

HOUSE BILL REPORT

HB 1447

As Reported By House Committee On:
Judiciary

Title: An act relating to foreign judgments.

Brief Description: Authorizing the filing of foreign judgments in district court.

Sponsors: Representatives Appelwick and Padden.

Brief History:

Reported by House Committee on:
Judiciary, February 16, 1993, DP.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 17 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Ballasiotes, Assistant
Ranking Minority Member; Campbell; Chappell; Forner;
Johanson; Locke; Long; Mastin; H. Myers; Riley; Schmidt;
Scott; Tate; and Wineberry.

Staff: Margaret Allen (786-7191).

Background: A judgment rendered in another state can be filed only in a superior court of this state, after which the "foreign" judgment is treated the same as if it had been the judgment of a Washington superior court. But, at least 10 days must elapse after the filing of a foreign judgment before a foreign judgment can be enforced. Court rules require only a five-day wait for a judgment rendered in a Washington superior court.

Superior courts in this state impose higher filing fees than do district courts, and typically have greater backlogs of cases.

Unlike superior courts, district courts lack jurisdiction over some subject matters, such as actions concerning title to real property, or actions for slander, and over claims exceeding \$25,000. Some different procedural rules apply to district courts. Also, court rules require a 14 day wait before a judgment of a Washington district court can be enforced.

Prior to 1977, a foreign judgment could be registered in any state court having jurisdiction.

Summary of Bill: A judgment rendered in another state may be filed in a district court of this state, provided the judgment is within the district court's civil jurisdiction. The judgment will be treated the same as if it were a judgment of a district court.

A foreign judgment filed in a district court may not be enforced until 14 days after the judgment is filed, or 14 days after the notice of filing is mailed, whichever is later.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bills is passed.

Testimony For: Since district court filings cost less and require shorter waiting periods than do superior court filings, this bill saves both time and money.

Testimony Against: None.

Witnesses: Frank Lamb, Washington Collectors Association (pro).