

SENATE BILL REPORT

EHB 1530

As Reported By Senate Committee On:
Judiciary, March 27, 2001

Title: An act relating to serving claims against local governmental entities for tortious conduct.

Brief Description: Providing for the appointment of an agent to receive claims against local government entities.

Sponsors: By Representatives Lantz (co-prime sponsor) and Carrell (co-prime sponsor).

Brief History:

Committee Activity: Judiciary: 3/15/01, 3/27/01 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Constantine, Vice Chair; Costa, Hargrove, Kastama, Long, McCaslin, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

Background: The state has waived sovereign immunity for government and allowed itself and local governments to be sued for the torts of government officials, employees, or volunteers.

Before an injured party may bring a suit against a local government entity, the injured party must make a claim against the entity for the damages sought. A lawsuit for the recovery of those damages may not be commenced until at least 60 days after the claim has been filed with the local government. (Any applicable statute of limitations is tolled during the 60-day wait to start the lawsuit.)

The law requires that a claim for damages must be "presented to and filed with the governing body" of the local government entity.

Summary of Bill: Each local government entity must appoint an agent to receive claims for damages. The identity and location during business hours of the agent must be recorded with the county auditor.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The current law is confusing as to how a claim for damages is to be served on a local government. The concept in the bill is the same as having a registered agent receive process for a corporation.

The bill is a technical fix and will lower transactional costs for litigants.

Testimony Against: None.

Testified: Robin Mullins, WA State Process Servers; Larry Shannon, WSTLA; Jim Justin, WA Assn. of Cities.