

~~((28))~~ (29) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((29))~~ (30) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((30))~~ (31) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((31))~~ (32) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((32))~~ (33) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((33))~~ (34) Chapter ~~((46.83))~~ 46.82 RCW relating to driver's training schools.

Passed the Senate April 2, 1981.

Passed the House April 22, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 319

[Engrossed Substitute Senate Bill No. 3388]

PUBLIC TRANSPORTATION—COUNTY AMBULANCE SERVICE—COUNTY FARE ADJUSTMENTS—MUNICIPAL TAX PROCEEDS

AN ACT Relating to county transportation authorities; amending section 1, chapter 167, Laws of 1974 ex. sess. as amended by section 39, chapter 151, Laws of 1979 and RCW 36.57.010; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; and amending section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279.

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

Section 1. Section 1, chapter 167, Laws of 1974 ex. sess. as amended by section 39, chapter 151, Laws of 1979 and RCW 36.57.010 are each amended to read as follows:

For the purposes of this chapter (~~and RCW 82.14.047~~) the following definitions shall apply:

(1) "Authority" means the county transportation authority created pursuant to this chapter (~~and RCW 82.14.047~~).

(2) "Population" means the number of residents as shown by the figures released for the most recent official state, federal, or county census, or population determination made by the office of financial management.

(3) "Public transportation function" means the transportation of passengers and their incidental baggage by means other than by chartered bus, sightseeing bus, together with the necessary passenger terminals and parking facilities or other properties necessary for passenger and vehicular access to and from such people-moving systems, and may include contracting for the provision of ambulance services for the transportation of the sick and injured: PROVIDED, That such contracting for ambulance services

shall not include the exercise of eminent domain powers: PROVIDED, FURTHER, That nothing shall prohibit an authority from leasing its buses to private certified carriers or prohibit the county from providing school bus service.

Sec. 2. Section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57-.040 are each amended to read as follows:

Every county transportation authority created to perform the function of public transportation pursuant to RCW 36.57.020 shall have the following powers:

(1) To prepare, adopt, carry out, and amend a general comprehensive plan for public transportation service.

(2) To acquire by purchase, condemnation, gift, or grant and to lease, construct, add to, improve, replace, repair, maintain, operate, and regulate the use of any transportation facilities and properties, including terminal and parking facilities, together with all lands, rights of way, property, equipment, and accessories necessary for such systems and facilities.

(3) To fix rates, tolls, fares, and charges for the use of such facilities and to establish various routes and classes of service. Fares or charges may be adjusted or eliminated for any distinguishable class of users including, but not limited to senior citizens, handicapped persons, and students.

(4) (~~in the event~~) If a county transit authority (~~shall~~) extends its transportation function to any area in which service is already offered by any company holding a certificate of public convenience and necessity from the Washington utilities and transportation commission under RCW 81.68-.040, (~~it may~~) to acquire by purchase or condemnation at the fair market value, from the person holding the existing certificate for providing the services, that portion of the operating authority and equipment representing the services within the area of public operation, or (~~it may~~) to contract with such person or corporation to continue to operate such service or any part thereof for time and upon such terms and conditions as provided by contract.

(5) (a) To contract with the United States or any agency thereof, any state or agency thereof, any metropolitan municipal corporation, any other county, city, special district, or governmental agency and any private person, firm, or corporation for the purpose of receiving gifts or grants or securing loans or advances for preliminary planning and feasibility studies, or for the design, construction, operation, or maintenance of transportation facilities and ambulance services: PROVIDED, That before the authority enters into any such contract for the provision of ambulance service, it shall submit to the voters a proposition authorizing such contracting authority, and a majority of those voting thereon shall have approved the proposition; and

(b) To contract with any governmental agency or with any private person, firm, or corporation for the use by either contracting party of all or any

part of the facilities, structures, lands, interests in lands, air rights over lands, and rights of way of all kinds which are owned, leased, or held by the other party and for the purpose of planning, constructing, or operating any facility or performing any service related to transportation which the county is authorized to operate or perform, on such terms as may be agreed upon by the contracting parties: PROVIDED, That before any contract for the lease or operation of any transportation facilities shall be let to any private person, firm, or corporation, competitive bids shall first be called for and contracts awarded in accord with the procedures established in accord with RCW 36.32.240, 36.32.250, and 36.32.270.

(6) In addition to all other powers and duties, an authority shall have the power to own, construct, purchase, lease, add to, and maintain any real and personal property or property rights necessary for the conduct of the affairs of the authority. An authority may sell, lease, convey, or otherwise dispose of any authority real or personal property no longer necessary for the conduct of the affairs of the authority. An authority may enter into contracts to carry out the provisions of this section.

Sec. 3. Section 14, chapter 255, Laws of 1969 ex. sess. as amended by section 3, chapter 175, Laws of 1979 ex. sess. and RCW 35.58.279 are each amended to read as follows:

All taxes levied and collected under RCW 35.58.273 shall be credited to a special fund in the treasury of the municipality imposing such tax. Such taxes shall be levied and used solely for the purpose of paying all or any part of the cost of acquiring, constructing, equipping or operating a publicly owned mass transportation system, or contracting for the services thereof, or to pay or secure the payment of all or part of the principal of or interest on any general obligation bonds or revenue bonds issued for public transportation capital purposes and until withdrawn for use, the moneys accumulated in such fund or funds may be invested by the treasurer of such municipality in the manner authorized by the legislative body of the municipality.

No municipality may use any of the proceeds of the taxes levied and collected under RCW 35.58.273 for the purpose of financing ambulance services nor shall the expenditure of sales and use tax authorized pursuant to RCW 82.14.045 for ambulance services be counted as locally generated tax revenues for apportionment and distribution of the proceeds of the motor vehicle excise tax authorized pursuant to RCW 35.58.273, in the manner prescribed by chapter 82.44 RCW as now or hereafter amended.

If any of the revenue from any such special excise tax shall have been pledged by any municipality to secure the payment of any bonds as herein authorized, then as long as that pledge shall be in effect the legislature shall not withdraw from the municipality the authority to levy and collect the tax. After August 11, 1969, any municipality is authorized to pledge that the tax authorized by RCW 35.58.273 shall be levied, collected and applied as provided by law to pay or secure the payment of any bonds issued by

such municipality after such date but before May 14, 1979, for authorized public transportation purposes.

Passed the Senate April 25, 1981.

Passed the House April 15, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 320

[Substitute Senate Bill No. 3309]

CIVIL IMMUNITY—BUILDING WARDENS—INSURERS, ARSON FIRE—CLAIMS

AN ACT Relating to special immunities; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 48.50 RCW.

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

NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term "building warden" means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the state fire marshal after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

NEW SECTION. Sec. 2. There is added to chapter 48.50 RCW a new section to read as follows:

In denying a claim resulting from a fire, an insurer who relies upon a written opinion from an authorized agency specifically enumerated in (a) through (e) of RCW 48.50.020(1) that the fire was caused by arson, and that the insured was responsible for the fire, shall not be liable for bad faith or other noncontractual theory of damages as a result of this reliance.