
ENGROSSED HOUSE BILL 1561

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Anderson, McLean, Belcher and Bowman; by request of Department of General Administration.

Read first time February 1, 1991. Referred to Committee on State Government.

1 AN ACT Relating to the tort claims revolving fund; amending RCW
2 4.92.160; adding a new section to chapter 4.92 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.92 RCW
6 to read as follows:

7 The tort claims revolving fund is created in the custody of the
8 treasurer to be used solely and exclusively for the payment of claims
9 arising out of tortious conduct taking place prior to July 1, 1990, and
10 against both the state and its officers, employees, and volunteers for
11 whom the defense of the claims was authorized under RCW 4.92.070.

12 Moneys paid from the revolving fund for any claim are limited to
13 the amount by which the claim exceeds the amount available to the
14 claimant from any valid and collectible liability insurance. Payment

1 from the revolving fund shall not be made until the claim has been
2 approved for payment in accordance with RCW 4.92.210.

3 NEW SECTION. **Sec. 2.** It is the intent of the legislature that
4 the tort claims revolving fund created under section 1 of this act have
5 the same purpose, use, and application as the tort claims revolving
6 fund abolished effective July 1, 1989, by the legislature in chapter
7 419, Laws of 1989.

8 **Sec. 3.** RCW 4.92.160 and 1986 c 126 s 9 are each amended to read
9 as follows:

10 Payment of claims and judgments arising out of tortious conduct or
11 pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency
12 or department of state government with the exception of the risk
13 management office, and that office shall authorize and direct the
14 payment of moneys only from the tort claims revolving fund whenever:

15 (1) The head or governing body of any agency or department of state
16 or the designee of any such agency certifies to the risk management
17 office that a claim has been settled (~~(under authority of RCW 4.92.140~~
18 ~~as herein or hereafter amended)~~); or

19 (2) The clerk of court has made and forwarded a certified copy of
20 a final judgment in a court of competent jurisdiction and the attorney
21 general certifies that the judgment is final and was entered in an
22 action on a claim arising out of tortious conduct or under and pursuant
23 to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to
24 the clerk of the court for the benefit of the judgment creditors. Upon
25 receipt of payment, the clerk shall satisfy the judgment against the
26 state.