
SENATE BILL 5767

State of Washington

56th Legislature

1999 Regular Session

By Senators Finkbeiner and Oke

Read first time 02/08/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to immunity for businesses and state and local
2 government agencies and their employees for harm caused by incorrectly
3 calculated or interpreted dates associated with year 2000 date changes
4 processed by electronic computing devices; adding a new section to
5 chapter 4.24 RCW; creating a new section; and declaring an emergency.

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

7 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature
8 that:

9 (a) Businesses and agencies exercise reasonable care to prepare
10 electronic computing devices for which they are responsible to continue
11 normal operation after the year 2000;

12 (b) Citizens and clients of agencies continue to receive
13 statutorily mandated services, entitlements, and compensation delivered
14 through electronic computing devices without interruption through and
15 after the year 2000; and

16 (c) Vendors and contractors providing goods and services to
17 agencies continue to receive payment for same without interruption
18 through and after the year 2000.

1 (2) However, the legislature recognizes that preparing business'
2 and agencies' electronic computing devices for year 2000 readiness is
3 a complex and difficult challenge, and that even reasonable care
4 practices may result in some failures of these devices.

5 (3) In the event of such failures, it is the intent of the
6 legislature that affected citizens, clients, vendors, and contractors
7 have recourse to existing administrative or contractual remedies to
8 obtain redress but not otherwise compensate them for consequences of
9 the failure.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
11 to read as follows:

12 (1) As used in this section:

13 (a) "Agency" means any state or local government or any subdivision
14 thereof, including any board, commission, bureau, committee,
15 department, institution, division, or tribunal in the legislative,
16 executive, or judicial branch, including elective and legislative
17 offices, institutions of higher education created and supported by
18 state government, counties, cities, towns, special purpose districts,
19 local service districts, municipal corporations, quasi-municipal
20 corporations, and political subdivisions of such agencies and
21 corporations.

22 (b) "Business" means any business entity, including a sole
23 proprietorship, corporation, partnership, or other legal entity.

24 (c) "Electronic computing device" means any computer hardware or
25 software, computer chip, embedded chip, process control equipment, or
26 other information system used to capture, store, manipulate, or process
27 data, or that controls, monitors, or assists in the operation of
28 physical apparatus that is not primarily used as a computer, but that
29 relies on automation or digital technology to function, including but
30 not limited to vehicles, vessels, buildings, structures, facilities,
31 elevators, medical equipment, traffic signals, factory machinery, and
32 the like.

33 (d) "Indirect or consequential damages" means any harm, loss,
34 damage, or mental injury of any nature whatsoever other than goods,
35 entitlements, services, or compensation that businesses and agencies
36 are by contract, statute, or rule obligated to provide.

37 (2) No action may be brought against a business, its officers or
38 directors, its employees, or an agency or its employees for indirect or

1 consequential damages caused in whole or in part by computational or
2 interpretive errors generated by an electronic computing device owned,
3 controlled, or operated by a business or an agency and arising out of
4 or in connection with the year 2000 date change.

5 (a) A business, its officers, directors, or employees or an agency
6 or its employees may not be held liable in any other action whether
7 based in tort, contract, or otherwise for such damages.

8 (b) This subsection does not prohibit an action otherwise permitted
9 by law for such damages if the claimant proves with clear and
10 convincing evidence that the damages were caused by the business' or
11 agency's willful failure to attempt to find and correct any such
12 errors.

13 (c) This section does not apply to human physical injuries that may
14 occur or be exacerbated as a result of a year 2000 error.

15 (3) Nothing in this chapter may be interpreted to interfere with
16 contractual rights, obligations, duties, or warranties of private
17 vendors supplying electronic computing devices to agencies. In the
18 event of an agency's or contractor's failure to perform contractual
19 obligations due to computational or interpretive errors associated with
20 the year 2000 date change, the remedies available to the parties shall
21 be as set forth in their written contract.

22 (4) Nothing in this section may be interpreted to interfere with
23 citizens' rights to receive statutorily mandated services,
24 entitlements, or compensation from agencies. In the event of an
25 agency's failure to deliver such services, entitlements, or
26 compensation due to computational or interpretive errors associated
27 with the year 2000 date change, the remedies available to the citizen
28 or client shall be the existing administrative procedures or remedies
29 provided by law, except as expressly limited by this section.

30 NEW SECTION. **Sec. 3.** This act is necessary for the immediate
31 preservation of the public peace, health, or safety, or support of the
32 state government and its existing public institutions, and takes effect
33 immediately.

--- END ---