

CERTIFICATION OF ENROLLMENT

SENATE BILL 5136

63rd Legislature
2013 Regular Session

Passed by the Senate April 23, 2013
YEAS 47 NAYS 0

President of the Senate

Passed by the House April 15, 2013
YEAS 96 NAYS 1

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5136** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5136

AS AMENDED BY THE HOUSE

Passed Legislature - 2013 Regular Session

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 via a facsimile machine, the conveyance must include the
33 date, time the claim was submitted, and the fax number from which it
34 was sent.

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

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

3 (2) The state shall make available the standard tort claim form
4 described in this section with instructions on how the form is to be
5 presented and the name, address, and business hours of the office of
6 risk management ((division)). The standard tort claim form must not
7 list the claimant's social security number and must not require
8 information not specified under this section. The claim form and the
9 instructions for completing the claim form must provide the United
10 States mail, physical, and electronic addresses and numbers where the
11 claim can be presented.

12 (3) With respect to the content of claims under this section and
13 all procedural requirements in this section, this section must be
14 liberally construed so that substantial compliance will be deemed
15 satisfactory.

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