

HOUSE BILL REPORT

HB 1232

As Reported By House Committee On:
Judiciary

Title: An act relating to judgments.

Brief Description: Changing provisions relating to judgments.

Sponsors: Representatives Sheahan, Constantine, McDonald and Scott.

Brief History:

Committee Activity:

Judiciary: 2/4/99, 2/16/99 [DPA].

Brief Summary of Amended Bill

- Requires that a judgment summary page must include an abbreviated legal description of real property if the judgment involves an award of real property.
- Requires that a judgement summary page must include a statement that the Department of Licensing must be notified if the judgment involves liability arising from ownership or operation of a motor vehicle.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 12 members: Representatives Carrell, Republican Co-Chair; Constantine, Democratic Co-Chair; Hurst, Democratic Vice Chair; Lambert, Republican Vice Chair; Cox; Dickerson; Esser; Kastama; Lantz; Lovick; McDonald and Schindler.

Staff: Bill Perry (786-7123).

Background:

When a judgment is entered in a court case, the clerk of the court is responsible for processing certain paperwork associated with the judgment. Included in these responsibilities is entering the judgment in the court execution docket, which allows a

record to be kept of the parties' compliance with the requirements of the judgment. Each judgment for the payment of money must have a summary page that succinctly summarizes information about the judgment creditor and debtor, the amount of the judgment and any interest owed, and the total of costs and attorney fees owed.

Judgments may also effect specific kinds of property, for instance, real property and motor vehicles. There are specific laws relating to these kinds of property that may require action based on a judgment. In particular:

- Any legal instrument effecting the ownership of real property may be recorded with the county auditor. The instrument must include an "abbreviated legal description" of the property and the assessor's tax parcel number.
- Under the state's motor vehicle financial responsibility law, when a driver is subject to a judgment for damages as the result of an accident he or she caused, the Department of Licensing is to be notified if the driver fails to pay the damages. Notice must be given when the driver is 30 days late in satisfying the judgment.

The inclusion of specific information in summaries of judgments involving real property or motor vehicles could facilitate compliance with the real estate recording law and the motor vehicle financial responsibility law.

Summary of Amended Bill:

The requirements for a summary page of a judgment are expanded as follows:

- If the judgment involves an award of any interest in real property, the summary page must include an abbreviated legal description of the property and the assessor's tax parcel number.
- If the judgment involves damages from a motor vehicle accident, the summary page must include a clear statement that the clerk is to notify the Department of Licensing as required by the financial responsibility law.

Amended Bill Compared to Original Bill: The amended bill clarifies that an award of any interest in real property requires a description of the property on the summary page.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Amended Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Original bill) Without these summaries, judgments can be so long and complex it is difficult for clerks to be aware of what is required.

Testimony Against: None.

Testified: Debbie Wilke and Ted Rutt, Washington Association of County Clerks.