
HOUSE BILL 2093

State of Washington

56th Legislature

1999 Regular Session

By Representatives D. Schmidt, Lambert, Morris, G. Chandler and Radcliff

Read first time 02/15/1999. Referred to Committee on Judiciary.

1 AN ACT Relating to immunity for state and local government agencies
2 and their employees for harm caused by incorrectly calculated or
3 interpreted dates associated with year 2000 date changes processed by
4 electronic computing devices; adding a new section to chapter 4.24 RCW;
5 creating a new section; providing an expiration date; and declaring an
6 emergency.

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

8 NEW SECTION. **Sec. 1.** (1) It is the intent of the legislature
9 that:

10 (a) Agencies exercise due diligence to prepare electronic computing
11 devices for which they are responsible to continue normal operation
12 after the year 2000;

13 (b) Citizens and clients of agencies continue to receive
14 statutorily mandated services, entitlements, and compensation delivered
15 through electronic computing devices without interruption through and
16 after the year 2000; and

17 (c) Vendors and contractors providing goods and services to
18 agencies continue to receive payment for same without interruption
19 through and after the year 2000.

1 (2) However, the legislature recognizes that preparing agencies'
2 electronic computing devices for year 2000 readiness is a complex and
3 difficult challenge, and that even due diligence practices may result
4 in some failures of these devices.

5 (3) In the event of such failures, it is the intent of the
6 legislature that affected citizens, clients, vendors, and contractors
7 have recourse to existing administrative or contractual remedies to
8 obtain redress but not otherwise compensate them for consequences of
9 the failure.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.24 RCW
11 to read as follows:

12 (1) As used in this section:

13 (a) "Agency" means any state or local government board, commission,
14 bureau, committee, department, institution, division, or tribunal in
15 the legislative, executive, or judicial branch, including elective and
16 legislative offices, institutions of higher education created and
17 supported by state government, counties, cities, towns, special purpose
18 districts, local service districts, municipal corporations, quasi-
19 municipal corporations, and political subdivisions of such agencies and
20 corporations.

21 (b) "Electronic computing device" means any computer hardware or
22 software, computer chip, embedded chip, process control equipment, or
23 other information system used to capture, store, manipulate, or process
24 data, or that controls, monitors, or assists in the operation of
25 physical apparatus that is not primarily used as a computer, but that
26 relies on automation or digital technology to function, including but
27 not limited to vehicles, vessels, buildings, structures, facilities,
28 elevators, medical equipment, traffic signals, factory machinery, and
29 the like.

30 (c) "Indirect or consequential damages" means any harm, loss,
31 damage, or physical or mental injury of any nature whatsoever other
32 than goods, entitlements, services, or compensation that agencies are
33 by contract, statute, or rule obligated to provide.

34 (d) "Reasonable care" means the process by which an agency
35 documents the means taken to remedy year 2000 electronic computing
36 problems. The process includes, but is not limited to, identification
37 of all electronic computing devices, identification of steps needed to
38 bring systems into year 2000 compliance, review of all contract

1 language to determine what other parties may have liability to correct
2 year 2000 problems, implementing a plan to correct the identified year
3 2000 problems, and requiring all future acquisitions to be year 2000
4 compliant.

5 (2) No action may be brought against an agency or its employees for
6 indirect or consequential damages caused in whole or in part by
7 computational or interpretive errors generated by an electronic
8 computing device, owned, controlled, or operated by an agency, and
9 arising out of or in connection with the year 2000 date change.
10 Neither an agency nor its employees may be held liable in any other
11 action whether based in tort, contract, or otherwise for such damages,
12 if the agency has exercised reasonable care to prepare electronic
13 computing devices, for which they are responsible, to continue normal
14 operation after the year 2000.

15 (3) Nothing in this chapter may be interpreted to interfere with
16 contractual rights, obligations, duties, or warranties of private
17 vendors supplying electronic computing devices to agencies. In the
18 event of an agency's or contractor's failure to perform contractual
19 obligations due to computational or interpretive errors associated with
20 the year 2000 date change, the remedies available to the parties shall
21 be as set forth in their written contract.

22 (4) Nothing in this section may be interpreted to interfere with
23 citizens' rights to receive statutorily mandated services,
24 entitlements, or compensation from agencies. In the event of an
25 agency's failure to deliver such services, entitlements, or
26 compensation due to computational or interpretive errors associated
27 with the year 2000 date change, the remedies available to the citizen
28 or client shall be the existing administrative procedures or remedies
29 provided by law, except as expressly limited by this section.

30 (5) No action may be brought against an agency or its employees for
31 indirect or consequential damages caused in whole or in part by
32 computational or interpretive errors generated by an electronic
33 computing device owned, controlled, or operated by an agency, and
34 arising out of or in connection with the year 2000 date change, if the
35 agency has exercised reasonable care to prepare electronic computing
36 devices, for which they are responsible, to continue normal operation
37 after the year 2000. Neither an agency nor its employees may be held
38 liable in any other action whether based in tort, contract, or
39 otherwise for such damages.

1 NEW SECTION. **Sec. 3.** This act does not apply to any action or
2 omission occurring after December 31, 2003, and expires December 31,
3 2008.

4 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and takes effect
7 immediately.

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