

CHAPTER 181.

[S. H. B. 392.]

DISBURSEMENTS FROM MOTOR VEHICLE FUND.

AN Act relating to public highways, primary state highways, secondary state highways, county roads and city streets; establishing the motor vehicle fund as a permanent fund; providing for the distribution of funds accruing to the motor vehicle fund; making appropriations from the motor vehicle fund for location, right of way, improvement, construction, reconstruction, maintenance, special maintenance, emergencies and matching funds provided under certain acts of Congress and other highway purposes for primary state highways and secondary state highways; making appropriations for counties and cities and for supervision thereof and for other expenses; amending section 60 of chapter 187, Session Laws of 1937; providing for refunds to island counties; repealing chapter 54, Session Laws of 1919, chapter 98, Session Laws of 1923, and chapter 14, Session Laws of 1925; prescribing the powers and duties of certain officers; repealing laws in conflict; and declaring an emergency and that this act shall take effect upon the first day of April, 1939.

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

SECTION 1. The motor vehicle fund of the State of Washington, as heretofore constituted by law, consisting of moneys now or hereafter required to be paid into said fund, shall remain a permanent fund of the State of Washington 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, and for credit to the "General Obligation Bonds of 1933 Retirement Fund," so long as there are any obligations to be met from that fund, and all moneys in the motor vehicle fund shall be credited as hereinafter provided.

Permanent
fund.

SEC. 2. All moneys which have accrued or may accrue to the motor vehicle fund from the motor vehicle fuel tax shall be first expended for the following purposes:

Expenditures
from motor
vehicle fund.

(a) For payment of refunds of motor vehicle fuel tax which has been paid and is refundable as provided by law;

(b) 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 Licenses of the State of Washington in the administration of the motor vehicle fuel tax, said sums to be distributed monthly;

(c) For payment of all sums required to be paid into the "General Obligation Bonds of 1933 Retirement Fund" in the manner prescribed by section 5 of chapter 65, Session Laws of 1933.

The amount accruing to the motor vehicle fund by virtue of the motor vehicle fuel tax and remaining after payments as provided in sub-sections (a), (b) and (c) above shall, for the purposes of this act, be referred to as the "net tax amount."

Sums credited from net tax amount in fund.

SEC. 3. From the net tax amount in the motor vehicle fund there shall be credited sums as follows:

(a) To the incorporated cities and towns of the State of Washington sums equal to fifteen per cent (15%) of such net tax amount credited monthly as the same accrues;

(b) To the counties of the State of Washington sums equal to forty-one and one-half per cent (41½%) of such net tax amount credited monthly as the same accrues.

Distribution of funds credited to incorporated cities.

SEC. 4. Funds credited to the incorporated cities and towns of the State of Washington as set forth in sub-section (a) of section 3 above shall be subject to deduction and distribution as follows:

(a) One and one-half per cent (1½%) of such sums shall be deducted monthly as such sums are credited and set aside for the use of the Director of Highways for the supervision of the work and expenditures of such incorporated cities and towns on the city and town streets thereof;

(b) The balance remaining to the credit of incorporated cities and towns after such deduction shall be credited in the motor vehicle fund to each of the several incorporated cities and towns in the direct proportion that the population of each thereof shall bear to the population of all incorporated cities and towns in the state, such credit to be made monthly as such funds accrue. The population basis upon which such credit shall be made shall be as determined by the official United States census of 1930 for all incorporated cities and towns having corporate existence on that date: *Provided*, In case of cities and towns incorporated subsequent to the taking of such census, population shall be determined as of the date of incorporation as evidenced by the certificate of the incorporating officials thereof. Any incorporated city or town which may disincorporate shall upon the date thereof cease to receive the credit of any funds as herein provided, and all credit accrued to such incorporated city or town shall be distributed to the credit of the remaining cities and towns: *Provided further*, That in the case of Aurora Avenue in the City of Seattle designated by the Director of Highways as a city street forming a part of the route of a primary state highway, and for the construction and improvement of which the said city has issued bonds and such bonds are outstanding and are delinquent and unpaid, and with respect thereto there are outstanding and unpaid warrants, which are payable from a local improvement district or condemnation award fund, there shall be set aside and paid in the manner and for the purposes hereinafter provided an amount equal to five per cent (5%) of the monthly payment or allocation to the City of Seattle from the motor vehicle fund, or the amount that may be placed to the credit of the City of Seattle in the motor vehicle fund for city street purposes, said payment to be disposed of as follows: The City Treasurer shall monthly determine the

Balance
credited.

Grants to
certain prop-
erty owners
along Aurora
Avenue.

amount equal to five per cent (5%) of the monthly credit to the City of Seattle in the motor vehicle fund which shall become available for the purposes of this sub-section, and shall compute the percentage that the monthly payment bears to the aggregate original assessments against all the real estate of the said Aurora improvement district to which the payment is to apply as herein provided, and from said monthly payment the City Treasurer shall first pay to every person who has paid any assessment or any installment thereof, of said district, the same percentage of the assessment payment, and shall credit and deduct from the amount of any unpaid assessment, or installment thereof, of said district, the same percentage of the unpaid assessment, or installment thereof. All computations, payments, credits and deductions herein provided for shall be made on the assessment levy, or installment, without including any interest for delinquency. Such five per cent (5%), shall be paid by the State Auditor to the City Treasurer on proper vouchers therefor: *And provided further*, Out of money apportioned to the City of Bellingham by the terms of sub-divisions (d) and (e), chapter 208, Laws of 1937, there shall be paid by the City of Bellingham into the Special Improvement District Fund No. 937 of said city, the sum of twenty thousand dollars (\$20,000) for the benefit of the property owners and assessment payers on Elm Street and North West Avenue in said district, which said sum shall be prorated among such owners and assessment payers in the proportion which the assessment made on his or their property bears to the whole of said assessment against Elm Street and North West Avenue property in said district.

Grants
to certain
property
owners of
city of
Bellingham.

Funds
credited to
counties,
deductions
and distribu-
tion.

SEC. 5. Funds credited to the counties of the State of Washington as set forth in sub-section (b) of sec-

tion 3 above shall be subject to deduction and distribution as follows:

(a) One and one-half per cent ($1\frac{1}{2}\%$) of such sums shall be deducted monthly as such sums accrue and set aside for the use of the Director of Highways for the supervision of work and expenditures of such counties on the county roads thereof;

(b) Payment of all sums required to be repaid to counties composed entirely of islands in the manner provided by law.

(c) The balance remaining to the credit of counties after such deductions shall be credited in the motor vehicle fund to the several counties in the following percentages, such credit to be made monthly as such funds accrue:

Adams 1.90,	Asotin .91,	Benton 1.84,	Chelan 2.32,	Monthly percentages.
Clallam 2.24,	Clark 3.11,	Columbia 1.30,	Cowlitz 2.38,	
Douglas 1.34,	Ferry .95,	Franklin 1.24,	Garfield 1.29,	
Grant 1.29,	Grays Harbor 2.95,	Island .77,	Jefferson 1.26,	
King 14.53,	Kitsap 2.26,	Kittitas 2.04,	Klickitat 2.34,	
Lewis 3.12,	Lincoln 2.35,	Mason 1.64,	Okanogan 1.55,	
Pacific 1.94,	Pend Oreille 1.38,	Pierce 6.11,	San Juan .68,	
Skagit 3.47,	Skamania 1.29,	Snohomish 4.91,	Spokane 3.84,	
Stevens 1.84,	Thurston 2.16,	Wahkiakum .89,	Walla Walla 2.29,	
Whatcom 3.56,	Whitman 3.37,	Yakima 5.35.		

SEC. 6. The balance remaining in the motor vehicle fund from the net tax amount and not expended or credited in the manner provided by sections 2, 3, 4 and 5 of this act, and all moneys which have accrued or may accrue to the motor vehicle fund from any source whatsoever, less such sums expended pursuant to proper appropriation for costs of collection and administration of such funds shall be expended by the Department of Highways of the State of Washington pursuant to proper appropriations and re-appropriation thereof for pri-

mary state highway, secondary state highway and other proper Department of Highway purposes.

SEC. 7. All funds accruing to the credit of any incorporated cities and towns in the motor vehicle fund shall be paid to and expended by such incorporated cities and towns in the manner provided by law and in the manner provided by chapter 187, Session Laws of 1937, as amended.

Amends
§ 60, ch. 187,
Laws 1937.

SEC. 8. That section 60 of chapter 187, Session Laws of 1937, be and the same is hereby amended to read as follows:

Monies
credited
used for
streets
designated
as part of
primary
state
highways
and other
city streets

Section 60. All funds accruing to the credit of incorporated cities and towns in the motor vehicle fund may be paid to such incorporated cities and towns as provided by law for the construction, alteration, repair, improvement or maintenance of those city streets of such incorporated cities and towns designated by the Director of Highways as forming a part of the route of a primary state highway through such incorporated cities and towns, together with the bridges thereon and wharves necessary for ferriage of motor vehicle traffic and therefore essential to the primary state highway system. Such expenditure may be made either independently or in conjunction with the state or any county: *Provided*, That thirty per cent (30%) of any such funds credited to any incorporated city or town in the motor vehicle fund may be used for proper city street maintenance purposes upon any city streets of such incorporated city or town, and seventy per cent (70%) of all such funds credited to any incorporated city or town in the motor vehicle fund shall be used for construction only of those city streets designated by the Director of Highways as forming a part of the route of a primary state highway through such incorporated city or town: *Provided, however*, That when, in the opinion of the Director of Highways, those city streets designated

as forming a part of the route of primary state highways through such incorporated cities and towns are fully constructed and maintained reasonably consistent with their original construction, then with the approval of the Director of Highways the unused portion of such seventy per cent (70%), or so much thereof as he shall designate, may be expended for proper city street purposes upon other city streets.

The Director of Highways is hereby empowered and directed to provide for the maintenance, operation and upkeep of all movable span bridges in the State of Washington within the limits of incorporated cities and towns and located upon those city streets which have been or may be designated by the Director of Highways as forming a part of the route of primary state highways through such incorporated cities and towns to be paid for from any funds appropriated for the maintenance of primary state highways and in the manner and to the extent provided in this section. The Director of Highways shall annually and on or before the first day of April of each year determine the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, which shall be the difference between the reasonable cost of maintenance, operation, and upkeep of any such movable span bridges and the reasonable cost of the maintenance and upkeep thereof if they were fixed span bridges, which determination by the Director of Highways shall be conclusive. Upon determination by the Director of Highways of the extent of the cost of the maintenance, operation, and upkeep of any such movable span bridges to be provided for by the state, the Director of Highways shall so certify to the State Auditor, forwarding a copy thereof to the several incorporated cities and towns with respect to such movable span bridge or bridges located therein. The Director of

Director to provide for maintenance of bridges.

Highways may require that the governing authorities of such incorporated cities and towns maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation, and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the Director of Highways but in no event in excess of the amount determined by the Director of Highways for any one year: *Provided*, That in the event any such movable span bridge located within the limits of incorporated cities and towns has heretofore and in the past been maintained by the county in which such incorporated city or town is located, then such county shall continue such maintenance and the provisions of this section shall apply to such county, and the Director of Highways may require that the governing authorities of such counties maintain, operate and keep up such movable span bridges, to the extent of the maintenance, operation and upkeep thereof to be provided for by the state, as agents of the state, and the State Auditor shall pay therefor from funds appropriated for the maintenance of primary state highways upon vouchers therefor approved by the Director of Highways, but in no event in excess of the amount determined by the Director of Highways for any one year.

Refund to
island
counties.

SEC. 9. 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 ex-

penses 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.

SEC. 10. That the following acts and parts of acts Repeal. be and the same are hereby repealed: Chapter 54,

Session Laws of 1919 (section 6826 of Remington's Compiled Statutes) as amended by chapter 98, Session Laws of 1923, relating to refunds to counties composed entirely of islands; and chapter 14, Session Laws of 1925, providing the method of payment of refunds to counties composed entirely of islands.

Reciprocal agreements between director and governing officers of county.

SEC. 11. The power is hereby granted to the Director of Highways of the State of Washington and to the governing officials of the several counties of the state authorizing the Director of Highways and the governing officials of any county to enter into reciprocal public highway improvement and maintenance agreements, providing for cooperation either in the county assisting the Department of Highways in the improvement or maintenance of state highways, or the Department of Highways assisting the county in the improvement or maintenance of county roads, under any circumstance where a necessity appears therefor or where economy in public highway improvement and maintenance will be best served through the carrying out of such reciprocal agreements.

Appropriation, salaries, wages and operations.

SEC. 12. For salaries, wages and operations of the office of the Department of Highways and/or district offices of the Department of Highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of nine hundred forty-nine thousand eighty-five dollars (\$949,085), or so much thereof as shall be necessary.

Appropriation, primary state highways, location, etc.

SEC. 13. For location, right of way, engineering, improvement, construction and reconstruction of primary state highways, including the construction of bridges to form a part of primary state highways, and including the payment of interest and bond redemption becoming due between April 1, 1939 and March 31, 1941 on state owned bridges within incorporated cities and towns, there is hereby appropri-

ated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of ten million five hundred thousand dollars (\$10,500,000), or so much thereof as shall be available.

SEC. 14. For the maintenance of primary state highways, including road signs, operation of bridges and ferries including maintenance and operation of toll bridges, and similar purposes on primary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of three million five hundred thirty-seven thousand eight hundred forty-seven and 08/100 dollars (\$3,537,847.08), or so much thereof as shall be necessary.

Appropriation, maintenance of primary state highways.

SEC. 15. For the special maintenance of primary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one million five hundred thirty-five thousand two hundred thirty-four dollars (\$1,535,234), or so much thereof as shall be necessary.

Appropriation, special maintenance of primary state highways.

SEC. 16. For emergencies, hereby defined to be damages to primary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred fifty thousand dollars (\$250,000), or so much thereof as shall be necessary.

Appropriation, emergencies.

SEC. 17. For location, right of way, engineering, improvement, construction and reconstruction of secondary state highways, including the construction of bridges to form a part of secondary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March

Appropriation, secondary state highways, location, etc.

31, 1941, the sum of two million five hundred thousand dollars (\$2,500,000), or so much thereof as shall be available.

Appropriation, secondary state highways, maintenance.

SEC. 18. For the maintenance of secondary state highways, including road signs, operation of bridges and ferries and similar purposes on secondary state highways, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one million three hundred eighty-one thousand nine hundred seventy-three and 90/100 dollars (\$1,381,973.90), or so much thereof as shall be necessary.

Appropriation, secondary state highways, special maintenance.

SEC. 19. For the special maintenance of secondary state highways, including extraordinary repairs and contingencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of eight hundred forty-seven thousand five hundred eighty-six dollars (\$847,586), or so much thereof as shall be necessary.

Appropriation, secondary state highways, emergencies.

SEC. 20. For emergencies, hereby defined to be damages to secondary state highways and/or structures, which could not with the exercise of reasonable judgment have been foreseen and damage due to acts of God, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of one hundred thousand dollars (\$100,000), or so much thereof as shall be necessary.

Expenditures for secondary state highways.

SEC. 21. Of the sums available for primary state highway and secondary state highway purposes under this act, the Director of Highways shall expend for secondary state highway purposes a sum not to exceed three-quarters of one cent ($\frac{3}{4}$ of 1c) per gallon on all taxable motor vehicle fuel sold, all other laws of this state to the contrary notwithstanding.

SEC. 22. To carry out the provisions of the Federal aid road act and the state act assenting thereto (to

be expended for that portion actually completed and chargeable to Federal contributing funds under specific project agreements now executed or to be executed by state and Federal authorities; expenditures herefrom to be limited to anticipated reimbursements), for other Federal assistance and for work actually completed for which reimbursement will be received from other agencies, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of fifteen million dollars (\$15,000,000), or so much thereof as shall be necessary.

Appropriation to carry out provisions of Federal aid road act.

SEC. 23. For the purpose of continuing the highway equipment fund and for all proper expenditures out of the highway equipment fund, there is hereby appropriated from the highway equipment fund for the biennium ending March 31, 1941, the sum of three million two hundred three thousand eight hundred dollars (\$3,203,800), or so much thereof as shall be necessary.

Appropriation, highway equipment fund.

SEC. 24. For the Department of Highways for traffic control, which shall include the purchase and improvement of land and equipment and the salaries, wages, and operation of traffic control stations, and the alteration, repair and erection of buildings, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred thousand dollars (\$200,000), or so much thereof as shall be necessary.

Appropriation, traffic control.

SEC. 25. For the Department of Highways for vehicle safety inspection, which shall include the purchase and improvement of land and the alteration, repair and erection of buildings, and including necessary salaries, wages, administration and operation of vehicle safety inspection stations, there is hereby appropriated from the highway safety fund for the biennium ending March 31, 1941, the sum of

Appropriation, vehicle safety inspection.

five hundred thousand dollars (\$500,000), or so much thereof as shall be necessary.

Appropriation, supervision of road work in cities and counties.

SEC. 26. For the Department of Highways to carry out the provisions of sub-section (a) of section 4, and sub-section (a) of section 5 of this act, in the manner provided by law, there is hereby appropriated from the motor vehicle fund for the biennium ending March 31, 1941, the sum of two hundred seventy thousand dollars (\$270,000), the expenditure under such appropriation in no event to exceed one and one-half per cent ($1\frac{1}{2}\%$) of the funds accruing to the credit of incorporated cities and towns and counties.

Appropriation, cities.

SEC. 27. For cities and towns, including cooperation with the Federal or state government or any agency thereof authorized by law, and for all other proper street purposes, including location, right of way, engineering, improvement, construction, reconstruction and maintenance of city streets, for payment of interest and principal of bonds issued for street purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for the reimbursement of cities and towns for the biennium ending March 31, 1941, the sum of five million five hundred thousand dollars (\$5,500,000), or so much thereof as shall become available.

Appropriation, counties, including island counties.

SEC. 28. For counties, including cooperation with the Federal or state government or any agency thereof authorized by law, including sums to be repaid to counties composed entirely of islands, and for all proper county road purposes, including the location, right of way, engineering, improvement, construction, reconstruction and maintenance of county roads, for payment of interest and principal of bonds issued for road purposes, as by law provided, there is hereby appropriated from the motor vehicle fund for reimbursement of counties for the biennium ending March 31, 1941, the sum of twelve million

five hundred thousand dollars (\$12,500,000), or so much thereof as shall become available: *Provided, however,* The County Commissioners of the several counties may at their discretion use such funds for either new highway construction or maintenance of existing county roads.

SEC. 29. That all acts and parts of acts in conflict with this act or any part thereof be and the same are hereby repealed. Conflicting acts repealed.

SEC. 30. That this act is necessary for the immediate preservation of the public peace, health and safety, for the support of the state government and its existing institutions and shall take effect on the first day of April, 1939. Effective date.

Passed the House March 8, 1939.

Passed the Senate March 9, 1939.

Approved by the Governor March 16, 1939.

CHAPTER 182.

[H. B. 473.]

MOTOR VEHICLE REGULATIONS.

AN ACT relating to motor vehicles, evidence of ownership, registration, licensing and identification thereof, and regulation and licensing of operators thereof; relating to certain provisions for the ownership, registration and licensing of vehicles and control of vehicle operators; prescribing the powers and duties of certain public officers; defining certain offenses; amending sections 5, 7, 17, 21, 28, 46, 47, 52, 56 and 67 of chapter 188, Session Laws of 1937; and declaring an emergency and that this act shall become effective April 1, 1939.

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

SECTION 1. That section 5 of chapter 188, Session Laws of 1937, be and the same is hereby amended to read as follows: Amends § 5, ch. 188, Laws 1937.