

Chapter 4.92 RCW
ACTIONS AND CLAIMS AGAINST STATE

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RCW 4.92.005 "Volunteer"—Definition. For the purposes of RCW 4.92.060, 4.92.070, 4.92.130, *4.92.140, and 4.92.150, volunteer is defined in RCW 51.12.035. [1985 c 217 s 6.]

***Reviser's note:** RCW 4.92.140 was repealed by 1989 c 419 s 18, effective July 1, 1989.

RCW 4.92.006 Definitions. As used in this chapter:

- (1) "Department" means the department of enterprise services.
- (2) "Director" means the director of enterprise services.
- (3) "Office of risk management" means the office within the department of enterprise services that carries out the powers and duties under this chapter relating to claim filing, claims administration, and claims payment.
- (4) "Risk manager" means the person supervising the office of risk management. [2011 1st sp.s. c 43 s 511; 2002 c 332 s 10; 1989 c 419 s 2.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Intent—1989 c 419: "In recent years the state of Washington has experienced significant increases in public liability claims. It is the intent of the legislature to reduce tort claim costs by restructuring Washington state's risk management program to place more accountability in state agencies, to establish an actuarially sound funding mechanism for paying legitimate claims, when they occur, and to establish an effective safety and loss control program." [1989 c 419 s 1.]

Effective date—1989 c 419: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1989." [1989 c 419 s 19.]

RCW 4.92.010 Where brought—Change of venue. 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.

The venue for such actions shall be as follows:

- (1) The county of the residence or principal place of business of one or more of the plaintiffs;
- (2) The county where the cause of action arose;

(3) The county in which the real property that is the subject of the action is situated;

(4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or

(5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a seasonable motion by or in behalf of the state to change the venue of the action. [1986 c 126 s 1; 1973 c 44 s 1; 1963 c 159 s 1; 1927 c 216 s 1; 1895 c 95 s 1; RRS s 886.]

Severability—1963 c 159: "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 of the provision to other persons or circumstances is not affected." [1963 c 159 s 12.]

Venue: Chapter 4.12 RCW.

RCW 4.92.020 Service of summons and complaint. Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the summons and complaint in the office of the attorney general with an assistant attorney general. [1986 c 126 s 2; 1927 c 216 s 2; 1895 c 95 s 2; RRS s 887.]

RCW 4.92.030 Duties of attorney general—Procedure. The attorney general or an assistant attorney general shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appellate review may be sought as in other actions or proceedings, but in case review is sought by the state, no bond shall be required of the appellant. [1988 c 202 s 3; 1986 c 126 s 3; 1971 c 81 s 24; 1895 c 95 s 3; RRS s 888.]

Severability—1988 c 202: See note following RCW 2.24.050.

RCW 4.92.040 Judgments—Claims to legislature against state—Payment procedure—Inapplicability to judgments and claims against housing finance commission. (1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state is obtained in an action on a claim arising out of tortious conduct, the claim shall be paid from the liability account.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the office of risk management a duly certified copy of such judgment; the office of risk management shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) Final judgments for which there are no provisions in state law for payment shall be transmitted by the office of risk management

to the senate and house of representatives committees on ways and means as follows:

(a) On the first day of each session of the legislature, the office of risk management shall transmit judgments received and audited since the adjournment of the previous session of the legislature.

(b) During each session of legislature, the office of risk management shall transmit judgments immediately upon completion of audit.

(5) All claims, other than judgments, made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the office of risk management, which shall retain the same as a record. All claims of two thousand dollars or less shall be approved or rejected by the office of risk management, and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude the claimant from seeking relief from the legislature. If the claimant accepts any part of his or her claim which is approved for payment by the office of risk management, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The office of risk management shall submit to the house and senate committees on ways and means, at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding year. For all claims not approved by the office of risk management, the office of risk management shall recommend to the legislature whether such claims should be approved or rejected. Recommendations shall be submitted to the senate and house of representatives committees on ways and means not later than the thirtieth day of each regular session of the legislature. Claims which cannot be processed for timely submission of recommendations shall be held for submission during the following regular session of the legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement as to whether these facts can be verified by the office of risk management;

(b) An estimate by the office of risk management of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(6) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(7) Subsections (3) through (6) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW. [2011 1st sp.s. c 43 s 512; 2002 c 332 s 11; 1999 c 163 s 3; 1986 c 126 s 4; 1983 c 161 s 28; 1979 ex.s. c 167 s 1; 1979 c 151 s 2; 1977 ex.s. c 144 s 1; 1963 c 159 s 6; 1895 c 95 s 4; RRS s 889.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Effective date—1999 c 163: See note following RCW 4.92.130.

Effective dates—1983 c 161: See RCW 43.180.904.

RCW 4.92.050 Limitations. All provisions of law relating to the limitations of personal actions shall apply to claims against the state, but the computation of time thereunder shall not begin until RCW 4.92.010 through 4.92.050 shall have become a law. [1895 c 95 s 5; RRS s 890.]

RCW 4.92.060 Action against state officers, employees, volunteers, or foster parents—Request for defense. Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, volunteer, or foster parent licensed in accordance with chapter 74.15 RCW, arising from acts or omissions while performing, or in good faith purporting to perform, official duties, or, in the case of a foster parent, arising from the good faith provision of foster care services, such officer, employee, volunteer, or foster parent may request the attorney general to authorize the defense of said action or proceeding at the expense of the state. [1989 c 403 s 2; 1986 c 126 s 5; 1985 c 217 s 1; 1975 1st ex.s. c 126 s 1; 1975 c 40 s 1; 1921 c 79 s 1; RRS s 890-1.]

Findings—1989 c 403: "The legislature finds and declares that foster parents are a valuable resource providing an important service to the citizens of Washington. The legislature further recognizes that the current insurance crisis has adversely affected some foster family homes in several ways: (1) In some locales, foster parents are unable to obtain liability insurance coverage over and above homeowner's or tenant's coverage for actions filed against them by the foster child or the child's parents or legal guardian. In addition, the monthly payment made to foster family homes is not sufficient to cover the cost of obtaining this extended coverage and there is no mechanism in place by which foster parents can recapture this cost; (2) foster parents' personal resources are at risk. Therefore, the legislature is providing relief to address these problems." [1989 c 403 s 1.]

RCW 4.92.070 Actions against state officers, employees, volunteers, or foster parents—Defense by attorney general—Legal expenses. If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or were purported to be in good faith, within the scope of that person's official duties, or, in the case of a foster parent, that the occurrence arose from the good faith provision of foster care services, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding relating to a state officer, employee, or

volunteer shall be paid as provided in RCW 4.92.130. In the case of a foster parent, necessary expenses of the defense shall be paid from the appropriations made for the support of the department to which such foster parent is attached. In such cases the attorney general shall appear and defend such officer, employee, volunteer, or foster parent, who shall assist and cooperate in the defense of such suit. However, the attorney general may not represent or provide private representation for a foster parent in an action or proceeding brought by the department of social and health services against that foster parent. [1999 c 163 s 5; 1989 c 403 s 3; 1986 c 126 s 6; 1985 c 217 s 2; 1975 1st ex.s. c 126 s 2; 1975 c 40 s 2; 1921 c 79 s 2; RRS s 890-2.]

Effective date—1999 c 163: See note following RCW 4.92.130.

Findings—1989 c 403: See note following RCW 4.92.060.

RCW 4.92.075 Action against state officers, employees, or volunteers—Judgment satisfied by state. When a state officer, employee, or volunteer has been represented by the attorney general pursuant to RCW 4.92.070, and the body presiding over the action or proceeding has found that the officer, employee, or volunteer was acting within the scope of his or her official duties, and a judgment has been entered against the officer, employee, or volunteer pursuant to chapter 4.92 RCW or 42 U.S.C. Sec. 1981 et seq., thereafter the judgment creditor shall seek satisfaction only from the state, and the judgment shall not become a lien upon any property of such officer, employee, or volunteer. [1989 c 413 s 2.]

RCW 4.92.080 Bond not required of state. No bond shall be required of the state of Washington for any purpose in any case in any of the courts of the state of Washington and the state of Washington shall be, on proper showing, entitled to any orders, injunctions and writs of whatever nature without bond notwithstanding the provisions of any existing statute requiring that bonds be furnished by private parties. [1935 c 122 s 1; RRS s 390-3.]

RCW 4.92.090 Tortious conduct of state—Liability for damages. 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. [1963 c 159 s 2; 1961 c 136 s 1.]

RCW 4.92.100 Tortious conduct of state or its agents—Claims—Presentment and filing—Contents. (1) All claims against the state, or against the state's officers, employees, or volunteers, acting in such capacity, for damages arising out of tortious conduct, must be presented to the office of risk management. A claim is deemed presented when the claim form is delivered in person or by regular mail, registered mail, or certified mail, with return receipt requested, or as an attachment to email or by fax, to the office of risk management. For claims for damages presented after July 26, 2009,

all claims for damages must be presented on the standard tort claim form that is maintained by the office of risk management. The standard tort claim form must be posted on the department of enterprise services' website.

(a) The standard tort claim form must, at a minimum, require the following information:

(i) The claimant's name, date of birth, and contact information;

(ii) A description of the conduct and the circumstances that brought about the injury or damage;

(iii) A description of the injury or damage;

(iv) A statement of the time and place that the injury or damage occurred;

(v) A listing of the names of all persons involved and contact information, if known;

(vi) A statement of the amount of damages claimed; and

(vii) A statement of the actual residence of the claimant at the time of presenting the claim and at the time the claim arose.

(b) (i) The standard tort claim form must be signed either:

(A) By the claimant, verifying the claim;

(B) Pursuant to a written power of attorney, by the attorney-in-fact for the claimant;

(C) By an attorney admitted to practice in Washington state on the claimant's behalf; or

(D) By a court-approved guardian or guardian ad litem on behalf of the claimant.

(ii) For the purpose of this subsection (1)(b), when the claim form is presented electronically it must bear an electronic signature in lieu of a written original signature.

(iii) When an electronic signature is used and the claim is submitted as an attachment to email, the conveyance of that claim must include the date, time the claim was presented, and the internet provider's address from which it was sent. The attached claim form must be a format approved by the office of risk management.

(iv) When an electronic signature is used and the claim is submitted via a facsimile machine, the conveyance must include the date, time the claim was submitted, and the fax number from which it was sent.

(v) In the event of a question on an electronic signature, the claimant shall have an opportunity to cure and the cured notice shall relate back to the date of the original filing.

(c) The amount of damages stated on the claim form is not admissible at trial.

(2) The state shall make available the standard tort claim form described in this section with instructions on how the form is to be presented and the name, address, and business hours of the office of risk management. The standard tort claim form must not list the claimant's social security number and must not require information not specified under this section. The claim form and the instructions for completing the claim form must provide the United States mail, physical, and electronic addresses and numbers where the claim can be presented.

(3) With respect to the content of claims under this section and all procedural requirements in this section, this section must be liberally construed so that substantial compliance will be deemed satisfactory. [2020 c 57 s 21; 2013 c 188 s 1; 2012 c 250 s 1; 2009 c 433 s 2; 2006 c 82 s 1; 2002 c 332 s 12; 1986 c 126 s 7; 1979 c 151 s 3; 1977 ex.s. c 144 s 2; 1967 c 164 s 2; 1963 c 159 s 3.]

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Purpose—Severability—1967 c 164: See notes following RCW 4.96.010.

Puget Sound ferry and toll bridge system, claims against: RCW 47.60.250.

RCW 4.92.110 Tortious conduct of state or its agents—Presentment and filing of claim prerequisite to suit. No action subject to the claim filing requirements of RCW 4.92.100 shall be commenced against the state, or against any state officer, employee, or volunteer, acting in such capacity, for damages arising out of tortious conduct until sixty calendar days have elapsed after the claim is presented to the office of risk management in the department of enterprise services. The applicable period of limitations within which an action must be commenced shall be tolled during the sixty calendar day period. For the purposes of the applicable period of limitations, an action commenced within five court days after the sixty calendar day period has elapsed is deemed to have been presented on the first day after the sixty calendar day period elapsed. [2015 c 225 s 5; 2009 c 433 s 3; 2006 c 82 s 2; 2002 c 332 s 13; 1989 c 419 s 14; 1986 c 126 s 8; 1979 c 151 s 4; 1977 ex.s. c 144 s 3; 1963 c 159 s 4.]

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.120 Tortious conduct of state—Assignment of claims. 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. [1963 c 159 s 5.]

RCW 4.92.130 Tortious conduct of state—Liability account—Purpose. A liability account in the custody of the treasurer is hereby created as a nonappropriated account to be used solely and exclusively for the payment of liability settlements and judgments against the state under 42 U.S.C. Sec. 1981 et seq. or for the tortious conduct of its officers, employees, and volunteers and all related legal defense costs.

(1) The purpose of the liability account is to: (a) Expeditiously pay legal liabilities and defense costs of the state resulting from tortious conduct; (b) promote risk control through a cost allocation system which recognizes agency loss experience, levels of self-retention, and levels of risk exposure; and (c) establish an actuarially sound system to pay incurred losses, within defined limits.

(2) The liability account shall be used to pay claims for injury and property damages and legal defense costs exclusive of agency-retained expenses otherwise budgeted.

(3) No money shall be paid from the liability account, except for defense costs, unless all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted and unless:

(a) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(b) The claim has been approved for payment.

(4) The liability account shall be financed through annual premiums assessed to state agencies, based on sound actuarial principles, and shall be for liability coverage in excess of agency-budgeted self-retention levels.

(5) Annual premium levels shall be determined by the risk manager. An actuarial study shall be conducted to assist in determining the appropriate level of funding.

(6) Disbursements for claims from the liability account shall be made to the claimant, or to the clerk of the court for judgments, upon written request to the state treasurer from the risk manager.

(7) The director may direct agencies to transfer moneys from other funds and accounts to the liability account if premiums are delinquent.

(8) The liability account shall not exceed fifty percent of the actuarial value of the outstanding liability as determined annually by the office of risk management. If the account exceeds the maximum amount specified in this section, premiums may be adjusted by the office of risk management in order to maintain the account balance at the maximum limits. If, after adjustment of premiums, the account balance remains above the limits specified, the excess amount shall be prorated back to the appropriate funds. [2011 1st sp.s. c 43 s 513; 2009 c 560 s 15; 2002 c 332 s 14; 1999 c 163 s 1; 1991 sp.s. c 13 s 92; 1989 c 419 s 4; 1985 c 217 s 3; 1975 1st ex.s. c 126 s 3; 1969 c 140 s 1; 1963 c 159 s 7.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—Disposition of property and funds—Assignment/delegation of contractual rights or duties—2009 c 560: See notes following RCW 18.06.080.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Transfer of funds—Fund abolished—1999 c 163: "Moneys in the tort claims revolving fund shall be deposited in the liability account on July 1, 1999, to be used for payment of settlements, judgments, and legal defense costs as provided in RCW 4.92.130." [1999 c 163 s 2.]

Effective date—1999 c 163: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 1999." [1999 c 163 s 10.]

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Transfer of funds—Fund abolished—1989 c 419: "Moneys in the tort claims revolving fund shall be deposited in the liability account to be used for payment of liabilities incurred before July 1, 1989. The tort claim revolving fund is abolished." [1989 c 419 s 13.]

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

Severability—1969 c 140: "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." [1969 c 140 s 5.]

Actions against regents, trustees, etc., of institutions of higher education or educational boards, payments of obligations from liability account: RCW 28B.10.842.

Department of enterprise services to conduct actuarial studies: RCW 43.19.778.

RCW 4.92.150 Compromise and settlement of claims by attorney general. After commencement of an action in a court of competent jurisdiction upon a claim against the state, or any of its officers, employees, or volunteers arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., or against a foster parent that the attorney general is defending pursuant to RCW 4.92.070, or upon petition by the state, the attorney general, with the prior approval of the office of risk management and 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, the affected officer, employee, volunteer, or foster parent. [2011 1st sp.s. c 43 s 514; 2002 c 332 s 15; 1989 c 403 s 4. Prior: 1985 c 217 s 5; 1985 c 188 s 9; 1979 ex.s. c 144 s 2; 1975 1st ex.s. c 126 s 5; 1963 c 159 s 9.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Findings—1989 c 403: See note following RCW 4.92.060.

RCW 4.92.160 Payment of claims and judgments. Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the office of risk management, and that office shall authorize and direct the payment of moneys only from the liability account whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to the office of risk management that a claim has been settled; 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 or under and pursuant to 42 U.S.C. Sec. 1981 et seq. 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. [2011 1st sp.s. c 43 s 515; 2002 c 332 s 16; 1999 c 163 s 4; 1991 c 187 s 3; 1986 c 126 s 9; 1979 ex.s. c 144 s 3; 1979 c 151 s 5; 1975 1st ex.s. c 126 s 6; 1969 c 140 s 2; 1963 c 159 s 10.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Effective date—1999 c 163: See note following RCW 4.92.130.

Intent—1991 c 187: "It is the intent of the legislature that the tort claims revolving fund created under section 1 of this act have [has] the same purpose, use, and application as the tort claims revolving fund abolished effective July 1, 1989, by the legislature in chapter 419, Laws of 1989." [1991 c 187 s 2.]

Severability—1969 c 140: See note following RCW 4.92.130.

Duty of clerk to forward copy of judgment: RCW 4.92.040.

RCW 4.92.175 Action against state patrol officers in private law enforcement off-duty employment—Immunity of state—Notice to employer.

(1) The state of Washington is not liable for tortious conduct by Washington state patrol officers that occurs while such officers are engaged in private law enforcement off-duty employment.

(2) Upon petition of the state any suit, for which immunity is granted to the state under subsection (1) of this section, shall be dismissed.

(3) Washington state patrol officers engaged in private law enforcement off-duty employment shall notify, in writing, prior to such employment, anyone who employs Washington state patrol officers in private off-duty employment of the specific provisions of subsections (1) and (2) of this section. [1997 c 375 s 2.]

RCW 4.92.180 State, local governments not liable for injury to unauthorized third-party occupant of state or local government vehicle.

(1) The state and local governments are not liable for any injury received by a third-party occupant of a vehicle that is owned, leased, or rented by the state or local government if, at the time the injuries were inflicted, the third-party occupant was:

(a) Riding in or on the vehicle with a state or local government employee who had explicitly acknowledged in writing the employer's policy on use of vehicles owned, leased, or rented by the state or local government; and

(b) Not specifically and expressly authorized by the state or local government to be an occupant of the vehicle.

(2) For purposes of this section, "third-party occupant" means a person who occupies a vehicle owned, leased, or rented by the state or local government and who is not an officer, employee, or agent of the state or local government. "Local government" includes any city, county, or other subdivision of the state and any municipal corporation, quasi-municipal corporation, or special district within the state. [2011 c 82 s 2.]

Intent—2011 c 82: "The legislature intends to overrule the state supreme court's holding in *Rahman v. State*, No. 83428-8 (January 20, 2011), by modifying the application of the common law doctrine of respondeat superior." [2011 c 82 s 1.]

Application—2011 c 82: "This act applies to all causes of action accruing on or after July 22, 2011." [2011 c 82 s 4.]

RCW 4.92.200 Actions against state on state warrant appearing to be redeemed—Claim required—Time limitation. No action shall be commenced against the state on account of any state warrant appearing to have been redeemed unless a claim has been presented and filed with the state treasurer within six years of the date of issuance of such warrant. The requirements of this section shall not extend or modify the period of limitations otherwise applicable within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required. [1975 c 48 s 1.]

State warrants: RCW 43.08.061 through 43.08.080.

RCW 4.92.210 Risk management—Review of claims—Settlements. (1) All liability claims arising out of tortious conduct or under 42 U.S.C. Sec. 1981 et seq. that the state of Washington or any of its officers, employees, or volunteers would be liable for shall be filed with the office of risk management.

(2) A centralized claim tracking system shall be maintained to provide agencies with accurate and timely data on the status of liability claims. Information in this claim file, other than the claim itself, shall be privileged and confidential.

(3) Standardized procedures shall be established for filing, reporting, processing, and adjusting claims, which includes the use of qualified claims management personnel.

(4) All claims shall be reviewed by the office of risk management to determine an initial valuation, to delegate to the appropriate office to investigate, negotiate, compromise, and settle the claim, or to retain that responsibility on behalf of and with the assistance of the affected state agency.

(5) All claims that result in a lawsuit shall be forwarded to the attorney general's office. Thereafter the attorney general and the

office of risk management shall collaborate in the investigation, denial, or settlement of the claim.

(6) Reserves shall be established for recognizing financial liability and monitoring effectiveness. The valuation of specific claims against the state shall be privileged and confidential.

(7) All settlements shall be approved by the responsible agencies, or their designees, prior to settlement. [2011 1st sp.s. c 43 s 516; 2002 c 332 s 17; 1989 c 419 s 3.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.220 Risk management administration account. (Effective until June 30, 2033.) (1) The risk management administration account is created in the custody of the state treasurer. All receipts from appropriations and assessments shall be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The risk management administration account is to be used for the payment of costs related to:

(a) The appropriated administration of liability, property, and vehicle claims, including investigation, claim processing, negotiation, and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted;

(b) The nonappropriated pass-through cost associated with the purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager; and

(c) The administration of the prescribed fire claims fund pilot program under RCW 76.04.196.

(3) The risk management administration account's appropriation for risk management shall be financed through a combination of direct appropriations and assessments to state agencies. [2025 c 93 s 3; 2002 c 332 s 18; 1998 c 105 s 2; 1995 c 137 s 1; 1991 sp.s. c 13 s 91; 1989 c 419 s 5.]

Expiration date—2025 c 93 s 3: "Section 3 of this act expires June 30, 2033." [2025 c 93 s 5.]

Findings—Intent—Effective date—2025 c 93: See notes following RCW 76.04.196.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Effective date—1998 c 105: See note following RCW 43.19.025.

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.220 Risk management administration account. (Effective June 30, 2033.) (1) The risk management administration account is created in the custody of the state treasurer. All receipts from appropriations and assessments shall be deposited into the account. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

(2) The risk management administration account is to be used for the payment of costs related to:

(a) The appropriated administration of liability, property, and vehicle claims, including investigation, claim processing, negotiation, and settlement, and other expenses relating to settlements and judgments against the state not otherwise budgeted; and

(b) The nonappropriated pass-through cost associated with the purchase of liability and property insurance, including catastrophic insurance, subject to policy conditions and limitations determined by the risk manager.

(3) The risk management administration account's appropriation for risk management shall be financed through a combination of direct appropriations and assessments to state agencies. [2002 c 332 s 18; 1998 c 105 s 2; 1995 c 137 s 1; 1991 sp.s. c 13 s 91; 1989 c 419 s 5.]

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Effective date—1998 c 105: See note following RCW 43.19.025.

Effective dates—Severability—1991 sp.s. c 13: See notes following RCW 18.08.240.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.240 Rules. The director has the power to adopt rules necessary to carry out the intent of this chapter. [2002 c 332 s 20; 1989 c 419 s 8.]

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.250 Risk management—Risk manager may delegate powers and duties. The risk manager may delegate to a state agency the

authority to carry out any powers or duties of the risk manager under this chapter related to claims administration and purchase of insurance for the purpose of protecting any classes of officers, employees, or for other persons performing services for the state. Such delegation shall be made only upon a determination by the risk manager that another agency has sufficient resources to carry out the functions delegated. [1989 c 419 s 9.]

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.260 Construction. Nothing in this chapter shall be construed as amending, repealing, or otherwise affecting RCW 28B.20.250 through 28B.20.255. [1989 c 419 s 10.]

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.270 Risk management—Standard indemnification agreements. The risk manager shall develop procedures for standard indemnification agreements for state agencies to use whenever the agency agrees to indemnify, or be indemnified by, any person or party. The risk manager shall also develop guidelines for the use of indemnification agreements by state agencies. On request of the risk manager, an agency shall forward to the office of risk management for review and approval any contract or agreement containing an indemnification agreement. [2011 1st sp.s. c 43 s 517; 2002 c 332 s 21; 1989 c 419 s 15.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

Intent—Effective date—2002 c 332: See notes following RCW 43.19.760.

Intent—Effective date—1989 c 419: See notes following RCW 4.92.006.

RCW 4.92.280 Local government reimbursement claims. If chapter 217, Laws of 1998 mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the department of enterprise services. [2011 1st sp.s. c 43 s 518; 1998 c 217 s 4.]

Effective date—Purpose—2011 1st sp.s. c 43: See notes following RCW 43.19.003.

RCW 4.92.290 Tortious conduct by department of fish and wildlife officers engaged in private law enforcement off-duty employment—No state liability. (1) The state is not liable for tortious conduct by

department of fish and wildlife officers that occurs while such officers are engaged in private law enforcement off-duty employment.

(2) Upon petition of the state any suit, for which immunity is granted to the state under subsection (1) of this section, shall be dismissed.

(3) Department of fish and wildlife officers engaged in private law enforcement off-duty employment shall notify, in writing, prior to such employment, anyone who employs department of fish and wildlife officers in private off-duty employment of the specific provisions of subsections (1) and (2) of this section. [2023 c 250 s 2.]