

SENATE BILL REPORT

EHB 2015

As Reported By Senate Committee On:
Judiciary, April 2, 1999

Title: An act relating to restricting liability for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date-changes processed by electronic computing devices.

Brief Description: Restricting liability for year 2000 date-change damages.

Sponsors: Representatives Radcliff, Wolfe, Lambert, Romero, DeBolt, Morris, Constantine, Ruderman, D. Schmidt, Crouse, Carrell, Poulsen, Miloscia and Rockefeller; by request of Department of General Administration and Department of Information Services.

Brief History: Passed House 3/15/99, 88-8.

Committee Activity: Judiciary: 3/29/99, 4/2/99 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Heavey, Chair; Kline, Vice Chair; Costa, Goings, Haugen, Long and Thibaudeau.

Staff: Dick Armstrong (786-7460)

Background: The Year 2000 Problem. The year 2000 (Y2K) problem is caused by the practice of using two digits instead of four to represent years in computer programs and computer chips. This may cause some computers to mistake the year 2000 for the year 1900 which may cause the failure of many computer related services.

State agencies have been working to correct the Y2K problem since as early as 1993. However, due to the complexity of the problem, it is possible that some Y2K problems will nevertheless be experienced.

Joint and Several Liability. In many cases where a plaintiff is injured, there is more than one defendant at fault. In such cases, the defendants will either be severally liable or jointly liable.

If the defendants are severally liable, each only pays for his or her share of the damages. For example, if defendants D and E cause \$100 worth of damage to the plaintiff, and D was 30 percent at fault and E was 70 percent at fault, D would pay \$30 and E would pay \$70.

If the defendants are jointly liable, they are each responsible for the total damage done to the plaintiff. In the example above, if D was unable to pay, E could be held liable for the entire \$100.

Summary of Bill: In an action against an agency for damages caused by the Y2K problem, the agency is severally liable only. The agency is also immune from liability for the first \$100 of damages per claimant. This does not apply to any action for damages arising from bodily personal injury, to wrongful death and survival actions, to actions for the injury or death of a child, or to actions arising after December 31, 2003. "Agency" is defined as any state or local government board, commission, bureau, committee, department, institution, division, or tribunal in the legislative, executive, or judicial branch. Electric cooperatives and mutual utilities are also considered to be agencies for purposes of the bill.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This is an important bill that requires the government to pay its share of damages for Y2K problems. The correct thing to do is to have the government pay its share, but not to be a deep pocket.

Testimony Against: None.

Testified: PRO: Victoria Lincoln, Assn. of Cities; Toni McKinley, Assn. of PUDs; Erica Lim, Dept. of Information Services.