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SENATE BILL 5136

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State of Washington

63rd Legislature

2013 Regular Session

By Senators Padden and Kline; by request of Department of Enterprise Services

Read first time 01/21/13. Referred to Committee on Law & Justice.

1 AN ACT Relating to electronic presentment of claims against the  
2 state arising out of tortious conduct; and amending RCW 4.92.100.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

- 1 (i) The claimant's name, date of birth, and contact information;  
2 (ii) A description of the conduct and the circumstances that  
3 brought about the injury or damage;  
4 (iii) A description of the injury or damage;  
5 (iv) A statement of the time and place that the injury or damage  
6 occurred;  
7 (v) A listing of the names of all persons involved and contact  
8 information, if known;  
9 (vi) A statement of the amount of damages claimed; and  
10 (vii) A statement of the actual residence of the claimant at the  
11 time of presenting the claim and at the time the claim arose.

- 12 (b)(i) The standard tort claim form must be signed either:  
13 ((+i)) (A) By the claimant, verifying the claim;  
14 ((+ii)) (B) Pursuant to a written power of attorney, by the  
15 attorney in fact for the claimant;  
16 ((+iii)) (C) By an attorney admitted to practice in Washington  
17 state on the claimant's behalf; or  
18 ((+iv)) (D) By a court-approved guardian or guardian ad litem on  
19 behalf of the claimant.

20 (ii) For the purpose of this subsection (1)(b), when the claim form  
21 is presented electronically it must bear an electronic signature in  
22 lieu of a written original signature. An electronic signature means a  
23 facsimile of an original signature that is affixed to the claim form  
24 and executed or adopted by the person with the intent to sign the  
25 document.

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

31 (iv) When an electronic signature is used and the claim is  
32 submitted using via a facsimile machine, the conveyance must include  
33 the date, time the claim was submitted, and the fax number from which  
34 it was sent.

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

37 (2) The state shall make available the standard tort claim form  
38 described in this section with instructions on how the form is to be

1 presented and the name, address, and business hours of the office of  
2 risk management (~~division~~). The standard tort claim form must not  
3 list the claimant's social security number and must not require  
4 information not specified under this section. The claim form and the  
5 instructions for completing the claim form must provide the United  
6 States mail, physical, and electronic addresses and numbers where the  
7 claim can be presented.

8 (3) With respect to the content of claims under this section and  
9 all procedural requirements in this section, this section must be  
10 liberally construed so that substantial compliance will be deemed  
11 satisfactory.

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