

CHAPTER 9
[House Bill No. 35]
MOTOR VEHICLES--CODE CORRECTIONS

AN ACT Relating to motor vehicles; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 60, chapter 281, Laws of 1969 ex. sess., and RCW 46.44.092; reenacting section 4, chapter 39, Laws of 1963 as last amended by section 24, chapter 199, Laws of 1969 ex. sess., and by section 3, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.030; reenacting section 6, chapter 39, Laws of 1963 as amended by section 25, chapter 199, Laws of 1969 ex. sess., and by section 4, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.050; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 46.44.092, chapter 12, Laws of 1961 as last amended by section 60, chapter 281, Laws of 1969 ex. sess., and RCW 46.44.092 are each amended to read as follows:

No special permit shall be issued for movement on any two-lane state highway outside the limits of any city or town where the overall width of load exceeds fourteen feet, or on any multiple lane state highway where the overall width of load exceeds thirty-two feet; except that on multiple lane state highways where a physical barrier serving as a median divider separates the oncoming and opposing traffic lanes, no special permit shall be issued for width in excess of twenty feet: PROVIDED, That (1) these width limitations may be exceeded on state highways where the latest available traffic figures show that the highway or section of highway carries less than one hundred vehicles per day: PROVIDED FURTHER, That in the case of buildings, the limitations referred to in this section for movement on any two lane state highway other than the national system of interstate and defense highways may be exceeded under the following conditions:

(a) Uninterrupted vehicular traffic shall be maintained in one direction at all times; (b) maximum distance of movement shall not exceed five miles; additional contiguous permits shall not be issued to

exceed the five-mile limit: PROVIDED, That when in the opinion of the highway commission a hardship would result, this limitation may be exceeded upon approval of the commission; (c) prior to issuing a permit a qualified highway department employee shall make a visual inspection of the building and route involved determining that the conditions listed herein shall be complied with and that structures or overhead obstructions may be cleared or moved in order to maintain a constant and uninterrupted movement; (d) special escort or other precautions may be imposed to assure movement is made under the safest possible conditions, and the Washington state patrol shall be advised when and where the movement is to be made; (2) permits may be issued for widths of vehicles in excess of the preceding limitations on highways or sections of highways which have been designed and constructed for width in excess of such limitations; (3) these limitations may be rescinded when certification is made by military officials or by officials of public or private power facilities, when in the opinion of the highway commission, the movement or action is a necessary emergency movement or action: PROVIDED FURTHER, That the structures and highway surfaces on the routes involved are determined to be capable of sustaining widths in excess of such limitation; (4) these limitations shall not apply to farmers moving farm machinery between farms during daylight hours if the movement does not pass along and upon any primary or secondary state highway for a distance greater than one hundred miles, if properly patrolled and flagged; (5) these limitations shall not apply to movement during daylight hours on any two lane state highway where the gross weight, including load, does not exceed forty-five thousand pounds and the overall width of load does not exceed sixteen feet: PROVIDED, That the minimum and maximum speed of such movements, prescribed routes of such movements, the times of such movements, limitation upon frequency of trips (which limitation shall be not less than one per week), and conditions to assure safety of traffic may be prescribed by the highway commission or local authority issuing such special permit.

The applicant for any special permit shall specifically describe the vehicle or vehicles and load to be operated or moved and the particular state highways for which permit to operate is requested and whether such permit is requested for a single trip or for continuous operation.

Sec. 2. Section 4, chapter 39, Laws of 1963, as last amended by section 24, chapter 199, Laws of 1969 ex. sess., and by section 3, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.030, are each reenacted to read as follows:

There shall be levied and paid into the traffic safety education account of the general fund of the state treasury a penalty assessment in addition to the fine or bail forfeiture on all offenses involving a violation of a state statute or city or county ordinance relating to the operation or use of motor vehicles or the licensing of vehicle operators, except offenses relating to parking of vehicles, in the following amounts:

(1) Where a fine is imposed, five dollars for each twenty dollars of fine, or fraction thereof.

(2) If bail is forfeited, five dollars for each twenty dollars of bail, or fraction thereof.

(3) Where multiple offenses are involved, the penalty assessment shall be based on the total fine or bail forfeited for all offenses.

All fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

Where a fine is suspended, in whole or in part, the penalty assessment shall be levied in accordance with the fine actually imposed.

Sec. 3. Section 6, chapter 39, Laws of 1963 as amended by section 25, chapter 199, Laws of 1969 ex. sess., and by section 4, chapter 218, Laws of 1969 ex. sess., and RCW 46.81.050, are each re-

enacted to read as follows:

The gross proceeds of the penalty assessments provided for in RCW 46.81.030 shall be transmitted to the city or county treasurer, as the case may be, by the court collecting the same, in the manner and at the times that fines and bail forfeitures are transmitted to such treasurers. The city and county treasurers shall transmit to the state treasurer monthly and without deduction the amount of such penalty assessments received, which shall be credited to the traffic safety education account in the general fund: PROVIDED, That all fees, fines, forfeitures and penalties collected or assessed by a justice court because of the violation of a state law shall be remitted as provided in chapter 3.62 RCW as now exists or is later amended.

NEW SECTION. Sec. 4. Any action effected in accordance with the provisions of the underlined material in section 1 of this act during the period of from May 23, 1969 until the effective date of this act is hereby declared valid.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

EXPLANATORY NOTE

Section 1. RCW 46.44.092 was amended in the 1969 extraordinary session by 1969 ex.s. c 281 § 60. The underlined matter in subsection (1) (b) was omitted, but not indicated as deleted. The purpose of section 1 of this bill is to correct the apparently inadvertent omission by replacing the omitted material in its original form. Section 4 validates any action taken during the omission period..

Secs. 2 and 3. RCW 46.81.030 and 46.81.050 were amended during the 1969 extraordinary session by 1969 ex.s. c 199 §§ 24 and 25, and were again amended by 1969 ex.s. c 218 §§ 3 and 4 without reference to the earlier amendments.

RCW 46.81.030 was amended by 1969 ex.s. c 199 § 24 relating to the disposition of fines, fees, forfeitures and penalties collected or assessed by a justice court. 1969 ex.s. c 218 § 3 changed "driver education account" to "traffic safety education account", and also changed the amount of penalty assessments to be paid into said account from three to five dollars, on fines and bail forfeitures.

RCW 46.81.050 was amended by 1969 ex.s. c 199 § 25 which added the proviso at the end of the section relating to the disposition of fines, fees, forfeitures and penalties collected or assessed by justice courts. 1969 ex.s. c 218 § 4 changed "driver education account" to "traffic safety account".

As these amendments appear to be in different respects, the purpose of this bill is to give effect to both amendments to both sections by reenacting the sections with the amendments included therein.

Passed the House January 27, 1970

Passed the Senate February 4, 1970

Approved by the Governor February 12, 1970

Filed in Office of Secretary of State February 12, 1970

CHAPTER 10
[House Bill No. 36]
ELECTIONS--CODE CORRECTIONS

AN ACT Relating to elections; reenacting section 29.21.150, chapter 9, Laws of 1965 as last amended by section 89, chapter 176, Laws of 1969 ex. sess., and by section 11, chapter 221, Laws of 1969 ex. sess., and by section 57, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.150; reenacting section 29.21.180, chapter 9, Laws of 1965 as last amended by section 1, chapter 131, Laws of 1969, and by section 90, chapter 176, Laws of 1969 ex. sess., and by section 58, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.180; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

Section 1. Section 29.21.150, chapter 9, Laws of 1965 as last amended by section 89, chapter 176, Laws of 1969 ex. sess., and by section 11, chapter 221, Laws of 1969 ex. sess., and by section 57, chapter 283, Laws of 1969 ex. sess., and RCW 29.21.150 are each reenacted to read as follows:

The name of the person who receives the greatest number of votes and of the person who receives the next greatest number of votes at the primary for a single nonpartisan position shall appear on the general election ballot under the designation therefor: PROVIDED, That in elections for justices of the supreme court, judges of the court of appeals and judges of the superior court, for justices of the peace, and for state superintendent of public instruc-