

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 3120

Chapter 82, Laws of 2006

59th Legislature
2006 Regular Session

TORT CLAIMS--STATE AND LOCAL GOVERNMENTS

EFFECTIVE DATE: 6/7/06

Passed by the House February 14, 2006
Yeas 97 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 2, 2006
Yeas 46 Nays 0

BRAD OWEN

President of the Senate

Approved March 15, 2006.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 3120** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

Chief Clerk

FILED

March 15, 2006 - 3:45 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 3120

Passed Legislature - 2006 Regular Session

State of Washington 59th Legislature 2006 Regular Session

By House Committee on Judiciary (originally sponsored by
Representatives Lantz, Priest, Kirby and Williams)

READ FIRST TIME 02/03/06.

1 AN ACT Relating to notice requirements for tort claims against
2 state and local governments and their officers, employees, or
3 volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

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

5 **Sec. 1.** RCW 4.92.100 and 2002 c 332 s 12 are each amended to read
6 as follows:

7 All claims against the state, or against the state's officers,
8 employees, or volunteers, acting in such capacity, for damages arising
9 out of tortious conduct shall be presented to and filed with the risk
10 management division. All such claims shall be verified and shall
11 accurately describe the conduct and circumstances which brought about
12 the injury or damage, describe the injury or damage, state the time and
13 place the injury or damage occurred, state the names of all persons
14 involved, if known, and shall contain the amount of damages claimed,
15 together with a statement of the actual residence of the claimant at
16 the time of presenting and filing the claim and for a period of six
17 months immediately prior to the time the claim arose. If the claimant
18 is incapacitated from verifying, presenting, and filing the claim or if

1 the claimant is a minor, or is a nonresident of the state, the claim
2 may be verified, presented, and filed on behalf of the claimant by any
3 relative, attorney, or agent representing the claimant.

4 With respect to the content of such claims this section shall be
5 liberally construed so that substantial compliance will be deemed
6 satisfactory.

7 **Sec. 2.** RCW 4.92.110 and 2002 c 332 s 13 are each amended to read
8 as follows:

9 No action shall be commenced against the state, or against any
10 state officer, employee, or volunteer, acting in such capacity, for
11 damages arising out of tortious conduct until sixty days have elapsed
12 after the claim is presented to and filed with the risk management
13 division. The applicable period of limitations within which an action
14 must be commenced shall be tolled during the sixty-day period.

15 **Sec. 3.** RCW 4.96.020 and 2001 c 119 s 2 are each amended to read
16 as follows:

17 (1) The provisions of this section apply to claims for damages
18 against all local governmental entities and their officers, employees,
19 or volunteers, acting in such capacity.

20 (2) The governing body of each local (~~government~~ ~~[governmental]~~)
21 governmental entity shall appoint an agent to receive any claim for
22 damages made under this chapter. The identity of the agent and the
23 address where he or she may be reached during the normal business hours
24 of the local governmental entity are public records and shall be
25 recorded with the auditor of the county in which the entity is located.
26 All claims for damages against a local governmental entity, or against
27 any local governmental entity's officers, employees, or volunteers,
28 acting in such capacity, shall be presented to the agent within the
29 applicable period of limitations within which an action must be
30 commenced. The failure of a local governmental entity to comply with
31 the requirements of this section precludes that local governmental
32 entity from raising a defense under this chapter.

33 (3) All claims for damages arising out of tortious conduct must
34 locate and describe the conduct and circumstances which brought about
35 the injury or damage, describe the injury or damage, state the time and
36 place the injury or damage occurred, state the names of all persons

1 involved, if known, and shall contain the amount of damages claimed,
2 together with a statement of the actual residence of the claimant at
3 the time of presenting and filing the claim and for a period of six
4 months immediately prior to the time the claim arose. If the claimant
5 is incapacitated from verifying, presenting, and filing the claim in
6 the time prescribed or if the claimant is a minor, or is a nonresident
7 of the state absent therefrom during the time within which the claim is
8 required to be filed, the claim may be verified, presented, and filed
9 on behalf of the claimant by any relative, attorney, or agent
10 representing the claimant.

11 (4) No action shall be commenced against any local governmental
12 entity, or against any local governmental entity's officers, employees,
13 or volunteers, acting in such capacity, for damages arising out of
14 tortious conduct until sixty days have elapsed after the claim has
15 first been presented to and filed with the governing body thereof. The
16 applicable period of limitations within which an action must be
17 commenced shall be tolled during the sixty-day period.

Passed by the House February 14, 2006.

Passed by the Senate March 2, 2006.

Approved by the Governor March 15, 2006.

Filed in Office of Secretary of State March 15, 2006.