

SB 6215 - DIGEST

Recognizes that some government functions are comparable to private activities. The legislature intends that public funds be used to pay reasonable compensation for injuries caused by the tortious actions of government in performing functions comparable to private activities.

Recognizes that many government functions have no private counterparts. These are governmental functions whose purpose is to improve general welfare but not to protect the interests of each citizen individually. Unique governmental functions, such as regulation, law enforcement, social welfare programs, and public facility design, involve policy issues, decision processes, and risks that are unlike those in private activities. The legislature intends that public funds not be used to pay for claims resulting from the exercise of governmental functions that have no private counterpart.

Declares that this act is an implementation of the authority granted to the legislature by Article 2, section 26 of the Washington state Constitution. All of the provisions of this act should be construed with a view to carrying out the intent expressed in this section.

Declares that none of the provisions in this act may be construed as creating any new or additional liability. This act shall be reconciled with other statutes related to government liability in the following manner: (1) If another statute specifically creates a cause of action for an alleged tort related to a particular government agency or function, that statute governs liability for such agency or function, rather than this act.

(2) If another statute provides an immunity or limitation on liability for a government agency or function, the provisions of this act shall apply in addition to the existing immunity or limitation on liability.

Repeals RCW 4.24.470, 4.92.090, and 4.96.010.