
SUBSTITUTE SENATE BILL 6239

State of Washington

69th Legislature

2026 Regular Session

By Senate Law & Justice (originally sponsored by Senators Dhingra, Pedersen, Conway, Liias, Robinson, and C. Wilson)

READ FIRST TIME 01/30/26.

1 AN ACT Relating to arbitration for tort claims against the state
2 of Washington and its subdivisions; amending RCW 7.06.020, 4.92.090,
3 and 4.96.010; creating a new section; and declaring an emergency.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that while
6 private entrepreneurs voluntarily choose the ambit of their activity
7 and can thereby exert some control over their exposure to liability,
8 state government does not have the same flexibility. In acting for
9 the public good and in responding to public need, state government
10 must provide a broad range of services and perform a broad range of
11 functions throughout the entire state, regardless of how much
12 exposure to liability may be involved. The legislature also
13 recognizes that the state and its political subdivisions provide
14 essential public services and functions and that unlimited liability
15 could disrupt or make prohibitively expensive the provision of such
16 essential public services and functions.

17 (2) The legislature finds that the right to sue the government is
18 not considered a privilege or immunity requiring heightened scrutiny
19 analysis by the courts. The right to pursue a government tort
20 liability claim in court is not a fundamental right of state
21 citizenship. Article II, section 26 of our state Constitution gives

1 the legislature the sole authority to decide in what manner, and in
2 what courts, suits may be brought against the state, rather than it
3 being a fundamental right provided by the state Constitution itself,
4 so long as it conforms to the equal protection guarantees of the
5 state and federal constitutions. A distinction based on the age of
6 claims serves a legitimate state interest in that it rationally
7 relates to the purpose of the statute, to address old cases and
8 provide all claimants justice by encouraging negotiation and fair
9 settlement, and providing a fair but streamlined resolution that is
10 less expensive and more efficient for all parties involved.

11 (3) The legislature further finds that its power to control and
12 regulate the right of suit against the state is plenary. The state
13 may grant the right or refuse it as it chooses and when granted may
14 annex such conditions thereto as it deems wise. Further, the state
15 supreme court has consistently acknowledged this constitutional duty
16 includes the power to establish conditions precedent before suit can
17 be brought against the state, including the placement of reasonable
18 procedural burdens that may be placed on tort claimants as long as
19 such burdens are not substantial and do not constitute a real
20 impediment to relief. The legislature therefore finds it necessary to
21 protect the public treasury from increasing liability while providing
22 a structured, fair process through arbitration for persons who seek
23 compensation for injuries caused by government.

24 **Sec. 2.** RCW 7.06.020 and 2018 c 36 s 2 are each amended to read
25 as follows:

26 (1) (~~All~~) Except as provided in subsection (3) of this section,
27 all civil actions, except for appeals from municipal or district
28 courts, which are at issue in the superior court in counties which
29 have authorized arbitration, where the sole relief sought is a money
30 judgment, and where no party asserts a claim in excess of (~~fifteen~~
31 ~~thousand dollars~~) \$15,000, or if approved by the superior court of a
32 county by two-thirds or greater vote of the judges thereof, up to
33 (~~one hundred thousand dollars~~) \$100,000, exclusive of interest and
34 costs, are subject to civil arbitration.

35 (2) If approved by majority vote of the superior court judges of
36 a county which has authorized arbitration, all civil actions which
37 are at issue in the superior court in which the sole relief sought is
38 the establishment, termination, or modification of maintenance or
39 child support payments are subject to mandatory arbitration. The

1 arbitrability of any such action shall not be affected by the amount
2 or number of payments involved.

3 (3) (a) All tort claims against the state or against the state's
4 officers, employees, or volunteers under RCW 4.92.100, and local
5 governmental entities under RCW 4.96.010 and their officers,
6 employees, or volunteers are subject to civil arbitration for any
7 dollar amount prior to being scheduled for trial where the claims
8 arise out of conduct or a pattern of conduct when the claimant was an
9 adult and 10 or more years have passed, or when the claimant was a
10 minor when the conduct or pattern of conduct for the claim occurred
11 and 10 or more years have passed since the claimant became an adult.

12 (b) Except as provided in (a) of this subsection, all tort claims
13 against the state or against the state's officers, employees, or
14 volunteers under RCW 4.92.100, and local governmental entities under
15 RCW 4.96.010 and their officers, employees, or volunteers may be
16 subject to arbitration for any dollar amount prior to being scheduled
17 for trial upon agreement of the parties.

18 **Sec. 3.** RCW 4.92.090 and 1963 c 159 s 2 are each amended to read
19 as follows:

20 ((The)) Except as provided in RCW 7.06.020(3), the state of
21 Washington, whether acting in its governmental or proprietary
22 capacity, shall be liable for damages arising out of its tortious
23 conduct to the same extent as if it were a private person or
24 corporation.

25 **Sec. 4.** RCW 4.96.010 and 2011 c 258 s 10 are each amended to
26 read as follows:

27 (1) ((All)) Except as provided in RCW 7.06.020(3), all local
28 governmental entities, whether acting in a governmental or
29 proprietary capacity, shall be liable for damages arising out of
30 their tortious conduct, or the tortious conduct of their past or
31 present officers, employees, or volunteers while performing or in
32 good faith purporting to perform their official duties, to the same
33 extent as if they were a private person or corporation. Filing a
34 claim for damages within the time allowed by law shall be a condition
35 precedent to the commencement of any action claiming damages. The
36 laws specifying the content for such claims shall be liberally
37 construed so that substantial compliance therewith will be deemed
38 satisfactory.

1 (2) Unless the context clearly requires otherwise, for the
2 purposes of this chapter, "local governmental entity" means a county,
3 city, town, special district, municipal corporation as defined in RCW
4 39.50.010, quasi-municipal corporation, any joint municipal utility
5 services authority, any entity created by public agencies under RCW
6 39.34.030, or public hospital.

7 (3) For the purposes of this chapter, "volunteer" is defined
8 according to RCW 51.12.035.

9 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of
11 the state government and its existing public institutions, and takes
12 effect immediately.

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