

Powers of Board of Regents.

SEC. 3. The Board of Regents of said university shall have full control and direction of the design, construction, equipment, maintenance and operation of said pilot plant and of the disbursement of the monies hereby appropriated. Said Board is further hereby fully authorized to enter into such contract or contracts as in its judgment are necessary and proper to carry out the purposes of this act: *Provided*, That in all cases said Board shall require from contractors a good and sufficient bond for the faithful performance of their work and the full protection of the state against mechanics' and other liens: *And provided, further*, That the Board shall not have the power to enter into any contract in carrying out the purposes of this act, which shall bind said Board to pay out any sum of money in excess of the amount hereby appropriated.

Contracts.

Contractor's bond.

Limitation of contracts.

Passed the House February 26, 1949.

Passed the Senate March 7, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 211.

[H. B. 105.]

FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS.

AN ACT relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; providing penalties for violations thereof; amending section 31, chapter 158, Laws of 1939 (section 6600-131, Rem. Rev. Stat.; section 294-59, PPC), by adding thereto twenty-one new sections to be known as sections 31-a through 31-u; providing for an appeal; making an appropriation; and declaring this act shall take effect February 1, 1950.

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

Amendment.

SECTION 1. Section 31, chapter 158, Laws of 1939 (section 6600-131, Rem. Rev. Stat.; section 294-59, PPC), is amended by adding thereto twenty-one new

sections to be known as sections 31-a through 31-u and to read as follows:

Section 31-a. *Report of Accident Required.* 1. The operator of any motor vehicle involved in an accident within this state, in which any person is injured seriously enough to require medical attention by a doctor or in which any one person's property, including himself, sustains damage in excess of two hundred dollars (\$200), shall within ten (10) days after such accident report the matter in writing to the Director. The form of such report shall be prescribed by the Director, shall require facts to enable the Director to determine whether the requirements for deposit of security under section 31-b are inapplicable by reason of the existence of insurance or other exceptions specified in this act, and shall call for such additional information as may reasonably be required by the Director for the administration of this act. If the operator is physically incapable of making the report, then the report shall be made by the owner of the motor vehicle, if other than the operator, within ten (10) days after such owner learns of such accident; or, if the operator is also the owner of such motor vehicle, the report shall be made by the operator within ten (10) days after the operator becomes physically capable of making the report or of directing others to make the report on his behalf. The operator or owner shall furnish such additional relevant information as the Director may require.

Report of accident required under certain conditions.

Form of report.

2. In addition to any other penalty provided by this act, the Director shall suspend the operator's license or any non-resident's operating privilege of any person who fails to make the report of accident as herein required, such suspension to continue until the report has been made and all other provisions of this act have been fully complied with.

Penalties for failure to make reports.

Section 31-b. *Security Required Following Accident. Suspension for Failure to Deposit Security.*

Director to determine amount of security necessary.

Notice to operator of security required.

Suspension of operator's license for failure to deposit security.

Notice of suspension to operator.

Exceptions as to security requirements.

No injury or damage to others.

Owner of parked vehicle.

Within thirty (30) days after receipt of a report of such an accident the Director shall determine, with respect to each operator or owner of each motor vehicle involved in the accident and reported upon, except as to persons exempt from the requirement of security under this act, the amount of security sufficient, in his judgment, but within the limits prescribed in this act, to satisfy all judgments for damages resulting from such accident as may be recovered against such operator or owner. Upon making such determination the Director shall in writing forthwith notify each such operator or owner of the security so required. If within thirty (30) days after the date of mailing of notice by the Director of the requirement of security such operator or owner has not deposited with the Director the kind and amount of security so required, and except as provided in sections 31-c and 31-d of this act, the Director shall forthwith suspend the operator's license or non-resident's operating permit of such operator or owner. Not less than ten (10) days prior to the effective date thereof the Director shall mail notice of such suspension to such operator or owner at his last address of record with the Director.

Section 31-c. *Exceptions as to Requirement of Security and Suspension,—Circumstances of Accident.* The requirements as to security and suspension in section 31-b shall not apply:

(1) To the operator or owner of a motor vehicle involved in such an accident wherein no injury or damage was caused to the person or property of any one other than such operator or owner.

(2) To the operator or owner of a motor vehicle if at the time of the accident the vehicle was parked, unless the Director determines that any such parking was illegal or that the vehicle was not equipped with lighted lamps or illuminating devices when and as required by law and that such violation contributed to the accident.

(3) To the owner of a motor 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.

Vehicle operated without permission of owner.

Section 31-d. *Exceptions as to Requirement of Security and Suspension,—Existing Security or Settlement.* 1. The requirements as to security and suspension in section 31-b shall further not apply to:

Exceptions as to security requirements.

(1) Any operator or owner if such owner had in effect at the time of the accident an automobile liability policy with respect to the motor vehicle involved in such accident.

Automobile liability insurance on vehicle.

(2) Any operator, if not the owner of the motor vehicle, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his operation of motor vehicles not owned by him.

Liability insurance on operator not owning vehicle.

(3) Any operator or owner if the liability of such operator or owner for damages resulting from the accident is, in the judgment of the Director, covered by any other form of liability insurance policy or bond.

Other liability insurance policies.

(4) Any person qualifying as a self-insurer under section 31-m, nor to any person operating a motor vehicle for such self-insurer.

Self-insurers.

(5) Any operator or owner if such operator or owner was at the time of the accident in good faith entitled to but unable, solely because of his race or color, to procure an automobile liability policy through ordinary methods without rate modification.

Failure to obtain liability insurance due to race or color.

2. The requirements as to security and suspension in section 31-b shall further not apply if, prior to the date that the Director would otherwise suspend such license or operating privilege under this act, there is filed with the Director evidence satisfactory to him that the person who otherwise would have to file security has been released from liability or been finally adjudicated not to be liable or has ex-

Release from liability or settlement.

ecuted a confession of judgment payable when and in such installments as the parties have agreed to, or has executed and acknowledged a written agreement providing for the payment of an agreed amount in installments, all with respect to all claims for injuries or damages resulting from the accident.

Qualifica-
tions of In-
surance pol-
icy or bond.

Section 31-e. *Qualifications of Insurance Policy or Bond.* No insurance policy or bond shall be deemed effective under section 31-d unless such policy or bond:

(1) Is subject, if the accident has resulted in bodily injury or death, to a limit, exclusive of interest and cost, of not less than five thousand dollars (\$5,000) 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 ten thousand dollars (\$10,000) because of bodily injury to or death of two or more persons in any one accident, and, if the accident has resulted in damage to or destruction of property, to a limit of not less than one thousand dollars (\$1,000) because of damage to or destruction of property of others in any one accident.

(2) Is issued by an insurer authorized to transact such insurance in this state; or

(3) If such motor vehicle was not registered in this state, or was registered elsewhere than in this state at the effective date of the policy or bond, or the most recent renewal thereof, was issued by an insurer which, if not authorized to transact insurance in this state, has executed and filed with the Director its power of attorney authorizing the Director to accept service on its behalf of notice or process in any action upon such policy or bond arising out of such accident.

Duration of
suspension.

Section 31-f. *Duration of Suspension.* The operator's license or non-resident's operating privilege suspended as provided in section 31-b shall remain suspended and shall not be renewed nor shall any

such license or privilege be issued to such person until:

(1) The security required under section 31-b has been deposited by or on behalf of such person; or

(2) One (1) year has elapsed following the date of such accident and evidence satisfactory to the Director has been filed with him that during such period no action for damages arising out of such accident has been instituted against such person; or

(3) Evidence satisfactory to the Director has been filed with him of a release from liability, or a final adjudication of non-liability, or a confession of judgment, or a duly acknowledged written agreement, in accordance with section 31-d.

Section 31-g. *Suspension Upon Default.* If there is any default in the payment of any installment under any such confessed judgment or under any such acknowledged written agreement, then upon notice of such default the Director shall forthwith suspend the operator's license or non-resident's operating privilege of such person defaulting, and shall not restore such license or privilege until such person deposits and thereafter maintains security as required under section 31-b in such amount as the Director may then determine or, in the case of such acknowledged agreement, until one (1) year has elapsed following the date when such security was required and during such period no action upon such agreement has been instituted against such person in a court in this state.

Suspension upon default.

Section 31-h. *Application to Non-Residents and Unlicensed Operators.* If the operator of a motor vehicle involved in an accident within this state had no operator's license or non-resident's operating privilege, the Director shall not allow him such a license or privilege until such operator has complied with the requirements of this act in the same manner as would be necessary if, at the time of the accident, he had held such a license or privilege.

Application to non-residents and unlicensed operators.

Form and amount of security.

Section 31-i. *Form and Amount of Security.*

1. The security required under section 31-b shall be in such form and in such amount as the Director may require, but in no case shall such security exceed five thousand dollars (\$5,000) for injury or death of any one person, nor, subject to such limit as to any one person, be in excess of ten thousand dollars (\$10,000) for injury or death of all persons caused by any one accident, nor be in excess of one thousand dollars (\$1,000) for all damages to property caused by one accident.

2. The person depositing security shall specify in writing the person or persons on whose behalf the deposit is made. At any time while such deposit is in the custody of the Director the person so depositing may, in writing, amend such specification to include an additional person or persons.

3. A single deposit of security shall relate only to one accident and may be on behalf only of a person or persons who may be liable by reason of the acts or negligence of the operator or owner of any motor vehicle involved in such accident.

Reduction of security.

Section 31-j. *Reduction of Security.* The Director may reduce the amount of security ordered in any case within six (6) months after the date of the accident if, in his judgment, the amount ordered is excessive. The Director shall forthwith return to the depositor or his personal representative the excess amount as so determined, of any deposit of security then held by him.

Custody and applicability of security.

Section 31-k. *Custody, and Applicability of Security.* 1. Security deposited in compliance with this act shall be in the custody of the Director.

2. Such security shall be applicable only to the payment of a judgment or judgments rendered against the person or persons on whose behalf the deposit of security was made, in an action at law arising out of the accident with relation to which

such security was deposited, or toward payment of such confessed judgment or acknowledged settlement agreement. In the case of security deposited pursuant to section 31-b such action must have been for damages arising out of the accident and instituted within one (1) year after the date of the accident. In the case of security deposited pursuant to section 31-g such action must have been for damages arising out of the accident or an action upon such acknowledged agreement or in the alternative, and must have been instituted not later than one (1) year after that default in such agreement pursuant to which such action was instituted.

Section 31-l. *Return of Security.* The Director shall return such security, or any portion thereof remaining after application to any judgment or judgments or agreement pursuant to section 31-k, to the depositor or his personal representative upon evidence, filed with and satisfactory to the Director, of the happening of any of the following as regards such accident and the person or persons on whose behalf such security was deposited:

- (1) Final adjudication of non-liability.
- (2) Release from liability.
- (3) Judgment or judgments have been paid.

(4) If the security was deposited pursuant to section 31-b, lapse of one (1) year from the date of the accident without an action being instituted in a court in this state against such person or persons.

Section 31-m. *Self-Insurers.* 1. Any person in whose name twenty-five (25) or more motor vehicles are registered in this state may apply to the Director for a certificate of self-insurance.

2. The Director may, upon such application, issue a certificate of self-insurance if he is reasonably satisfied that such person is able and will continue to be able to pay judgments rendered against him for damages arising out of motor vehicle accidents within this state.

Notice of hearing for cancellation of certificate.

3. Upon not less than five (5) days' written notice mailed to such person at his address last of record with the Director, and a hearing pursuant to such notice, the Director may, upon reasonable grounds, cancel a certificate of self-insurance. Failure to pay any such judgment within thirty (30) days after it has become final shall be deemed to constitute one of such grounds for cancellation.

Penalties for misrepresentation.

Section 31-n. *Misrepresentations.* If any person to whom this act is applicable, misrepresents to the Director in writing any fact or circumstance material to any determination by or action of the Director hereunder, or material to exemption from the requirement of a deposit of security, the Director shall upon discovery suspend or cancel the operator's license, or non-resident operating privilege, or certificate of self-insurance of such person, and shall not restore any such license, privilege or certificate except upon conditions deemed by the Director adequate to remedy the effect of such misrepresentation.

Matters not to be evidence.

Section 31-o. *Matters Not to be Evidence.* No report, statement, action or determination made to or taken by the Director, or any thing done by any person pursuant to this act shall be referred to in any way or be admissible as evidence for any purpose in any action to recover damages on account of any motor vehicle accident.

Information in files not open to public.

Section 31-p. *Files Not Public.* Information in the files of the Director pursuant to this act, pertaining to any motor vehicle accident or action taken or security required or insurance policy or bond involved therewith shall not be open to public inspection nor shall the Director or any other person furnish information therefrom, or access thereto to any person other than to public officials or employees acting in the course and for the purposes of their official duties.

Section 31-q. *Director Shall Administer; Rules and Regulations.* 1. The Director shall administer and enforce the provisions of this act. Powers and duties of Director.

2. The Director is authorized to promulgate and enforce such rules and regulations as may be necessary for the administration of this act. Rules and regulations.

3. Any person aggrieved by an action, determination, or requirement of or by the Director under this act shall have the right to appeal therefrom to the Superior Court of the county in which the appealing party resides. Such an appeal shall be filed within the same time and shall follow the same procedures and have like effect as is provided in the case of appeals relative to the suspension, revocation, cancellation or refusal of licenses or certificates by section 74, chapter 188, Laws of 1937 (section 6312-74, Rem. Rev. Stat.). Appeal to Superior Court by aggrieved persons.

Section 31-r. *Violations and Penalties.* It shall be a misdemeanor for any person willfully and in writing to misrepresent to the Director any fact or circumstance material to any determination or action of the Director pursuant to this act or to violate any of the provisions of this act, unless violation is by this act or other law of this state declared to be a felony or a gross misdemeanor, and every person convicted thereof shall be punished accordingly. Penalties for violations.

Section 31-s. *Act Not to Repeal Other Laws.* This act shall in no respect be deemed or held to be a repeal of any other provisions of the state motor vehicle laws but shall be construed as supplemental thereto. Other laws not repealed.

Section 31-t. *Constitutionality.* If any provision of this act or the application thereof to any circumstance is held invalid, the remainder of this act, or the application of the provision to other circumstances, shall not be affected thereby. Partial invalidity.

Section 31-u. *Effective Date. Not Retroactive.* This act, except as to the appropriation hereinafter Effective date of act.

provided, shall become effective on the first day of February, nineteen hundred and fifty (1950). This act shall not apply as to any motor vehicle accident occurring prior to the effective date of this act.

Appropriation.

SEC. 2. There is hereby appropriated the sum of seventy-five thousand dollars (\$75,000) from the General Fund of this state to be used by the Director of Licenses in carrying out the provisions of this act.

Passed the House March 6, 1949.

Passed the Senate March 5, 1949.

Approved by the Governor March 19, 1949.

CHAPTER 212.

[H. B. 243.]

EDUCATION—SUPPORT OF COMMON SCHOOLS.

AN ACT relating to education, providing for support of the common schools and amending sections 4, 5 and 6, chapter 141, Laws of 1945.

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

Amendment.

SECTION 1. Section 4, chapter 141, Laws of 1945, is amended to read as follows:

Computation of apportionments to school districts.

Section 4. The Superintendent of Public Instruction shall each year compute the amounts due and apportionable to each school district based upon the annual reports of the County Superintendents for the preceding school year. Apportionment credit shall be allowed for not to exceed one hundred eighty (180) days during the preceding year, except for schools approved by the State Board of Education for operation during summer months, and shall be calculated as follows:

First. Thirty-five cents (35¢) shall be allowed for each day's attendance in the common schools of the state on the following basis: