

Thurston county shall have jurisdiction over such offenses.

Passed the Senate March 3, 1963.

Passed the House March 11, 1963.

Approved by the Governor March 25, 1963.

## CHAPTER 159.

[ S. B. 205. ]

### CLAIMS AND ACTIONS AGAINST THE STATE.

AN ACT relating to claims against the state and claims against the state arising out of tortious conduct; creating a tort claims account in the general fund; providing for expenditures therefrom and reimbursement thereof; amending section 1, chapter 95, Laws of 1895, as amended by section 1, chapter 216, Laws of 1927, and RCW 4.92.010; amending section 1, chapter 136, Laws of 1961, and RCW 4.92.090; amending section 4, chapter 95, Laws of 1895, and RCW 4.92.040; and adding nine new sections to chapter 4.92 RCW.

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

RCW 4.92.010  
amended.

SECTION 1. Section 1, chapter 95, Laws of 1895, as amended by section 1, chapter 216, Laws of 1927, and RCW 4.92.010 are each amended to read as follows:

Actions  
against state.  
Where brought  
—Cost bond.

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court of Thurston county. The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: *Provided,*

Proviso.

That actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant may be commenced and prosecuted to judgment against the state in the superior court of the county in which real property is situated, and that no surety bond as above provided for shall be required in any such action:

*Provided further*, That actions on a claim arising out of tortious conduct may be commenced against the state in the superior court of Thurston county, the county in which the claim arises, or the county in which the plaintiff resides. Such action shall be subject to a change of venue as provided by law.

Proviso.

SEC. 2. Section 1, chapter 136, Laws of 1961, and RCW 4.92.090 are each amended to read as follows:

RCW 4.92.090 amended.

The state of Washington, whether acting in its governmental or proprietary capacity, shall be liable for damages arising out of its tortious conduct to the same extent as if it were a private person or corporation.

—Tort claims.

SEC. 3. There is added to chapter 4.92 RCW a new section to read as follows:

New section.

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the state auditor within one hundred twenty days from the date that the claim arose. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall 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

—Tort claims—Filing time—Contents—Verification.

arose. If the claimant is incapacitated from verifying, presenting, and filing his claim in the time prescribed or if the claimant is a minor, or is a nonresident of the state absent therefrom during the time within which his claim is required to be filed, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing him.

New section.

SEC. 4. There is added to chapter 4.92 RCW a new section to read as follows:

Tort claims against state. Claim as requisite to action.

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the state auditor. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

New section.

SEC. 5. There is added to chapter 4.92 RCW a new section to read as follows:

—Assignment.

Claims against the state arising out of tortious conduct may be assigned voluntarily, involuntarily, and by operation of law to the same extent as like claims against private persons may be so assigned.

RCW 4.92.040 amended.

SEC. 6. Section 4, chapter 95, Laws of 1895, and RCW 4.92.040 are each amended to read as follows:

Claims against state—Judgment, how satisfied.

No execution shall issue against the state on any judgment. Whenever a final judgment against the state shall have been obtained in an action on a claim arising out of tortious conduct, the clerk shall make and furnish to the budget director a duly certified copy of said judgment. Whenever a final judgment against the state shall have been obtained in any other action, the clerk shall make and furnish to the auditor of state a duly certified copy of such judgment; the auditor of state shall thereupon audit

the amount of damages and costs therein awarded, and the same shall be paid out of the state treasury.

SEC. 7. There is added to chapter 4.92 RCW a new section to read as follows:

A tort claims account in the state general fund is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct. No money shall be paid from the tort claims account unless:

- (1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or
- (2) The claim has been approved for payment in accordance with section 8 of this 1963 amendatory act.

SEC. 8. There is added to chapter 4.92 RCW a new section to read as follows:

The head or governing body of any agency or department of state government, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle any claim arising out of tortious conduct for which the state of Washington would be liable in law for money damages of five hundred dollars or less. The acceptance by the claimant of any such award, compromise or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against the state of Washington. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit or constitute an admission against interest of either the claimant or the state.

SEC. 9. There is added to chapter 4.92 RCW a new section to read as follows:

After commencement of an action in superior court upon a claim against the state arising out of

tortious conduct, the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state.

New section.

SEC. 10. There is added to chapter 4.92 RCW a new section to read as follows:

Tort claims  
against state—  
Payment,  
procedure.

Payment of claims and judgments arising out of tortious conduct shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims account whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of section 8 of this 1963 amendatory act; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

New section.

SEC. 11. There is added to chapter 4.92 RCW a new section to read as follows:

—Liability of  
state agency—  
Reimburse-  
ment—Legisla-  
tive report.

Liability for and payment of claims arising out of tortious conduct is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and

other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims account for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the account, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them: *Provided,* Proviso. That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims account, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims account, in reimbursing the account and in relieving an agency of its obligation to reimburse.

SEC. 12. If any provision of this act, or its application to any persons or circumstances is held invalid, the remainder of the act, or the application Severability.

of the provision to other persons or circumstances is not affected.

Passed the Senate March 5, 1963.

Passed the House March 12, 1963.

Approved by the Governor March 25, 1963.

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CHAPTER 160.

[ S. B. 241. ]

TELETYPEWRITER COMMUNICATIONS NETWORK—  
COMMUNICATIONS ADVISORY COMMITTEE.

AN ACT relating to state government; establishing a state teletypewriter communications network; authorizing department and agencies of state government and the political subdivisions thereof to participate therein; and creating a state communications advisory board.

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

Teletypewriter  
communications  
network.  
Authorized—  
General  
provisions.

SECTION 1. The director of budget is hereby authorized to establish a teletypewriter communications network which will inter-connect the law enforcement agencies of the state and its political subdivisions into a unified written communications system. The director of budget is authorized to lease or purchase such facilities and equipment as may be necessary to establish and maintain such teletypewriter communications network.

(1) The communications network shall be used exclusively for the official business of the state, and the official business of any city, county, city and county, or other public agency.

(2) This section does not prohibit the occasional use of the state's communications network by any other state or public agency thereof when the messages transmitted relate to the enforcement of the criminal laws of the state.

(3) The director of budget shall fix the monthly