



The LRC: Since 1986, local governments, health care professionals and employers committed to ending lawsuit abuse.

Liability Reform Coalition Issue Brief

HB 2262/SB 6015: Costly. Expansive. Wrong for Washington. Please vote NO on HB 2262/SB 6015.

Every wrongful death, by its very nature, is a tragedy – for the victim and the surviving family. Long-established statutes and court-approved case law strike a delicate balance: provide justice and compensation for financially dependent family members affected by the tragedy of wrongful death, but include limits where there is no financial dependence. Hold at-fault parties accountable through appropriate fines and licensing restrictions, not by passing dramatic cost increases along to taxpayers, employers, patients, ratepayers and consumers. That balance is undone by HB 2262 and SB 6015.

Costly for taxpayers, according to the Attorney General of Washington:

“The Torts Division assumes this bill will increase the number of death claims and suits by 20%...” Estimated payout cost increase: \$3.5 million per year/\$7 million per biennium.

*Office of the WA Attorney General/Dept of
Enterprise Services Fiscal Note 1/19/18*

JLARC: WA Law Provides Much Broader State Government Tort Liability Than Laws in Other States

“Originally, the state could not be sued in a tort action. The Legislature did away with this prohibition ... Because of this change and other state laws, this state has a higher potential for tort payouts than other states.”

[*JLARC report – Sept. 21, 2011*](#)

Fiscal analysis of a similar proposal, rejected by the Legislature in 2008:

“We expect the overall frequency of wrongful death, survival, and child death claims against the state to increase 80% under the proposed legislation, which we estimate will cost state government entities in Washington an additional \$9.3 million per year, or \$18.6 million per biennium.”

[*Impact Analysis of Proposed 3ESSB 1873
Milliman – 2008*](#)

HB 2262/SB 6015 are wrong for Washington. They:

- **Expose “deep pocket” defendants – especially local governments providing vital services**, like transportation, law enforcement and schools – to pay the **entire cost** of larger, more frequent wrongful death awards, even if they are only 1% at fault, under WA’s “joint and several liability” doctrine.
- Change statutes and Supreme Court rulings and **apply the changes retroactively** to all eligible (not time-barred) claims.
- **Add the ability for the plaintiff to be awarded not just economic damages like wages that might have been earned by the deceased, but also any non-economic damages.** How will juries determine the value of “loss of enjoyment of life” to compensate plaintiffs?
- Ignore previously-enacted liability reforms that restored stability to the **medical malpractice insurance market** and threaten to worsen the **exodus of experienced physicians**, particularly in Washington’s rural health care facilities.
- Add expansive, undefined language to the law: **“including, but not limited to...”** Section 4(3).
- **Eliminate age restrictions and financial dependency requirements.** Regardless of the age of the deceased or whether the plaintiff can show financial dependence on the deceased, damages could be awarded.
- **Change current legal standard from** financial dependence to “substantial involvement” in the life of the decedent.