

SB 5136 - H COMM AMD
By Committee on Judiciary

ADOPTED 04/15/2013

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 4.92.100 and 2012 c 250 s 1 are each amended to read
4 as follows:

5 (1) All claims against the state, or against the state's officers,
6 employees, or volunteers, acting in such capacity, for damages arising
7 out of tortious conduct, must be presented to the office of risk
8 management (~~(division)~~). A claim is deemed presented when the claim
9 form is delivered in person or by regular mail, registered mail, or
10 certified mail, with return receipt requested, or as an attachment to
11 electronic mail or by fax, to the office of risk management
12 (~~(division)~~). For claims for damages presented after July 26, 2009,
13 all claims for damages must be presented on the standard tort claim
14 form that is maintained by the office of risk management (~~(division)~~).
15 The standard tort claim form must be posted on the (~~office of~~
16 ~~financial management's~~) department of enterprise services' web site.

17 (a) The standard tort claim form must, at a minimum, require the
18 following information:

- 19 (i) The claimant's name, date of birth, and contact information;
20 (ii) A description of the conduct and the circumstances that
21 brought about the injury or damage;
22 (iii) A description of the injury or damage;
23 (iv) A statement of the time and place that the injury or damage
24 occurred;
25 (v) A listing of the names of all persons involved and contact
26 information, if known;
27 (vi) A statement of the amount of damages claimed; and
28 (vii) A statement of the actual residence of the claimant at the
29 time of presenting the claim and at the time the claim arose.
30 (b)(i) The standard tort claim form must be signed either:

- 1 ~~((i))~~ (A) By the claimant, verifying the claim;
- 2 ~~((ii))~~ (B) Pursuant to a written power of attorney, by the
3 attorney in fact for the claimant;
- 4 ~~((iii))~~ (C) By an attorney admitted to practice in Washington
5 state on the claimant's behalf; or
- 6 ~~((iv))~~ (D) By a court-approved guardian or guardian ad litem on
7 behalf of the claimant.

8 (ii) For the purpose of this subsection (1)(b), when the claim form
9 is presented electronically it must bear an electronic signature in
10 lieu of a written original signature. An electronic signature means a
11 facsimile of an original signature that is affixed to the claim form
12 and executed or adopted by the person with the intent to sign the
13 document.

14 (iii) When an electronic signature is used and the claim is
15 submitted as an attachment to electronic mail, the conveyance of that
16 claim must include the date, time the claim was presented, and the
17 internet provider's address from which it was sent. The attached claim
18 form must be a format approved by the office of risk management.

19 (iv) When an electronic signature is used and the claim is
20 submitted via a facsimile machine, the conveyance must include the
21 date, time the claim was submitted, and the fax number from which it
22 was sent.

23 (v) In the event of a question on an electronic signature, the
24 claimant shall have an opportunity to cure and the cured notice shall
25 relate back to the date of the original filing.

26 (c) The amount of damages stated on the claim form is not
27 admissible at trial.

28 (2) The state shall make available the standard tort claim form
29 described in this section with instructions on how the form is to be
30 presented and the name, address, and business hours of the office of
31 risk management (~~(division)~~). The standard tort claim form must not
32 list the claimant's social security number and must not require
33 information not specified under this section. The claim form and the
34 instructions for completing the claim form must provide the United
35 States mail, physical, and electronic addresses and numbers where the
36 claim can be presented.

37 (3) With respect to the content of claims under this section and

1 all procedural requirements in this section, this section must be
2 liberally construed so that substantial compliance will be deemed
3 satisfactory."

4 Correct the title.

EFFECT: Retains the entirety of the underlying bill with the following addition and corrections:

Adds a provision allowing a claimant the opportunity to cure in the event of a question with respect to an electronic signature, and providing that the cured notice relates back to the date of original filing.

Corrects punctuation by adding a comma.

Removes a redundant word.

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