

amended June 5, 1924, and June 9, 1930; also as amended on August 3, 1954, by the "vocational rehabilitation amendments of 1954," or other federal acts which provide benefits for the purposes of this chapter;

Acceptance of federal aid.

(2) Designate the state treasurer as custodian of all moneys received by the state from appropriations made by the congress of the United States for vocational rehabilitation of persons disabled in industry or otherwise, and authorize the state treasurer to make disbursements therefrom upon the order of the division of vocational rehabilitation; and

(3) Empower and direct the division of vocational rehabilitation to cooperate with the federal government in carrying out the provisions of the federal civilian vocational rehabilitation act.

Passed the Senate March 13, 1957.

Passed the House March 12, 1957.

Approved by the Governor March 22, 1957.

CHAPTER 224.

[S. B. 35.]

MUNICIPAL CORPORATIONS—CLAIMS FOR DAMAGES.

AN ACT relating to municipal corporations; and amending section 36, chapter 241, Laws of 1907 and RCW 35.23.340, and section 1, chapter 83, Laws of 1909 and RCW 35.31.010, and section 1, chapter 96, Laws of 1917 and RCW 35.31.020, and section 2, chapter 148, Laws of 1915 and RCW 35.31.040; and amending section 1, chapter 121, Laws of 1893 and RCW 36.32.330, and section 1, chapter 149, Laws of 1919 and RCW 36.45.010, 36.45.020 and 36.45.030.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Section 36, chapter 241, Laws of 1907 and RCW 35.23.340 are each amended to read as follows:

RCW 35.23.340 amended.

Second class cities—Damage claims—Allowance of—Filing.

Proviso.

All claims for damages against a second class city must be filed with the city clerk within ninety days from the date the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained. No action for any claim for damages shall be maintained against a city of the second class until it has been presented to the council and until sixty days have elapsed after such presentation. The allowance of any damage claim against the city must be by ordinance and not otherwise.

RCW 35.31.010 amended.

SEC. 2. Section 1, chapter 83, Laws of 1909 and RCW 35.31.010 are each amended to read as follows:

First class cities—Damage claims—Statement of residence required.

Whenever a claim for damages sounding in tort against any city of the first class is presented to and filed with the city clerk or other proper officer of the city, in compliance with valid charter provisions thereof, such claim must contain, in addition to the valid requirements of the city charter relating thereto, a statement of the actual residence of the claimant, by street and number, at the date of presenting and filing such claim; and also a statement of the actual residence of the claimant for six months immediately prior to the time the claim for damages accrued.

Filing.

All claims for damages against any city of the first class must be filed with the city clerk or other proper officer within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained.

Proviso.

RCW 35.31.020 amended.

SEC. 3. Section 1, chapter 96, Laws of 1917 and RCW 35.31.020 are each amended to read as follows:

Nothing herein shall be construed as in anywise modifying, limiting or repealing any valid provision of the charter of any first class city relating to such claims for damages, except as provided in RCW 35.31.010 and this section, but the provisions hereof shall be in addition to such charter provisions, and such claims for damages, in all other respects, shall conform to and comply with such charter provisions. All claims for damages against a city of the first class shall be filed within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor, or in case the claim is for damages to real or personal property, and if the owner of such property is a nonresident of such city or is absent therefrom during the time within which a claim for damages to said property is required to be filed, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person, or in case of damages to property, representing the owner thereof.

SEC. 4. Section 2, chapter 148, Laws of 1915 and RCW 35.31.040 are each amended to read as follows:

All claims for damages against any city of the second or third class or town must be presented to the city or town council and filed with the city or town clerk within ninety days from the date that the damage occurred or the injury was sustained: *Provided*, That claims for damages arising from an alleged defective sidewalk must be filed within thirty days from the date the damage occurred or the injury was sustained: *Provided further*, That if the

First class cities—Damage claims—Provisions cumulative—Presentation by relative or agent.

Filing.

Proviso.

Proviso.

RCW 35.31.040 amended.

Other than first class cities—Damage claims—Filing.

Proviso.

Proviso.

Other than first class cities—Damage claims—Presentation of claim—Verification—Report—Requisites of claim.

claimant is incapacitated from verifying and filing his claim for damages within said time limitation, or if the claimant is a minor, then the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person.

No ordinance or resolution shall be passed allowing such claim or any part thereof, or appropriating any money or other property to pay or satisfy the same or any part thereof, until the claim has first been referred to the proper department or committee, nor until such department or committee has made its report to the council thereon pursuant to such reference.

All such claims for damages must accurately locate and describe the defect that caused the injury, reasonably describe the injury and state the time when it occurred, give the residence for six months last past of claimant, contain the items of damages claimed and be sworn to by the claimant or a relative, attorney or agent of the claimant.

No action shall be maintained against any such city or town for any claim for damages until the same has been presented to the council and sixty days have elapsed after such presentation.

RCW 36.32.330 amended.

SEC. 5. Section 1, chapter 121, Laws of 1893 and RCW 36.32.330 are each amended to read as follows:

County commissioners. Appeals from board's action.

Any person may appeal to the superior court from any decision or order of the board of county commissioners. Such appeal shall be taken within twenty days after the decision or order, and the appellant shall within that time serve notice of appeal on the county commissioners. The notice shall be in writing and shall be delivered to at least one of the county commissioners personally, or left with the county auditor. The appellant shall, within ten days after service of the notice of appeal give a bond to the county with one or more sureties, to be approved

by the county auditor, conditioned for the payment of all costs which shall be adjudged against him on such appeal in the superior court. The practice regulating appeals from and writs of certiorari to justice's courts shall, insofar as applicable, govern in matters of appeal from a decision or order of the board of county commissioners.

Appeals from board's action.

Nothing herein contained shall be construed to prevent a party having a claim against any county in this state from enforcing the collection thereof by civil action in any court of competent jurisdiction after the same has been presented to and filed as provided by law and disallowed in whole or in part by the board of county commissioners of the proper county. Such action must, however, be commenced within the time limitation provided in RCW 36.45.030.

Civil actions.

SEC. 6. Section 1, chapter 149, Laws of 1919 (heretofore divided and codified as RCW 36.45.010, 36.45.020 and 36.45.030) is divided and amended to read as set forth in sections 7, 8 and 9 of this amendatory act.

Division and amendment.

SEC. 7. (RCW 36.45.010) All claims for damages against any county must be presented before the board of county commissioners and filed with the clerk thereof within ninety days from the date that the damage occurred or the injury was sustained.

RCW 36.45.010 amended. Counties—Damage claims—Time for filing.

SEC. 8. (RCW 36.45.020) All such claims for damages must locate and describe the defect which caused the injury, describe the injury, and contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior to the time the claim accrued and be sworn to by the claimant: *Provided*, That if the claimant is incapacitated from verifying and filing his claim for damages within the time prescribed, or if the claimant is a minor,

RCW 36.45.020 enacted without amendment.

or in case the claim is for damages to real or personal property, and the owner of the property is a nonresident of the county or is absent therefrom during the time within which a claim for damages is required to be filed, the claim may be verified and presented on behalf of the claimant by any relative or attorney or agent representing the injured person or, in case of damages to property, representing the owner thereof.

RCW 36.45.030 amended.

Counties—
Time for commencement of action on damage claims.

SEC. 9. (RCW 36.45.030) No action shall be maintained on any claim for damages until it has been presented to the board of county commissioners and sixty days have elapsed after such presentation, but such action must be commenced within three months after the sixty days have elapsed.

"District" defined.

SEC. 10. As used in section 11 the term "district" includes all municipal corporations having a governing body, such as port, school, independent highway, water, fire protection, sewer, public utility, and all other districts of similar organization but does not include any city, town, county, or township.

Presentation of claim—filing date.

SEC. 11. All claims for damages against any district as defined in section 10 must be presented to the governing body of such district and filed with the clerk or proper officer thereof within one year from the date the damage occurred or the injury was sustained or such claim shall be disallowed.

Passed the Senate March 11, 1957.

Passed the House March 10, 1957.

Approved by the Governor March 23, 1957.