

1 1804-S AMH H5174.1

2 SHB 1804 - H AMD 1005
3 By Representative

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5 Strike everything after the enacting clause and insert the
6 following:

7 **"PART 1--EMPLOYMENT LAW**

8 NEW SECTION. Sec. 101. A new section is added to chapter 4.24 RCW
9 to read as follows:

10 An employer who discloses information about a former or current
11 employee's job performance, conduct, or other work-related information
12 to a prospective employer, is presumed to be acting in good faith and
13 is immune from civil liability for such disclosure or its consequences.
14 For purposes of this section, the presumption of good faith may only be
15 rebutted upon a showing by clear and convincing evidence that the
16 information disclosed by the employer was knowingly false or
17 deliberately misleading.

18 NEW SECTION. Sec. 102. Section 101 of this act applies only to
19 employers making disclosures after the effective date of this act.

20 **PART 2--TORT JUDGMENT INTEREST RATE**

21 **Sec. 201.** RCW 4.56.115 and 1983 c 147 s 2 are each amended to read
22 as follows:

23 Judgments founded on the tortious conduct of the state of
24 Washington or of the political subdivisions, municipal corporations,
25 and quasi municipal corporations of the state, whether acting in their
26 governmental or proprietary capacities, shall bear interest from the
27 date of entry at two percentage points above the ((maximum rate
28 permitted under RCW 19.52.020 on)) equivalent coupon issue yield (as
29 published by the board of governors of the federal reserve system) of
30 the average bill rate for twenty-six week treasury bills as determined
31 at the first bill market auction conducted during the calendar month
32 immediately preceding the date of entry thereof((:—PROVIDED, That)).

1 In any case where a court is directed on review to enter judgment on a
2 verdict or in any case where a judgment entered on a verdict is wholly
3 or partly affirmed on review, interest on the judgment or on that
4 portion of the judgment affirmed shall date back to and shall accrue
5 from the date the verdict was rendered.

6 **Sec. 202.** RCW 4.56.110 and 1989 c 360 s 19 are each amended to
7 read as follows:

8 Interest on judgments shall accrue as follows:

9 (1) Judgments founded on written contracts, providing for the
10 payment of interest until paid at a specified rate, shall bear interest
11 at the rate specified in the contracts: PROVIDED, That said interest
12 rate is set forth in the judgment.

13 (2) All judgments for unpaid child support that have accrued under
14 a superior court order or an order entered under the administrative
15 procedure act shall bear interest at the rate of twelve percent.

16 (3) Except as provided under subsections (1) and (2) of this
17 section, judgments shall bear interest from the date of entry at two
18 percentage points above the ((maximum rate permitted under RCW
19 19.52.020 on)) equivalent coupon issue yield (as published by the board
20 of governors of the federal reserve system) of the average bill rate
21 for twenty-six week treasury bills as determined at the first bill
22 market auction conducted during the calendar month immediately
23 preceding the date of entry thereof((:—PROVIDED, That)). In any case
24 where a court is directed on review to enter judgment on a verdict or
25 in any case where a judgment entered on a verdict is wholly or partly
26 affirmed on review, interest on the judgment or on that portion of the
27 judgment affirmed shall date back to and shall accrue from the date the
28 verdict was rendered.

29 NEW SECTION. **Sec. 203.** Sections 201 and 202 of this act apply
30 only to judgments entered after the effective date of this act.

31 **PART 3--CERTIFICATE OF MERIT**

32 NEW SECTION. **Sec. 301.** A new section is added to chapter 4.24 RCW
33 to read as follows:

34 (1) The claimant's attorney shall file the certificate specified in
35 subsection (2) of this section within ninety days of filing or service,

1 whichever occurs later, of any action for damages arising out of: The
2 negligence of a person licensed, registered, or certified under Title
3 18 RCW or a health care facility as defined in RCW 48.43.005; or a
4 product liability claim under chapter 7.72 RCW. The court may, for
5 good cause shown, extend the period of time within which filing of the
6 certificate is required.

7 (2) The certificate issued by the claimant's attorney shall
8 declare:

9 (a) That the attorney has reviewed the facts of the case;

10 (b) That the attorney has consulted with at least one qualified
11 expert who the attorney reasonably believes is knowledgeable in the
12 relevant issues involved in the particular action and who:

13 (i) Holds a license, certificate, or registration issued by this
14 state or another state in the same profession as that of the defendant
15 and who practices in the same specialty or subspecialty as the
16 defendant; or

17 (ii) Has expertise in those areas requiring expert testimony in a
18 product liability claim or in an action against a health care facility;

19 (c) The identity of the expert and the expert's license,
20 certification, or registration;

21 (d) That the expert is willing and available to testify to
22 admissible facts or opinions; and

23 (e) That the attorney has concluded on the basis of such review and
24 consultation that there is reasonable and meritorious cause for the
25 filing of such action.

26 (3) Where a certificate is required under this section, and where
27 there are multiple defendants, the certificate or certificates must
28 state the attorney's conclusion that on the basis of review and expert
29 consultation, there is reasonable and meritorious cause for the filing
30 of such action as to each defendant.

31 (4) The provisions of this section shall not be applicable to a pro
32 se plaintiff until such a time as an attorney appears on the
33 plaintiff's behalf.

34 (5) Violation of this section shall be grounds for either dismissal
35 of the case or sanctions against the attorney, or both, as the court
36 deems appropriate.

37 NEW SECTION. **Sec. 302.** Section 301 of this act applies to all
38 actions for damages filed on or after July 1, 1998.

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PART 4--SEVERABILITY

2 NEW SECTION. **Sec. 401.** If any provision of this act or its
3 application to any person or circumstance is held invalid, the
4 remainder of the act or the application of the provision to other
5 persons or circumstances is not affected."

6 Correct the title.

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