
SENATE BILL 6101

State of Washington 52nd Legislature 1992 Regular Session

By Senators Nelson, Rasmussen and Thorsness

Read first time 01/15/92. Referred to Committee on Law & Justice.

1 AN ACT Relating to timely filing of claims against political
2 subdivisions, municipal corporations, and quasi municipal corporations;
3 and amending RCW 4.96.020, 35.31.020, and 36.45.010.

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

5 **Sec. 1.** RCW 4.96.020 and 1967 c 164 s 4 are each amended to read
6 as follows:

7 (1) Chapter 35.31 RCW shall apply to claims against cities and
8 towns, and chapter 36.45 RCW shall apply to claims against counties.

9 (2) The provisions of this ((subsection)) section shall not apply
10 to claims against cities and towns or counties but shall apply to
11 claims against all other political subdivisions, municipal
12 corporations, and quasi municipal corporations. Claims against such
13 entities for damages arising out of tortious conduct shall be presented
14 to and filed with the governing body thereof ((within one hundred

1 ~~twenty days from the date that the claim arose~~). All such claims
2 shall be verified and shall accurately describe the conduct and
3 circumstances which brought about the injury or damage, describe the
4 injury or damage, state the time and place the injury or damage
5 occurred, state the names of all persons involved, if known, and shall
6 contain the amount of damages claimed, together with a statement of the
7 actual residence of the claimant at the time of presenting and filing
8 the claim and for a period of six months immediately prior to the time
9 the claim arose. If the claimant is incapacitated from verifying,
10 presenting, and filing his claim in the time prescribed or if the
11 claimant is a minor, or is a nonresident of the state absent therefrom
12 during the time within which his claim is required to be filed, the
13 claim may be verified, presented, and filed on behalf of the claimant
14 by any relative, attorney, or agent representing him.

15 (3) No action shall be commenced against any such entity for
16 damages arising out of tortious conduct until ((a)) sixty days have
17 elapsed after the claim has first been presented to and filed with the
18 governing body ((thereof. ~~The requirements of this subsection shall~~
19 ~~not affect the applicable period of limitations within which an action~~
20 ~~must be commenced, but such period shall begin and shall continue to~~
21 ~~run as if no claim were required~~)) of the entity. The applicable
22 period of limitations within which an action must be commenced is
23 tolled during the sixty-day period.

24 **Sec. 2.** RCW 35.31.020 and 1967 c 164 s 12 are each amended to read
25 as follows:

26 The provisions of chapter 35.31 RCW shall be applied
27 notwithstanding any provisions to the contrary in any charter of any
28 city permitted by law to have a charter; however, charter provisions
29 not inconsistent herewith shall continue to apply. ~~((All claims for~~

1 ~~damages against a charter city shall be filed within one hundred and~~
2 ~~twenty days from the date that the damage occurred or the injury was~~
3 ~~sustained:—PROVIDED, That))~~ If the claimant is incapacitated from
4 verifying and filing his claim for damages within the time prescribed,
5 or if the claimant is a minor, or in case the claim is for damages to
6 real or personal property, and if the owner of such property is a
7 nonresident of such city or is absent therefrom during the time within
8 which a claim for damages to said property is required to be filed,
9 then the claim may be verified and presented on behalf of the claimant
10 by any relative or attorney or agency representing the injured person,
11 or in case of damages to property, representing the owner thereof.

12 No action may be commenced against the city for damages arising out
13 of tortious conduct until sixty days have elapsed after the claim has
14 been presented to and filed with the governing body of the city. The
15 applicable period of limitations within which an action must be
16 commenced is tolled during the sixty-day period.

17 **Sec. 3.** RCW 36.45.010 and 1967 c 164 s 14 are each amended to read
18 as follows:

19 ~~((All claims for damages against any county must be presented~~
20 ~~before the board of county commissioners and filed with the clerk~~
21 ~~thereof within one hundred and twenty days from the date that the~~
22 ~~damage occurred or the injury was sustained.))~~ No action may be
23 commenced against the county for damages arising out of tortious
24 conduct until sixty days have elapsed after the claim has been
25 presented to the county legislative authority and filed with the county
26 clerk. The applicable period of limitations within which an action
27 must be commenced is tolled during the sixty-day period.