
HOUSE BILL 3120

State of Washington 59th Legislature 2006 Regular Session

By Representatives Lantz, Priest, Kirby and Williams

Read first time 01/20/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to notice requirements for tort claims against
2 state and local governments and their officers, employees, or
3 volunteers; and amending RCW 4.92.100, 4.92.110, and 4.96.020.

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

5 **Sec. 1.** RCW 4.92.100 and 2002 c 332 s 12 are each amended to read
6 as follows:

7 All claims against the state or its officers, employees, or
8 volunteers for damages arising out of tortious conduct shall be
9 presented to and filed with the risk management division. All such
10 claims shall be verified and shall accurately describe the conduct and
11 circumstances which brought about the injury or damage, describe the
12 injury or damage, state the time and place the injury or damage
13 occurred, state the names of all persons involved, if known, and shall
14 contain the amount of damages claimed, together with a statement of the
15 actual residence of the claimant at the time of presenting and filing
16 the claim and for a period of six months immediately prior to the time
17 the claim arose. If the claimant is incapacitated from verifying,
18 presenting, and filing the claim or if the claimant is a minor, or is

1 a nonresident of the state, the claim may be verified, presented, and
2 filed on behalf of the claimant by any relative, attorney, or agent
3 representing the claimant.

4 With respect to the content of such claims this section shall be
5 liberally construed so that substantial compliance will be deemed
6 satisfactory.

7 **Sec. 2.** RCW 4.92.110 and 2002 c 332 s 13 are each amended to read
8 as follows:

9 No action shall be commenced against the state or any officer,
10 employee, or volunteer for damages arising out of tortious conduct
11 until sixty days have elapsed after the claim is presented to and filed
12 with the risk management division. The applicable period of
13 limitations within which an action must be commenced shall be tolled
14 during the sixty-day period.

15 **Sec. 3.** RCW 4.96.020 and 2001 c 119 s 2 are each amended to read
16 as follows:

17 (1) The provisions of this section apply to claims for damages
18 against all local governmental entities and their officers, employees,
19 or volunteers.

20 (2) The governing body of each local (~~government~~~~[governmental]~~)
21 governmental entity shall appoint an agent to receive any claim for
22 damages made under this chapter. The identity of the agent and the
23 address where he or she may be reached during the normal business hours
24 of the local governmental entity are public records and shall be
25 recorded with the auditor of the county in which the entity is located.
26 All claims for damages against a local governmental entity shall be
27 presented to the agent within the applicable period of limitations
28 within which an action must be commenced.

29 (3) All claims for damages arising out of tortious conduct must
30 locate and describe the conduct and circumstances which brought about
31 the injury or damage, describe the injury or damage, state the time and
32 place the injury or damage occurred, state the names of all persons
33 involved, if known, and shall contain the amount of damages claimed,
34 together with a statement of the actual residence of the claimant at
35 the time of presenting and filing the claim and for a period of six
36 months immediately prior to the time the claim arose. If the claimant

1 is incapacitated from verifying, presenting, and filing the claim in
2 the time prescribed or if the claimant is a minor, or is a nonresident
3 of the state absent therefrom during the time within which the claim is
4 required to be filed, the claim may be verified, presented, and filed
5 on behalf of the claimant by any relative, attorney, or agent
6 representing the claimant.

7 (4) No action shall be commenced against any local governmental
8 entity or its officers, employees, or volunteers for damages arising
9 out of tortious conduct until sixty days have elapsed after the claim
10 has first been presented to and filed with the governing body thereof.
11 The applicable period of limitations within which an action must be
12 commenced shall be tolled during the sixty-day period.

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