

FINAL BILL REPORT

SB 5136

C 188 L 13
Synopsis as Enacted

Brief Description: Concerning electronic presentment of claims against the state arising out of tortious conduct.

Sponsors: Senators Padden and Kline; by request of Department of Enterprise Services.

Senate Committee on Law & Justice
House Committee on Judiciary

Background: Claims for tortious conduct can be brought against the state. Under current law, a claim is presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail with return receipt requested to the risk management division of the Department of Enterprise Services (DES). All claims for damages after July 26, 2009, must be presented on the standard tort claim form provided by the risk management division on the Office of Financial Management's website. Instructions for presenting the claim form must be provided and include the name, address, and business hours of the risk management division.

The claim form must be signed by the claimant, an attorney in fact pursuant to a power of attorney, an attorney admitted in Washington on the claimant's behalf, or a court-approved guardian or guardian ad litem on the claimant's behalf.

Summary: A claim can be presented as an attachment to e-mail or by fax to the office of risk management of the DES. If a claim is delivered electronically, an electronic signature must be used. An electronic signature is defined as an original signature that is placed on the claim form and executed or adopted by the person with the intent to sign the form.

When an electronic signature is used and the claim is submitted as an attachment to e-mail, the conveyance of the claim must include the date, time, and internet address from which it was sent. The attached claim form must be in a format approved by the office of risk management. When an electronic signature is used for a form submitted by fax, the conveyance must include the date, time, and fax number from which it was sent. A claimant has the opportunity to cure in the event of a question with respect to an electronic signature. The cured notice relates back to the date of the original filing.

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.

The standard tort claim form must be posted on the DES's website. The claim form and its instructions must state the physical and electronic addresses and numbers where the form can be submitted.

Votes on Final Passage:

Senate	49	0	
House	96	1	(House amended)
Senate	47	0	(Senate concurred)

Effective: July 28, 2013.