
SUBSTITUTE SENATE BILL 6035

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senator Swecker)

Read first time 03/03/99.

1 AN ACT Relating to the year 2000 citizens' protection act; adding
2 new sections to chapter 4.24 RCW; creating new sections; and providing
3 expiration dates.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that:

6 (a) Society is heavily reliant upon computers, technology, and the
7 rapid electronic transfer and exchange of accurate information and
8 data.

9 (b) Society relies heavily upon computer technology for most
10 aspects of daily living and business, including, but not limited to,
11 financial transactions.

12 (c) The rapid growth of technology has often outpaced the
13 capabilities of the electronic equipment, software, and hardware that
14 our society utilizes for the exchange and transfer of data and other
15 information.

16 (d) Recently developed computer technology is the operational basis
17 for much of our current hardware and software, and this technology may
18 not recognize the year 2000 date change.

1 (e) If computer technology fails to recognize the year 2000 date
2 change, many computer-based systems may fail or cause incorrect data or
3 other information to be processed. This potentially world-wide
4 deficiency in computers is often referred to as the "Y2K bug" and may
5 cause significant problems in the transfer and exchange of data and
6 information in the year 2000 and beyond.

7 (2) The legislature determines that in order to protect the
8 citizens of the state of Washington, it is appropriate to limit their
9 liability against adverse financial ramifications resulting from year
10 2000 failures associated with electronic computing devices.

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

13 The definitions in this section apply throughout this act unless
14 the context clearly requires otherwise.

15 (1) "Electronic computing device" means any computer hardware or
16 software, computer chip, embedded chip, process control equipment, or
17 other information system that:

18 (a) Is used to capture, store, manipulate, or process data; or

19 (b) Controls, monitors, or assists in the operation of physical
20 apparatus that is not primarily used as a computer but that relies on
21 automation or digital technology to function, including, but not
22 limited to, vehicles, vessels, buildings, structures, facilities,
23 elevators, medical equipment, traffic signals, and factory machinery.

24 (2) "Year 2000 failure" means:

25 (a) With respect to an electronic computing device, a failure,
26 including an electrical or telecommunications failure, that prevents
27 such electronic computing device from accurately interpreting,
28 producing, computing, generating, accounting for, processing,
29 calculating, comparing, or sequencing date or time data from, into, or
30 between the years 1999 and 2000, or with regard to leap year
31 calculations; or

32 (b) An inability of a business to perform an intended or requested
33 function because of the system failure of an outside party, including,
34 but not limited to, the failure of a governmental body to provide data,
35 transportation delays, energy failures, or communication failures.

36 (3) This section expires December 31, 2006.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 4.24 RCW
2 to read as follows:

3 (1) A person has an affirmative defense to any claim or action,
4 based on a contract, brought against the person if he or she
5 establishes that the default, failure to pay, breach, omission, or
6 other violation that is the basis of the claim against him or her was
7 caused, in whole or in part, by a year 2000 failure associated with an
8 electronic computing device, and, if it were not for the year 2000
9 failure, the person would have been able to satisfy the contractual
10 obligation that was the basis of the claim.

11 (2) If an affirmative defense as set forth in subsection (1) of
12 this section is established, then the person or entity making the claim
13 may not reassert the claim against which the affirmative defense was
14 asserted for a period of thirty days from the date on which the court
15 dismissed the case as a result of the affirmative defense. Any statute
16 of limitations applicable to the claim shall be tolled for forty-five
17 days upon the dismissal of the case under this section.

18 (3) This section may not affect those transactions upon which a
19 default has occurred before any disruption of financial or data
20 transfer operations attributable to the year 2000 date change.

21 (4) The dismissal of an action as the result of the affirmative
22 defense under this section does not impair, extinguish, discharge,
23 satisfy, or otherwise affect the underlying obligation that is the
24 basis of the claim against which the affirmative defense was asserted.
25 However, the inability of a party to bring the claim based upon the
26 obligation is delayed as set forth in subsection (2) of this section.

27 (5) A person who has established an affirmative defense as set
28 forth in subsection (1) of this section may dispute directly with a
29 credit reporting agency operating in this state any item of information
30 in the individual's consumer file relating to the subject of the
31 affirmative defense. If requested by the individual under this
32 subsection (5), the credit reporting agency shall include a statement
33 of no more than one hundred words in the individual's consumer file if
34 either the statement is an explanation regarding an item of information
35 that the consumer reporting agency denies is inaccurate or if the
36 statement concerns the content of the individual's consumer file. The
37 credit reporting agency may not charge the individual a fee for the
38 inclusion of this statement in the individual's consumer file.

39 (6) For the purposes of this section, "person" means an individual.

1 (7) This section applies only to causes of action that arise on or
2 after January 1, 2000.

3 (8) This section expires December 31, 2006.

4 NEW SECTION. **Sec. 4.** This act shall be known and cited as the
5 year 2000 citizens' protection act.

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