

2 **EHB 2015** - S AMD - 365

3 By Senators Heavey, McDonald, B. Sheldon, Johnson, Zarelli, Goings,
4 Hochstatter, Jacobsen, Sheahan, Rossi and T. Sheldon

5 ADOPTED 4/15/99

6 Strike everything after the enacting clause and insert the
7 following:

8 "NEW SECTION. Sec. 1. A new section is added to chapter 4.22 RCW
9 to read as follows:

10 (1) The definitions in this section apply throughout this section.

11 (a) "Agency" means any state or local government board, commission,
12 bureau, committee, department, institution, division, or tribunal in
13 the legislative, executive, or judicial branch, including elective and
14 legislative offices, institutions of higher education created and
15 supported by state government, counties, cities, towns, special purpose
16 districts, local service districts, municipal corporations, quasi-
17 municipal corporations, and political subdivisions of such agencies and
18 corporations, and any officer, employee, or agent of these entities
19 acting within the scope of the officer, employee, or agent's employment
20 or duties. "Agency" does not include municipal electric or gas
21 utilities formed under Title 35 RCW or electric public utility
22 districts formed under Title 54 RCW.

23 (b) "Electric cooperative utility" means any nonprofit, member-
24 owned cooperative organized under chapter 23.86 RCW and engaged in the
25 business of distributing electric energy in the state.

26 (c) "Electric mutual utility" means any nonprofit, member-owned
27 corporation or association organized under chapter 24.06 RCW and
28 engaged in the business of distributing electric energy in the state.

29 (d) "Electronic computing device" means any computer hardware or
30 software, computer chip, embedded chip, process control equipment, or
31 other information system used to capture, store, manipulate, or process
32 data, or that controls, monitors, or assists in the operation of
33 physical apparatus that is not primarily used as a computer, but that
34 relies on automation or digital technology to function, including but
35 not limited to vehicles, vessels, buildings, structures, facilities,

1 elevators, medical equipment, traffic signals, factory machinery, and
2 the like.

3 (e) "Public service provider" means any municipal electric or gas
4 utility formed under Title 35 RCW, electric public utility district
5 formed under Title 54 RCW, electrical company, as defined in RCW
6 80.04.010, gas company, as defined in RCW 80.04.010, electric
7 cooperative utility, and electric mutual utility.

8 (f) "Year 2000 failure" means with respect to an electronic
9 computing device, a computing failure that prevents such electronic
10 computing device from accurately interpreting, producing, computing,
11 generating, accounting for, processing, calculating, comparing, or
12 sequencing date or time data from, into, or between the years 1999 and
13 2000, or with regard to leap year calculations.

14 (2) In any action against an agency or public service provider,
15 whether based in tort, contract, or otherwise, for damages caused in
16 whole or in part by computational or interpretive errors generated by
17 an electronic computing device in connection with a year 2000 failure:

18 (a) Any liability shall be several, not joint, and the liability
19 shall be determined as a percentage of fault in a manner consistent
20 with RCW 4.22.070; and

21 (b) The entities shall have no liability for the first one hundred
22 dollars of damages per claimant that would otherwise be owed by the
23 entity.

24 (3) This section shall not apply to any action for damages arising
25 from bodily personal injury, or to wrongful death and survival actions
26 under chapter 4.20 RCW or RCW 4.24.010.

27 (4) This section does not apply to any claim or cause of action
28 filed after December 31, 2003.

29 (5) This section expires December 31, 2009."

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5 On page 1, line 3 of the title, after "devices;" strike the
6 remainder of the title and insert "adding a new section to chapter 4.22
7 RCW; and providing an expiration date."

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