

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 3120**

59th Legislature  
2006 Regular Session

Passed by the House February 14, 2006  
Yeas 97 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 2, 2006  
Yeas 46 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 3120** as passed by the House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 3120**

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Passed Legislature - 2006 Regular Session

**State of Washington                      59th Legislature                      2006 Regular Session**

**By** House Committee on Judiciary (originally sponsored by  
Representatives Lantz, Priest, Kirby and Williams)

READ FIRST TIME 02/03/06.

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

1 the claimant is a minor, or is a nonresident of the state, the claim  
2 may be verified, presented, and filed on behalf of the claimant by any  
3 relative, attorney, or agent 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 against any  
10 state officer, employee, or volunteer, acting in such capacity, for  
11 damages arising out of tortious conduct until sixty days have elapsed  
12 after the claim is presented to and filed with the risk management  
13 division. The applicable period of limitations within which an action  
14 must be commenced shall be tolled 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, acting in such capacity.

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, or against  
27 any local governmental entity's officers, employees, or volunteers,  
28 acting in such capacity, shall be presented to the agent within the  
29 applicable period of limitations within which an action must be  
30 commenced. The failure of a local governmental entity to comply with  
31 the requirements of this section precludes that local governmental  
32 entity from raising a defense under this chapter.

33 (3) All claims for damages arising out of tortious conduct must  
34 locate and describe the conduct and circumstances which brought about  
35 the injury or damage, describe the injury or damage, state the time and  
36 place the injury or damage occurred, state the names of all persons

1 involved, if known, and shall contain the amount of damages claimed,  
2 together with a statement of the actual residence of the claimant at  
3 the time of presenting and filing the claim and for a period of six  
4 months immediately prior to the time the claim arose. If the claimant  
5 is incapacitated from verifying, presenting, and filing the claim in  
6 the time prescribed or if the claimant is a minor, or is a nonresident  
7 of the state absent therefrom during the time within which the claim is  
8 required to be filed, the claim may be verified, presented, and filed  
9 on behalf of the claimant by any relative, attorney, or agent  
10 representing the claimant.

11 (4) No action shall be commenced against any local governmental  
12 entity, or against any local governmental entity's officers, employees,  
13 or volunteers, acting in such capacity, for damages arising out of  
14 tortious conduct until sixty days have elapsed after the claim has  
15 first been presented to and filed with the governing body thereof. The  
16 applicable period of limitations within which an action must be  
17 commenced shall be tolled during the sixty-day period.

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