

SEC. 4. A new section is added to chapter 9.95, RCW, to read as follows: New section.

If a defendant who has been in prison during the pendency of an appeal, upon a new trial ordered by the supreme court shall be again convicted, the period of his former imprisonment shall be deducted by the superior court from the period of imprisonment to be fixed on the last verdict of conviction. Conviction on new trial; former imprisonment deductible.

SEC. 5. The provisions of sections 2, 3, and 4 of this act shall be construed as continuations of the statutory provisions repealed by this act, and not as new enactments. Construction.

SEC. 6. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing public institutions, and shall take effect immediately. Emergency.

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.

CHAPTER 43.

[S. B. 14.]

LIMITATIONS OF ACTIONS BY AND AGAINST STATE, COUNTIES, ETC.

AN ACT relating to civil procedure; providing for limitations of actions by and against state, counties, municipalities and other political subdivisions; providing for the time when actions are deemed commenced for the purpose of tolling any statute of limitations; and amending and dividing section 1, chapter 24, Laws of 1903, and RCW 4.16.160 and 4.16.170; and declaring an emergency.

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

SECTION 1. Section 1, chapter 24, Laws of 1903 (heretofore divided and codified as RCW 4.16.160 and 4.16.170) is divided and amended as set forth in sections 2 and 3 of this act. Division and amendment.

Actions for benefit of county, municipality, or quasi-municipality.

Actions concerning state.

Tolling statute of limitations.

Emergency.

SEC. 2. (RCW 4.16.160) The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: *Provided*, That there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: *And further provided*, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

SEC. 3. (RCW 4.16.170) For the purpose of tolling any statute of limitations an action shall not be deemed commenced until the complaint is filed.

SEC. 4. This act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate January 21, 1955.

Passed the House February 2, 1955.

Approved by the Governor February 23, 1955.