
SENATE BILL 6718

State of Washington

55th Legislature

1998 Regular Session

By Senators Finkbeiner and Hochstatter

Read first time 01/29/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to immunity for state and local government agencies
2 and their employees for harm caused by incorrectly calculated or
3 interpreted dates associated with year 2000 date changes processed by
4 electronic computing devices; adding a new section to chapter 4.24 RCW;
5 creating a new section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature
8 that:

9 (a) Agencies exercise due diligence to prepare electronic computing
10 devices for which they are responsible to continue normal operation
11 after the year 2000;

12 (b) Citizens and clients of agencies continue to receive
13 statutorily mandated services, entitlements, and compensation delivered
14 through electronic computing devices without interruption through and
15 after the year 2000; and

16 (c) Vendors and contractors providing goods and services to
17 agencies continue to receive payment for same without interruption
18 through and after the year 2000.

1 (2) However, the legislature recognizes that preparing agencies'
2 electronic computing devices for year 2000 readiness is a complex and
3 difficult challenge, and that even due diligence practices may result
4 in some failures of these devices.

5 (3) In the event of such failures, it is the intent of the
6 legislature that affected citizens, clients, vendors, and contractors
7 have recourse to existing administrative or contractual remedies to
8 obtain redress but not otherwise compensate them for consequences of
9 the failure.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
11 to read as follows:

12 (1) As used in this section:

13 (a) "Agency" means any state or local government board, commission,
14 bureau, committee, department, institution, division, or tribunal in
15 the legislative, executive, or judicial branch, including elective and
16 legislative offices, institutions of higher education created and
17 supported by state government, counties, cities, towns, special purpose
18 districts, local service districts, municipal corporations, quasi-
19 municipal corporations, and political subdivisions of such agencies and
20 corporations.

21 (b) "Electronic computing device" means any computer hardware or
22 software, computer chip, embedded chip, process control equipment, or
23 other information system used to capture, store, manipulate, or process
24 data, or that controls, monitors, or assists in the operation of
25 physical apparatus that is not primarily used as a computer, but that
26 relies on automation or digital technology to function, including but
27 not limited to vehicles, vessels, buildings, structures, facilities,
28 elevators, medical equipment, traffic signals, factory machinery, and
29 the like.

30 (c) "Indirect or consequential damages" means any harm, loss,
31 damage, or physical or mental injury of any nature whatsoever other
32 than goods, entitlements, services, or compensation that agencies are
33 by contract, statute, or rule obligated to provide.

34 (2) No action may be brought against an agency or its employees for
35 indirect or consequential damages caused in whole or in part by
36 computational or interpretive errors generated by an electronic
37 computing device, owned, controlled, or operated by an agency, and
38 arising out of or in connection with the year 2000 date change.

1 Neither an agency nor its employees may be held liable in any other
2 action whether based in tort, contract, or otherwise for such damages.

3 (3) Nothing in this chapter may be interpreted to interfere with
4 contractual rights, obligations, duties, or warranties of private
5 vendors supplying electronic computing devices to agencies. In the
6 event of an agency's or contractor's failure to perform contractual
7 obligations due to computational or interpretive errors associated with
8 the year 2000 date change, the remedies available to the parties shall
9 be as set forth in their written contract.

10 (4) Nothing in this section may be interpreted to interfere with
11 citizens' rights to receive statutorily mandated services,
12 entitlements, or compensation from agencies. In the event of an
13 agency's failure to deliver such services, entitlements, or
14 compensation due to computational or interpretive errors associated
15 with the year 2000 date change, the remedies available to the citizen
16 or client shall be the existing administrative procedures or remedies
17 provided by law, except as expressly limited by this section.

18 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
19 preservation of the public peace, health, or safety, or support of the
20 state government and its existing public institutions, and takes effect
21 immediately.

--- END ---