

SENATE BILL REPORT

SB 5889

As of February 24, 1999

Title: An act relating to restricting liability for harm caused by incorrectly calculated or interpreted dates associated with year 2000 date-changes processed by electronic computing devices.

Brief Description: Restricting liability for year 2000 date-change damages.

Sponsors: Senators Kline, Finkbeiner, Costa and Oke; by request of Department of General Administration and Department of Information Services.

Brief History:

Committee Activity: Judiciary: 3/1/99.

SENATE COMMITTEE ON JUDICIARY

Staff: Dick Armstrong (786-7460)

Background: The Year 2000 Problem: The year 2000 (Y2K) problem is caused by the practice of using two digits instead of four to represent years in computer programs and computer chips. This may cause some computers to mistake the year 2000 for the year 1900 which may cause the failure of many computer related services.

State agencies have been working to correct the Y2K problem since as early as 1993. However, due to the complexity of the problem, it is possible that some Y2K problems will nevertheless be experienced.

Joint and Several Liability: In many cases where a plaintiff is injured, there is more than one defendant at fault. In such cases, the defendants will either be severally liable or jointly liable.

If the defendants are severally liable, each only pays for his or her share of the damages. For example, if defendants D and E cause \$100 worth of damage to the plaintiff, and D was 30 percent at fault and E was 70 percent at fault, D would pay \$30 and E would pay \$70.

If the defendants are jointly liable, they are each responsible for the total damage done to the plaintiff. In the example above, if D was unable to pay, E could be held liable for the entire \$100.

Summary of Bill: In an action against a state agency for damages caused by the Y2K problem, the state agency is severally liable only. The agency is also immune from liability for the first \$100 of damages per claimant. This does not apply to any action for damages arising from bodily personal injury, to wrongful death and survival actions, or to actions arising after December 31, 2003. "Agency" is defined to include a variety of state and local entities.

Appropriation: None.

Fiscal Note: Not requested.

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