
SENATE BILL 5310

State of Washington 60th Legislature 2007 Regular Session

By Senator Brandland

Read first time 01/17/2007. Referred to Committee on Judiciary.

1 AN ACT Relating to the collection of judgments; and amending RCW
2 4.16.020 and 6.17.020.

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

4 **Sec. 1.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read
5 as follows:

6 The period prescribed for the commencement of actions shall be as
7 follows:

8 (1) Within ten years:

9 ~~((1))~~ (a) For actions for the recovery of real property, or for
10 the recovery of the possession thereof; and no action shall be
11 maintained for such recovery unless it appears that the plaintiff, his
12 or her ancestor, predecessor or grantor was seized or possessed of the
13 premises in question within ten years before the commencement of the
14 action.

15 ~~((2) For an action upon a judgment or decree of any court of the
16 United States, or of any state or territory within the United States,
17 or of any territory or possession of the United States outside the
18 boundaries thereof, or of any extraterritorial court of the United~~

1 ~~States, unless the period is extended under RCW 6.17.020 or a similar~~
2 ~~provision in another jurisdiction.~~

3 ~~(3))~~ (b) Of the eighteenth birthday of the youngest child named in
4 the order for whom support is ordered for an action to collect past due
5 child support that has accrued under an order entered after July 23,
6 1989, by any of the above-named courts or that has accrued under an
7 administrative order as defined in RCW 74.20A.020(6), which is issued
8 after July 23, 1989.

9 (2) Within twenty years: For an action upon a judgment or decree
10 of any court of the United States, or of any state or territory within
11 the United States, or of any territory or possession of the United
12 States outside the boundaries thereof, or of any extraterritorial court
13 of the United States, unless the period is extended under RCW 6.17.020
14 or a similar provision in another jurisdiction.

15 **Sec. 2.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read
16 as follows:

17 (1) Except as provided in subsections (2), (3), and (4) of this
18 section, the party in whose favor a judgment of a court has been or may
19 be filed or rendered, or the assignee or the current holder thereof,
20 may have an execution, garnishment, or other legal process issued for
21 the collection or enforcement of the judgment at any time within ten
22 years from entry of the judgment or the filing of the judgment in this
23 state.

24 (2) After July 23, 1989, a party who obtains a judgment or order of
25 a court or an administrative order entered as defined in RCW
26 74.20A.020(6) for accrued child support, or the assignee or the current
27 holder thereof, may have an execution, garnishment, or other legal
28 process issued upon that judgment or order at any time within ten years
29 of the eighteenth birthday of the youngest child named in the order for
30 whom support is ordered.

31 (3) After ~~((June 9, 1994))~~ the effective date of this act, a party
32 in whose favor a judgment has been filed as a foreign judgment or
33 rendered pursuant to subsection (1) or (4) of this section, or the
34 assignee or the current holder thereof, may, within ninety days before
35 the expiration of the original ~~((ten-year))~~ period, apply to the court
36 that rendered the judgment or to the court where the judgment was filed
37 as a foreign judgment for an order granting an additional ~~((ten))~~

1 twenty years during which an execution, garnishment, or other legal
2 process may be issued. If a district court judgment of this state is
3 transcribed to a superior court of this state, the original district
4 court judgment shall not be extended and any petition under this
5 section to extend the judgment that has been transcribed to superior
6 court shall be filed in the superior court within ninety days before
7 the expiration of the (~~ten-year~~) original period (~~(of)~~) beginning on
8 the date the transcript of the district court judgment was filed in the
9 superior court of this state. The petitioner shall pay to the court a
10 filing fee equal to the filing fee for filing the first or initial
11 paper in a civil action in the court, except in the case of district
12 court judgments transcribed to superior court, where the filing fee
13 shall be the fee for filing the first or initial paper in a civil
14 action in the superior court where the judgment was transcribed. The
15 order granting the application shall contain an updated judgment
16 summary as provided in RCW 4.64.030. The filing fee required under
17 this subsection shall be included in the judgment summary and shall be
18 a recoverable cost. The application shall be granted as a matter of
19 right, subject to review only for timeliness, factual issues of full or
20 partial satisfaction, or errors in calculating the judgment summary
21 amounts.

22 (4) A party who obtains a judgment or order for restitution, crime
23 victims' assessment, or other court-ordered legal financial obligations
24 pursuant to a criminal judgment and sentence, or the assignee or the
25 current holder thereof, may execute, garnish, and/or have legal process
26 issued upon the judgment or order any time within ten years subsequent
27 to the entry of the judgment and sentence or ten years following the
28 offender's release from total confinement as provided in chapter 9.94A
29 RCW. The clerk of superior court, or a party designated by the clerk,
30 may seek extension under subsection (3) of this section for purposes of
31 collection as allowed under RCW 36.18.190, provided that no filing fee
32 shall be required.

33 (5) "Court" as used in this section includes but is not limited to
34 the United States supreme court, the United States courts of appeals,
35 the United States district courts, the United States bankruptcy courts,
36 the Washington state supreme court, the court of appeals of the state
37 of Washington, superior courts and district courts of the counties of

1 the state of Washington, and courts of other states and jurisdictions
2 from which judgment has been filed in this state under chapter 6.36 or
3 6.40 RCW.

4 (6) The perfection of any judgment lien and the priority of that
5 judgment lien on property as established by RCW 6.13.090 and chapter
6 4.56 RCW is not altered by the extension of the judgment pursuant to
7 the provisions of this section and the lien remains in full force and
8 effect and does not have to be rerecorded after it is extended.
9 Continued perfection of a judgment that has been transcribed to other
10 counties and perfected in those counties may be accomplished after
11 extension of the judgment by filing with the clerk of the other
12 counties where the judgment has been filed either a certified copy of
13 the order extending the judgment or a certified copy of the docket of
14 the matter where the judgment was extended.

15 (7) Except as ordered in RCW 4.16.020 (~~((2) or (3))~~) (1)(b),
16 chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is enforceable for
17 a period exceeding twenty years from the date of entry in the
18 originating court. Nothing in this section may be interpreted to
19 extend the expiration date of a foreign judgment beyond the expiration
20 date under the laws of the jurisdiction where the judgment originated.

21 (8) The chapter 261, Laws of 2002 amendments to this section apply
22 to all judgments currently in effect on June 13, 2002, to all judgments
23 extended after June 9, 1994, unless the judgment has been satisfied,
24 vacated, and/or quashed, and to all judgments filed or rendered, or
25 both, after June 13, 2002.

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