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ENGROSSED HOUSE BILL 1530

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Lantz and Carrell

Read first time 01/29/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to serving claims against local governmental  
2 entities for tortious conduct; and amending RCW 4.96.010 and 4.96.020.

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

4 **Sec. 1.** RCW 4.96.010 and 1993 c 449 s 2 are each amended to read  
5 as follows:

6 (1) All local governmental entities, whether acting in a  
7 governmental or proprietary capacity, shall be liable for damages  
8 arising out of their tortious conduct, or the tortious conduct of their  
9 past or present officers, employees, or volunteers while performing or  
10 in good faith purporting to perform their official duties, to the same  
11 extent as if they were a private person or corporation. Filing a claim  
12 for damages within the time allowed by law shall be a condition  
13 precedent to the commencement of any action claiming damages. The laws  
14 specifying the content for such claims shall be liberally construed so  
15 that substantial compliance therewith will be deemed satisfactory.

16 (2) Unless the context clearly requires otherwise, for the purposes  
17 of this chapter, "local governmental entity" means a county, city,  
18 town, special district, municipal corporation as defined in RCW  
19 39.50.010, (~~or~~) quasi-municipal corporation, or public hospital.

1 (3) For the purposes of this chapter, "volunteer" is defined  
2 according to RCW 51.12.035.

3 **Sec. 2.** RCW 4.96.020 and 1993 c 449 s 3 are each amended to read  
4 as follows:

5 (1) The provisions of this section apply to claims for damages  
6 against all local governmental entities.

7 (2) The governing body of each local government entity shall  
8 appoint an agent to receive any claim for damages made under this  
9 chapter. The identity of the agent and the address where he or she may  
10 be reached during the normal business hours of the local governmental  
11 entity are public records and shall be recorded with the auditor of the  
12 county in which the entity is located. All claims for damages against  
13 ((any such)) a local governmental entity ((for damages)) shall be  
14 presented to ((and filed with the governing body thereof)) the agent  
15 within the applicable period of limitations within which an action must  
16 be commenced.

17 (3) All claims for damages arising out of tortious conduct must  
18 locate and describe the conduct and circumstances which brought about  
19 the injury or damage, describe the injury or damage, state the time and  
20 place the injury or damage occurred, state the names of all persons  
21 involved, if known, and shall contain the amount of damages claimed,  
22 together with a statement of the actual residence of the claimant at  
23 the time of presenting and filing the claim and for a period of six  
24 months immediately prior to the time the claim arose. If the claimant  
25 is incapacitated from verifying, presenting, and filing the claim in  
26 the time prescribed or if the claimant is a minor, or is a nonresident  
27 of the state absent therefrom during the time within which the claim is  
28 required to be filed, the claim may be verified, presented, and filed  
29 on behalf of the claimant by any relative, attorney, or agent  
30 representing the claimant.

31 (4) No action shall be commenced against any local governmental  
32 entity for damages arising out of tortious conduct until sixty days  
33 have elapsed after the claim has first been presented to and filed with  
34 the governing body thereof. The applicable period of limitations  
35 within which an action must be commenced shall be tolled during the  
36 sixty-day period.

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