

HOUSE BILL REPORT

EHB 1530

As Passed House:

March 9, 2001

Title: An act relating to serving claims against local governmental entities for tortious conduct.

Brief Description: Providing for the appointment of an agent to receive claims against local government entities.

Sponsors: By Representatives Lantz and Carrell.

Brief History:

Committee Activity:

Judiciary: 2/8/01, 2/22/01 [DPA].

Floor Activity:

Passed House: 3/9/01, 95-0.

Brief Summary of Engrossed Bill

- Requires that each local government entity appoint an agent to accept notice of any tort claim filed against the entity.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 10 members: Representatives Carrell, Republican Co-Chair; Lantz, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Boldt, Casada, Dickerson, Esser, Lovick and McDermott.

Staff: Bill Perry (786-7123).

Background:

The state has waived sovereign immunity for government and allowed itself and local governments to be sued for the torts of government officials, employees, or volunteers.

Before an injured party may bring a suit against a local government entity, the injured party must make a claim against the entity for the damages sought. A lawsuit for the

recovery of those damages may not be commenced until at least 60 days after the claim has been filed with the local government. (Any applicable statute of limitations is tolled during the 60-day wait to start the lawsuit.)

The law requires that a claim for damages must be "presented to and filed with the governing body" of the local government entity.

Summary of Bill:

Each local government entity is required to appoint an agent to receive claims for damages. The identity, and location during business hours, of the agent must be recorded with the county auditor.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: (Original bill) The bill will reduce the cost of service of notice by greatly reducing the number of failed attempts. Current law is unclear, i.e., what does it mean to present a claim to a governing body?—

Testimony Against: (Original bill) There are many small jurisdictions which can't possibly comply with a requirement to appoint two employees to receive claims. Some have only one part-time employee.

Testified: (In support of original bill) Robin Mullins, Washington state Process Servers Association; and Larry Shannon and John Budlong, Washington State Trial Lawyers Association.

(With concerns re original bill) Jim Justin, Association of Washington Cities; and Jack McKenzie, town of Hunts Point.

(Opposed to original bill) Sophia Byrd, in behalf of Tom McBride, Washington Association of Prosecuting Attorneys.