

SENATE BILL REPORT

SHB 2499

AS REPORTED BY COMMITTEE ON GOVERNMENTAL OPERATIONS,
FEBRUARY 24, 1992

Brief Description: Changing requirements for claims against local governmental agencies.

SPONSORS: House Committee on Local Government (originally sponsored by Representatives Ludwig, Ferguson, Bray, Roland, Haugen, Grant, Riley, Zellinsky, Dellwo and Rayburn)

HOUSE COMMITTEE ON LOCAL GOVERNMENT

SENATE COMMITTEE ON GOVERNMENTAL OPERATIONS

Majority Report: Do pass.

Signed by Senators McCaslin, Chairman; Madsen, and Sutherland.

Staff: Rod McAulay (786-7754)

Hearing Dates: February 24, 1992

BACKGROUND:

The laws relating to lawsuits against local governments vary among different types of governments and in certain instances are ambiguous, confusing or unconstitutional. Statutes requiring claimants to file a special claim within 120 days of the time damages were suffered have been declared unconstitutional. It is unclear whether statutes protecting local government officers from personal liability applies to past officers. Volunteers assisting local governments are not covered by the immunity and defense provisions which apply to employees.

SUMMARY:

The statutes relating to lawsuits against local governments for damages are altered and repealed to establish a single, uniform procedure.

It is clarified that the requirement for local governments to defend their officers and employees, and pay any damages, for their actions taken while performing their duties, includes past, as well as present officers and employees. The same protections are extended to volunteers.

A judgment creditor may not seek satisfaction of a judgment against a local government officer, employee, or volunteer for actions taken within the scope of his or her official duties, but must seek satisfaction from the local government itself.

No bond is required of any local government for bringing a lawsuit in a state court or local government court.

Various claim statutes are amended to require a claim to be filed within the applicable statute of limitations for commencing a lawsuit. An action for tortious damages against a local government may not be commenced until 60 days has elapsed after the claim was first presented to the governing body of the local government. The applicable statute of limitations is extended during this 60 day period.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

There is a need to standardize the process for claims against local government and eliminate unconstitutional notice requirements. Efficiency and administration of justice is enhanced.

TESTIMONY AGAINST: None

TESTIFIED: Representative Curt Ludwig, original sponsor; Bill Vogler, Washington Association of Counties; Joe Daniels, Washington Association of Water Districts