

## CHAPTER 38.

[ Sub. H. B. 41. ]

MOTOR VEHICLE OWNERS AND OPERATORS  
—FINANCIAL RESPONSIBILITY.

AN ACT relating to the giving of proof of financial responsibility and security by owners and operators of motor vehicles; amending section 8, chapter 158, Laws of 1939, section 2, chapter 122, Laws of 1941 and RCW 46.24.030 and 46.24.040; amending section 23, chapter 158, Laws of 1939 and RCW 46.24.100; amending section 11, chapter 158, Laws of 1939 and RCW 46.24.210; amending section 1-31a, chapter 211, Laws of 1949 and RCW 46.28.010; amending section 1-31b, chapter 211, Laws of 1949 and RCW 46.28.020; amending section 1-31c, chapter 211, Laws of 1949 and RCW 46.28.030; amending section 1-31d, chapter 211, Laws of 1949 and RCW 46.28.040; amending section 1-31e, chapter 211, Laws of 1949 and RCW 46.28.050; amending section 1-31h, chapter 211, Laws of 1949 and RCW 46.28.080; amending section 1-31i, chapter 211, Laws of 1949 and RCW 46.28.090; adding a new section to chapter 211, Laws of 1949 and to chapter 46.28 RCW; and amending section 14, chapter 122, Laws of 1941 and RCW 46.24.270; and providing penalties.

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

SECTION 1. Section 8, chapter 158, Laws of 1939, section 2, chapter 122, Laws of 1941 (heretofore divided and codified as RCW 46.24.030 and 46.24.040) are divided and amended as set forth in sections 2 and 3 of this act.

SEC. 2. (RCW 46.24.030) The motor vehicle operator's license of a person shall be suspended forthwith without notice or hearing by the director whenever such person by final order or judgment has been convicted of, or has pleaded guilty to, or has forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any offense 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

RCW 46.24.030  
enacted  
without  
amendment.

suspension or revocation of the licenses of such person in this state.

SEC. 3. (RCW 46.24.040) The 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 a person not previously licensed, who by final order or judgment has been convicted of, pleaded guilty to, or forfeited bail or collateral deposited to secure his appearance for trial of (where such forfeiture has not been vacated), any such offense or for operating a motor vehicle upon the public highways without being licensed to do so, until he gives 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 ten thousand dollars, and, subject to the aforesaid limit for any one person injured or killed, of a least twenty thousand dollars for personal injury to or death of two or more persons in any one accident, and for damage to property in the amount of at least five thousand dollars resulting from any one accident.

RCW 46.24.040 amended.  
Period of suspension—Proof of ability to respond in damages.

SEC. 4. Section 23, chapter 158, Laws of 1939 and RCW 46.24.100 are each amended to read as follows:

RCW 46.24.100 amended.  
Motor vehicle liability or operator's policy—Requirements.

A motor vehicle liability policy as that term is used in this chapter means a policy of liability insurance issued by an insurance carrier authorized to transact business in this state to or for the benefit of the person named therein as insured which policy shall meet the following requirements:

(1) It shall designate by explicit description or by appropriate reference all motor vehicles with respect to which coverage is thereby intended to be granted.

(2) It shall insure the person named therein and any other person using or responsible for the use of

Motor vehicle liability or operator's policy—Requirements.

the motor vehicle or motor vehicles with the express or implied permission of the insured.

(3) It shall insure every such person on account of the maintenance, use, or operation of such motor vehicle or motor vehicles within the continental limits of the United States or the Dominion of Canada against loss from the liability imposed by law arising from such maintenance, use, or operation to the extent and aggregate amount, exclusive of interest and costs, with respect to each such motor vehicle, of ten thousand dollars for bodily injury to or death of one person as a result of any one accident and, subject to said limit as to one person, the amount of twenty thousand dollars for bodily injury to or death of all persons as a result of any one accident and the amount of five thousand dollars for damage to property of others as a result of any one accident.

When an operator's policy is required it shall insure the person named therein as insured against the liability imposed by law upon the insured for bodily injury to or death of any person or damage to property to the amounts and limits above set forth and growing out of the use or operation by the insured within the continental limits of the United States or the Dominion of Canada of any motor vehicle not owned by him.

Any liability policy or policies issued hereunder need not cover any liability of the insured assumed by or imposed upon him under any workmen's compensation law nor any liability for damage to property in charge of the insured or the insured's employees.

Any such policy may, however, grant any lawful coverage in excess of or in addition to the coverage herein specified or contain any agreements, provisions, or stipulations not in conflict with the provisions of this chapter and not otherwise contrary to law.

Any motor vehicle liability policy which by endorsement contains the provisions required hereunder shall be sufficient proof of ability to respond in damages.

The director may accept several policies of one or more such carriers which together meet the requirements of this section.

Any binder pending the issuance of a policy, which binder contains or by reference includes the provisions hereof, shall be sufficient proof of ability to respond in damages.

SEC. 5. Section 11, chapter 158, Laws of 1939 and RCW 46.24.210 are each amended to read as follows:

RCW 46.24.210 amended.

Every judgment herein referred to shall, for the purposes of this chapter, be deemed satisfied:

Judgment deemed satisfied, when.

(1) When ten thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of one person as the result of any one accident; or

(2) When, subject to such limit of ten thousand dollars as to one person, the sum of twenty thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for bodily injury to or the death of more than one person as the result of any one accident; or

(3) When five thousand dollars has been credited upon any judgment or judgments rendered in excess of that amount for damage to property of others in excess of one hundred dollars as a result of any one accident.

Credit for such amounts shall be deemed a satisfaction of any such judgment or judgments in excess thereof only for the purpose of this chapter.

SEC. 6. Section 1-31a, chapter 211, Laws of 1949 and RCW 46.28.010 are each amended to read as follows:

RCW 46.28.010 amended.

(1) The operator of any motor vehicle involved in an accident within this state, in which any person

Report of  
accident  
required.

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, shall within ten 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 RCW 46.28.020 are inapplicable by reason of the existence of insurance or other exceptions specified in this chapter, and shall call for such additional information as may reasonably be required by the director for the administration of this chapter. 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 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 days after the operator becomes physically capable of making the report or of directing others to make the report on his behalf. The operator and the owner shall each furnish such additional relevant information as the director may require.

(2) In addition to any other penalty provided by this chapter, the director shall suspend the operator's license or any nonresident'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 chapter and of chapter 46.24 have been fully complied with.

RCW 46.28.020  
amended.

SEC. 7. Section 1-31b, chapter 211, Laws of 1949 and RCW 46.28.020 are each amended to read as follows:

Within thirty days after receipt of a report of such an accident the director shall determine, with

respect to both the operator and the owner of each motor vehicle involved in the accident and reported upon, except as to persons exempt from the requirement of security under this chapter, the amount of security sufficient, in his judgment, but within the limits prescribed in this chapter, to satisfy all judgments for damages resulting from such accident as may be recovered against such operator or owner or both. Upon making such determination the director shall in writing forthwith notify each such operator and owner of the security so required. If within thirty 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 RCW 46.28.030 and 46.28.040, the director shall forthwith suspend the operator's license or nonresident's operating permit of such operator or owner. Not less than ten 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.

Security re-  
quired follow-  
ing accident—  
Suspension for  
failure to de-  
posit security.

SEC. 8. Section 1-31c, chapter 211, Laws of 1949 and RCW 46.28.030 are each amended to read as follows:

RCW 46.28.030  
amended.

The requirements as to security and suspension in RCW 46.28.020 shall not apply:

Exceptions as  
to requirement  
of security and  
suspension—  
Circumstances  
of accident.

(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.

RCW 46.28.040 amended.

SEC. 9. Section 1-31d, chapter 211, Laws of 1949 and RCW 46.28.040 are each amended to read as follows:

Exceptions as to requirement of security and suspension— Existing security or settlement.

(1) The requirements as to security and suspension in RCW 46.28.020 shall further not apply to:

(a) 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.

(b) 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.

(c) 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.

(d) Any person qualifying as a self-insurer under this chapter, nor to any person operating a motor vehicle for such self-insurer.

(e) 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.

(2) The requirements as to security and suspension in RCW 46.28.020 shall further not apply if, prior to the date that the director would otherwise suspend such license or operating privilege under this chapter, 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 adjudicated not to be liable or has executed 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.

SEC. 10. Section 1-31e, chapter 211, Laws of 1949 and RCW 46.28.050 are each amended to read as follows:

RCW 46.28.050 amended.

No insurance policy or bond shall be deemed effective under RCW 46.28.040 unless such policy or bond:

Qualifications of insurance 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 ten 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 twenty 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 damage to or destruction of property, to a limit of not less than five thousand dollars 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 of process in any action upon such policy or bond arising out of such accident.



RCW 46.28.080  
amended.

SEC. 11. Section 1-31h, chapter 211, Laws of 1949 and RCW 46.28.080 are each amended to read as follows:

Application to  
nonresidents  
and unlicensed  
operators.

If the operator of a motor vehicle involved in an accident within this state had no operator's license or nonresident's operating privilege, the director shall not allow him such a license or privilege until the operator has complied with the requirements of this chapter in the same manner as would be necessary if, at the time of the accident, he had held such a license or privilege.

Any accident or offense committed in another state by a resident of this state which, if committed in this state, would subject the person to the provisions of this chapter, shall subject such person to the provisions of this chapter in all respects as if such accident or offense had been committed in this state.

RCW 46.28.090  
amended.

SEC. 12. Section 1-31i, chapter 211, Laws of 1949 and RCW 46.28.090 are each amended to read as follows:

Form and  
amount of  
security.

(1) The security required under RCW 46.28.020 shall be in such form and in such amount as the director may require, but in no case shall such security exceed ten thousand dollars for injury or death of any one person, nor, subject to such limit as to any one person, be in excess of twenty thousand dollars for injury or death of all persons caused by any one accident, nor be in excess of five thousand dollars 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 and owner of any motor vehicle involved in such accident.

SEC. 13. There is added to chapter 211, Laws of 1949, and to chapter 46.28 RCW a new section to read as follows: New section.

Any person who has or may have his operator's license suspended or revoked as herein provided and if such person is engaged in an occupation or trade making it essential that he operate a motor vehicle, such person may file with the director a verified petition together with a fee for ten dollars setting forth in detail his need for operating a motor vehicle. Thereupon if petitioner gives proof of his ability to respond in damages for any liability thereafter incurred as provided for in section 3 hereof the director may issue an occupational operator's license to such person. Such occupational operator's license shall be subject to the same restrictions and conditions as those set forth under the provisions of RCW 46.20.390. Occupational operator's license authorized.

SEC. 14. Chapter 122, Laws of 1941 and RCW 46.24.270 are amended to read as follows: RCW 46.28.270 amended.

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 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 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 Penalty for operating without giving proof.

in addition thereto a fine of not more than five hundred dollars.

Passed the House February 20, 1959.

Passed the Senate February 19, 1959.

Approved by the Governor February 26, 1959.

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CHAPTER 39.

[ S. B. 9. ]

STATE INSTITUTIONS—QUARTERS FOR PERSONNEL—  
MAPLE LANE EMPLOYEES.

AN ACT relating to state institutions; amending section 72.20.020, chapter 28, Laws of 1959 and RCW 72.20.020; amending section 72.20.040, chapter 28, Laws of 1959 and RCW 72.20.040; and amending section 72.01.280, chapter 28, Laws of 1959 and RCW 72.01.280.

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

RCW 72.20.020  
amended.

SECTION 1. Section 72.20.020, chapter 28, Laws of 1959 and RCW 72.20.020 are each amended to read as follows:

Management—  
Superinten-  
dent.

The government, control and business management of such school shall be vested in the director. The director shall, with the approval of the governor, appoint a suitable superintendent of said school, and shall designate the number of subordinate officers and employees to be employed, and fix their respective salaries, and have power, with the like approval, to make and enforce all such rules and regulations for the administration, government and discipline of the school as the director may deem just and proper, not inconsistent with this chapter.

RCW 72.20.040  
amended.

SEC. 2. Section 72.20.040, chapter 28, Laws of 1959 and RCW 72.20.040 are each amended to read as follows:

Duties of  
superinten-  
dent.

The superintendent, subject to the direction and approval of the director shall: