget Sound reserve account if ferry system and Hood Canal bridge revenues insufficient—Repayment. To the extent that all revenues from Washington state ferry system and the Hood Canal bridge available therefor are insufficient to provide for the payment of principal and interest on the bonds authorized and issued pursuant to RCW 47.60.400 through 47.60.470 and for sinking fund requirements established with respect thereto and for payment into such reserves as the authority shall have

established with respect to the securing of such bonds and for payment into the ferry improvement fund, there is hereby imposed a first and prior charge against the Puget Sound reserve account of the motor vehicle fund created by RCW 47.60.350 through 47.60.390 and, to the extent required, against all revenues hereafter derived from the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account.

To the extent that the revenues from the Washington state ferry system and the Hood Canal bridge available therefor are insufficient to meet required payments of principal and interest on bonds, sinking fund requirements and payments into reserves and the payments into the ferry improvement fund provided in RCW 47.60.410, the authority shall use moneys in the Puget Sound reserve account for such purpose. Any moneys from the Puget Sound reserve account used by the authority to pay such obligations shall be repaid by the authority to the motor vehicle fund from tolls of the Washington state ferry system and the Hood Canal bridge and tolls shall be continued for any required additional length of time necessary for this purpose. [1961 ex.s. c 9 § 3.]

47.60.430 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Agreement to continue imposition of certain taxes. So long as any bonds issued as authorized herein are outstanding, the state hereby agrees to continue to impose the one-quarter cent of motor vehicle fuel tax and one-quarter cent of use fuel tax required by law to be deposited in the Puget Sound reserve account of the motor vehicle fund. [1961 ex.s. c 9 § 4.]

47.60.440 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Ferry system a revenue-producing undertaking—Debt service—Tolls on ferry system and Hood Canal bridge. The Washington state ferry system shall be efficiently managed, operated and maintained as a revenue-producing undertaking. Subject to the provisions of RCW 47.60.325 the authority shall maintain and revise from time to time as necessary a schedule of tolls and charges on said ferry system and Hood Canal bridge which together with any moneys in the Puget Sound ferry operations account appropriated for maintenance and operation and all moneys in the Puget Sound reserve account available for debt service will produce net revenue available for debt service requirements as used in this section shall include service, in each fiscal year, in an amount at least equal to minimum annual debt service requirements as hereinafter provided. Minimum annual debt service requirements as used in this section shall include required payments of principal and interest, sinking fund requirements and payments into reserves on all outstanding revenue bonds authorized by RCW 47.60.400 through 47.60.470 and all other outstanding parity bonds hereafter issued in connection with the said ferry system and Hood Canal bridge and any other facility hereafter constructed by the authority to facilitate the crossing of Puget

Sound, but shall not include payments into the ferry improvement fund.

The provisions of law relating to the revision of tolls and charges to meet minimum annual debt service requirements from net revenues as required by this section shall be binding upon the authority but shall not be deemed to constitute a contract to that effect for the benefit of the holders of such bonds. [1972 ex.s. c 24 § 7; 1963 ex.s. c 3 § 42; 1961 ex.s. c 9 § 5.]

47.60.450 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Revision of tolls to meet debt service. If the net revenue together with all moneys in the Puget Sound reserve account available for debt service in any fiscal year fail to meet minimum annual debt service for the year, as defined in RCW 47.60.440, the tolls and charges shall be promptly revised to produce such coverage: *Provided*, That in such case revision of tolls and charges shall be determined by the authority after considering supporting data and recommendations therefor which shall be furnished by a nationally recognized traffic engineering firm retained by the authority in the manner provided in the bond proceedings.

Tolls and charges shall not be increased in any case when in the opinion of such engineering firm the increase would so reduce traffic that no net gain in revenue would result. The provisions of this section shall be deemed a covenant for the benefit of the holders of such bonds. [1961 ex.s. c 9 § 6.]

47.60.460 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Repayment of 1961 appropriation for Hood Canal bridge—Continuation of tolls—Obligations subordinate to obligations subsequently incurred for ferry system and bridge. See RCW 47.56.365.

47.60.470 Additional revenue bonds, refunding bonds, authorized, 1961 Act—Periodic reports by authority to joint fact-finding committee on highways. The Washington toll bridge authority shall periodically report to the joint fact-finding committee on highways, streets and bridges its plans and progress relating to the financing and refinancing of the Washington state ferries and Hood Canal bridge, including the issuance of bonds authorized by RCW 47.60.400 through 47.60.470, to the end that the committee may be informed of plans which may affect its recommendations to the legislature. [1961 ex.s. c 9 § 9.]

47.60.500 Acquisition of additional ferries—Legislative finding—Highway commission authority. (1) The legislature finds that the state's ferry fleet available for mass transportation of people within the urban region of Puget Sound is critically deficient and that substantial financial assistance for the acquisition of new ferries is necessary if the Washington state ferries is to continue to fulfill its role in the Puget Sound regional urban transportation system.

(2) The Washington state highway commission is authorized:

(a) To apply to the secretary of transportation for a financial grant to assist the state to acquire urgently needed ferries.

(b) To enter into an agreement with the secretary of transportation or other duly authorized federal officials and to assent to such conditions as may be necessary to obtain financial assistance for the acquisition of additional ferries. In connection with such agreement the Washington state highway commission may pledge any moneys in the Puget Sound capital construction account in the motor vehicle fund or any moneys to be deposited in said account for the purpose of paying the state's share of the cost of acquiring ferries. To the extent of such pledge the commission shall use the moneys available in the Puget Sound capital construction account to meet such obligations as they arise. [1970 ex.s. c 85 § 1.]

Effective date—1970 ex.s. c 85: "This 1970 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions and shall take effect April 1, 1970." [1970 ex.s. c 85 § 9.] This applies to RCW 47.60.500, 47.60.505, 47.60.170, 47.60.360, 46.68.100 and 82.36.020.

47.60.505 Puget Sound capital construction account—Created—Use. There is hereby created in the motor vehicle fund the Puget Sound capital construction account. All moneys hereafter deposited in said account shall be used by the state highway commission exclusively for improving the Washington state ferry system or constructing or improving transportation facilities for the crossing of Puget Sound and any of its tributary waters. [1970 ex.s. c 85 § 2.]

47.60.510 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters. The legislature recognizes that transportation across Puget Sound provides a vital geographic link necessary for the welfare of the people as well as the growth and development of the state of Washington. The legislature further recognizes that ferry transportation has become a financial burden to the state and to the users of the ferry system. In order to effect immediate and long-term relief of these financial problems, the Washington state highway commission and the joint committee on highways are hereby authorized and directed to evaluate alternative methods of providing greater efficiencies and economies in ferry transportation service across Puget Sound and adjacent waters. Such evaluation shall include, but not necessarily be limited to the following factors:

(1) A system of roads and bridges connecting Vashon Island and Bainbridge Island with the Kitsap Peninsula mainland.

(2) Relocation of terminals and ferry routes to improve the economics of the ferry system operation.

(3) Supplemental facilities for the movement of foot passengers.

(4) The relative economic benefits to the state, the ferry patrons, and the residents of the areas served by the ferry system.

(5) The cost of construction and a time schedule for implementing a consolidated ferry system.

In making its evaluation, the state highway commission shall solicit and give full consideration to the views of local community groups as provided in RCW 47.60.300 and 47.60.310.

The highway commission and the joint committee on highways shall also, at the time that such evaluation is made, inquire into the extent to which motor vehicle funds might be made available to offset the operating and maintenance costs of the ferry system and the eligibility of the ferry system for federal money participation on the basis that ferries are extensions of federal aid routes and/or are mass public transportation carriers; such inquiry shall give full consideration to the importance of the Puget Sound Naval Shipyard on a regional and national scope by reason of the vital work done in the defense of the nation and the fact that said shipyard is the second largest employer in the state of Washington. [1971 ex.s. c 149 § 1.]

47.60.520 Evaluation of alternative methods of providing ferry transportation service across Puget Sound and adjacent waters—Cross sound transportation plan—Progress reports. The state highway commission and the joint committee on highways shall prepare a cross sound transportation plan which shall include cost estimates and alternative means for financing the entire project. The plan shall specify the portion of the total cost which can be financed by issuance of toll bridge authority revenue bonds and that portion of the total cost which would be contributed from the motor vehicle fund. A preliminary progress report shall be submitted to the next session of the legislature, and a final report incorporating the findings and recommendations of the state highway commission and the joint committee on highways formulated pursuant to the provisions of RCW 47.60.510 and 47.60.520 shall be presented to the 1973 regular session of the legislature. [1971 ex.s. c 149 § 2.]

47.60.530 Puget Sound ferry operations account—Created—Use. There is hereby created in the motor vehicle fund the Puget Sound ferry operations account to the credit of which shall be deposited all moneys directed by law to be deposited therein. All moneys deposited in this account shall be expended pursuant to appropriations only for maintenance and operation of the Washington state ferries supplementing as required the revenues available from the Washington state ferry system. [1972 ex.s. c 24 § 3.]

47.60.540 Puget Sound ferry operations account—Transfer of excess funds. (1) Whenever in any biennium there has been paid into the Puget Sound ferry operations account sums equal to the appropriations from the account for the biennium, all additional sums accruing to the account shall forthwith be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriations for state highway purposes.

(2) One month after the end of each biennium any sums which were paid into the Puget Sound ferry operations account during the biennium just ended which

remain unexpended shall be transferred from the account and shall be expended by the state highway commission pursuant to proper appropriation for state highway purposes. [1972 ex.s. c 24 § 4.]

Chapter 47.61
ACQUISITION OF NEW FERRY VESSELS
PURSUANT TO URBAN MASS
TRANSPORTATION ACT OF 1964

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47.61.010 Highway commission may enter agreement and apply for financial assistance. Recognizing that the Washington state ferries system is an integral part of the state highway system, the Washington state highway commission is authorized to enter into an agreement with the administrator of the housing and home finance agency and to make application for a grant for financial assistance for the acquisition by construction or purchase of new vessels pursuant to the provisions of the Urban Mass Transportation Act of 1964. [1965 ex.s. c 56 § 1.]

47.61.020 Bonds to provide matching funds—Issuance and sale. In order to provide necessary state matching funds as required by the Urban Mass Transportation Act of 1964, there shall be issued and sold limited obligation bonds of the state of Washington in the sum of eleven million dollars, or such amount thereof and at such times as determined to be necessary by the state highway commission. No bonds shall be issued under the provisions of this chapter until the administrator of the housing and home finance agency has approved a grant to the Washington state highway commission of not less than fifty percent of the cost of acquisition of vessels referred to in RCW 47.61.010. The issuance, sale and retirement of said bonds shall be under the supervision and control of the state finance committee which, upon request being made by the Washington state highway commission, shall provide

for the issuance, sale and retirement of coupon or registered bonds to be dated, issued, and sold from time to time in such amounts as may be necessary for the orderly progress of said project. [1965 ex.s. c 56 § 2.]

47.61.030 Bonds to provide matching funds—Term—Terms and conditions. Each of such bonds shall be made payable at any time not exceeding twenty-five years from the time of its issuance, with such reserved rights of prior redemption, bearing such interest, and such terms and conditions, as the state finance committee may prescribe to be specified therein. [1965 ex.s. c 56 § 3.]

47.61.040 Bonds to provide matching funds—Signatures—Registration—Where payable—Negotiable instruments. The bonds shall be signed by the governor and the state treasurer under the seal of the state, one of which signatures shall be made manually and the other signature may be in printed facsimile, and any coupons attached to such bonds shall be signed by the same officers whose signatures thereon may be in printed facsimile. Any bonds may be registered in the name of the holder on presentation to the state treasurer or at the fiscal agency of the state of Washington in New York City, as to principal alone, or as to both principal and interest under such regulations as the state treasurer may prescribe. Such bonds shall be payable at such places as the state finance committee may provide. All bonds issued hereunder shall be fully negotiable instruments. [1965 ex.s. c 56 § 4.]

47.61.050 Bonds to provide matching funds—Denominations—Manner and terms of sale—Legal investment for state funds. The bonds issued hereunder shall be in denominations to be prescribed by the state finance committee and may be sold in such manner and in such amounts and at such times and on such terms and conditions as the committee may prescribe. If bonds are sold to any purchaser other than the state of Washington, they shall be sold at public sale, and it shall be the duty of the state finance committee to cause such sale to be advertised in such manner as it shall deem sufficient. Bonds issued under the provisions of this chapter shall be legal investment for any of the funds of the state, except the permanent school fund. [1965 ex.s. c 56 § 5.]

47.61.060 Bonds to provide matching funds—Bond proceeds—Deposit and use. The money arising from the sale of said bonds shall be deposited in the state treasury to the credit of the motor vehicle fund and such money shall be available only for the acquisition by construction or purchase of new ferry vessels and for the payment of all expense incurred in the drafting, printing, issuance, and sale of any such bonds. [1965 ex.s. c 56 § 6.]

47.61.070 Bonds to provide matching funds—Statement describing nature of obligation—Pledge of excise taxes. Bonds issued under the provisions of this chapter shall distinctly state that they are not a general

obligation of the state but are payable in the manner provided in this chapter from the proceeds of state excise taxes on motor vehicle fuels imposed by chapters 82.36 and 82.40 RCW. The proceeds of such excise taxes are hereby pledged to the payment of any bonds and the interest thereon issued under the provisions of this chapter, and the legislature hereby agrees to continue to impose the same excise taxes on motor vehicle fuels in amounts sufficient to pay, when due, the principal and interest on all bonds issued under the provisions of this chapter. [1965 ex.s. c 56 § 7.]

47.61.080 Bonds to provide matching funds—Bonds to reflect terms and conditions of grant agreement. Bonds issued under the provisions of RCW 47.61.020 shall fully reflect the terms and conditions of the grant agreement to be executed pursuant to the provisions of RCW 47.61.010. [1965 ex.s. c 56 § 8.]

47.61.090 Bonds to provide matching funds—Designation of funds to repay bonds and interest. Any funds required to repay such bonds, or the interest thereon when due, shall be taken from that portion of the motor vehicle fund which results from the imposition of excise taxes on motor vehicle fuels and which is, or may be appropriated to the highway department for state highway purposes, and shall never constitute a charge against any allocations of such funds to counties, cities and towns unless and until the amount of the motor vehicle fund arising from the excise taxes on motor vehicle fuels and available for state highway purposes proves insufficient to meet the requirements for bond retirement or interest on any such bonds. [1965 ex.s. c 56 § 9.]

47.61.100 Bonds to provide matching funds—Repayment procedure—Highway bond retirement fund. At least one year prior to the date any interest is due and payable on such bonds or before the maturity date of any bonds, the state finance committee shall estimate the percentage of the receipts in money of the motor vehicle fund, resulting from collection of excise taxes on motor vehicle fuels, for each month of the year which will be required to meet interest or bond payments under the provisions of this chapter when due, and shall notify the state treasurer of such estimated requirement. The state treasurer shall thereafter from time to time each month as such funds are paid into the motor vehicle fund, transfer such percentage of the monthly receipts from excise taxes on motor vehicle fuels of the motor vehicle fund to the highway bond retirement fund, and which fund shall be available solely for payment of such interest or bonds when due. If in any month it shall appear that the estimated percentage of money so made is insufficient to meet the requirements for interest or bond retirement, the treasurer shall notify the state finance committee forthwith and such committee shall adjust its estimates so that all requirements for interest and principal of all bonds issued shall be fully met at all times. [1965 ex.s. c 56 § 10.]

47.61.110 Bonds to provide matching funds—Sums in excess of retirement requirements—Use. Whenever the percentage of the motor vehicle fund arising from excise taxes on motor vehicle fuels, payable into the highway bond retirement fund, shall prove more than is required for the payment of interest on bonds when due, or current retirement of bonds, or in the event there is appropriated from time to time additional amounts to be placed in the said bond retirement fund, any excess may, in the discretion of the state finance committee, be available for the prior redemption of any bonds or remain available in the fund to reduce the requirements upon the fuel excise tax portion of the motor vehicle fund at the next interest or bond payment period. [1965 ex.s. c 56 § 11.]

47.61.120 Bonds to provide matching funds—Appropriation from motor vehicle fund. There is hereby appropriated from the motor vehicle fund to the state highway commission for the biennium ending June 30, 1967, the sum of eleven million dollars, or so much thereof as may be necessary to carry out the provisions of this chapter, but no money shall be available under this appropriation from said fund unless a like amount of bonds provided for herein are sold and the moneys derived therefrom are deposited to the credit of such funds. [1965 ex.s. c 56 § 12.]

Chapter 47.64

MARINE EMPLOYEE COMMISSION

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47.64.005 Declaration of policy. The state of Washington, as a public policy, declares that sound labor relations are essential to the development of a ferry and bridge system which will best serve the interests of the people of the state. [1961 c 13 § 47.64.005. Prior: 1949 c 148 § 1; Rem. Supp. 1949 § 6524–22.]

47.64.010 Definitions. Words and phrases used in this chapter shall have the meaning in this chapter ascribed to them except where, from the context thereof, they shall clearly have a contrary meaning:

(1) "Washington toll bridge authority" and "authority," "toll bridge authority" shall be used herein interchangeably and shall mean the Washington toll bridge authority as now, or as hereafter constituted by law, or such board, commission, authority, or officers as shall succeed to its duties;

(2) "Marine employee commission" and "commission" shall be used herein interchangeably and shall

mean the marine employee commission as prescribed herein;

(3) "Ferry" shall mean any ferry, ferry system, wharves, terminals constructed or acquired under the authority of the Washington toll bridge authority;

(4) "Employee" shall mean any person employed aboard ferries, wharves, or terminals acquired or constructed under the authority of the Washington toll bridge authority. [1961 c 13 § 47.64.010. Prior: 1949 c 148 § 2; Rem. Supp. 1949 § 6524–23.]

47.64.020 Marine employee commission to be established—Membership—Terms—Compensation. In the event the state of Washington through the Washington toll bridge authority exercises the powers granted in RCW 47.60.010 to 47.60.160, the authority shall immediately appoint a marine employee commission to consist of three members, one member to be appointed from labor, one member from industry and one member from the public, which last named member shall be chairman of the commission. One member shall be appointed for a term of two years, one member for a term of three years, and the chairman for a term of four years. Thereafter each member shall be appointed for a term of four years. Members of the commission shall serve without compensation with the exception of the member from the public, whose salary shall be determined by the authority and shall be paid from the Washington state ferries revolving fund. Members of the commission shall be reimbursed by the authority for all necessary expenses incurred in the performance of their duties, which expenses shall likewise be paid from the Washington state ferries revolving fund. [1961 c 13 § 47.64.020. Prior: 1953 c 211 § 1; 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524–24, part.]

47.64.030 Duties of commission in general. The authority is empowered to negotiate and to enter into labor agreements with its employees or their representatives, including provisions for health and welfare benefits for its employees to be financed either wholly or in part by contributions from the operating fund. The commission shall have the authority to administer labor relations and to adjudicate all labor disputes on the best interests of the efficient operation of any ferry or ferry system. In adjudicating disputes, the commission shall take into consideration that though an individual employee shall be free to decline to associate with his fellow employees, it is necessary that he have full freedom of association, self-organization and designation of representatives of his own choosing who shall represent him in all respects before the commission to negotiate the terms and conditions of his employment and the settlement of his labor disputes. The commission shall make such surveys of wages, hours and working conditions as it deems necessary, shall consider the prevailing practices for similarly skilled trades in the area in which the employee is employed, and shall adjust complaints, grievances and disputes concerning labor arising out of the operation of the ferry or ferry system. [1961 c 13 § 47.64.030. Prior: 1953 c 211 § 2; 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524–24, part.]

47.64.040 Adjudication of labor disputes—Hearings—Subpoenas. Any employee, employee's representative, or Washington toll bridge authority claiming labor disputes shall in writing notify the marine employee commission who shall make careful inquiry into the cause thereof and issue an order in writing advising the employee, or his representative, and the authority as to the decision of the commission.

The parties shall be entitled to offer evidence relating to disputes at all hearings conducted by the commission. All evidence, statements and testimony in any commission hearing under this chapter shall be transcribed and preserved by the commission and be available as a public record. The orders and awards of the marine employee commission shall be final and binding upon any employee or employees or their representatives affected thereby and upon the Washington toll bridge authority.

The commission shall by regulation prescribe its rules of procedure.

The commission shall have the authority to subpoena any employee or employees, or their representatives, and any member or representative of the Washington toll bridge authority, and any witnesses. The commission shall have power to require attendance of witnesses and the production of all pertinent records at any hearings held by the commission. The subpoenas of the commission shall be enforceable by order of any superior court in the state of Washington for the county within which such proceedings may be pending. [1961 c 13 § 47.64.040. Prior: 1949 c 148 § 3, part; Rem. Supp. 1949 § 6524-24, part.]

47.64.060 Federal social security—State employees' retirement. All employees engaged in the operation of ferries acquired by the authority shall remain subject to the federal social security act and shall be under the state employees' retirement act. The authority shall make such deductions from salaries of employees and contributions from revenues of the authority as shall be necessary to qualify such employees for benefits under the federal social security act; and the appropriate officials are authorized to contract with the secretary of health, education and welfare to effect such coverage. [1961 c 13 § 47.64.060. Prior: 1957 c 271 § 7; 1951 c 82 § 2; 1949 c 148 § 5; Rem. Supp. 1949 § 6524-26.]

47.64.070 Employees subject to industrial insurance laws. Employees, except the masters and members of the crews of vessels, shall be subject to and entitled to the benefits of the industrial insurance laws of the state, and are hereby declared to be in extrahazardous employment within the meaning of such laws. [1961 c 13 § 47.64.070. Prior: 1951 c 259 § 2; 1949 c 148 § 6; Rem. Supp. 1949 § 6524-27.]

47.64.080 Employee seniority rights. All employees employed at the time of the acquisition of any ferry or ferry system by the toll bridge authority shall have seniority rights to the position they occupy aboard said ferries or ferry system. In the event of curtailment of

ferry operations for any reason, employees shall be relieved of service on the basis of their duration of employment in any ferry or ferry system acquired by the toll bridge authority. [1961 c 13 § 47.64.080. Prior: 1949 c 148 § 7; Rem. Supp. 1949 § 6524-28.]

47.64.090 Other party operating ferry by rent, lease or charter to be subject to chapter—Working conditions—Adjudication of labor disputes. Should any party assume the operation and maintenance of any ferry or ferry system by rent, lease or charter from the Washington toll bridge authority, such party shall assume and be bound by all the provisions herein and any agreement or contract for such operation of any ferry or ferry system entered into by the Washington toll bridge authority shall provide that the wages to be paid, hours of employment, working conditions and seniority rights of employees will be established by the marine employees commission in accordance with the terms and provisions of this chapter and it shall further provide that all labor disputes shall be adjudicated by the marine employees commission. [1961 c 13 § 47.64-.090. Prior: 1949 c 148 § 8; Rem. Supp. 1949 § 6524-29.]

Chapter 47.65

PUGET SOUND TRANSPORTATION SYSTEM—EMPLOYEES' RETIREMENT

Sections

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| 47.65.060 | Employees to be members of state employees' retirement system—Employer's contribution—Former service credit. |
| 47.65.070 | Federal social security. |
| 47.65.080 | Employer's contribution for former service. |
| 47.65.091 | Appropriation—1959 ex.s. c 4. |

47.65.060 Employees to be members of state employees' retirement system—Employer's contribution—Former service credit. Subject to the provisions of chapter 41.40 RCW every employee of the Washington toll bridge authority shall become a member of the state employees' retirement system. The Washington toll bridge authority shall pay into the state retirement system the required employer's contributions for each employee for the period beginning April 1, 1949 or from the time he became eligible for membership. Each eligible member shall receive credit for all of his former service from the beginning of his employment on ferries, wharves, or terminals acquired, leased or constructed by or for the Washington toll bridge authority. Satisfactory proof of service with previous employer shall be furnished the state employees' retirement board by employee. [1961 c 13 § 47.65.060. Prior: 1957 c 271 § 6.]

47.65.070 Federal social security. See RCW 47.64.060.

47.65.080 Employer's contribution for former service. Any employer's contribution required to establish employees' credit for former service under RCW 47.65.060, shall be paid by the Washington toll bridge authority in

such amount as will entitle the employee to all rights, benefits and privileges that he would have been entitled to had he been a member of the state employees' retirement system from the beginning of his employment with the authority on or after June 1, 1951. Such contributions for former service shall be payable at the rate of seventy-five thousand dollars in each calendar year and shall continue at such rate until such payments are equal to the then outstanding liability for former service credits. [1961 c 13 § 47.65.080. Prior: 1957 c 271 § 8.]

47.65.091 Appropriation—1959 ex.s. c 4. There is appropriated from the Puget Sound transportation stabilization fund to the Washington toll bridge authority for the biennium beginning July 1, 1959, and ending June 30, 1961, the sum of five hundred thousand dollars or so much thereof as is necessary to carry out the provisions of chapter 47.65 RCW. [1961 c 13 § 47.65.091. Prior: 1959 ex.s. c 4 § 3.]

Chapter 47.98 CONSTRUCTION

Sections

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| 47.98.010 | Continuation of existing law. |
| 47.98.020 | Provisions to be construed in <i>pari materia</i> . |
| 47.98.030 | Title, chapter, section headings not part of law. |
| 47.98.040 | Invalidity of part of title not to affect remainder. |
| 47.98.041 | Severability—1963 ex.s. c 3. |
| 47.98.042 | Severability—1965 ex.s. c 170. |
| 47.98.043 | Severability—1967 ex.s. c 145. |
| 47.98.044 | Severability—1967 c 108. |
| 47.98.045 | Severability—1969 ex.s. c 281. |
| 47.98.050 | Repeals and saving. |
| 47.98.060 | Emergency—1961 c 13. |

47.98.010 Continuation of existing law. The provisions of this title insofar as they are substantially the same as statutory provisions repealed by this chapter, and relating to the same subject matter, shall be construed as restatements and continuations, and not as new enactments. Nothing in this 1961 reenactment of this title shall be construed as authorizing any new bond issues or new or additional appropriations of moneys but the bond issue authorizations herein contained shall be construed only as continuations of bond issues authorized by prior laws herein repealed and reenacted, and the appropriations of moneys herein contained are continued herein for historical purposes only and this act shall not be construed as a reappropriation thereof and no appropriation contained herein shall be deemed to be extended or revived hereby and such appropriation shall lapse or shall have lapsed in accordance with the original enactment: *Provided*, That this act shall not operate to terminate, extend, or otherwise affect any appropriation for the biennium commencing July 1, 1959 and ending June 30, 1961. [1961 c 13 § 47.98.010.]

47.98.020 Provisions to be construed in *pari materia*. The provisions of this title shall be construed in *pari materia* even though as a matter of prior legislative history they were not originally enacted in the same statute. The provisions of this title shall also be construed

in *pari materia* with the provisions of Title 46 RCW, and with other laws relating to highways, roads, streets, bridges, ferries and vehicles. This section shall not operate retroactively. [1961 c 13 § 47.98.020.]

47.98.030 Title, chapter, section headings not part of law. Title headings, chapter headings, and section or subsection headings, as used in this title do not constitute any part of the law. [1961 c 13 § 47.98.030.]

47.98.040 Invalidity of part of title not to affect remainder. If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected. [1961 c 13 § 47.98.040.]

Severability—1961 ex.s. c 7: For severability applying to RCW 47.60.350–47.60.390, see note following RCW 82.98.030.

47.98.041 Severability—1963 ex.s. c 3. If any phrase, clause, subsection or section of this act shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the legislature would have enacted this act without the phrase, clause, subsection or section so held unconstitutional or invalid and the remainder of the act shall not be affected as a result of said part being held unconstitutional or invalid. [1963 ex.s. c 3 § 57.]

47.98.042 Severability—1965 ex.s. c 170. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1965 ex.s. c 170 § 70.]

47.98.043 Severability—1967 ex.s. c 145. If any provision of this 1967 amendatory act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1967 ex.s. c 145 § 73.]

47.98.044 Severability—1967 c 108. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1967 c 108 § 14.]

47.98.045 Severability—1969 ex.s. c 281. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. [1969 ex.s. c 281 § 64.]

47.98.050 Repeals and saving. The following acts or parts of acts are repealed:

- (1) Chapter 56, Laws of 1913;
- (2) Chapter 65, Laws of 1913;
- (3) Chapter 29, Laws of 1915;
- (4) Chapter 164, Laws of 1915;
- (5) Chapter 76, Laws of 1917;
- (6) Chapter 77, Laws of 1917;

- (7) Chapter 78, Laws of 1917;
 (8) Chapter 118, Laws of 1917;
 (9) Chapter 56, Laws of 1919;
 (10) Chapter 146, Laws of 1919;
 (11) Chapter 21, Laws of 1921;
 (12) Chapter 89, Laws of 1921;
 (13) Chapter 95, Laws of 1921;
 (14) Chapter 41, Laws of 1923;
 (15) Chapter 102, Laws of 1923;
 (16) Chapter 129, Laws of 1923;
 (17) Chapter 185, Laws of 1923;
 (18) Chapter 4, Laws of 1925;
 (19) Chapter 24, Laws of 1925;
 (20) Chapter 26, Laws of 1925;
 (21) Chapter 59, Laws of 1925 extraordinary session;
 (22) Chapter 131, Laws of 1925 extraordinary session;
 (23) Chapter 214, Laws of 1927;
 (24) Chapter 232, Laws of 1927;
 (25) Chapter 242, Laws of 1927;
 (26) Chapter 88, Laws of 1929;
 (27) Chapter 116, Laws of 1929;
 (28) Chapter 146, Laws of 1929;
 (29) Chapter 171, Laws of 1929;
 (30) Chapter 214, Laws of 1929;
 (31) Chapter 29, Laws of 1931;
 (32) Chapter 30, Laws of 1931;
 (33) Chapter 31, Laws of 1931;
 (34) Chapter 36, Laws of 1931;
 (35) Chapter 37, Laws of 1931;
 (36) Chapter 38, Laws of 1931;
 (37) Chapter 117, Laws of 1931;
 (38) Chapter 118, Laws of 1931;
 (39) Chapter 129, Laws of 1931;
 (40) Chapter 133, Laws of 1933;
 (41) Chapter 144, Laws of 1935;
 (42) Sections 1 through 3, and 5 through 107, chapter 53, Laws of 1937;
 (43) Chapter 113, Laws of 1937;
 (44) Chapter 173, Laws of 1937;
 (45) Chapter 185, Laws of 1937;
 (46) Sections 59, 60, 61, 63 and 65, chapter 187, Laws of 1937;
 (47) Chapter 190, Laws of 1937;
 (48) Chapter 207, Laws of 1937;
 (49) Chapter 5, Laws of 1939;
 (50) Chapter 81, Laws of 1939;
 (51) Sections 7 and 8, chapter 181, Laws of 1939;
 (52) Chapter 9, Laws of 1941;
 (53) Chapter 136, Laws of 1941;
 (54) Sections 9 through 11, chapter 82, Laws of 1943;
 (55) Chapter 132, Laws of 1943;
 (56) Chapter 135, Laws of 1943;
 (57) Chapter 147, Laws of 1943;
 (58) Chapter 212, Laws of 1943;
 (59) Chapter 239, Laws of 1943;
 (60) Chapter 253, Laws of 1943;
 (61) Chapter 265, Laws of 1943;
 (62) Chapter 266, Laws of 1943;
 (63) Chapter 27, Laws of 1945;
 (64) Chapter 127, Laws of 1945;
 (65) Chapter 146, Laws of 1945;
 (66) Chapter 176, Laws of 1945;
 (67) Chapter 178, Laws of 1945;
 (68) Chapter 248, Laws of 1945;
 (69) Chapter 250, Laws of 1945;
 (70) Chapter 266, Laws of 1945;
 (71) Chapter 4, Laws of 1947;
 (72) Chapter 96, Laws of 1947;
 (73) Chapter 201, Laws of 1947;
 (74) Chapter 202, Laws of 1947;
 (75) Chapter 206, Laws of 1947;
 (76) Chapter 232, Laws of 1947;
 (77) Chapter 64, Laws of 1949;
 (78) Chapter 70, Laws of 1949;
 (79) Section 1, chapter 75, Laws of 1949;
 (80) Chapter 148, Laws of 1949;
 (81) Chapter 162, Laws of 1949;
 (82) Chapter 179, Laws of 1949;
 (83) Section 13, chapter 196, Laws of 1949;
 (84) Sections 1 through 6, 14 and 15, chapter 220, Laws of 1949;
 (85) Chapter 225, Laws of 1949;
 (86) Chapter 8, Laws of 1951;
 (87) Chapter 54, Laws of 1951;
 (88) Chapter 82, Laws of 1951;
 (89) Chapter 121, Laws of 1951;
 (90) Chapter 167, Laws of 1951;
 (91) Chapter 188, Laws of 1951;
 (92) Chapter 199, Laws of 1951;
 (93) Sections 1 through 15, chapter 247, Laws of 1951;
 (94) Chapter 259, Laws of 1951;
 (95) Sections 1 through 23, 25 through 28, and 30, chapter 273, Laws of 1951;
 (96) Chapter 28, Laws of 1953;
 (97) Chapter 29, Laws of 1953;
 (98) Chapter 30, Laws of 1953;
 (99) Chapter 32, Laws of 1953;
 (100) Chapter 33, Laws of 1953;
 (101) Chapter 42, Laws of 1953;
 (102) Chapter 53, Laws of 1953;
 (103) Chapter 54, Laws of 1953;
 (104) Chapter 55, Laws of 1953;
 (105) Chapter 59, Laws of 1953;
 (106) Chapter 78, Laws of 1953;
 (107) Chapter 79, Laws of 1953;
 (108) Chapter 82, Laws of 1953;
 (109) Chapter 100, Laws of 1953;
 (110) Chapter 131, Laws of 1953;
 (111) Chapter 132, Laws of 1953;
 (112) Chapter 154, Laws of 1953;
 (113) Chapter 159, Laws of 1953;
 (114) Chapter 183, Laws of 1953;
 (115) Chapter 192, Laws of 1953;
 (116) Chapter 193, Laws of 1953;
 (117) Chapter 211, Laws of 1953;
 (118) Chapter 220, Laws of 1953;
 (119) Section 1, chapter 254, Laws of 1953;
 (120) Sections 1 through 28 and 30, chapter 280, Laws of 1953;
 (121) Chapter 285, Laws of 1953;
 (122) Chapter 17, Laws of 1955;
 (123) Chapter 21, Laws of 1955;
 (124) Chapter 22, Laws of 1955;

- (125) Chapter 49, Laws of 1955;
- (126) Chapter 54, Laws of 1955;
- (127) Chapter 63, Laws of 1955;
- (128) Chapter 75, Laws of 1955;
- (129) Chapter 83, Laws of 1955;
- (130) Chapter 84, Laws of 1955;
- (131) Chapter 117, Laws of 1955;
- (132) Section 6, chapter 146, Laws of 1955;
- (133) Chapter 147, Laws of 1955;
- (134) Chapter 152, Laws of 1955;
- (135) Chapter 161, Laws of 1955;
- (136) Chapter 166, Laws of 1955;
- (137) Chapter 178, Laws of 1955;
- (138) Chapter 179, Laws of 1955;
- (139) Chapter 203, Laws of 1955;
- (140) Chapter 208, Laws of 1955;
- (141) Section 20, chapter 285, Laws of 1955;
- (142) Sections 7 and 8, chapter 310, Laws of 1955;
- (143) Chapter 311, Laws of 1955;
- (144) Chapter 383, Laws of 1955;
- (145) Sections 8 and 12 through 14, chapter 384, Laws of 1955;
- (146) Chapter 83, Laws of 1957;
- (147) Chapter 95, Laws of 1957;
- (148) Chapter 141, Laws of 1957;
- (149) Chapter 142, Laws of 1957;
- (150) Chapter 152, Laws of 1957;
- (151) Sections 1 through 36 and 38 through 60, chapter 172, Laws of 1957;
- (152) Chapter 189, Laws of 1957;
- (153) Chapter 204, Laws of 1957;
- (154) Chapter 206, Laws of 1957;
- (155) Chapter 230, Laws of 1957;
- (156) Chapter 235, Laws of 1957;
- (157) Chapter 266, Laws of 1957;
- (158) Chapter 270, Laws of 1957;
- (159) Sections 1 and 2 and 5 through 12, chapter 271, Laws of 1957;
- (160) Chapter 144, Laws of 1959;
- (161) Chapter 160, Laws of 1959;
- (162) Chapter 162, Laws of 1959;
- (163) Chapter 167, Laws of 1959;
- (164) Chapter 184, Laws of 1959;
- (165) Chapter 198, Laws of 1959;
- (166) Chapter 199, Laws of 1959;
- (167) Chapter 242, Laws of 1959;
- (168) Sections 1 through 5 and 7, chapter 292, Laws of 1959;
- (169) Sections 1 through 19, and 33 through 35, chapter 319, Laws of 1959;
- (170) Section 3, chapter 326, Laws of 1959;
- (171) Chapter 330, Laws of 1959;
- (172) Section 2, chapter 4, Laws of 1959 first extraordinary session; and
- (173) RCW 43.27.020 through 43.27.200 (recodified herein as chapter 47.01).

Such repeals shall not be construed as affecting any existing right acquired under the statutes repealed, nor as affecting any proceeding instituted thereunder, nor any rule, regulation or order promulgated thereunder, nor any administrative action taken thereunder, nor the

term of office or appointment or employment of any person appointed or employed thereunder.

Such repeals shall not affect the adoption by reference in sections 47.16.140, 47.16.190 and 47.20.380 of the highway routes established respectively by sections 5, 4, and 38, chapter 383, Laws of 1955. [1961 c 13 § 47.98.050.]

47.98.060 Emergency—1961 c 13. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing institutions and shall take effect immediately: *Provided*, That the effective date of sections 47.16.160, 47.20.110, and 47.20.380 shall be July 1, 1961. [1961 c 13 § 47.98.060.]

CERTIFICATE

This volume, published officially by the Statute Law Committee, is, in accordance with the provisions of RCW 1.08.037, certified to comply with the current specifications of the committee.

(signed)

ROBERT L. CHARETTE, *Chairman*,
STATUTE LAW COMMITTEE.

NOTES