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SENATE BILL 5954

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State of Washington

56th Legislature

1999 Regular Session

By Senators Kline, Eide and Thibaudeau; by request of Department of Social and Health Services

Read first time 02/17/1999. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to torts committed against recipients of state  
2 assistance; and amending RCW 43.20B.070.

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

4 **Sec. 1.** RCW 43.20B.070 and 1990 c 100 s 8 are each amended to read  
5 as follows:

6 (1) An attorney representing a person who, as a result of injuries  
7 or illness sustained through the negligence or wrong of another, has  
8 received, is receiving, or has applied to receive assistance under  
9 chapter 74.09 RCW, or residential care provided by the department at a  
10 hospital for the mentally ill or habilitative care center for the  
11 developmentally disabled, shall:

12 ~~((1))~~ (a) Notify the department at the time of filing any claim  
13 against a third party, commencing an action at law, negotiating a  
14 settlement, or accepting a settlement offer from the tort feisor or the  
15 tort feisor's insurer, or both; and

16 ~~((2))~~ (b) Give the department thirty days' notice before any  
17 judgment, award, or settlement may be satisfied in any action or any  
18 claim by the applicant or recipient to recover damages for such  
19 injuries or illness.

1       (2) The proceeds from any recovery made pursuant to any action or  
2 claim described in RCW 43.20B.060 that is necessary to fully satisfy  
3 the department's lien against recovery shall be placed in a trust  
4 account or in the registry of the court until the department's lien is  
5 satisfied.

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