
Judiciary Committee

HB 1615

Title: An act relating to service members' civil relief.

Brief Description: Concerning service members' civil relief.

Sponsors: Representatives Ladenburg, Kelley, Rodne, Moscoso, Kirby, Appleton and Stanford.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Amends the Washington Service Members' Civil Relief Act to apply to active duty members of the armed forces who are residents of Washington, and to their dependents.

Hearing Date: 2/16/11

Staff: Edie Adams (786-7180).

Background:

The Washington Service Members' Civil Relief Act (Act) was enacted in 2005. The Act contains certain rights for service members and their dependents whose financial and legal obligations may be adversely impacted by active military duty. The main provisions of the Act provide rights to a service member and dependents with respect to default judgments and stays in civil proceedings. The Act also contains provisions restricting contract fines and penalties, restructuring interest rates on certain business loans, and tolling statutes of limitations during military service periods.

The Act applies to Washington residents who are members of the National Guard or a military reserve component and who are under a call to active service for a period of more than 30 days. The Act also applies to certain dependents of covered service members. Eligible dependents are the spouse and children, and any person for whom the service member provided more than one-half of the person's support for the six months prior to applying for relief under the Act.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The state Act was modeled on the portions of the federal Service Members' Civil Relief Act (SCRA) relating to default judgments and stays of civil proceedings. The SCRA contains other rights for service members, including: protecting service members from property foreclosures; reducing interest rate obligations on pre-service loans to 6 percent; and restricting the ability of a landlord to evict the service member's family for non-payment of rent in certain situations. Although the state Act does not include these issues, other state laws may provide similar protections to service members.

With respect to rights relating to civil proceedings, the state Act is broader than the federal SCRA in that it applies to certain dependents of covered service members and it extends the protections of the Act for a longer period of time (180 days after military service) than is provided in the federal SCRA. The state Act, however, applies only to Washington residents who are reservists or National Guard members, but does not apply to active duty members of the armed forces who are residents of Washington.

Summary of Bill:

The Washington Service Members' Civil Relief Act is amended to apply to active duty members of the armed forces who are residents of Washington, and to their dependents.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.