

HOUSE BILL REPORT

HB 1218

As Passed House
March 9, 1993

Title: An act relating to claims against local governmental entities.

Brief Description: Changing requirements for claims against local governmental agencies.

Sponsors: Representatives Ludwig, Edmondson, Mastin, Reams, Scott, Bray, Riley, R. Fisher, Grant, Rayburn, Dellwo, Van Luven, Chandler, Zellinsky, Appelwick, Roland, Fuhrman, Kremen and Johanson.

Brief History:

Reported by House Committee on:
Local Government, February 9, 1993, DP;
Passed House, March 9, 1993, 97-0.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 12 members:
Representatives H. Myers, Chair; Bray, Vice Chair;
Edmondson, Ranking Minority Member; Reams, Assistant Ranking
Minority Member; Dunshee; R. Fisher; Horn; Rayburn; Romero;
Springer; Van Luven; and Zellinsky.

Staff: Steve Lundin (786-7127).

Background: The laws relating to lawsuits against local governments vary somewhat and, to some extent, are codified in different parts of the statutes.

At one time the statutes for various local governments included a requirement that, in addition to the normal statute of limitations to bring an action, a special claim had to be filed with the local government within 120 days of when the damages were suffered. A lawsuit by a damaged person against a local government would be dismissed if either the special notice of a claim was not filed within 120 days of when the damages occurred or the actual lawsuit was not filed within the normal statute of limitations. The state supreme court held these special claim filing statutes unconstitutional. Several of the special claim filing statutes have been amended to require the claim be filed within the normal statute of limitations period. However,

several of these statutes have not been amended to make this change.

Separate statutes for different local governments require the local governments to defend actions brought against their officers and employees for damages arising out of acts or omissions while performing their duties and to pay any damages arising from such lawsuits.

Summary of Bill: The statutes relating to lawsuits against local governments for damages are altered and repealed to establish a single, uniform procedure.

Volunteers of a local government are treated like an officer or employee of a local government for purposes of the local government defending their actions and paying damages arising from their actions.

When requested, a local government shall defend an officer, employee, or volunteer if it is determined by the legislative body, or by using a procedure created by ordinance, that the actions of the officer, employee, or volunteer were, or in good faith were purported to be, within the scope of his or her duties. Monetary damages awarded against the officer, employee, or volunteer shall be paid if approved by the legislative body, or if approved by a procedure created by ordinance. A judgement creditor shall seek satisfaction against the local government for non-punitive damages awarded in such a lawsuit if the court finds that the officer, employee, or volunteer was acting within the scope of his or her duties and any judgement for non-punitive damages shall not become a lien upon any property of the officer, employee, or volunteer. The legislative authority may, pursuant to a procedure created by ordinance, agree to pay an award for punitive damages.

No bond is required of any local government for bringing a lawsuit in a state court or local court.

Various claim statutes are amended to require the claim to be filed within the applicable statute of limitations for commencing a lawsuit. An action for damages against a local government may not be commenced until 60 days have elapsed after the claim was first presented to the local government and the applicable statute of limitations is extended during this 60 day period.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: A uniform set of laws is in the public interest. These same changes were made for the state in legislation in 1989. This protects volunteers.

Testimony Against: We have "concerns" the bill doesn't make a change to current law.

Witnesses: (pro) K. O. Rosenberg, Washington State Association of Counties (northeast counties); Marjorie Rombauer, Washington Law Revision Commission; and Jim Justin, Association of Washington Cities (with concerns).