
HOUSE BILL 2171

State of Washington 58th Legislature 2003 Regular Session

By Representatives Edwards, Schindler and Benson

Read first time 02/28/2003. Referred to Committee on Local Government.

1 AN ACT Relating to providing for insurance in lieu of official
2 bonds for county officials; amending RCW 3.34.090, 36.16.050,
3 36.16.060, 36.23.020, 36.28.030, 36.32.060, and 65.12.060; and
4 repealing RCW 65.12.055.

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

6 **Sec. 1.** RCW 3.34.090 and 1984 c 258 s 15 are each amended to read
7 as follows:

8 (1) The county legislative authority shall provide for the bonding
9 of each district judge, district judge pro tempore, district court
10 commissioner, clerk of the district court, and court employee, at the
11 expense of the county, in such amount as the county legislative
12 authority shall prescribe, conditioned that each such person will pay
13 over according to law all moneys which shall come into the person's
14 custody in causes filed in the district court. Such bond shall not be
15 less than the maximum amount of money liable to be under the control,
16 at any one time, of each such person in the performance of his or her
17 duties. Such bond may be a blanket bond.

18 (2) The county legislative authority may provide for employee
19 fidelity insurance in lieu of a bond described in this section,

1 provided that the amount of insurance equals or exceeds the amount of
2 the bond. If the county obtains employee fidelity or errors and
3 omissions insurance covering district court personnel, the costs of
4 such coverage shall be a reimbursable expense pursuant to RCW 3.62.050
5 as now or hereafter amended.

6 **Sec. 2.** RCW 36.16.050 and 1991 c 363 s 49 are each amended to read
7 as follows:

8 (1) Every county official before he or she enters upon the duties
9 of his or her office shall furnish a bond conditioned that he or she
10 will faithfully perform the duties of his or her office and account for
11 and pay over all money which may come into his or her hands by virtue
12 of his or her office, and that he or she, or his or her executors or
13 administrators, will deliver to his or her successor safe and undefaced
14 all books, records, papers, seals, equipment, and furniture belonging
15 to his or her office. Bonds of elective county officers shall be as
16 follows:

17 ~~((1))~~ (a) Assessor: Amount to be fixed and sureties to be
18 approved by proper county legislative authority;

19 ~~((2))~~ (b) Auditor: Amount to be fixed at not less than ten
20 thousand dollars and sureties to be approved by the proper county
21 legislative authority;

22 ~~((3))~~ (c) Clerk: Amount to be fixed in a penal sum not less than
23 double the amount of money liable to come into his or her hands and
24 sureties to be approved by the judge or a majority of the judges
25 presiding over the court of which he or she is clerk: PROVIDED, That
26 the maximum bond fixed for the clerk shall not exceed in amount that
27 required for the treasurer in a county of that class;

28 ~~((4))~~ (d) Coroner: Amount to be fixed at not less than five
29 thousand dollars with sureties to be approved by the proper county
30 legislative authority;

31 ~~((5))~~ (e) Members of the proper county legislative authority:
32 Sureties to be approved by the county clerk and the amounts to be:

33 ~~((a))~~ (i) In each county with a population of one hundred twenty-
34 five thousand or more, twenty-five thousand dollars;

35 ~~((b))~~ (ii) In each county with a population of from seventy
36 thousand to less than one hundred twenty-five thousand, twenty-two
37 thousand five hundred dollars;

1 (~~(c)~~) (iii) In each county with a population of from forty
2 (~~(+thousand)~~) thousand to less than seventy thousand, twenty thousand
3 dollars;

4 (~~(d)~~) (iv) In each county with a population of from eighteen
5 thousand to less than forty thousand, fifteen thousand dollars;

6 (~~(e)~~) (v) In each county with a population of from twelve
7 thousand to less than eighteen thousand, ten thousand dollars;

8 (~~(f)~~) (vi) In each county with a population of from eight
9 thousand to less than twelve thousand, seven thousand five hundred
10 dollars;

11 (~~(g)~~) (vii) In all other counties, five thousand dollars;

12 (~~(6)~~) (f) Prosecuting attorney: In the amount of five thousand
13 dollars with sureties to be approved by the proper county legislative
14 authority;

15 (~~(7)~~) (g) Sheriff: Amount to be fixed and bond approved by the
16 proper county legislative authority at not less than five thousand nor
17 more than fifty thousand dollars; surety to be a surety company
18 authorized to do business in this state;

19 (~~(8)~~) (h) Treasurer: Sureties to be approved by the proper
20 county legislative authority and the amounts to be fixed by the proper
21 county legislative authority at double the amount liable to come into
22 the treasurer's hands during his or her term, the maximum amount of the
23 bond, however, not to exceed:

24 (~~(a)~~) (i) In each county with a population of two hundred ten
25 thousand or more, two hundred fifty thousand dollars;

26 (~~(b)~~) (ii) In each county with a population of from one hundred
27 twenty-five thousand to less than two hundred ten thousand, two hundred
28 thousand dollars;

29 (~~(c)~~) (iii) In each county with a population of from eighteen
30 thousand to less than one hundred twenty-five thousand, one hundred
31 fifty thousand dollars;

32 (~~(d)~~) (iv) In all other counties, one hundred thousand dollars.

33 The treasurer's bond shall be conditioned that all moneys received
34 by him or her for the use of the county shall be paid as the proper
35 county legislative authority shall from time to time direct, except
36 where special provision is made by law for the payment of such moneys,
37 by order of any court, or otherwise, and for the faithful discharge of
38 his or her duties.

1 Bonds for other than elective officials, if deemed necessary by the
2 proper county legislative authority, shall be in such amount and form
3 as such legislative authority shall determine.

4 In the approval of official bonds, the chair may act for the county
5 legislative authority if it is not in session.

6 (2) The county legislative authority may provide for employee
7 fidelity insurance in lieu of a bond described in this section,
8 provided that the amount of insurance equals or exceeds the amount of
9 the bond.

10 **Sec. 3.** RCW 36.16.060 and 1963 c 4 s 36.16.060 are each amended to
11 read as follows:

12 Every county officer, before entering upon the duties of his
13 office, shall file his oath of office in the office of the county
14 auditor and his official bond or certificate of employee fidelity
15 insurance in the office of the county clerk: PROVIDED, That the
16 official bond or certificate of insurance of the county clerk, after
17 first being recorded by the county auditor, shall be filed in the
18 office of the county treasurer.

19 Oaths and bonds or certificates of employee fidelity insurance of
20 deputies shall be filed in the offices in which the oaths and bonds of
21 their principals are required to be filed.

22 **Sec. 4.** RCW 36.23.020 and 1963 c 4 s 36.23.020 are each amended to
23 read as follows:

24 When the judge or judges of any court, or a majority of them,
25 believe that the clerk of the court does not have a good and sufficient
26 bond on file, (~~or~~) that the bond is not large enough in amount, or
27 that employee fidelity insurance obtained pursuant to RCW 36.16.050(2)
28 is inadequate, such judge or judges shall enter an order requiring
29 (~~him~~) the clerk, within such time as may be specified in the order,
30 to execute and present to them a good and sufficient bond, in such sum
31 as may be fixed by the order. In case of (~~his~~) the clerk's failure
32 to file the bond within ten days from the expiration of the date fixed
33 the judge or judges shall declare the office vacant.

34 **Sec. 5.** RCW 36.28.030 and 1963 c 4 s 36.28.030 are each amended to
35 read as follows:

1 Whenever the company acting as surety on the official bond or
2 employee fidelity insurance of a sheriff is disqualified, insolvent, or
3 the ~~((penalty))~~ amount of the bond or insurance becomes insufficient on
4 account of recovery had thereon, or otherwise, the sheriff shall submit
5 a new or additional bond or a certificate of new or additional
6 insurance for approval ~~((to))~~ of the board of county commissioners, if
7 in session, or, if not in session, for the approval of the chairman of
8 such board, and file the same, when approved, in the office of the
9 county clerk of his county, and such new or additional bond or
10 insurance shall be ~~((in a penal sum))~~ sufficient in amount to equal the
11 sum specified in the original bond or insurance when added to the
12 ~~((penalty))~~ amount of any existing bond, so that under one or more
13 bonds or employee fidelity insurance policies there shall always be an
14 enforceable obligation of the surety on the official bond or bonds or
15 insurance of the sheriff in a penal sum of not less than the amount of
16 the bond or insurance as originally approved.

17 **Sec. 6.** RCW 36.32.060 and 1963 c 4 s 36.32.060 are each amended to
18 read as follows:

19 (1) The bond of each member of the county ~~((commissioner))~~
20 legislative authority shall be payable to the county, and it shall be
21 conditioned that the ~~((commissioner))~~ member shall well and faithfully
22 discharge the duties of his or her office, and not approve, audit, or
23 order paid any illegal, unwarranted, or unjust claim against the county
24 for personal services.

25 (2) If a county obtains employee fidelity insurance for members of
26 the legislative authority in lieu of a bond pursuant to RCW
27 36.16.050(2), the insurance shall be in a form as determined
28 appropriate by the county legislative authority.

29 **Sec. 7.** RCW 65.12.060 and 1907 c 250 s 11 are each amended to read
30 as follows:

31 Deputy registrars shall perform any and all duties of the registrar
32 in the name of the registrar, and the acts of such deputies shall be
33 held to be the acts of the registrar, and in the case of the death of
34 the registrar or his removal from office, the vacancy shall be filled
35 in the same manner as is provided by law for filling such vacancy in

1 the office of the county auditor. The person so appointed to fill such
2 vacancy shall (~~file a bond and~~) be vested with the same powers as the
3 registrar whose office he is appointed to fill.

4 NEW SECTION. **Sec. 8.** RCW 65.12.055 (Bond of registrar) and 1907
5 c 250 s 10 are each repealed.

--- END ---