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SENATE BILL 5491

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State of Washington                      57th Legislature                      2001 Regular Session

By Senators Kline and Long; by request of Administrator for the Courts

Read first time 01/24/2001. Referred to Committee on Judiciary.

1            AN ACT Relating to small claims appeals; and amending RCW 12.36.050  
2 and 12.36.055.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 12.36.050 and 1998 c 52 s 3 are each amended to read  
5 as follows:

6            (1) Within fourteen days after a small claims appeal has been filed  
7 in superior court by the clerk of the district court pursuant to RCW  
8 12.36.020(3), the complete record as defined in subsection (2) of this  
9 section shall be made and certified by the clerk of the district court  
10 to be correct. The clerk shall then immediately transmit the complete  
11 record to superior court. The superior court shall then become  
12 possessed of the cause. All further proceedings shall be in the  
13 superior court, including enforcement of any judgment rendered. Any  
14 ~~((mandatory))~~ superior court procedures such as arbitration or other  
15 methods of dispute resolution ~~((will apply as if the cause was~~  
16 originally filed in)) may be utilized by the superior court in its  
17 discretion. ~~((The statute governing the trial de novo shall only apply~~  
18 ~~to those cases set for trial after compliance with superior court~~  
19 ~~procedures.))~~

1 (2) The complete record shall consist of a transcript of all  
2 entries made in the district court docket relating to the case,  
3 together with all the process and other papers relating to the case  
4 filed with the district court and ~~((any))~~ a contemporaneous recording  
5 made of the proceeding.

6 **Sec. 2.** RCW 12.36.055 and 1997 c 352 s 11 are each amended to read  
7 as follows:

8 (1) The appeal from a small claims judgment or decision shall be  
9 ~~((a trial))~~ de novo ~~((in superior court. A trial de novo pursuant to  
10 this chapter shall be tried as nearly as possible in the manner of the  
11 original small claims trial. No jury may be allowed, or attorney or  
12 legal paraprofessional involved, without written order of the superior  
13 court, unless allowed in the original trial. No new pleadings other  
14 than the notice of appeal may be allowed without written permission of  
15 the superior court. Each party shall be allowed equal time, but no  
16 more than thirty minutes each without permission of the superior court.  
17 No new or other evidence, nor new or other testimony may be presented  
18 other than at the trial in small claims court, without permission of  
19 the superior))~~ upon the record of the case, as entered by the district  
20 court.

21 (2) Any cases heard in superior court pursuant to this section may  
22 be heard by a duly appointed commissioner. As used in this chapter  
23 "judge" includes any duly appointed commissioner.

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