

CHAPTER 122.

[S. B. 282.]

UNIFORM MOTOR VEHICLE SAFETY RESPONSIBILITY
ACT.

AN ACT relating to the giving of proof of financial responsibility by operators of motor vehicles, providing penalties for certain offenses, and amending sections 3, 8, 9, 10, 12, 13, 14, 15, 17, 18, 19, 22, 30 and 32 of chapter 158, Laws of 1939, (sections 6600-103, 6600-108, 6600-109, 6600-110, 6600-112, 6600-113, 6600-114, 6600-115, 6600-117, 6600-118, 6600-119, 6600-122, 6600-130, and 6600-132, Remington's Revised Statutes) repealing section 28 of chapter 158, Laws of 1939 (section 6600-128, Remington's Revised Statutes).

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

Amend-
ments.

SECTION 1. Section 3 of chapter 158, Laws of 1939 (section 6600-103 of Remington's Revised Statutes) is amended to read as follows:

Definitions.

Section 3. (a) "Persons." Every natural person, firm, copartnership, association or corporation.

(b) "Operator." Every person who is in actual physical control of a motor vehicle upon a public highway.

(c) "Owner." 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.

(d) "Non-resident." Any person whose residence is outside this state and who is temporarily sojourning within this state for a period of not to exceed ninety (90) days in any one (1) year.

SEC. 2. Section 8 of chapter 158, Laws of 1939 (section 6600-108 of Remington's Revised Statutes) is amended to read as follows:

Section 8. **PROOF REQUIRED UPON CERTAIN CONVICTIONS.** (a) The motor vehicle operator's license of any person shall be suspended forthwith without notice or hearing by the Director whenever such person shall by final order or judgment have been convicted of or shall have pleaded guilty to or shall have forfeited any bail or collateral deposited to secure his appearance for trial as defendant (where such forfeiture shall not have been vacated) for any offense hereafter committed which requires suspension or revocation of the licenses of such person in this state, or any offense in any other state which, if committed in this state, would require suspension or revocation of the licenses of such person in this state.

(b) Such operator's license shall remain suspended and shall not at any time thereafter be renewed, nor shall any such license be thereafter issued to such person, including any such person not previously licensed who shall by final order or judgment have been convicted of, pleaded guilty to or forfeited any bail or collateral deposited to secure his appearance for trial, where such forfeiture shall have not have been vacated, for any such offense or for operating a motor vehicle upon the public highways without being licensed to do so until he shall have given proof of his ability to respond in damages for any liability thereafter incurred, resulting from the ownership, maintenance, use or operation thereafter of a motor vehicle, for personal injury to or death of any one person in the amount of at least \$5,000, and, subject to the aforesaid limit for any one person injured or killed, of at least \$10,000 for personal injury to or death of two or more persons in any one accident, and

Amendments.

Proof of conviction.

Operator's license suspended.

Ability to respond in damages.

Limitations.

for damage to property in the amount of at least \$1,000 resulting from any one accident.

Amend-
ments.

SEC. 3. Section 9 of chapter 158, Laws of 1939 (section 6600-109 of Remington's Revised Statutes) is amended to read as follows:

Proof
required.

License
suspended.

Minimum
limitation of
judgment.

Section 9. PROOF REQUIRED IN THE EVENT OF CERTAIN JUDGMENTS. The motor vehicle operator's license shall (except as provided in section 12) be forthwith suspended by the Director upon receiving from the court in which rendered a certificate, in the form prescribed by the Director, showing that such person failed to satisfy within thirty (30) days any judgment which shall have become final by expiration without appeal within the time in which appeal might have been perfected, or by final affirmance on appeal, rendered against him by a court of competent jurisdiction in this state or in any other state, or in any District Court of the United States, for damages in any amount on account of personal injury, including death, or damage to property in excess of \$100.00, resulting from the ownership, maintenance, use or operation of a motor vehicle.

Amend-
ments.

SEC. 4. Section 10 of chapter 158, Laws of 1939 (section 6600-110 of Remington's Revised Statutes) is amended to read as follows:

Suspension
effective un-
til judgment
satisfied.

Bankruptcy
not to satisfy.

Section 10. SUSPENSION EFFECTIVE UNTIL JUDGMENT SATISFIED AND PROOF GIVEN OF FINANCIAL RESPONSIBILITY. Such operator's license shall remain so suspended and shall (except as provided in section 12) not be renewed, nor shall any such license be issued to such person (including any such person not previously licensed) while any such judgment remains unstayed, unsatisfied and subsisting nor until every such judgment is satisfied or discharged, except that a discharge in bankruptcy shall not be deemed a satisfaction of such judgment, and until the said person gives proof of his ability to respond in damages as required in this act, for

future accidents. If, after such proof has been given, any other such judgment shall be recovered against such person resulting from an event occurring before such proof was given but after this act shall take effect, such license shall again be and remain suspended, and no other such license shall be issued to such person while any such judgment remains unsatisfied and subsisting, as aforesaid.

SEC. 5. Section 12 of chapter 158, Laws of 1939 (section 6600-112 of Remington's Revised Statutes) is amended to read as follows:

Amend-
ments.

Section 12. SUSPENSION WAIVED UPON PAYMENT OF JUDGMENT IN INSTALLMENTS. (a) A judgment debtor to whom this act applies may, for the sole purpose of giving authority to the Director to authorize the judgment debtor to operate a motor vehicle thereafter, on due notice to the judgment creditor, apply to the court in which the trial judgment was obtained 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, fixing the amounts and times of payment of the installments. While the judgment debtor is not in default in payments of such installments, the Director, upon his giving proof of ability to respond in damages for future accidents, as herein provided, shall restore his license; but such license shall be suspended, as herein provided, if the judgment debtor has failed to comply with the terms of the court order.

Suspension
waived.

Conditions.

(b) Nothing in this act shall be construed as authority for reinstatement or re-issue of an operator's license by the Director to any operator, whose operator's license has been suspended or revoked by order of any court as a result of violation of any other law of this state, until the expiration of the period for which such operator's license has been suspended or revoked.

Proviso.

Suspension
additional.

(c) The suspension or revocation of the operator's license provided for in this act shall be in addition to and independent of the suspension or revocation of the operator's license by any court as a penalty for violation of any other law of this state.

Amend-
ments.

SEC. 6. Section 13 of chapter 158, Laws of 1939 (section 6600-113 of Remington's Revised Statutes) is amended to read as follows:

Courts to
make report.

Criminal
offenses.

Civil actions.

Section 13. DUTY OF COURTS TO REPORT CONVICTIONS AND JUDGMENTS. The clerk of a court or the judge of a court which has no clerk in which any person is convicted of any offense under the laws of this state which requires the Director to suspend or revoke the operator's license of any person shall, when such conviction has become final, or in such other event as stated in section 8 hereof, forthwith forward to the Director a certified record of any judgment for damages, the rendering and non-payment of which judgment requires the Director to suspend the operator's license in the name of the judgment debtor hereunder, such record to be forwarded to the Director immediately upon the expiration of 30 days after such judgment has become final and when such judgment has not been stayed or satisfied within the amounts specified in this act, as shown by the records of the court.

Amend-
ments.

SEC. 7. Section 14 of chapter 158, Laws of 1939 (section 6600-114 of Remington's Revised Statutes) is amended to read as follows:

Successive
judgments.

Director to
suspend un-
less proof of
liability
given.

Section 14. REQUIRED SUSPENSION AND PROOF UPON SECOND JUDGMENT NOT SATISFIED. Whenever, after one judgment is satisfied and proof of ability to respond in damages is given as herein required, another such judgment is rendered against the judgment debtor for any accident occurring prior to the date of the giving of said proof and such person fails to satisfy the latter judgment within the amounts specified herein within 30 days after the same be-

comes final, then the Director shall again suspend the operator's license of such judgment debtor and shall not renew the same and shall not issue to him any operator's license while such latter judgment remains in effect and unsatisfied within the amounts specified herein.

License to remain suspended until judgment satisfied.

SEC. 8. Section 15 of chapter 158, Laws of 1939 (section 6600-115 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 15. ACTION AGAINST NON-RESIDENT. (a) All of the provisions of this act shall apply to any person who is not a resident of this state, and if such non-resident has been convicted of any offense which would require the suspension or revocation of the license of a resident or if such non-resident has failed to satisfy a judgment within 30 days after the same became final, which would require suspension or revocation hereunder in respect to a resident, then in either such event such non-resident shall not operate any motor vehicle in this state nor shall any motor vehicle owned by him be operated within this state by any person and the Director shall not issue to such non-resident any operator's license unless and until such non-resident shall give proof of his ability to respond in damages for future accidents and shall satisfy any such judgment, all as required with respect to a resident of this state.

Provisions to apply to non-residents.

Non-resident to give proof of ability to respond.

(b) The Director shall transmit a certified copy of any record of any such conviction of a non-resident to the motor vehicle commissioner or state officer performing the functions of a commissioner in the state in which such non-resident resides and shall likewise forward to such officer a certified record of any unsatisfied judgment rendered against such non-resident which requires suspension or revocation of such non-resident's driving privileges in this state.

Duty of Director.

Forward transcript of record to other state.

SEC. 9. Section 17 of chapter 158, Laws of 1939 (section 6600-117 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Operator to surrender license.

Section 17. SURRENDER OF LICENSE. Any operator whose operator's license has been suspended as herein provided, or whose policy of insurance, or bond, when same is required under this act, shall have been cancelled or terminated, or who shall neglect to furnish other evidence of ability to respond in damages upon request of the Director shall immediately return to the Director his operator's license. If any person shall wilfully fail to return to the Director the operator's license the Director shall forthwith direct any peace officer to secure possession thereof and to return the same to the office of the Director. Any person wilfully failing to return such operator's license shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned in the county jail for not to exceed ninety (90) days, and such penalty shall be in addition to any penalty imposed for any violation of the motor vehicle laws of this state.

Conditions.

Person failing to surrender license guilty.

Penalty.

Amendments.

SEC. 10. Section 18 of chapter 158, Laws of 1939 (section 6600-118 of Remington's Revised Statutes) is amended to read as follows:

Proof of ability to respond.

Section 18. ESTABLISHMENT OF PROOF. Proof of ability to respond in damages, when required under this act, may be evidenced by any of the following:

Certificate of insurance.

(a) The written certificate or certificates of any insurance carrier duly authorized to do business within this state, that it has issued to or for the benefit of the person named therein a motor vehicle liability policy or policies in the form hereinafter prescribed, which, at the date of the certificate or certificates, are in full force and effect, and designating therein by explicit description or by other adequate reference, all motor vehicles to which the policy or policies apply. The Director shall not accept any certificate or certificates unless the same shall specify the name, address, and the business, if any, of the

Requirements.

insured, the kind of insurance afforded by the policy, the premium charged therefor, the policy period, and the limits of liability, nor unless the same shall cover all motor vehicles then registered in this state in the name of the person furnishing such proof. Said certificate or certificates shall certify that the motor vehicle liability policies therein cited shall not be cancelled or expire except as hereinafter provided, and that every motor vehicle liability policy therein cited complies with the requirements of this act. The issuance of a certificate to serve as proof of ability to respond in damages under this act shall be conclusive evidence that every motor vehicle liability policy therein cited fully conforms to all the requirements of this act.

Require-
ments of
policy.

If such person be a non-resident, a certificate as aforesaid, of any insurance carrier authorized to transact business in the state in which the motor vehicle or motor vehicles described in such certificate is registered, or if none be described, then in the state in which the insured resides, shall be accepted if such carrier shall (1) execute a power of attorney authorizing the Director to accept service of notice or process in any action arising out of a motor vehicle accident in this state, and (2) duly adopt a resolution providing that its policies shall be deemed to be varied to comply with the law of this state relating to the terms of motor vehicle liability policies issued therein, and (3) agree to accept as final and binding any final judgment duly rendered in any action arising out of a motor vehicle accident in any court of competent jurisdiction in this state. If any foreign insurance carrier which has qualified to furnish proof of ability to respond in damages as hereinbefore required defaults in any of said undertakings or agreements, the Director shall not thereafter accept any certificate of said carrier, whether theretofore filed or thereafter tendered, as proof of ability to re-

Policy of
non-resident.

Require-
ments.

Notice of
cancellation
of policy.

spond in damages so long as such default continues.

When an insurance carrier has certified a motor vehicle liability policy under this act, it shall give ten (10) days written notice to the Director before cancellation of such policy and the policy shall continue in full force and effect until the date of cancellation specified in such notice, unless it expires before that date.

Bond to be
approved by
Superior
Court.

(b) A bond executed by the person giving such proof and by a surety company duly authorized to do business in this state, or by the person giving such proof and by two individual sureties, each having clear title to real estate within this state in the amount of such bond, which real estate shall be scheduled therein, and the Director shall not accept any such real estate bond unless it is first approved by a judge of the Superior Court of the State of Washington.

Require-
ments of
bond.

(c) The Director shall not accept any such bond unless it is conditioned for payments in amounts and under the same circumstances as would be required in a motor vehicle liability policy furnished by the person giving such proof under this act.

Bond to stand
for prior
acts.

(d) No such bond shall be cancelled unless 10 days prior written notice of cancellation is given the Director but cancellation of such bond shall not prevent recovery thereon with respect to any right or cause of action arising prior to the date of cancellation.

Bond on real
estate to be
recorded.

(e) Before any said real estate bond is accepted by the Director it shall be recorded as other instruments affecting real property in the county or counties wherein any real estate described therein is located. Any liability covered by the conditions of said bond shall constitute a lien upon such real estate effective as of the date said bond is so recorded.

(f) If a judgment is rendered against the principal of any such surety or real estate bond upon a

liability covered by the conditions of such bond and such judgment is not satisfied within 30 days after it becomes final, then 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 who executed 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, which foreclosure action shall be brought in like manner and subject to all the provisions of law applicable to an action to foreclose a mortgage upon real estate.

Judgment creditor may sue on bond in name of state.

Procedure.

(g) The certificate of the State Treasurer that the person therein has deposited with him a sum of money or collateral for money approved by him in the amounts as specified in sections 8 and 9 of this act. The State Treasurer shall accept any such deposits and issue a certificate therefor, and the Director shall accept such certificate if accompanied by evidence that there are no unsatisfied judgments against the depositor registered in the office of the County Clerk of the county where the depositor resides.

Certificate of State Treasurer.

Deposit.

SEC. 11. Section 19 of chapter 158, Laws of 1939 (section 6600-119 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 19. IF PROOF FAILS DIRECTOR MAY REQUIRE OTHER PROOF. Whenever any evidence of proof of ability to respond in damages filed under the provisions of this act no longer fulfills the purposes for which required, the Director shall, for the purposes of this act, require other evidence of ability to respond in damages as required by this act, and shall suspend the operator's license pending such proof.

Director to require other proof upon failure of first.

SEC. 12. Section 22 of chapter 158, Laws of 1939 (section 6600-122 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Director to furnish record of ability to respond.

Section 22. **DIRECTOR TO FURNISH RECORD OF PROOF.** The Director shall furnish any person who may have been injured in person or property by any motor vehicle, upon written request, with all information of record in his office pertaining to the evidence of the ability of any operator of any motor vehicle to respond in damages. The Director shall collect for each such report the sum of one dollar (\$1.00).

Fee.

Amendments.

SEC. 13. Section 30 of chapter 158, Laws of 1939 (section 6600-130 of Remington's Revised Statutes) is amended to read as follows:

Director may release proof.

Section 30. **WHEN DIRECTOR MAY RELEASE PROOF.**
 (1) The Director shall, upon request, cancel any bond or return any certificate of insurance, or the Director shall direct and the State Treasurer shall return to the person entitled thereto any money or collateral, deposited pursuant to this act as proof of ability to respond in damages, or waive the requirement of filing proof of ability to respond in damages in any of the following events:

Conditions.

(a) At any time after three years from the date such proof was required: *Provided*, That the person on whose behalf such proof was given has not, during the three years period immediately preceding the request, been convicted of any offense referred to in section 8;

No convictions for three years.

Death of person.

(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;

Person will not operate car for one year.

(c) Upon the filing with the Director by the person on whose behalf such proof of financial responsibility was furnished of an affidavit that he does not own and will not operate any motor vehicle in this state for a period of one year or longer;

Surrender of license.

(d) In the event the person who has given proof of ability to respond in damages surrenders his operator's license;

(e) Upon the bona fide removal to another state, or country of the person on whose behalf such proof was filed:

Bona fide removal to other state.

Provided, however, That no action for damages is pending against such person on whose behalf such proof of financial responsibility was furnished and no judgment against such person is outstanding and unsatisfied in respect to personal injury, or in respect to damage to property resulting from the ownership, maintenance, use or operation hereafter of a motor vehicle: *And provided, also,* That no notice has been filed with the Director of an accident involving such person occurring within the three month period immediately preceding such request resulting from the use or operation of a motor vehicle. An affidavit of the applicant under this section shall be sufficient evidence of the facts in the absence of evidence to the contrary in the records of the Director.

Proviso.

Pending actions excepted.

Evidence.

Whenever any person to whom proof has been surrendered, as provided in this section, applies for an operator's license within a period of three (3) years from the date proof of financial responsibility was originally required any such application shall be refused unless the applicant shall reestablish such proof for the remainder of such period.

Must re-establish responsibility for new license.

SEC. 14. Section 32 of chapter 158, Laws of 1939 (section 6600-132 of Remington's Revised Statutes) is amended to read as follows:

Amendments.

Section 32. OPERATING WITHOUT GIVING PROOF WHEN PROOF REQUIRED. Any person whose operator'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 during such suspension or revocation or, in the absence of full authorization from the Director, drives any motor vehicle upon any highway shall be punished by imprisonment for not less

Operation without license a crime.

Punishment. than two (2) days nor more than six (6) months and there may be imposed in addition thereto a fine of not more than Five Hundred Dollars (\$500.00).

Statute repealed. SEC. 15. Section 28 of chapter 158, Laws of 1939 (section 6600-128 of Remington's Revised Statutes) is hereby repealed.

Passed the Senate March 8, 1941.

Passed the House March 12, 1941.

Approved by the Governor March 21, 1941.

CHAPTER 123.

[S. B. 284.]

COOPERATIVE MANAGEMENT OF FOREST LANDS.

AN ACT relating to the cooperative management of State Forest Board lands and state granted lands with national forest and private timber lands in a sustained yield management unit, amending chapter 130 of the Laws of 1939, and adding thereto two new sections.

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

Amendments. SECTION 1. That section 1 of chapter 130 of the Laws of 1939 be amended to read as follows:

State may enter into co-operative agreement with others. Section 1. The State Forest Board with regard to State Forest Board lands, and the Commissioner of Public Lands with regard to state granted lands, are hereby authorized to enter into cooperative agreements with the United States of America, Indian tribes, and private owners of timber land providing for co-ordinated forest management, including time, rate and method of cutting timber and method of silvicultural practice on a sustained yield unit. Wherever applicable in this act, it shall be understood that the State Forest Board shall have complete authority over State Forest Board lands and the Commissioner of Public Lands complete authority over state granted land.