
HOUSE BILL 1530

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