

CHAPTER 83

[Engrossed Senate Bill No. 2039]

CURB RAMPING--PHYSICALLY HANDICAPPED, ACCESS

AN ACT Relating to cities and towns; and adding a new section to chapter 7, Laws of 1965 and chapter 35.68 RCW.

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

NEW SECTION. Section 1. There is added to chapter 7, Laws of 1965 and to chapter 35.68 RCW a new section to read as follows:

(1) The standard for construction of curbs on each side of any city or town street, or any connecting street or town road for which curbs and sidewalks have been prescribed by the governing body of the town or city having jurisdiction thereover, shall be not less than two ramps per lineal block on or near the crosswalks at intersections. Such ramps shall be at least thirty-six inches wide and so constructed as to allow reasonable access to the crosswalk for physically handicapped persons.

(2) Standards set for curb ramping under subsection (1) of this section shall not apply to any curb existing upon enactment of this section but shall apply to all new curb construction and to all replacement curbs constructed at any point in a block which gives reasonable access to a crosswalk.

Passed the Senate February 1, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 84

[Engrossed Senate Bill No. 2042]

CIVIL PROCEDURE--ATTORNEYS' FEES

ALLOWANCE

AN ACT Relating to civil procedure; providing for allowances of attorneys' fees as costs in certain actions; and adding new sections to chapter 4.84 RCW.

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

NEW SECTION. Section 1. Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is one thousand dollars or less, there shall be taxed and allowed to the prevailing party as a part of the

costs of the action a reasonable amount to be fixed by the court as attorneys' fees.

NEW SECTION. Sec. 2. The plaintiff, or party seeking relief, shall be deemed the prevailing party within the meaning of section 1 of this 1973 act when the recovery, exclusive of costs, is as much as or more than the amount offered in settlement by the plaintiff, or party seeking relief, as set forth in section 4 of this 1973 act.

NEW SECTION. Sec. 3. The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of section 1 of this 1973 act, if the plaintiff, or party seeking relief, recovers nothing, or if the recovery, exclusive of costs, is the same as or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in section 4 of this 1973 act.

NEW SECTION. Sec. 4. Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules. Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in section 1 of this 1973 act.

NEW SECTION. Sec. 5. If the case is appealed, the prevailing party on appeal shall be considered the prevailing party for the purpose of applying the provisions of section 1 of this 1973 act: PROVIDED, That if, on appeal, a retrial is ordered, the court ordering the retrial shall designate the prevailing party, if any, for the purpose of applying the provisions of section 1 of this 1973 act.

In addition, if the prevailing party on appeal would be entitled to attorneys' fees under the provisions of section 1 of this 1973 act, the court deciding the appeal shall allow to the prevailing party such additional amount as the court shall adjudge reasonable as attorneys' fees for the appeal.

NEW SECTION. Sec. 6. The provisions of sections 1 through 5 of this 1973 act shall apply regardless of whether the action is commenced in justice court or superior court: PROVIDED, That this section shall not be construed as conferring jurisdiction on either court.

NEW SECTION. Sec. 7. The provisions of this 1973 act shall not apply to actions on assigned claims.

NEW SECTION. Sec. 8. Sections 1 through 7 of this 1973 act are each added to chapter 4.84 RCW.

Passed the Senate February 1, 1973.

Passed the House February 28, 1973.

Approved by the Governor March 14, 1973.

Filed in Office of Secretary of State March 14, 1973.

CHAPTER 85

[Engrossed Senate Bill No. 2053]

COUNTY CENTRAL COMMITTEE--

ORGANIZATIONAL MEETING DATE

AN ACT Relating to county central committees of political parties; and amending section 29.42.030, chapter 9, Laws of 1965 as amended by section 5, chapter 4, Laws of 1973 and RCW 29.42.030.

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

Section 1. Section 29.42.030, chapter 9, Laws of 1965 as amended by section 5, chapter 4, Laws of 1973 and RCW 29.42.030 are each amended to read as follows:

The county central committee of each major political party shall consist of the precinct committeemen of the party from the several voting precincts of the county. ((This committee shall meet for the purpose of organization at the county court house at two o'clock p.m. on the second Saturday in December after each state general election in the even-numbered year unless some other time and place are designated by a sufficient notice to all the newly elected committeemen by the authorized officers of the retiring committee. For the purpose of this paragraph, a notice mailed at least seventy-two hours prior to the date of the meeting shall constitute sufficient notice.)) Following each state general election held in even-numbered years, this committee shall meet for the purpose of organization at an easily accessible location within the county, subsequent to the certification of precinct committeemen by the county auditor and no later than the second Saturday of the following January. The authorized officers of the retiring committee shall cause notice of the time and place of such meeting to be mailed to each precinct committeeman at least seventy-two hours prior to the date of the meeting.