

# SENATE BILL REPORT

## SB 5803

---

---

As of February 20, 2013

**Title:** An act relating to claims against public entities.

**Brief Description:** Concerning claims against public entities.

**Sponsors:** Senators Schoesler and Hargrove.

**Brief History:**

**Committee Activity:** Ways & Means:

---

### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Steve Jones (786-7440)

**Background:** Governmental Activities. At common law, governments are immune from all lawsuits. Article II, section 26 of the state constitution allows the Legislature to waive its immunity and specify by statute in what manner, and in what courts, suit may be brought against the state. Sovereign immunity was waived by Washington by statute in 1961. Tort judgments and settlements against the state are paid from a nonappropriated Liability Account that is funded by premiums assessed against state agencies. A tort is a civil action to recover damages for personal injuries or property damage resulting from a wrongful, intentional, or negligent act.

Joint and Several Liability. In a tort action where the plaintiff did not share in the fault, the plaintiff may recover all of the damages from any of the defendants regardless of the defendants' individual proportionate share of the liability.

Postjudgment Interest Rate. Tort judgments against the state or local governments bear interest from the date the verdict was entered at a rate of two percentage points above the equivalent coupon issue yield of the average bill rate for 26-week treasury bills, as published by the Federal Reserve System.

**Summary of Bill:** Governmental Liability. The state and local governments are not liable to pay a claim or judgment for damages by any one person to the extent that the claim or judgment exceeds \$1 million or any claim or judgment that when totaled with all other claims or judgments arising out of the same incident exceeds \$2 million. That portion of the judgment claimed against the state or local government that exceeds these amounts may be

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

reported to the state or local government and paid in whole or in part by appropriation by the state or local legislative authority.

Joint and Several Liability. The liability of state and local governments for tort claims is several and not joint. State and local governments are responsible for only their proportionate share of the liability.

Postjudgment Interest Rate. Interest does not accrue on that portion of a judgment that is subject to appropriation by the state or local legislative authority until the appropriation has been made.

Attorneys' Fees. The attorneys' fees on tort judgments and settlements against state and local governments cannot exceed 25 percent of the judgment or settlement.

**Appropriation:** None.

**Fiscal Note:** Requested on February 14, 2013.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.