

SENATE BILL REPORT

HB 1218

AS REPORTED BY COMMITTEE ON GOVERNMENT OPERATIONS, MARCH 24, 1993

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

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENT OPERATIONS

Majority Report: Do pass.

Signed by Senators Haugen, Chairman; Drew, Vice Chairman; Loveland, Oke, Owen, and Winsley.

Staff: Rod McAulay (786-7754)

Hearing Dates: March 23, 1993; March 24, 1993

BACKGROUND:

The laws relating to lawsuits against local governments vary somewhat and are codified in different titles of the RCW.

At one time the statutes regarding damage claims for various local governments included a requirement that, notwithstanding the applicable statute of limitations, a special claim for damages had to be filed with the local government within 120 days of the injury. 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, but not all, of the special claim filing statutes have been amended to require the claim be filed within the normal statute of limitations period.

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:

The statutes relating to lawsuits against local governments for damages are altered and repealed to establish a uniform procedure.

Volunteers of a local government are treated like an officer or employee of a local government for the purpose of requiring the local government to defend their actions and pay damages.

When requested, a local government defends an officer, employee, or volunteer if it is determined by the legislative body, or pursuant to a procedure established 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 are paid if approved either by the legislative body, or pursuant to a procedure created by ordinance. A judgment creditor seeks 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 judgment for non-punitive damages does not become a lien upon any property of the officer, employee, or volunteer. The legislative authority may agree to pay an award for punitive damages.

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

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Consolidates the provisions relating to procedures for filing claims against local governments. Brings limitation requirements into harmony with the statute of limitations. Extends protections to volunteers.

TESTIMONY AGAINST: None

TESTIFIED: Representative Curt Ludwig, prime sponsor; Bill Vogler, WSAC