
ENGROSSED SECOND SUBSTITUTE SENATE BILL 6239

State of Washington

69th Legislature

2026 Regular Session

By Senate Ways & Means (originally sponsored by Senators Dhingra, Pedersen, Conway, Llias, Robinson, and C. Wilson)

READ FIRST TIME 02/09/26.

1 AN ACT Relating to establishing a process for adjudicating tort
2 claims against the state of Washington and its political
3 subdivisions; amending RCW 4.92.030, 4.92.040, 4.96.041, 4.92.110,
4 4.96.020, 4.92.130, 4.92.160, 4.92.220, 4.92.220, 34.05.425, and
5 34.12.040; adding a new chapter to Title 4 RCW; creating a new
6 section; providing an effective date; providing an expiration date;
7 and declaring an emergency.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that survivors of
10 historical sexual abuse deserve a fair, accessible, and trauma-
11 informed process to seek accountability and resolution. Some claims
12 arising from abuse in government facilities or programs involve
13 events that occurred decades ago. These delays create significant
14 barriers to timely resolution while survivors continue to bear
15 lasting harm. The legislature acknowledges that older claims against
16 the state and its subdivisions present unique challenges, including
17 faded memories, unavailable witnesses, and lost records, which
18 increase costs and prolong litigation for all parties.

19 The legislature therefore finds it necessary to create a claims
20 commission for the purpose of expediting the early resolution of
21 abuse claims arising from government facilities and programs. The

1 purpose of this act is to establish a survivor-centered procedure
2 designed to promote early evaluation, accountability, and resolution
3 of sexual abuse claims, reduce unnecessary litigation, and encourage
4 fair settlement, while fully preserving survivors' constitutional
5 rights and access to the courts. This act is intended to provide a
6 fair, efficient, and trauma-informed process that supports survivors
7 while giving the state and its political subdivisions early
8 opportunities to evaluate claims and pursue resolution.

9 The legislature recognizes that while private entrepreneurs
10 voluntarily choose the ambit of their activity and can thereby exert
11 some control over their exposure to liability, the state and its
12 political subdivisions do not have the same flexibility. In acting
13 for the public good and in responding to public need, state and local
14 governments must provide a broad range of services and perform a
15 broad range of functions throughout the entire state, regardless of
16 how much exposure to liability may be involved. The legislature also
17 recognizes that the state and its political subdivisions provide
18 essential public services and functions, and that unlimited liability
19 could disrupt or make prohibitively expensive the provision of such
20 essential public services and functions.

21 The legislature finds that the right to sue the government is not
22 considered a privilege or immunity requiring heightened scrutiny
23 analysis by the courts. The right to pursue a government tort
24 liability claim in court is not a fundamental right of state
25 citizenship. Article II, section 26 of our state Constitution gives
26 the legislature the sole authority to decide how suits may be brought
27 against the state, so long as the processes conform to the equal
28 protection guarantees of the state and federal Constitutions. A
29 distinction based on the age and type of claims serves a legitimate
30 state interest in that it rationally relates to the purpose of the
31 statute: Addressing old cases and providing all claimants justice by
32 encouraging negotiation and fair settlement, and providing a fair but
33 streamlined resolution that is less expensive and more efficient for
34 all parties involved.

35 The legislature further finds that its power to control and
36 regulate the right of suit against the state and its political
37 subdivisions is plenary. The state may grant the right or refuse it
38 as it chooses. When the state grants the right, it may annex such
39 conditions thereto as it deems wise. Further, the state supreme court
40 has consistently acknowledged that this constitutional duty includes

1 the power to establish conditions precedent to a suit being brought
2 against the state or its political subdivisions, including reasonable
3 procedural burdens that may be placed on tort claimants as long as
4 such burdens are not substantial and do not constitute a real
5 impediment to relief. The legislature therefore finds it necessary to
6 protect the public treasury from increasing liability while providing
7 a structured, fair process for persons who seek compensation for
8 injuries caused by the government.

9 NEW SECTION. **Sec. 2.** (1) There is hereby created a claims
10 commission within the office of administrative hearings for the
11 purpose of adjudicating claims against the state and its political
12 subdivisions, or against their officers, employees, or volunteers,
13 acting in such capacity, for damages arising out of tortious conduct.

14 (a) A claim for personal injury arising from alleged tortious
15 conduct in which the claimant's injury occurred 10 or more years
16 before the filing of the claim or when the claimant has reached the
17 age of 18, whichever is later, must be brought in the commission
18 before the claimant may file suit.

19 (b) A claim for personal injury arising from alleged tortious
20 conduct in which the claimant's injury occurred fewer than 10 years
21 before filing or when the claimant has reached the age of 18,
22 whichever is later, may be brought in the commission or as a civil
23 action in a court of competent jurisdiction. If a claimant who
24 previously filed suit brings a claim based on the same tortious
25 conduct in the commission, the court shall dismiss the suit.

26 (c) For purposes of this subsection (1), "tortious conduct" means
27 the specific act or omission alleged to have directly caused the
28 claimant's injury and does not include antecedent policy decisions,
29 design choices, or continuing conditions unrelated to the injury-
30 causing event. For purposes of determining when a continuous course
31 of conduct alleged to have directly caused the claimant's injury
32 occurred, the date of the last act or omission in the continuous
33 course of conduct shall be used.

34 (2) Claims shall be heard and determined using the procedures
35 outlined in chapter 34.05 RCW. The office of administrative hearings
36 shall administer and provide staff support to the claims commission.

37 (3) Members of the claims commission shall be appointed by the
38 governor. The members shall consist of:

39 (a) A representative of the office of the attorney general;

1 (b) A victim advocate;
2 (c) A mental health professional;
3 (d) A representative of the Washington state association for
4 justice;
5 (e) A single representative for all state agencies;
6 (f) A single representative for all counties;
7 (g) A single representative for all school districts;
8 (h) A representative of the office of financial management, who
9 may assign a state actuary; and
10 (i) A representative from the department of enterprise services.
11 (4) The duties of the members of the claims commission include,
12 but are not limited to:
13 (a) Appointing neutral hearing officers consistent with
14 subsection (5) of this section;
15 (b) Maintaining a registry of neutral hearing officers;
16 (c) Adopting rules governing the procedural conduct of hearings,
17 consistent with RCW 34.12.080; and
18 (d) Delivering annual reports on the commission's work to the
19 appropriate committees of the legislature by December 15th of each
20 year. Each report shall include:
21 (i) The number of claims submitted to the commission, including
22 the number accepted for review, pending, resolved, or closed during
23 the reporting period; and
24 (ii) Aggregate information regarding the manner of resolution of
25 claims, including settlement, withdrawal, dismissal, or referral to
26 court, without identifying any claimant or disclosing confidential or
27 privileged information.
28 (5) A neutral hearing officer may set and conduct hearings,
29 determine credibility, and issue written decisions and awards. The
30 neutral hearing officer shall be a retired Washington superior court
31 judge, retired appellate court judge, or former administrative law
32 judge with substantial experience adjudicating tort claims. The
33 neutral hearing officer shall be trained in trauma-informed
34 practices, including recognizing the impacts of trauma on
35 participants and conducting proceedings in a manner that promotes
36 fairness, safety, and respect.

37 NEW SECTION. **Sec. 3.** (1) Before filing a claim with the claims
38 commission, a claimant shall comply with the presentment and filing
39 requirements outlined in RCW 4.92.100 and 4.92.110, or RCW 4.96.020,

1 except where a claimant files a claim with the commission after
2 commencing a civil action based on the same tortious conduct. The
3 filing of a claim with the commission shall toll the applicable
4 statute of limitations, but if the claimant commences a civil action
5 and subsequently files a claim with the claims commission based on
6 the same tortious conduct, the court shall dismiss the civil action.

7 (2) Neutral hearing officers shall be assigned on a rotating or
8 random basis, subject to disqualification for cause. Each party shall
9 be entitled to one peremptory strike of an assigned neutral hearing
10 officer, exercised within 10 days of assignment.

11 (3) At the time of filing, a claimant shall select either the
12 expedited examiner track or the hearing track.

13 (4) Expedited examiner track.

14 (a) Claimants electing to proceed on the expedited examiner track
15 shall submit with their claim a statement signed under penalty of
16 perjury identifying the location and approximate dates of abuse, the
17 name of the perpetrator or perpetrators, if known, witnesses, if any,
18 and claimed damages as well as any information in the claimant's
19 possession or control substantiating the claim.

20 (b) Claimants electing the expedited examiner track shall pay a
21 filing fee of \$250, except where the claimant is not represented by
22 legal counsel. Should a claimant who was granted a waiver of the
23 filing fee obtain counsel at any time in the proceeding or before
24 payment of an award, the claimant will be assessed a filing fee of
25 \$250 to be paid before distribution of the award.

26 (c) Acceptance of an award under the expedited examiner track
27 constitutes a full and final release of all claims arising from the
28 injury.

29 (5) Hearing track.

30 (a) Claimants electing the hearing track shall pay a filing fee
31 of \$5,000, except where the claimant is not represented by legal
32 counsel. Should a claimant who was granted a waiver of the filing fee
33 obtain counsel at any time in the proceeding or before payment of an
34 award, the claimant will be assessed a filing fee of \$5,000 to be
35 paid before distribution of the award.

36 (b) A neutral hearing officer shall schedule and conduct a
37 preliminary hearing to occur within 60 days of the date the claim is
38 assigned to the hearing track, unless good cause is shown for an
39 extension.

1 (c) Within 60 days of electing the hearing track, the claimant
2 shall provide the neutral hearing officer and the designated
3 government agent a packet of information regarding liability and
4 damages claimed. The packet shall include a statement under penalty
5 of perjury by the claimant regarding the estimated duration and
6 location of the claimed tortious conduct, the name of the perpetrator
7 or perpetrators, the names of any witnesses, claimed damages, and any
8 information in the claimant's possession or control substantiating
9 the claim. The claimant shall also provide relevant records in
10 support of his or her claim.

11 (d) Within 120 days of the date the claimant has served the state
12 or local government agency with the packet, the agency shall provide
13 all records on the claimant related to the alleged tortious conduct,
14 as well as all documents related to other claims arising from the
15 same facility, perpetrator, or placement.

16 (e) At a subsequent hearing, the claimant and a representative of
17 the state or local government agency must appear and be available for
18 examination by the neutral hearing officer. The neutral hearing
19 officer may authorize remote appearances through video conferencing
20 systems.

21 (f) The neutral hearing officer shall issue written findings of
22 fact and conclusions of law within 30 days after the hearing
23 concludes. If the officer finds the state or a political subdivision
24 of the state liable, the officer shall also determine the award.

25 (g) Any aggrieved party may decline to accept the neutral hearing
26 officer's determination. If a party declines the determination, the
27 party may file a case in superior court. Any suit filed must be filed
28 with the clerk of the superior court and served, in accordance with
29 superior court civil rule 5, within 30 days of receipt of the neutral
30 hearing officer's award or decision.

31 (h) The neutral hearing officer's decision, as well as any
32 information exchanged, produced, or disclosed in the hearing process,
33 is confidential and inadmissible in any civil, criminal, or
34 administrative proceeding, except as necessary to enforce a judgment.
35 Nothing in this section precludes a party from obtaining the same
36 underlying information through independent means or through methods
37 otherwise authorized by law or court rule.

38 (i) The superior court shall assess statutory costs and
39 attorneys' fees as set out under RCW 4.84.010 against a claimant who
40 appeals the award and fails to improve his or her position at trial.

1 If the state or a political subdivision declines to accept the
2 decision by the neutral hearing officer and elects to proceed to
3 trial in superior court, and the state or political subdivision fails
4 to improve its position, the superior court shall assess costs and
5 reasonable attorneys' fees against the state or political subdivision
6 that the court finds were reasonably necessary after the state
7 declines the neutral hearing officer's decision.

8 NEW SECTION. **Sec. 4.** Within 12 months of an award of \$5,000,000
9 or more arising from a claim under section 2(1)(b) of this act in
10 which the state was a defendant:

11 (1) The commission and the defendant agency shall produce a
12 report on the facts and law leading to the payment; and

13 (2) The appropriate committees of the legislature shall conduct a
14 joint hearing for the purpose of reviewing the report and considering
15 potential modifications to state government practices and policies to
16 prevent or reduce future liability for tortious conduct by the state.
17 No information protected by attorney-client privilege or the attorney
18 work product doctrine shall be presented at the hearing.

19 NEW SECTION. **Sec. 5.** The joint legislative audit and review
20 committee must conduct a review of the claims commission. The review
21 must include:

22 (1) The number of claims adjudicated under section 3 of this act;

23 (2) The types of claims adjudicated, including but not limited to
24 whether a minor or adult was injured;

25 (3) The number of claims resolved in the commission, and of those
26 resolved in the commission:

27 (a) The median length of time from the date a claim was filed to
28 final resolution;

29 (b) The median award;

30 (c) The median total dollars spent by the reporting agency per
31 claim;

32 (d) Total dollars spent by the reporting agency on all claims
33 resolved in the commission; and

34 (e) The number of claims resolved by settlement;

35 (4) The number of claims that ultimately resulted in lawsuits,
36 and of those lawsuits:

37 (a) The median length of time from the date the lawsuit was filed
38 to final resolution;

1 (b) The number of lawsuits resolved before a trial judgment;

2 (c) The claims that resulted in lawsuits as a percentage of the
3 total claims;

4 (d) The number of claimants who appealed awards compared with the
5 number of reporting agencies that appealed awards;

6 (e) The number of lawsuits tried to judgment, including the
7 median judgment amount and attorneys' fees and costs awarded under
8 chapter 49.60 RCW or other law;

9 (f) The median total dollars spent by the reporting agency per
10 lawsuit, including attorneys' fees;

11 (g) Total dollars spent by the reporting agency, including
12 attorneys' fees, on all lawsuits that were not resolved in the
13 commission; and

14 (h) The number of cases, as a percentage of the total, where the
15 party appealing the commission award improved their award at trial
16 judgment; and

17 (5) The extent to which mandatory filing in the commission
18 affects the timeliness, cost, and resolution of tort claims compared
19 to litigation, including impacts on governmental resources. The
20 comparison should include, but not be limited to, judgments or
21 settlements prior to the effective date of this section.

22 **Sec. 6.** RCW 4.92.030 and 1988 c 202 s 3 are each amended to read
23 as follows:

24 The attorney general or an assistant attorney general shall
25 appear and act as counsel for the state(~~(. The action)~~), except in
26 proceedings under section 3 of this act, in which counsel for the
27 defendant agency shall provide legal representation. An
28 administrative proceeding shall proceed in accordance with section 3
29 of this act, and review of such proceedings shall be governed by
30 chapter 34.05 RCW. A court action shall proceed in all respects as
31 other court actions. Appellate review of a court action may be sought
32 as in other court actions (~~(or proceedings, but in)~~). If case review
33 is sought by the state, no bond shall be required of the appellant.

34 **Sec. 7.** RCW 4.92.040 and 2011 1st sp.s. c 43 s 512 are each
35 amended to read as follows:

36 (1) No execution shall issue against the state on any judgment.

37 (2) Whenever a final judgment against the state is obtained in an
38 action on a claim arising out of tortious conduct, or whenever a

1 final order awarding damages is obtained in an administrative
2 proceeding under section 3 of this act, the claim shall be paid from
3 the liability account.

4 (3) Whenever a final judgment against the state shall have been
5 obtained in any other action, the clerk of the court shall make and
6 furnish to the office of risk management a duly certified copy of
7 such judgment; the office of risk management shall thereupon audit
8 the amount of damages and costs therein awarded, and the same shall
9 be paid from appropriations specifically provided for such purposes
10 by law.

11 (4) Final judgments for which there are no provisions in state
12 law for payment shall be transmitted by the office of risk management
13 to the senate and house of representatives committees on ways and
14 means as follows:

15 (a) On the first day of each session of the legislature, the
16 office of risk management shall transmit judgments received and
17 audited since the adjournment of the previous session of the
18 legislature.

19 (b) During each session of legislature, the office of risk
20 management shall transmit judgments immediately upon completion of
21 audit.

22 (5) All claims, other than judgments, made to the legislature
23 against the state of Washington for money or property, shall be
24 accompanied by a statement of the facts on which such claim is based
25 and such evidence as the claimant intends to offer in support of the
26 claim and shall be filed with the office of risk management, which
27 shall retain the same as a record. All claims of (~~two thousand~~
28 ~~dollars~~) \$2,000 or less shall be approved or rejected by the office
29 of risk management, and if approved shall be paid from appropriations
30 specifically provided for such purpose by law. Such decision, if
31 adverse to the claimant in whole or part, shall not preclude the
32 claimant from seeking relief from the legislature. If the claimant
33 accepts any part of his or her claim which is approved for payment by
34 the office of risk management, such acceptance shall constitute a
35 waiver and release of the state from any further claims relating to
36 the damage or injury asserted in the claim so accepted. The office of
37 risk management shall submit to the house and senate committees on
38 ways and means, at the beginning of each regular session, a
39 comprehensive list of all claims paid pursuant to this subsection
40 during the preceding year. For all claims not approved by the office

1 of risk management, the office of risk management shall recommend to
2 the legislature whether such claims should be approved or rejected.
3 Recommendations shall be submitted to the senate and house of
4 representatives committees on ways and means not later than the
5 (~~thirtieth~~) 30th day of each regular session of the legislature.
6 Claims which cannot be processed for timely submission of
7 recommendations shall be held for submission during the following
8 regular session of the legislature. The recommendations shall
9 include, but not be limited to:

10 (a) A summary of the facts alleged in the claim, and a statement
11 as to whether these facts can be verified by the office of risk
12 management;

13 (b) An estimate by the office of risk management of the value of
14 the loss or damage which was alleged to have occurred;

15 (c) An analysis of the legal liability, if any, of the state for
16 the alleged loss or damage; and

17 (d) A summary of equitable or public policy arguments which might
18 be helpful in resolving the claim.

19 (6) The legislative committees to whom such claims are referred
20 shall make a transcript, recording, or statement of the substance of
21 the evidence given in support of such a claim. If the legislature
22 approves a claim the same shall be paid from appropriations
23 specifically provided for such purpose by law.

24 (7) Subsections (3) through (6) of this section do not apply to
25 judgments or claims against the state housing finance commission
26 created under chapter 43.180 RCW.

27 **Sec. 8.** RCW 4.96.041 and 1993 c 449 s 4 are each amended to read
28 as follows:

29 (1) Whenever an action or proceeding for damages is brought
30 against any past or present officer, employee, or volunteer of a
31 local governmental entity of this state, arising from acts or
32 omissions while performing or in good faith purporting to perform his
33 or her official duties, such officer, employee, or volunteer may
34 request the local governmental entity to authorize the defense of the
35 action or proceeding at the expense of the local governmental entity.

36 (2) If the legislative authority of the local governmental
37 entity, or the local governmental entity using a procedure created by
38 ordinance or resolution, finds that the acts or omissions of the
39 officer, employee, or volunteer were, or in good faith purported to

1 be, within the scope of his or her official duties, the request shall
2 be granted. If the request is granted, the necessary expenses of
3 defending the action or proceeding shall be paid by the local
4 governmental entity. Any monetary judgment or final order against the
5 officer, employee, or volunteer shall be paid on approval of the
6 legislative authority of the local governmental entity or by a
7 procedure for approval created by ordinance or resolution.

8 (3) The necessary expenses of defending an elective officer of
9 the local governmental entity in a judicial hearing to determine the
10 sufficiency of a recall charge as provided in RCW (~~(29.82.023)~~)
11 29A.56.140 shall be paid by the local governmental entity if the
12 officer requests such defense and approval is granted by both the
13 legislative authority of the local governmental entity and the
14 attorney representing the local governmental entity. The expenses
15 paid by the local governmental entity may include costs associated
16 with an appeal of the decision rendered by the superior court
17 concerning the sufficiency of the recall charge.

18 (4) When an officer, employee, or volunteer of the local
19 governmental entity has been represented at the expense of the local
20 governmental entity under subsection (1) of this section and the
21 court or commission hearing the action has found that the officer,
22 employee, or volunteer was acting within the scope of his or her
23 official duties, and a judgment or final order has been entered
24 against the officer, employee, or volunteer under chapter 4.96 RCW or
25 42 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor or
26 successful claimant shall seek satisfaction for nonpunitive damages
27 only from the local governmental entity, and a judgment or final
28 order for nonpunitive damages shall not become a lien upon any
29 property of such officer, employee, or volunteer. The legislative
30 authority of a local governmental entity may, pursuant to a procedure
31 created by ordinance or resolution, agree to pay an award for
32 punitive damages.

33 **Sec. 9.** RCW 4.92.110 and 2015 c 225 s 5 are each amended to read
34 as follows:

35 No action or administrative proceeding subject to the claim
36 filing requirements of RCW 4.92.100 shall be commenced against the
37 state, or against any state officer, employee, or volunteer, acting
38 in such capacity, for damages arising out of tortious conduct until
39 (~~(sixty)~~) 60 calendar days have elapsed after the claim is presented

1 to the office of risk management in the department of enterprise
2 services. The applicable period of limitations within which an action
3 must be commenced shall be tolled during the ((~~sixty~~)) 60 calendar
4 day period. For the purposes of the applicable period of limitations,
5 an action commenced within five court days after the ((~~sixty~~)) 60
6 calendar day period has elapsed is deemed to have been presented on
7 the first day after the ((~~sixty~~)) 60 calendar day period elapsed.

8 **Sec. 10.** RCW 4.96.020 and 2015 c 225 s 6 are each amended to
9 read as follows:

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

13 (2) The governing body of each local governmental entity shall
14 appoint an agent to receive any claim for damages made under this
15 chapter. The identity of the agent and the address where he or she
16 may be reached during the normal business hours of the local
17 governmental entity are public records and shall be recorded with the
18 auditor of the county in which the entity is located. All claims for
19 damages against a local governmental entity, or against any local
20 governmental entity's officers, employees, or volunteers, acting in
21 such capacity, shall be presented to the agent within the applicable
22 period of limitations within which an action must be commenced. A
23 claim is deemed presented when the claim form is delivered in person
24 or is received by the agent by regular mail, registered mail, or
25 certified mail, with return receipt requested, to the agent or other
26 person designated to accept delivery at the agent's office. The
27 failure of a local governmental entity to comply with the
28 requirements of this section precludes that local governmental entity
29 from raising a defense under this chapter.

30 (3) For claims for damages presented after July 26, 2009, all
31 claims for damages must be presented on the standard tort claim form
32 that is maintained by the office of risk management in the department
33 of enterprise services, except as allowed under (c) of this
34 subsection. The standard tort claim form must be posted on the
35 department of enterprise services' website.

36 (a) The standard tort claim form must, at a minimum, require the
37 following information:

38 (i) The claimant's name, date of birth, and contact information;

1 (ii) A description of the conduct and the circumstances that
2 brought about the injury or damage;

3 (iii) A description of the injury or damage;

4 (iv) A statement of the time and place that the injury or damage
5 occurred;

6 (v) A listing of the names of all persons involved and contact
7 information, if known;

8 (vi) A statement of the amount of damages claimed; and

9 (vii) A statement of the actual residence of the claimant at the
10 time of presenting the claim and at the time the claim arose.

11 (b) The standard tort claim form must be signed either:

12 (i) By the claimant, verifying the claim;

13 (ii) Pursuant to a written power of attorney, by the attorney-in-
14 fact for the claimant;

15 (iii) By an attorney admitted to practice in Washington state on
16 the claimant's behalf; or

17 (iv) By a court-approved guardian or guardian ad litem on behalf
18 of the claimant.

19 (c) Local governmental entities shall make available the standard
20 tort claim form described in this section with instructions on how
21 the form is to be presented and the name, address, and business hours
22 of the agent of the local governmental entity. If a local
23 governmental entity chooses to also make available its own tort claim
24 form in lieu of the standard tort claim form, the form:

25 (i) May require additional information beyond what is specified
26 under this section, but the local governmental entity may not deny a
27 claim because of the claimant's failure to provide that additional
28 information;

29 (ii) Must not require the claimant's social security number; and

30 (iii) Must include instructions on how the form is to be
31 presented and the name, address, and business hours of the agent of
32 the local governmental entity appointed to receive the claim.

33 (d) If any claim form provided by the local governmental entity
34 fails to require the information specified in this section, or
35 incorrectly lists the agent with whom the claim is to be filed, the
36 local governmental entity is deemed to have waived any defense
37 related to the failure to provide that specific information or to
38 present the claim to the proper designated agent.

1 (e) Presenting either the standard tort claim form or the local
2 government tort claim form satisfies the requirements of this
3 chapter.

4 (f) The amount of damages stated on the claim form is not
5 admissible at trial.

6 (4) No action or administrative proceeding subject to the claim
7 filing requirements of this section shall be commenced against any
8 local governmental entity, or against any local governmental entity's
9 officers, employees, or volunteers, acting in such capacity, for
10 damages arising out of tortious conduct until sixty calendar days
11 have elapsed after the claim has first been presented to the agent of
12 the governing body thereof. The applicable period of limitations
13 within which an action must be commenced shall be tolled during the
14 sixty calendar day period. For the purposes of the applicable period
15 of limitations, an action commenced within five court days after the
16 sixty calendar day period has elapsed is deemed to have been
17 presented on the first day after the sixty calendar day period
18 elapsed.

19 (5) With respect to the content of claims under this section and
20 all procedural requirements in this section, this section must be
21 liberally construed so that substantial compliance will be deemed
22 satisfactory.

23 **Sec. 11.** RCW 4.92.130 and 2011 1st sp.s. c 43 s 513 are each
24 amended to read as follows:

25 A liability account in the custody of the treasurer is hereby
26 created as a nonappropriated account to be used solely and
27 exclusively for the payment of liability settlements and judgments
28 against the state under 42 U.S.C. Sec. 1981 et seq. or for the
29 tortious conduct of its officers, employees, and volunteers and all
30 related legal defense costs.

31 (1) The purpose of the liability account is to: (a) Expeditiously
32 pay legal liabilities and defense costs of the state resulting from
33 tortious conduct; (b) promote risk control through a cost allocation
34 system which recognizes agency loss experience, levels of self-
35 retention, and levels of risk exposure; and (c) establish an
36 actuarially sound system to pay incurred losses, within defined
37 limits.

1 (2) The liability account shall be used to pay claims for injury
2 and property damages and legal defense costs exclusive of agency-
3 retained expenses otherwise budgeted.

4 (3) No money shall be paid from the liability account, except for
5 defense costs, unless all proceeds available to the claimant from any
6 valid and collectible liability insurance shall have been exhausted
7 and unless:

8 (a) The claims commission has made an award of damages that the
9 claimant has accepted;

10 (b) The claim shall have been reduced to final judgment in a
11 court of competent jurisdiction; or

12 (~~(b)~~) (c) The claim has been approved for payment.

13 (4) The liability account shall be financed through annual
14 premiums assessed to state agencies, based on sound actuarial
15 principles, and shall be for liability coverage in excess of agency-
16 budgeted self-retention levels.

17 (5) Annual premium levels shall be determined by the risk
18 manager. An actuarial study shall be conducted to assist in
19 determining the appropriate level of funding.

20 (6) Disbursements for claims from the liability account shall be
21 made to the claimant, or to the clerk of the court for judgments,
22 upon written request to the state treasurer from the risk manager.

23 (7) The director may direct agencies to transfer moneys from
24 other funds and accounts to the liability account if premiums are
25 delinquent.

26 (8) The liability account shall not exceed (~~fifty~~) 50 percent
27 of the actuarial value of the outstanding liability as determined
28 annually by the office of risk management. If the account exceeds the
29 maximum amount specified in this section, premiums may be adjusted by
30 the office of risk management in order to maintain the account
31 balance at the maximum limits. If, after adjustment of premiums, the
32 account balance remains above the limits specified, the excess amount
33 shall be prorated back to the appropriate funds.

34 **Sec. 12.** RCW 4.92.160 and 2011 1st sp.s. c 43 s 515 are each
35 amended to read as follows:

36 Payment of claims and judgments arising out of tortious conduct
37 or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any
38 agency or department of state government with the exception of the

1 office of risk management, and that office shall authorize and direct
2 the payment of moneys only from the liability account whenever:

3 (1) The head or governing body of any agency or department of
4 state or the designee of any such agency certifies to the office of
5 risk management that a claim has been settled; (~~(or)~~)

6 (2) The claims commission has made and forwarded a certified copy
7 of a final order and the attorney general certifies that the order is
8 final and was entered in an administrative proceeding on a claim
9 arising out of tortious conduct of the state; or

10 (3) The clerk of court has made and forwarded a certified copy of
11 a final judgment in a court of competent jurisdiction and the
12 attorney general certifies that the judgment is final and was entered
13 in an action on a claim arising out of tortious conduct or under and
14 pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall
15 be made to the clerk of the court for the benefit of the judgment
16 creditors. Upon receipt of payment, the clerk shall satisfy the
17 judgment against the state.

18 **Sec. 13.** RCW 4.92.220 and 2025 c 93 s 3 are each amended to read
19 as follows:

20 (1) The risk management administration account is created in the
21 custody of the state treasurer. All receipts from appropriations and
22 assessments shall be deposited into the account. Only the director or
23 the director's designee may authorize expenditures from the account.
24 The account is subject to allotment procedures under chapter 43.88
25 RCW, but no appropriation is required for expenditures.

26 (2) The risk management administration account is to be used for
27 the payment of costs related to:

28 (a) The appropriated administration of liability, property, and
29 vehicle claims, including investigation, claim processing,
30 negotiation, and settlement, and other expenses relating to
31 settlements, final orders awarding damages from the state under
32 section 3 of this act, and judgments against the state not otherwise
33 budgeted;

34 (b) The nonappropriated pass-through cost associated with the
35 purchase of liability and property insurance, including catastrophic
36 insurance, subject to policy conditions and limitations determined by
37 the risk manager; and

38 (c) The administration of the prescribed fire claims fund pilot
39 program under RCW 76.04.196.

1 (3) The risk management administration account's appropriation
2 for risk management shall be financed through a combination of direct
3 appropriations and assessments to state agencies.

4 **Sec. 14.** RCW 4.92.220 and 2002 c 332 s 18 are each amended to
5 read as follows:

6 (1) The risk management administration account is created in the
7 custody of the state treasurer. All receipts from appropriations and
8 assessments shall be deposited into the account. Only the director or
9 the director's designee may authorize expenditures from the account.
10 The account is subject to allotment procedures under chapter 43.88
11 RCW, but no appropriation is required for expenditures.

12 (2) The risk management administration account is to be used for
13 the payment of costs related to:

14 (a) The appropriated administration of liability, property, and
15 vehicle claims, including investigation, claim processing,
16 negotiation, and settlement, and other expenses relating to
17 settlements, final orders awarding damages from the state under
18 section 3 of this act, and judgments against the state not otherwise
19 budgeted; and

20 (b) The nonappropriated pass-through cost associated with the
21 purchase of liability and property insurance, including catastrophic
22 insurance, subject to policy conditions and limitations determined by
23 the risk manager.

24 (3) The risk management administration account's appropriation
25 for risk management shall be financed through a combination of direct
26 appropriations and assessments to state agencies.

27 **Sec. 15.** RCW 34.05.425 and 2013 c 109 s 4 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (2) of this section, in the
30 discretion of the agency head, the presiding officer in an
31 administrative hearing shall be:

32 (a) The agency head or one or more members of the agency head;

33 (b) If the agency has statutory authority to do so, a person
34 other than the agency head or an administrative law judge designated
35 by the agency head to make the final decision and enter the final
36 order;

1 (c) One or more administrative law judges assigned by the office
2 of administrative hearings in accordance with chapter 34.12 RCW;
3 (~~or~~)

4 (d) A person or persons designated by the secretary of health
5 pursuant to RCW 43.70.740; or

6 (e) A neutral hearing officer under section 2 of this act.

7 (2) An agency expressly exempted under RCW 34.12.020(4) or other
8 statute from the provisions of chapter 34.12 RCW or an institution of
9 higher education shall designate a presiding officer as provided by
10 rules adopted by the agency.

11 (3) Any individual serving or designated to serve alone or with
12 others as presiding officer is subject to disqualification for bias,
13 prejudice, interest, or any other cause provided in this chapter or
14 for which a judge is disqualified.

15 (4) Any party may petition for the disqualification of an
16 individual promptly after receipt of notice indicating that the
17 individual will preside or, if later, promptly upon discovering facts
18 establishing grounds for disqualification.

19 (5) The individual whose disqualification is requested shall
20 determine whether to grant the petition, stating facts and reasons
21 for the determination.

22 (6) When the presiding officer is an administrative law judge,
23 the provisions of this section regarding disqualification for cause
24 are in addition to the motion of prejudice available under RCW
25 34.12.050.

26 (7) If a substitute is required for an individual who becomes
27 unavailable as a result of disqualification or any other reason, the
28 substitute must be appointed by the appropriate appointing authority.

29 (8) Any action taken by a duly appointed substitute for an
30 unavailable individual is as effective as if taken by the unavailable
31 individual.

32 **Sec. 16.** RCW 34.12.040 and 2013 c 109 s 5 are each amended to
33 read as follows:

34 Except pursuant to RCW 43.70.740 and section 3 of this act,
35 whenever a state agency conducts a hearing which is not presided over
36 by officials of the agency who are to render the final decision, the
37 hearing shall be conducted by an administrative law judge assigned
38 under this chapter. In assigning administrative law judges, the chief
39 administrative law judge shall wherever practical (1) use personnel

1 having expertise in the field or subject matter of the hearing, and
2 (2) assign administrative law judges primarily to the hearings of
3 particular agencies on a long-term basis.

4 NEW SECTION. **Sec. 17.** Section 13 of this act expires June 30,
5 2033.

6 NEW SECTION. **Sec. 18.** Section 14 of this act takes effect June
7 30, 2033.

8 NEW SECTION. **Sec. 19.** Except for section 14 of this act, this
9 act is necessary for the immediate preservation of the public peace,
10 health, or safety, or support of the state government and its
11 existing public institutions, and takes effect immediately.

12 NEW SECTION. **Sec. 20.** Sections 2 through 5 of this act
13 constitute a new chapter in Title 4 RCW.

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