
SENATE BILL 5804

State of Washington

57th Legislature

2001 Regular Session

By Senators McCaslin, Honeyford, McDonald, Finkbeiner, Rasmussen, Constantine, Hochstatter, Oke, Swecker, Parlette and Carlson

Read first time 02/02/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to increasing awards under equal access to
2 justice; and amending RCW 4.84.350.

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

4 **Sec. 1.** RCW 4.84.350 and 1995 c 403 s 903 are each amended to read
5 as follows:

6 (1) Except as otherwise specifically provided by statute, a
7 court shall award a qualified party that prevails in a judicial
8 review of an agency action fees and other expenses, including
9 reasonable attorneys' fees, unless the court finds that the agency
10 action was substantially justified or that circumstances make an
11 award unjust. A qualified party shall be considered to have
12 prevailed if the qualified party obtained relief on a significant
13 issue that achieves some benefit that the qualified party sought.

14 (2) The amount awarded a qualified party under subsection (1)
15 of this section shall not exceed (~~twenty-five~~) fifty thousand
16 dollars. Subsection (1) of this section shall not apply unless
17 all parties challenging the agency action are qualified parties.
18 If two or more qualified parties join in an action, the award in
19 total shall not exceed (~~twenty-five~~) fifty thousand dollars.

1 The court, in its discretion, may reduce the amount to be awarded
2 pursuant to subsection (1) of this section, or deny any award, to
3 the extent that a qualified party during the course of the
4 proceedings engaged in conduct that unduly or unreasonably
5 protracted the final resolution of the matter in controversy.

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