

CHAPTER 164.

[Engrossed House Bill No. 97.]

TORT LIABILITY—POLITICAL
SUBDIVISIONS—MUNICIPAL CORPORATIONS.

AN ACT relating to state and local government; deleting provisions granting certain political subdivisions immunity from tort liability; removing immunity from tort liability from all political subdivisions, municipal corporations, and quasi municipal corporations of the state; prescribing procedures; amending section 3, chapter 159, Laws of 1963 and RCW 4.92.100; amending section 15, chapter 34, Laws of 1939 and RCW 52.08.010; amending section 11, chapter 6, Laws of 1947 and RCW 68.16.110; amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 157, Laws of 1965 and RCW 70.44.060; amending section 16, chapter 26, Laws of 1965 and RCW 86.05.920; amending section 50, chapter 72, Laws of 1937 and RCW 86.09.148; amending section 41, chapter 254, Laws of 1927 and RCW 89.30.121; amending section 35.31.010, chapter 7, Laws of 1965 and RCW 35.31.010; amending section 35.31.020, chapter 7, Laws of 1965 and RCW 35.31.020; amending section 35.31.040, chapter 7, Laws of 1965 and RCW 35.31.040; amending section 36.45.010, chapter 4, Laws of 1963 and RCW 36.45.010; amending section 47.60.250, chapter 13, Laws of 1961 and RCW 47.60.250; amending section 2, chapter 276, Laws of 1961 and RCW 87.03.440; repealing section 1, chapter 92, Laws of 1917 and RCW 28.58.030; repealing section 35.23.340, chapter 7, Laws of 1965 and RCW 35.23.340; repealing section 10, chapter 224, Laws of 1957 and RCW 53.52.010; and repealing section 11, chapter 224, Laws of 1957 and RCW 53.52.020.

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

Section 1. All political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in a governmental or proprietary capacity, shall be liable for damages arising out of their tortious conduct, or the tortious conduct of their officers, agents or employees to the same extent as if they were a private person or corporation: *Provided*, That the filing within the time allowed by law of any claim required shall be a condi-

Tort liability—
State, political
subdivisions—
Filing.

tion precedent to the maintaining of any action. The laws specifying the content for such claims shall be liberally construed so that substantial compliance therewith will be deemed satisfactory.

Sec. 2. Section 3, chapter 159, Laws of 1963 and RCW 4.92.100 are each amended to read as follows:

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 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.

RCW 4.92.100 amended.

Claims against state—Presentation and filing.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 3. Section 47.60.250, chapter 13, Laws of 1961 and RCW 47.60.250 are each amended to read as follows:

RCW 47.60.250 amended.

As condition to a recovery thereon, a verified claim against the authority growing out of such damages, loss, injuries or death must first be

Puget sound
ferry and toll
bridge system
—Claim for
damages—Fil-
ing—Contents
—Time limita-
tion.

presented to the authority and filed with its secretary within one hundred twenty days after the time when such claim accrued. If the claimant shall be incapacitated from verifying and filing his claim within said one hundred twenty days, or if the claimant be a minor, then the claim may be verified and presented on behalf of said claimant by his relative, attorney or agent. Each such claim must accurately locate and describe the event or defect that caused the damage, loss, injury or death, reasonably describe the damage, loss or injury, and state the time when the same occurred, give the claimant's residence for six months last past and contain the items of damages claimed. No action shall be maintained against the authority upon such claim until the same has been presented to, and filed with, the authority and sixty days have elapsed after such presentation and filing, nor more than three years after such claim accrued.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Claims against
cities and
towns, coun-
ties, and other
political sub-
divisions, etc.

Sec. 4. (1) Chapter 35.31 RCW shall apply to claims against cities and towns, and chapter 36.45 RCW shall apply to claims against counties.

(2) The provisions of this subsection shall not apply to claims against cities and towns or counties but shall apply to claims against all other political subdivisions, municipal corporations, and quasi municipal corporations. Claims against such entities for damages arising out of tortious conduct shall be presented to and filed with the governing body thereof 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 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. No action shall be commenced against any such entity for damages arising out of tortious conduct until a claim has first been presented to and filed with the governing body thereof. The requirements of this subsection 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.

Sec. 5. Section 15, chapter 34, Laws of 1939 and RCW 52.08.010 are each amended to read as follows:

RCW 52.08.010
amended.

Fire protection districts created under this act shall be political subdivisions of the state and shall be held and construed to be municipal corporations within the provisions of the laws and Constitution of the state of Washington. Such a district shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all other powers that may now or hereafter be specifically conferred by law.

Fire protection
districts.

Sec. 6. Section 11, chapter 6, Laws of 1947 and RCW 68.16.110 are each amended to read as follows:

RCW 68.16.110
amended.

Cemetery districts created under this chapter shall be deemed to be municipal corporations within the purview of the Constitution and laws of the

Cemetery
districts.

Tort claims—
Cemetery dis-
tricts.

state of Washington. They shall constitute bodies corporate and possess all the usual powers of corporations for public purposes. They shall have full authority to carry out the objects of their creation, and to that end are empowered to acquire, hold, lease, manage, occupy and sell real and personal property or any interest therein; to enter into and perform any and all necessary contracts; to appoint and employ necessary officers, agents and employees; to contract indebtedness; to borrow money; to levy and enforce the collection of taxes against the lands within the district, and to do any and all lawful acts to effectuate the purposes of this chapter.

RCW 70.44.060
amended.

Sec. 7. Section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 157, Laws of 1965 and RCW 70.44.060 are each amended to read as follows:

Tort claims—
Public hospital
districts.

All public hospital districts organized under the provisions of this chapter shall have power:

(1) To make a survey of existing hospital facilities within and without such district.

(2) To construct, condemn and purchase, purchase, acquire, lease, add to, maintain, operate, develop and regulate, sell and convey all lands, property, property rights, equipment, hospital facilities and systems for the maintenance of hospitals, buildings, structures and any and all other facilities, and to exercise the right of eminent domain to effectuate the foregoing purposes or for the acquisition and damaging of the same or property of any kind appurtenant thereto, and such right of eminent domain shall be exercised and instituted pursuant to a resolution of the commission and conducted in the same manner and by the same procedure as in or may be provided by law for the exercise of the power of eminent domain by incorporated cities and towns of the state of Washington in the acquisition of property rights: *Provided*, That no public hospi-

tal district shall have the right of eminent domain and the power of condemnation against any hospital clinic or sanatorium operated as a charitable, non-profit establishment or against a hospital clinic or sanatorium operated by a religious group or organization: *And provided, further,* That no hospital district organized and existing in districts having more than twenty-five thousand population have any of the rights herein enumerated without the prior written consent of all existing hospital facilities within the boundaries of such hospital district.

(3) To lease existing hospital and equipment and/or other property used in connection therewith, and to pay such rental therefor as the commissioners shall deem proper; to provide hospital service for residents of said district in hospitals located outside the boundaries of said district, by contract or in any other manner said commissioners may deem expedient or necessary under the existing conditions; and said hospital district shall have the power to contract with other communities, corporations or individuals for the services provided by said hospital district; and they may further receive in said hospital and furnish proper and adequate services to all persons not residents of said district at such reasonable and fair compensation as may be considered proper: *Provided,* That it must at all times make adequate provision for the needs of the district and residents of said district shall have prior rights to the available facilities of said hospitals, at rates set by the district commissioners.

(4) For the purpose aforesaid, it shall be lawful for any district so organized to take, condemn and purchase, lease, or acquire, any and all property, and property rights, including state and county lands, for any of the purposes aforesaid, and any and all other facilities necessary or convenient, and

Tort claims—
Public hospital
districts.

in connection with the construction, maintenance, and operation of any such hospital.

(5) To contract indebtedness or borrow money for corporate purposes on the credit of the corporation or the revenues of the hospitals thereof, and to issue bonds therefor, bearing interest at a rate not exceeding six percent per annum, payable semiannually, said bonds not to be sold for less than par and accrued interest; and to assign or sell hospital accounts receivable for collection with or without recourse.

(6) To raise revenue by the levy of an annual tax on all taxable property within such public hospital district not to exceed three mills or such further amount as has been or shall be authorized by a vote of the people: *Provided further*, That the public hospital districts are hereby authorized to levy such a general tax in excess of said three mills when authorized so to do at a special election conducted in accordance with and subject to all of the requirements of the Constitution and laws of the state of Washington now in force or hereafter enacted governing the limitation of tax levies commonly known as the forty mill tax limitation. The said board of district commissioners is hereby authorized and empowered to call a special election for the purpose of submitting to the qualified voters of the hospital district a proposition to levy a tax in excess of the three mills herein specifically authorized. The commissioner shall prepare a proposed budget of the contemplated financial transactions for the ensuing year and file the same in the records of the commission on or before the first Monday in September. Notice of the filing of said proposed budget and the date and place of hearing on the same shall be published for at least two consecutive weeks in a newspaper printed and of general circulation in said county. On the first Monday in Octo-

ber the commission shall hold a public hearing on said proposed budget at which any taxpayer may appear and be heard against the whole or any part of the proposed budget. Upon the conclusion of said hearing, the commission shall, by resolution, adopt the budget as finally determined and fix the final amount of expenditures for the ensuing year. Taxes levied by the commission shall be certified to and collected by the proper county officer of the county in which such public hospital district is located in the same manner as is or may be provided by law for the certification and collection of port district taxes. The commission is authorized, prior to the receipt of taxes raised by levy, to borrow money or issue warrants of the district in anticipation of the revenue to be derived by such district from the levy of taxes for the purpose of such district, and such warrants shall be redeemed from the first money available from such taxes when collected, and such warrants shall not exceed the anticipated revenues of one year, and shall bear interest at a rate of not to exceed six percent per annum.

(7) To enter into any contract with the United States government or any state, municipality or other hospital district, or any department of those governing bodies, for carrying out any of the powers authorized by this chapter.

(8) To sue and be sued in any court of competent jurisdiction: *Provided*, That all suits against the public hospital district shall be brought in the county in which the public hospital district is located.

(9) To make contracts, employ superintendents, attorneys, and other technical or professional assistants and all other employees; to make contracts with private or public institutions for employee retirement programs; to print and publish information or

literature and to do all other things necessary to carry out the provisions of this chapter.

RCW 86.05.920
amended.

Sec. 8. Section 16, chapter 26, Laws of 1965 and RCW 86.05.920 are each amended to read as follows:

Tort claims—
Flood control
districts.

Sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are each repealed: *Provided*, That districts heretofore established pursuant to said laws may continue to be operated and maintained as provided therein (except that the tort liability immunity provided for in section 32, chapter 160, Laws of 1935 and RCW 86.05.320 shall no longer apply); or may take such action as may be required to conform to the provisions of chapter 72, Laws of 1937 and chapter 86.09 RCW regulating the maintenance and operation of flood control districts to the same extent and to the same effect as if originally organized under said act: *Provided further*, That the organization of such districts and the validation of indebtedness heretofore incurred shall be governed as follows:

(1) Each and all of the flood control districts heretofore organized and established under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby validated and declared to be duly existing flood control districts having their respective boundaries as set forth in their organization proceedings as shown by the files in the offices of the auditors of each of the counties affected;

(2) All debts, contracts, and obligations heretofore made by or in favor of, and all bonds or other obligations heretofore executed in connection with or in pursuance of attempted organization, and all other things and proceedings heretofore done or taken by any flood control district heretofore es-

established, operated and maintained under sections 1 through 79, chapter 160, Laws of 1935, section 1, chapter 82, Laws of 1949, section 1, chapter 20, Laws of 1953 and RCW 86.05.010 through 86.05.910 are hereby declared legal and valid and of full force and effect until such are fully satisfied and/or discharged.

Sec. 9. Section 50, chapter 72, Laws of 1937 and RCW 86.09.148 are each amended to read as follows:

RCW 86.09.148 amended.

A flood control district created under this chapter shall constitute a body corporate and shall possess all the usual powers of a corporation for public purposes as well as all powers that may now or hereafter be conferred by law.

Flood control districts.

Sec. 10. Section 41, chapter 254, Laws of 1927 and RCW 89.30.121 are each amended to read as follows:

RCW 89.30.121 amended.

Reclamation districts created under this chapter shall be political subdivisions of the state and shall be held and construed to be municipal corporations within the provisions of the state Constitution relating to exemptions from taxation and within the provisions relating to the debt limits of municipal corporations: *Provided*, That nothing herein contained shall be construed as a limitation on general improvement and divisional districts, authorized herein, to contract obligations.

Reclamation districts.

Sec. 11. Section 35.31.010, chapter 7, Laws of 1965 and RCW 35.31.010 are each amended to read as follows:

RCW 35.31.010 amended.

Whenever a claim for damages sounding in tort against any city permitted by law to have a charter is presented to and filed with the city clerk or other proper officer of the city, in compliance with valid charter provisions thereof, not inconsistent with the provisions of chapter 35.31 RCW, such claim must contain in addition to the valid requirements of the

Charter cities
—Filing
claims—
Contents.

Tort claims.

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; an also a statement of the actual residence of the claimant for six months immediately prior to the time the claim for damages accrued.

RCW 35.31.020 amended.

Sec. 12. Section 35.31.020, chapter 7, Laws of 1965 and RCW 35.31.020 are each amended to read as follows:

Charter cities—
—Procedure—
Time limitation.

The provisions of chapter 35.31 RCW shall be applied notwithstanding any provisions to the contrary in any charter of any city permitted by law to have a charter; however, charter provisions not inconsistent herewith shall continue to apply. All claims for damages against a charter city shall be filed within one hundred and twenty days from the date that the damage occurred or the injury was sustained: *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, 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 agency representing the injured person, or in case of damages to property, representing the owner thereof.

RCW 35.31.040 amended.

Sec. 13. Section 35.31.040, chapter 7, Laws of 1965 and RCW 35.31.040 are each amended to read as follows:

Non-charter cities and towns—
Filing claims—
Time limitation.

All claims for damages against noncharter cities and towns must be presented to the city or town council and filed with the city or town clerk within one hundred and twenty days from the date that the damage occurred or the injury was sustained: *Pro-*

vided, That if the 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 item 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.

Sec. 14. Section 36.45.010, chapter 4, Laws of 1963 and RCW 36.45.010 are each amended to read as follows:

RCW 36.45.010 amended.

All claims for damages against any county must be presented before the board of county commissioners and filed with the clerk thereof within one hundred and twenty days from the date that the damage occurred or the injury was sustained.

Counties—Filing claims—Time limitation.

Sec. 15. Section 2, chapter 276, Laws of 1961 and RCW 87.03.440 are each amended to read as follows:

RCW 87.03.440 amended.

The treasurer of the county in which is located the office of the district shall be ex officio treasurer

Irrigation districts—Claims against.

Tort claims—
Irrigation
districts.

of the district, and any county treasurer handling district funds shall be liable upon his official bond and to criminal prosecution for malfeasance and misfeasance, or failure to perform any duty as county or district treasurer. The treasurer of each county in which lands of the district are located shall collect and receipt for all assessments levied on lands within his county. There shall be deposited with the district treasurer all funds of the district. He shall pay out such funds upon warrants issued by the county auditor against the proper funds of the district, except the sums to be paid out of the bond fund upon coupons or bonds presented to the treasurer. All warrants shall be paid in the order of their issuance. The district treasurer shall report, in writing, on the first Monday in each month to the directors, the amount in each fund, the receipts for the month preceding in each fund, and file the report with the secretary of the board. The secretary shall report to the board, in writing, at the regular meeting in each month, the amount of receipts and expenditures during the preceding month, and file the report in the office of the board.

Any claim against the district for which it is liable under existing laws shall be presented to the board as provided in section 4 of this 1967 amendatory act and upon allowance it shall be attached to a voucher verified by the claimant and approved by the chairman and signed by the secretary and directed to the auditor for payment.

Repeal.

Sec. 16. Section 1, chapter 92, Laws of 1917 and RCW 28.58.030; section 10, chapter 224, Laws of 1957 and RCW 53.52.010; section 35.23.340, chapter 7, Laws of 1965 and RCW 35.23.340; and section 11, chapter 224, Laws of 1957 and RCW 53.52.020 are each hereby repealed.

Sec. 17. It is the purpose of this act to extend the doctrine established in chapter 136, Laws of 1961, as amended, to all political subdivisions, municipal corporations and quasi municipal corporations of the state. Purpose.

Sec. 18. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected. Severability.

Passed the House March 2, 1967.

Passed the Senate March 6, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 165.

[Substitute House Bill No. 533.]

STATE BOARD FOR VOCATIONAL
EDUCATION—AUTHORITY.

AN ACT relating to the authority of the state board for vocational education.

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

Section 1. The state board for vocational education shall have authority to:

State board
for vocational
education—
Authority.

(1) Administer any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of congress insofar as the provisions thereof may apply to the administration of fire service training;

(2) Establish and conduct fire service training courses;

(3) Construct, equip, maintain and operate necessary fire service training facilities: *Provided*, That the board's authority to construct, equip and main-