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HOUSE BILL 1561

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State of Washington

52nd Legislature

1991 Regular Session

By Representatives Anderson, McLean, Belcher and Bowman; by request of Department of General Administration.

Read first time February 1, 1991. Referred to Committee on State Government.

1 AN ACT Relating to the tort claims revolving fund; amending RCW  
2 4.92.160; adding a new section to chapter 4.92 RCW; and creating a new  
3 section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.92 RCW  
6 to read as follows:

7 The tort claims revolving fund is created in the custody of the  
8 treasurer to be used solely and exclusively for the payment of claims  
9 against the state arising out of tortious conduct taking place prior to  
10 July 1, 1990, and against its officers, employees, and volunteers for  
11 whom the defense of the claim was authorized under RCW 4.92.070.

12 No money may be paid from the tort claims revolving fund unless all  
13 proceeds available to the claimant from any valid and collectible  
14 liability insurance is exhausted, and unless the claim has been  
15 approved for payment in accordance with RCW 4.92.210.

1        NEW SECTION.    **Sec. 2.**    It is the intent of the legislature that  
2 the tort claims revolving fund created under section 1 of this act have  
3 the same purpose, use, and application as the tort claims revolving  
4 fund abolished effective July 1, 1989, by the legislature in chapter  
5 419, Laws of 1989.

6        **Sec. 3.**    RCW 4.92.160 and 1986 c 126 s 9 are each amended to read  
7 as follows:

8        Payment of claims and judgments arising out of tortious conduct or  
9 pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency  
10 or department of state government with the exception of the risk  
11 management office, and that office shall authorize and direct the  
12 payment of moneys only from the tort claims revolving fund whenever:

13        (1) The head or governing body of any agency or department of state  
14 or the designee of any such agency certifies to the risk management  
15 office that a claim has been settled (~~(under authority of RCW 4.92.140~~  
16 ~~as herein or hereafter amended)~~); or

17        (2) The clerk of court has made and forwarded a certified copy of  
18 a final judgment in a court of competent jurisdiction and the attorney  
19 general certifies that the judgment is final and was entered in an  
20 action on a claim arising out of tortious conduct or under and pursuant  
21 to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to  
22 the clerk of the court for the benefit of the judgment creditors. Upon  
23 receipt of payment, the clerk shall satisfy the judgment against the  
24 state.