
SENATE BILL 5355

State of Washington

67th Legislature

2021 Regular Session

By Senator Conway

1 AN ACT Relating to establishing wage liens; amending RCW
2 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW;
3 adding a new chapter to Title 60 RCW; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 Washington wage recovery act.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Account" has the same meaning as defined in RCW 62A.9A-102.

12 (2) "Chattel paper" has the same meaning as defined in RCW
13 62A.9A-102.

14 (3) "Department" means the department of labor and industries.

15 (4) "Director" means the director of labor and industries.

16 (5) "Employ" includes permit to work.

17 (6) "Employee" includes any individual currently or formerly
18 employed by an employer.

19 (7) "Employer" includes any individual, partnership, association,
20 corporation, business trust, or any person or group of persons acting

1 directly or indirectly in the interest of an employer in relation to
2 an employee.

3 (8) "Goods" has the same meaning as defined in RCW 62A.9A-102.

4 (9) "Highly compensated employee" means any employee who was a
5 five percent owner of the business at which he or she is employed
6 during the current year or preceding year, or who received
7 compensation from the employer in the preceding year in excess of the
8 indexed compensation pursuant to 26 U.S.C. Sec. 414(q).

9 (10) "Instrument" has the same meaning as defined in RCW
10 62A.9A-102.

11 (11) "Maintain" includes to maintain, clean, manage, improve,
12 protect, repair, monitor, or restore real property at the instance of
13 the owner or tenant or of any person acting by the owner's or
14 tenant's authority.

15 (12) "Payment intangibles" has the same meaning as defined in RCW
16 62A.9A-102.

17 (13) "Signature" includes an electronic signature.

18 (14) "Wage claim" means a claim for any unpaid wages owed to the
19 claimant as an employee of an employer, as well as any other
20 compensation, interest, statutory damages, liquidated damages,
21 attorneys' fees and costs, or statutory penalties that may be owed
22 for violation of a local, state, or federal wage law, including but
23 not limited to chapters 39.12, 49.12, 49.46, 49.48, and 49.52 RCW,
24 and the fair labor standards act, 29 U.S.C. Sec. 201 et seq. A wage
25 claim does not include vacation or severance pay, contributions to an
26 employee benefit plan, or paid leave except paid leave that is
27 statutorily mandated.

28 NEW SECTION. **Sec. 3.** (1)(a) An employee, except a highly
29 compensated employee, who complies with section 4 of this act has a
30 wage lien for wage claims on:

31 (i) Any real property in the state of Washington that is owned or
32 subsequently acquired by the employee's employer;

33 (ii) Any real property in the state of Washington that is owned
34 or subsequently acquired by an officer, vice principal, or agent of
35 the employer, who is personally liable for a wage claim under RCW
36 49.52.070;

37 (iii) Goods and tangible chattel paper in the state of Washington
38 that are owned or are subsequently acquired by the employee's
39 employer;

1 (iv) Accounts and payment intangibles that are owned or
2 subsequently acquired by the employee's employer;

3 (v) Goods and tangible chattel paper in the state of Washington
4 that are owned or are subsequently acquired by an officer, vice
5 principal, or agent of the employer, who is personally liable for a
6 wage claim under RCW 49.52.070;

7 (vi) Accounts and payment intangibles that are owned or
8 subsequently acquired by an officer, vice principal, or agent of the
9 employer who is personally liable for a wage claim under RCW
10 49.52.070; and

11 (vii) Any real property in the state of Washington that the wage
12 claimant has maintained, for all wage claims for maintenance of that
13 property.

14 (b) A person does not have a wage lien under this chapter on any
15 property that is or would be subject to a lien by that person under
16 chapter 60.04 RCW.

17 (c) A wage lien is effective against the estate of the employer
18 and the estate of an officer, vice principal, or agent of the
19 employer, who is personally liable for a wage claim under RCW
20 49.52.070.

21 (2) This chapter does not affect the ownership or title in
22 personal or real property of the state or other public entity or
23 public ownership, nor does any lien attach to the fee simple title of
24 the state or other public ownership.

25 NEW SECTION. **Sec. 4.** (1) To establish a wage lien on real
26 property pursuant to section 3 of this act, the lien claimant must:

27 (a) File for recording a notice of claim of wage lien in the
28 county where the property is located that includes:

29 (i) The name, telephone number, and address of the lien claimant
30 and, if the wage lien has been assigned, the name of the person who
31 assigned the lien;

32 (ii) The name of the employer;

33 (iii) The street address, legal description, and parcel number of
34 the real property subject to the wage lien;

35 (iv) The name of the owner or reputed owner of the property, if
36 known, and if not known, a statement saying the name of the owner is
37 not known;

38 (v) The amount for which the wage lien is claimed;

1 (vi) The signature of the lien claimant or of a person authorized
2 to act on the claimant's behalf; and

3 (vii) An acknowledgment and certification as set forth in
4 subsection (4) of this section;

5 (b) Pay a filing fee to the county auditor as required by RCW
6 36.18.010; and

7 (c) Mail a copy of the notice filed under this subsection (1) to
8 the employer's registered agent, the employer's registered business
9 address, or the address where the employer resides, and to the
10 property owner if known and if the employer is not the property
11 owner, by certified mail with return receipt requested.

12 (2) Except as provided in subsection (3) of this section, to
13 establish a wage lien on personal property pursuant to section 3 of
14 this act, the lien claimant must:

15 (a) (i) (A) For an employer located in Washington, file with the
16 department of licensing a financing statement that satisfies the
17 requirements of Part 5 of chapter 62A.9A RCW; or

18 (B) For an employer located outside Washington, file a financing
19 statement with the office designated by RCW 62A.9A-501 in which the
20 employer is located and pay the filing fees established by the
21 office.

22 (ii) For purposes of the financing statement filings in (a) (i) of
23 this subsection:

24 (A) "Debtor" means the owner of the property encumbered by the
25 wage lien; and

26 (B) A description of the collateral covered by the wage lien that
27 states that the wage lien covers all goods and tangible chattel paper
28 located in Washington state, as well as all accounts and payment
29 intangibles is sufficient;

30 (b) If filing the financing statement with the department of
31 licensing, pay the filing fee established by the department of
32 licensing. All receipts from fees collected under this subsection
33 shall be deposited into the department of licensing wage lien account
34 created under section 20 of this act. Moneys in the fund may be spent
35 only after appropriation and may be used only to administer the wage
36 lien filings in this subsection; and

37 (c) Mail a copy of the financing statement filed under this
38 subsection and a notice of claim of wage lien to the employer's
39 registered agent, the employer's registered business address, or the

1 address where the employer resides, by certified mail with return
2 receipt requested. The notice of claim of wage lien must include:

3 (i) The name, telephone number, and address of the lien claimant
4 and, if the wage lien has been assigned, the name of the person who
5 assigned the lien;

6 (ii) The name of the employer;

7 (iii) A description of the personal property subject to the wage
8 lien or a statement that the wage lien covers all goods and tangible
9 chattel paper located in Washington state, as well as all accounts,
10 and payment intangibles;

11 (iv) The name of the owner or reputed owner of the property, if
12 known, and if not known, a statement saying the name of the owner is
13 not known;

14 (v) The principal amount for which the wage lien is claimed;

15 (vi) The signature of the lien claimant or of a person authorized
16 to act on the claimant's behalf; and

17 (vii) An acknowledgment and certification as set forth in
18 subsection (4) of this section.

19 (3) (a) Except as provided in (b) of this subsection, to establish
20 a wage lien on goods covered by a certificate of title issued
21 pursuant to chapter 46.12 or 88.02 RCW, the lien claimant must:

22 (i) File a notice of claim of wage lien with the department of
23 licensing that includes:

24 (A) The name, telephone number, and address of the lien claimant
25 and, if the wage lien has been assigned, the name of the person who
26 assigned the lien;

27 (B) The name of the employer;

28 (C) A description of the goods subject to the wage lien,
29 including the vehicle identification number or hull identification
30 number of the goods;

31 (D) The name of the registered or legal owner or reputed owner of
32 the property, if known, and if not known, a statement saying the name
33 of the owner is not known;

34 (E) The principal amount for which the wage lien is claimed;

35 (F) The signature of the lien claimant or of a person authorized
36 to act on his or her behalf; and

37 (G) An acknowledgment and certification as set forth in
38 subsection (4) of this section;

39 (ii) Pay a filing fee to the department of licensing as required
40 under RCW 46.17.005; and

1 (iii) Mail a copy of the notice filed under this subsection to
2 the employer's registered agent, the employer's registered business
3 address, or the address where the employer resides, by certified mail
4 with return receipt requested.

5 (b) This subsection does not apply to:

6 (i) Goods held for sale or lease by a person, or leased by that
7 person as lessor, if that person is in the business of selling goods
8 of that kind; or

9 (ii) Vessels documented under Title 46 of the United States Code,
10 for which Washington state title is required to be surrendered under
11 Title 46 U.S.C. Sec. 12106.

12 (4) A notice of claim of wage lien, acknowledgment, and
13 certificate that is substantially in the following form is sufficient
14 to satisfy subsection (1)(a) of this section, provided it complies
15 with the formatting requirements of RCW 65.04.045 (1)(a) and (b),
16 (2), and (3). A notice of claim of wage lien, acknowledgment, and
17 certificate that is substantially in the following form is sufficient
18 to satisfy subsections (2)(c) and (3)(a)(i) of this section, provided
19 it also complies with any requirements created by the department
20 under section 19 of this act.

21 When Recorded Return to:

22 CLAIM OF WAGE LIEN

23, claimant, vs., name of person indebted to
24 claimant:

25 Notice is hereby given that the claimant named below asserts a
26 wage lien pursuant to chapter 60.--- RCW (the new chapter created in
27 section 22 of this act). In support of this wage lien the following
28 information is submitted:

29 1. NAME OF LIEN CLAIMANT:

30 TELEPHONE NUMBER:

31 ADDRESS:

32 2. NAME OF EMPLOYER:

33 3. DESCRIPTION OF THE PROPERTY AGAINST WHICH A WAGE LIEN IS
34 CLAIMED (If real property, state the street address, legal

1 description, and parcel number. If personal property, provide
2 information that will reasonably describe the property, or statement
3 that the wage lien covers all personal property. If a vehicle or
4 vessel, the vehicle identification number or hull identification
5 number of the vehicle or vessel):.
6
7
8
9

10 4. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not
11 known, state "Unknown")
12

13 5. PRINCIPAL AMOUNT FOR WHICH THE WAGE LIEN IS CLAIMED IS:
14

15 6. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE
16 AND STATE THE NAME OF THE ASSIGNOR:.
17

18 7. IF THE PERSON SIGNING THIS CLAIM OF WAGE LIEN IS NOT THE
19 CLAIMANT, BUT IS AUTHORIZED TO ACT ON THE CLAIMANT'S BEHALF, STATE
20 THE PERSON'S NAME AND REPRESENTATIVE CAPACITY:

21 NAME:.

22 REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;
23 attorney or agent; representative of lien filing service;
24 administrator, representative, or agent of trustees of employee
25 benefit plan):.
26

27 ACKNOWLEDGMENT

28 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

29 STATE OF WASHINGTON, COUNTY OF

30, ss.

31, being sworn, says: I,(name of
32 person)., am the claimant. I have read the foregoing claim of

1 wage lien, believe the claim of wage lien to be true and correct
2 under penalty of perjury, and believe the claim of wage lien is not
3 frivolous, is made with reasonable cause, and is not clearly
4 excessive. The foregoing claim of wage lien is my free and voluntary
5 act for the uses and purposes stated therein.

6Dated:.
7
8
9

10 (Signature)

11 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

12 STATE OF WASHINGTON, COUNTY OF

13, ss.

14, being sworn, says: I, . . .(name of person). . ., am
15 authorized to act on behalf of the claimant. I have read the
16 foregoing claim of wage lien, believe the claim of wage lien to be
17 true and correct under penalty of perjury, and believe the claim of
18 wage lien is not frivolous, is made with reasonable cause, and is not
19 clearly excessive. The foregoing claim of wage lien is the free and
20 voluntary act of the claimant for the uses and purposes stated
21 therein.

22Dated:.
23
24
25

26 (Signature)

27 CERTIFICATE

28 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

1 I certify that I know or have satisfactory evidence that . . .
2 (name of person) . . . is the person who appeared before me, and said
3 person acknowledged that he/she signed this instrument and
4 acknowledged it to be his/her free and voluntary act for the uses and
5 purposes mentioned in the instrument.

6Dated:.

7

8

9

10 (Signature)

11 (Seal or stamp)

12 Title.

13 My appointment.

14 Expires.

15 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

16 I certify that I know or have satisfactory evidence that . . .
17 (name of person) . . . is the person who appeared before me, and said
18 person acknowledged that he/she signed this instrument, on oath
19 stated that he/she was authorized to execute the instrument and
20 acknowledged it as the . . . (type of authority, e.g., officer or
21 employee, etc.) . . . of . . . (name of party on behalf of whom
22 instrument was executed) . . . to be the free and voluntary act of
23 such party for the uses and purposes mentioned in the instrument.

24Dated:.

25

26

27 (Signature)

28 (Seal or Stamp)

29 Title.

1 My appointment.
2 Expires.

3 (5) (a) For a notice of claim of wage lien on real property filed
4 under this section, the notice must comply with the recording
5 standards in chapter 65.04 RCW and the county auditor shall record
6 the notice in the same manner as deeds and other instruments of title
7 are recorded under chapter 65.08 RCW. Notices of claim of wage lien
8 for registered land need not be recorded in the Torrens register.

9 (b) For a notice of claim of wage lien on personal property,
10 including vehicles and vessels, filed under this section, the
11 department of licensing shall record the notice.

12 (6) The notice of claim of wage lien must be filed within a
13 period of two years from when the wages were first due.

14 (7) Mistakes or errors in the claimed amount owed do not
15 invalidate the wage lien unless made with the intent to defraud.

16 (8) A wage lien under this chapter attaches to all identifiable
17 proceeds of the property subject to the wage lien except instruments
18 and chattel paper.

19 NEW SECTION. **Sec. 5.** The department of licensing shall file and
20 index the financial statement filings under section 4 of this act in
21 the same systems as those filings made under RCW 62A.9A-519.

22 NEW SECTION. **Sec. 6.** Any wage lien or right of wage lien
23 created by this chapter and the right of action to recover the wage
24 lien is assignable so as to vest in the assignee all rights and
25 remedies of the assignor, subject to all defenses thereto that might
26 be made.

27 NEW SECTION. **Sec. 7.** (1) After a wage claim for which a wage
28 lien has been recorded as to real property has been commenced in any
29 court, but no later than eight months after the recording of the wage
30 lien, the wage claimant or the claimant's assignee must file with the
31 auditor of each county in which the property is situated a notice of
32 the pendency of the wage claim, containing:

- 33 (a) The names of the parties and assignees, if any;
- 34 (b) The object of the action;

1 (c) A description of the real property located within that
2 county; and

3 (d) The name of the court where the action was filed and the
4 cause number for the action.

5 (2) The county auditor must index the notice in a manner similar
6 to the auditor practice for indexing a notice of lis pendens filed
7 under RCW 4.28.320 or 4.28.325.

8 (3) The filing of the notice under subsection (1) of this section
9 is constructive notice to every subsequent purchaser or encumbrancer,
10 and such purchaser or encumbrancer is bound by all proceedings taken
11 after the filing of the notice to the same extent as if he or she
12 were a party to the action.

13 (4) The court in which the action was commenced may, at its
14 discretion, at any time after the action is settled, discontinued, or
15 abated, with notice and on a showing of good cause, order the notice
16 canceled by the county auditor, and such cancellation shall be
17 evidenced by the recording of the court order.

18 (5) If a wage claim is filed with an administrative agency of a
19 local government, that agency must file a notice under the provisions
20 of this section, using a substantially similar form.

21 (6) If a wage claim is filed with the department, the department
22 must file a notice under the provisions of this section, using a
23 substantially similar form.

24 NEW SECTION. **Sec. 8.** (1) A wage lien may be judicially
25 foreclosed by an action in:

26 (a) For real property, a superior court in any county in this
27 state, or in United States district court for any district in the
28 state of Washington when the action is brought by the United States
29 department of labor;

30 (b) For personal property, a district court of this state if the
31 amount of the claim does not exceed the jurisdictional limit of the
32 district court provided in RCW 3.66.020; or

33 (c) For personal property, a superior court of this state if the
34 amount of the claim exceeds the jurisdictional limit of the district
35 court provided in RCW 3.66.020.

36 (2) Except as provided in subsection (4) of this section, an
37 action to foreclose a wage lien may not be commenced more than eight
38 months after the date the wage lien was recorded.

1 (3) If the claimant has instituted an action in a court of this
2 state for the wage claim that is the subject of the wage lien, and
3 that court is the court authorized by subsection (1) of this section
4 to foreclose on the lien, that action shall be deemed an action to
5 foreclose on the property subject to the lien.

6 (4) (a) If the claimant receives a judgment on a wage claim from a
7 federal, state, or municipal court, the judgment, in addition to any
8 applicable postjudgment interest, establishes the amount owed for the
9 purposes of foreclosure under this chapter.

10 (b) If the claimant receives a judgment on a wage claim from a
11 federal, state, or municipal court, that is not authorized to
12 adjudicate the foreclosure of the claimant's wage lien, a separate
13 action to foreclose the wage lien must be filed within 90 days of the
14 date of that court's judgment. The entry of such a judgment shall not
15 revive a wage lien that has been extinguished pursuant to section 10
16 of this act.

17 (5) (a) A final and binding assessment of wages owed by the
18 department or by any local agency with authority to adjudicate wage
19 claims, in addition to any applicable postjudgment interest,
20 establishes the amount owed for the purposes of foreclosure under
21 this chapter.

22 (b) A wage lien may also be foreclosed by:

23 (i) The department using the department's collection procedures
24 under RCW 49.48.086 when the claimant has pursued a wage claim in an
25 administrative proceeding and a final and binding citation and notice
26 of assessment has been issued;

27 (ii) The claimant if a final and binding citation and notice of
28 assessment has been issued by the department and the claimant has
29 timely notified the department that the claimant will pursue
30 foreclosure action on his or her own, without the department's
31 assistance; or

32 (iii) An administrative agency of a local government.

33 (c) The foreclosure pursuant to this subsection by the claimant
34 of a wage lien affecting real property must be commenced by the
35 filing of an action in superior court in the county where the real
36 property is located within 90 days of the date the department's
37 citation and notice of assessment becomes final and binding.

38 (d) The extinguishment of a wage lien pursuant to section 10 of
39 this act does not preclude the department from using the collection
40 procedures under RCW 49.48.086.

1 (6) A foreclosure action may be brought by the employee
2 individually, the department, an administrative agency of a local
3 government, the United States department of labor, the office of the
4 attorney general, or a representative of the employee, including a
5 collective bargaining representative or class representative.
6 Multiple wage claims against the same employer may be joined in a
7 single proceeding, but the court may order separate trials or
8 hearings.

9 (7) In the judgment resulting from an action to foreclose on the
10 wage lien, the court may order the sale at sheriff's auction or the
11 transfer to the lien claimant of title or possession of any property
12 subject to the wage lien. Whether or not the court makes such an
13 order as part of the judgment, a writ of sale may be issued for any
14 property subject to the wage lien for 10 years after a judgment for a
15 wage claim is issued. A wage lien based on an underlying judgment
16 continues in force for an additional 10-year period if the period of
17 execution for the underlying judgment is extended under RCW 6.17.020.

18 (8) In an action to foreclose on a wage lien on titled goods, the
19 lien claimant must comply with the requirements of subsection (1) of
20 this section and any other requirements of the department of
21 licensing regarding transferring title and taking ownership of the
22 vehicle or vessel.

23 (9) A lien claimant who prevails in a foreclosure action is
24 entitled to costs, including the cost of recording or filing the lien
25 and costs of title reports, and reasonable attorneys' fees.

26 NEW SECTION. **Sec. 9.** (1) A lien under this chapter may be
27 foreclosed and enforced as provided under section 8 of this act. The
28 court shall have the power to order the sale of the property. In any
29 action brought to foreclose a lien, the owner shall be joined as a
30 party. The interest in the property of any person who, prior to the
31 commencement of the action, has a recorded interest in the property,
32 or any part thereof, shall not be foreclosed or affected unless they
33 are joined as a party.

34 (2) A person shall not begin an action to foreclose a lien upon
35 any property while a prior action begun to foreclose another lien on
36 the same property is pending, but if not made a party plaintiff or
37 defendant to the prior action, he or she may apply to the court to be
38 joined as a party thereto, and his or her lien may be foreclosed in
39 the same action. The filing of such application shall toll the

1 running of the period of limitation until disposition of the
2 application or other time set by the court.

3 (3) The court shall grant the application for joinder unless to
4 do so would create an undue delay or cause hardship which cannot be
5 cured by the imposition of costs or other conditions as the court
6 deems just.

7 (4) If a lien foreclosure action is filed during the pendency of
8 another such action, the court may, on its own motion or the motion
9 of any party, consolidate actions upon such terms and conditions as
10 the court deems just, unless to do so would create an undue delay or
11 cause hardship which cannot be cured by the imposition of costs or
12 other conditions. If consolidation of actions is not permissible
13 under this chapter, the lien foreclosure action filed during the
14 pendency of another such action shall not be dismissed if the filing
15 was the result of mistake, inadvertence, surprise, excusable neglect,
16 or irregularity. An action to foreclose a lien shall not be dismissed
17 at the instance of a plaintiff therein to the prejudice of another
18 party to the suit who claims a lien.

19 NEW SECTION. **Sec. 10.** (1) A wage lien is extinguished:

20 (a) If an action for the underlying wage claim is not brought
21 within eight months of the date the wage lien was recorded or if the
22 notice required by section 7 of this act was not recorded within
23 eight months of the date the wage lien was recorded;

24 (b) If the action for the underlying wage claim is dismissed with
25 prejudice and no appeal is filed within the applicable appeals
26 period. If an appeal is filed, the wage lien continues in force until
27 final judgment is rendered;

28 (c) Upon payment and acceptance of payment for the employee's
29 wage claim; or

30 (d) Upon proper recording or notice of a bond meeting the
31 requirements of section 15 of this act and, if applicable,
32 notification of the lien claimant as required under section 15 of
33 this act.

34 (2)(a) When the wage lien has been extinguished, the lien
35 claimant shall release the lien in writing within 15 days. For liens
36 on real property and titled goods, the lien claimant shall file a
37 release of the wage lien at the place where the wage lien was
38 recorded and pay a filing fee established by the agency where the
39 notice is filed. For liens on personal property filed pursuant to

1 section 4(3) of this act, the lien claimant shall file a termination
2 statement of the type used pursuant to chapter 62A.9A RCW with the
3 department of licensing and pay a filing fee established by the
4 department.

5 (b) If a lien claimant fails to release the wage lien, upon
6 demand and 15 days' notice by the employer or any affected party,
7 mailed to the lien claimant's address as indicated on the notice of
8 the wage lien by certified mail with return receipt requested, the
9 employer or affected party may petition the court in which
10 foreclosure is authorized under section 8 of this act, for an order
11 releasing the wage lien. If no action to foreclose the lien claim has
12 been filed, the clerk of the court shall assign a cause number to the
13 application and obtain from the applicant a filing fee pursuant to
14 RCW 36.18.016(18). If an action has been filed to foreclose the lien
15 claim, the application shall be made a part of that action.

16 (c) If the lien claimant acted unreasonably and in bad faith in
17 refusing to file a release of the wage lien, the employer or affected
18 party shall be entitled to recover its attorneys' fees and costs
19 incurred in the action, and the court in its discretion may also
20 issue a fine not to exceed \$1,000.

21 (d) For liens on real property and titled goods, the release must
22 include:

23 (i) The name, telephone number, address, and relationship to the
24 wage lien of the person filing the notice;

25 (ii) The name, telephone number, and address of the lien
26 claimant;

27 (iii) The name of the employer;

28 (iv) A description of the property subject to the wage lien;

29 (v) The amount for which the wage lien was claimed;

30 (vi) The signature of the lien claimant, the lien claimant's
31 assignor, or a person authorized to act on the lien claimant's
32 behalf;

33 (vii) A certified acknowledgment as set forth in subsection (4)
34 of this section; and

35 (viii) The reference number of the original or amended wage lien.

36 (3) The person filing the release or termination statement shall
37 mail a copy of the release or termination statement to the person
38 against whom the lien claim was made by first-class mail within 10
39 days of filing the notice of release or termination.

1 (4) (a) A release of wage lien on real property must comply with
2 the recording standards established in RCW 65.04.045 and the county
3 auditor shall record the release in the same manner as deeds and
4 other instruments of title are recorded under chapter 65.08 RCW.

5 (b) For liens on real property and titled goods, a release of
6 wage lien substantially in the following form is sufficient, provided
7 it complies with the formatting requirements of RCW 65.04.045 (1) (a)
8 and (b), (2), and (3):

9 When Recorded Return to:

10 RELEASE OF WAGE LIEN

11, claimant, vs., name of person indebted to
12 claimant:

13 Notice is hereby given that the wage lien described below is
14 released.

15 1. NAME OF PERSON FILING RELEASE:

16 RECORDED LIEN NUMBER IF THE LIEN WAS RECORDED AGAINST REAL
17 PROPERTY:

18 TELEPHONE NUMBER:

19 ADDRESS:

20 RELATIONSHIP TO WAGE LIEN (lien claimant, representative of lien
21 claimant, assignee of lien claimant):

22 IF THE PERSON SIGNING THIS NOTICE IS NOT THE CLAIMANT, BUT IS
23 AUTHORIZED TO ACT ON BEHALF OF THE CLAIMANT, STATE THE PERSON'S NAME
24 AND REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;
25 attorney or agent; representative of lien filing service;
26 administrator, representative, or agent of trustees of employee
27 benefit plan):
28

29 2. NAME OF LIEN CLAIMANT:

30 TELEPHONE NUMBER:

31 ADDRESS:

1 3. NAME OF EMPLOYER:

2 4. DESCRIPTION OF THE PERSONAL PROPERTY AGAINST WHICH THE LIEN IS
3 CLAIMED OR FOR A LIEN ON REAL PROPERTY: (1) THE REFERENCE NUMBER OF
4 PREVIOUSLY FILED LIEN, (2) AN ABBREVIATED LEGAL DESCRIPTION OF THE
5 PROPERTY AS DESCRIBED IN RCW 65.04.045, AND (3) THE PARCEL NUMBER OF
6 THE REAL PROPERTY:
7
8
9
10

11 5. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not
12 known, state "Unknown").
13
14
15

16 6. AMOUNT OF WAGE LIEN CLAIM:

17 ACKNOWLEDGMENT

18 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

19 STATE OF WASHINGTON, COUNTY OF

20, ss.

21, being sworn, says: I, . . . (name of person) . . ., am
22 the (claimant/assignee of the claimant). I have read the foregoing
23 release of wage lien and believe the notice to be true and correct
24 under penalty of perjury.

25 Dated:

26

27

28 (Signature)

29 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

30 STATE OF WASHINGTON, COUNTY OF

1, ss.

2, being sworn, says: I, . . .(name of person). . ., am
3 authorized to act on behalf of (claimant/assignee of the claimant). I
4 have read the foregoing release of wage lien and believe the notice
5 to be true and correct under penalty of perjury.

6Dated:.

7

8

9 (Signature)

10 CERTIFICATE

11 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

12 I certify that I know or have satisfactory evidence that . . .
13 (name of person) . . . is the person who appeared before me, and said
14 person acknowledged that he/she signed this instrument and
15 acknowledged it to be his/her free and voluntary act for the uses and
16 purposes mentioned in the instrument.

17Dated:.

18

19

20 (Signature)

21 (Seal or stamp)

22 Title.

23 My appointment.

24 Expires.

25 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

26 I certify that I know or have satisfactory evidence that . . .
27 (name of person) . . . is the person who appeared before me, and said
28 person acknowledged that he/she signed this instrument, on oath

1 stated that he/she was authorized to execute the instrument and
2 acknowledged it as the . . . (type of authority, e.g., officer or
3 employee, etc.) . . . of . . . (name of party on behalf of whom
4 instrument was executed) . . . to be the free and voluntary act of
5 such party for the uses and purposes mentioned in the instrument.

6 Dated:

7

8

9 (Signature)

10 (Seal or stamp)

11 Title.

12 My appointment.

13 Expires.

14 NEW SECTION. **Sec. 11.** (1) Priority among wage liens recorded
15 pursuant to this chapter is determined by date of recording. The
16 first to be recorded has priority.

17 (2) A wage lien as to real property recorded pursuant to this
18 chapter shall be prior to any security interest, lien, mortgage, deed
19 of trust, or other encumbrance that attached to the real property
20 after, or was unrecorded at the time, such wage lien was recorded. A
21 wage lien as to real property recorded pursuant to this chapter shall
22 be subject and subordinate to any prior perfected security interest,
23 lien, mortgage, deed of trust, or other encumbrance.

24 (3) With respect to personal property:

25 (a) A security interest perfected pursuant to Title 62A RCW has
26 priority over a wage lien recorded pursuant to this chapter if the
27 security interest was perfected or a financing statement covering the
28 collateral was filed before the wage lien was recorded, provided
29 there is no period thereafter when there is neither filing nor
30 perfection. For the purposes of this subsection, the time of filing
31 or perfection as to a security interest in collateral is also the
32 time of filing or perfection as to a security interest in proceeds of
33 the collateral.

1 (b) (i) A buyer of goods subject to a certificate of title that
2 does not contain a statement that the goods are or may be subject to
3 a wage lien takes free of a wage lien on such goods if the buyer
4 gives value and receives delivery of the goods without knowledge of
5 the wage lien.

6 (ii) A perfected security interest in goods subject to a
7 certificate of title that does not contain a statement that the goods
8 are or may be subject to a wage lien has priority over a wage lien on
9 such goods.

10 (4) (a) A wage lien is not effective against:

11 (i) With respect to goods:

12 (A) A buyer in ordinary course of business, as defined in RCW
13 62A.1-201(b) (9); or

14 (B) A buyer of goods from a person who used or bought the goods
15 for use primarily for personal, family, or household purposes takes
16 free of a security interest, even if perfected, if the buyer buys
17 without knowledge of the security interest, for value, primarily for
18 the buyer's personal, family, or household purposes; and before the
19 filing of the wage lien covering the goods;

20 (ii) Third persons who, prior to the filing of the wage lien
21 notice required under this chapter, acquired title in good faith, for
22 value and without actual notice of the wage lien, to property other
23 than goods; or

24 (iii) The interest in real property of any person, who, prior to
25 the filing of the wage lien notice required under this chapter, was a
26 grantee under a recorded instrument conveying such interest, provided
27 such person acquired the interest in good faith, for value, and
28 without actual notice of the wage lien.

29 (b) A wage lien that is not effective against any person pursuant
30 to this subsection is ineffective against the heirs, successors, or
31 assigns of such person.

32 NEW SECTION. **Sec. 12.** A contract between an employer and
33 employee may not waive or require an employee to waive the right to a
34 wage lien under this chapter. A provision of a contract made in
35 violation of this section is void as against the public policy of
36 this state.

37 NEW SECTION. **Sec. 13.** The claim of wage lien, when filed as
38 required by this chapter, constitutes notice to the spouse or the

1 domestic partner of the person who appears on record to be the owner
2 of the property sought to be charged with the wage lien, and subjects
3 all the community interest of both spouses or both domestic partners
4 to the wage lien.

5 NEW SECTION. **Sec. 14.** (1) Any owner of real or personal
6 property subject to a recorded claim of lien under this chapter, or
7 lender or another lien claimant who believes the claim of lien to be
8 frivolous and made without reasonable cause or clearly excessive, may
9 apply by motion to the appropriate court, as specified under section
10 8 of this act, for the county where the property or some part thereof
11 is located, for an order directing the lien claimant to appear before
12 the court at a time no earlier than six nor later than 15 days
13 following the date of service of the application and order on the
14 lien claimant, and show cause, if any he or she has, why the relief
15 requested should not be granted. The motion shall state the grounds
16 upon which relief is asked and shall be supported by the affidavit of
17 the applicant or his or her attorney setting forth a concise
18 statement of the facts upon which the motion is based.

19 (2) The order shall clearly state that if the lien claimant fails
20 to appear at the time and place noted the lien shall be released,
21 with prejudice, and that the lien claimant shall be ordered to pay
22 the costs requested by the applicant including reasonable attorneys'
23 fees.

24 (3) If no action to foreclose the lien claim has been filed, the
25 clerk of the court shall assign a cause number to the application and
26 obtain from the applicant a filing fee pursuant to RCW 36.18.016(18).
27 If an action has been filed to foreclose the lien claim, the
28 application shall be made a part of that action.

29 (4) If, following a hearing on the matter, the court determines
30 that the lien is frivolous and made without reasonable cause, or
31 clearly excessive, the court shall issue an order releasing the lien
32 if frivolous and made without reasonable cause, or reducing the lien
33 if clearly excessive, and awarding costs and reasonable attorneys'
34 fees to the applicant to be paid by the lien claimant. If the court
35 determines that the lien is not frivolous and was made with
36 reasonable cause, and is not clearly excessive, the court shall issue
37 an order so stating and awarding costs and reasonable attorneys' fees
38 to the lien claimant to be paid by the applicant.

1 (5) Proceedings under this section shall not affect other rights
2 and remedies available to the parties.

3 NEW SECTION. **Sec. 15.** (1) Any owner of property subject to a
4 recorded claim of lien under this chapter, or lender or another lien
5 claimant, who disputes the correctness or validity of the claim of
6 lien, may either before or after the commencement of an action on the
7 wage claim underlying the lien, furnish a bond issued by a surety
8 company authorized to issue surety bonds in the state. The surety
9 company must be listed in the latest federal department of the
10 treasury list of surety companies acceptable on federal bonds,
11 published in the federal register, as authorized to issue bonds on
12 United States government projects with an underwriting limitation,
13 including applicable reinsurance, equal to or greater than the amount
14 of the bond to be recorded.

15 (2) (a) The bond shall contain a description of the claim of lien
16 and property involved, and must be in an amount equal to the greater
17 of \$5,000 or two times the amount of the lien claimed if the lien
18 claimed is \$10,000 or less, and in an amount equal to or greater than
19 one and one-half times the amount of the lien if the lien claimed is
20 in excess of \$10,000.

21 (b) If the bond relates to a claim of lien affecting more than
22 one parcel of real property and the claim of lien is segregated to
23 each parcel, the bond may be segregated the same as in the claim of
24 lien.

25 (c) A separate bond shall be required for each claim of lien made
26 by separate claimants. However, a single bond may be used to
27 guarantee payment of amounts claimed by more than one claim of lien
28 by a single claimant so long as the amount of the bond meets the
29 requirements of this section as applied to the aggregate sum of all
30 claims by such claimant.

31 (d) The condition of the bond shall be to guarantee payment of
32 any judgment or binding administrative assessment upon the lien in
33 favor of the lien claimant entered in any action to recover the
34 amount claimed in a claim of lien, or on the claim asserted in the
35 claim of lien.

36 (3) For a lien on real property, the bond must be recorded in the
37 office of the county recorder or auditor in the county where the
38 claim of lien was recorded. Recording a bond that meets the
39 requirements of this section releases the real property described in

1 the notice of claim of lien from the lien and any action brought to
2 recover the amount claimed.

3 (4) (a) For a lien on personal property, within five days of
4 furnishing a bond, the person furnishing the bond shall send notice
5 to the lien claimant, by certified mail return receipt requested,
6 notifying the lien claimant that a bond meeting the requirements of
7 this section has been furnished. The notification must include
8 sufficient documentation or other evidence showing that a bond
9 meeting the requirements of this section has been furnished.

10 (b) Within 15 days of receiving notice that a bond has been
11 purchased, the lien claimant shall release the lien pursuant to
12 section 10 of this act. If a lien claimant fails to release the wage
13 lien as required, upon demand and 15 days' notice by the employer or
14 any affected party, mailed to the lien claimant's address as
15 indicated on the notice of the wage lien by certified mail with
16 return receipt requested, the employer or affected party may petition
17 the court in which foreclosure is authorized under section 8 of this
18 act, for an order releasing the wage lien. If the lien claimant acted
19 unreasonably and in bad faith in refusing to file a release of the
20 wage lien, the employer or affected party shall be entitled to
21 recover its attorneys' fees and costs incurred in the action, and the
22 court in its discretion may also issue a fine not to exceed \$1,000.

23 (5) (a) Unless otherwise prohibited by law, if no action is
24 commenced to recover on a lien within the time specified in section
25 10 of this act, the surety shall be discharged from liability under
26 the bond.

27 (b) If an action to enforce the lien is timely commenced, then on
28 payment of any judgment or administrative assessment entered in the
29 action or on payment of the full amount of the bond to the holder of
30 the judgment or administrative assessment, whichever is less, the
31 surety shall be discharged from liability under the bond.

32 (6) Nothing in this section shall in any way prohibit or limit
33 the use of other methods, devised by the affected parties to secure
34 the obligation underlying a claim of lien and to obtain a release of
35 real property from a claim of lien.

36 NEW SECTION. **Sec. 16.** This chapter is to be liberally construed
37 to provide security for all persons intended to be protected by its
38 provisions.

1 **Sec. 17.** RCW 36.18.016 and 2018 c 36 s 7 are each amended to
2 read as follows:

3 (1) Revenue collected under this section is not subject to
4 division under RCW 36.18.025 or 27.24.070.

5 (2) (a) For the filing of a petition for modification of a decree
6 of dissolution or paternity, within the same case as the original
7 action, and any party filing a counterclaim, cross-claim, or third-
8 party claim in any such action, a fee of thirty-six dollars must be
9 paid.

10 (b) The party filing the first or initial petition for
11 dissolution, legal separation, or declaration concerning the validity
12 of marriage shall pay, at the time and in addition to the filing fee
13 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk
14 of the superior court shall transmit monthly forty-eight dollars of
15 the fifty-four dollar fee collected under this subsection to the
16 state treasury for deposit in the domestic violence prevention
17 account. The remaining six dollars shall be retained by the county
18 for the purpose of supporting community-based domestic violence
19 services within the county, except for five percent of the six
20 dollars, which may be retained by the court for administrative
21 purposes. On or before December 15th of each year, the county shall
22 report to the department of social and health services revenues
23 associated with this section and community-based domestic violence
24 services expenditures. The department of social and health services
25 shall develop a reporting form to be utilized by counties for uniform
26 reporting purposes.

27 (3) (a) The party making a demand for a jury of six in a civil
28 action shall pay, at the time, a fee of one hundred twenty-five
29 dollars; if the demand is for a jury of twelve, a fee of two hundred
30 fifty dollars. If, after the party demands a jury of six and pays the
31 required fee, any other party to the action requests a jury of
32 twelve, an additional one hundred twenty-five dollar fee will be
33 required of the party demanding the increased number of jurors.

34 (b) Upon conviction in criminal cases a jury demand charge of one
35 hundred twenty-five dollars for a jury of six, or two hundred fifty
36 dollars for a jury of twelve may be imposed as costs under RCW
37 10.46.190.

38 (4) For preparing a certified copy of an instrument on file or of
39 record in the clerk's office, for the first page or portion of the
40 first page, a fee of five dollars, and for each additional page or

1 portion of a page, a fee of one dollar must be charged. For
2 authenticating or exemplifying an instrument, a fee of two dollars
3 for each additional seal affixed must be charged. For preparing a
4 copy of an instrument on file or of record in the clerk's office
5 without a seal, a fee of fifty cents per page must be charged. When
6 copying a document without a seal or file that is in an electronic
7 format, a fee of twenty-five cents per page must be charged. For
8 copies made on a compact disc, an additional fee of twenty dollars
9 for each compact disc must be charged.

10 (5) For executing a certificate, with or without a seal, a fee of
11 two dollars must be charged.

12 (6) For a garnishee defendant named in an affidavit for
13 garnishment and for a writ of attachment, a fee of twenty dollars
14 must be charged.

15 (7) For filing a supplemental proceeding, a fee of twenty dollars
16 must be charged.

17 (8) For approving a bond, including justification on the bond, in
18 other than civil actions and probate proceedings, a fee of two
19 dollars must be charged.

20 (9) For the issuance of a certificate of qualification and a
21 certified copy of letters of administration, letters testamentary, or
22 letters of guardianship, there must be a fee of five dollars.

23 (10) For the preparation of a passport application, the clerk may
24 collect an execution fee as authorized by the federal government.

25 (11) For clerk's services such as performing historical searches,
26 compiling statistical reports, and conducting exceptional record
27 searches, the clerk may collect a fee not to exceed thirty dollars
28 per hour.

29 (12) For processing ex parte orders, the clerk may collect a fee
30 of thirty dollars.

31 (13) For duplicated recordings of court's proceedings there must
32 be a fee of ten dollars for each audiotape and twenty-five dollars
33 for each video or other electronic storage medium.

34 (14) For registration of land titles, Torrens Act, under RCW
35 65.12.780, a fee of twenty dollars must be charged.

36 (15) For the issuance of extension of judgment under RCW 6.17.020
37 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
38 When the extension of judgment is at the request of the clerk, the
39 two hundred dollar charge may be imposed as court costs under RCW
40 10.46.190.

1 (16) A facilitator surcharge of up to twenty dollars must be
2 charged as authorized under RCW 26.12.240.

3 (17) For filing an adjudication claim under RCW 90.03.180, a fee
4 of twenty-five dollars must be charged.

5 (18) For filing a claim of frivolous lien under RCW 60.04.081 or
6 section 14 of this act or filing an action to release a lien under
7 sections 10 and 15 of this act, a fee of thirty-five dollars must be
8 charged.

9 (19) For preparation of a change of venue, a fee of twenty
10 dollars must be charged by the originating court in addition to the
11 per page charges in subsection (4) of this section.

12 (20) A service fee of five dollars for the first page and one
13 dollar for each additional page must be charged for receiving faxed
14 documents, pursuant to Washington state rules of court, general rule
15 17.

16 (21) For preparation of clerk's papers under RAP 9.7, a fee of
17 fifty cents per page must be charged.

18 (22) For copies and reports produced at the local level as
19 permitted by RCW 2.68.020 and supreme court policy, a variable fee
20 must be charged.

21 (23) Investment service charge and earnings under RCW 36.48.090
22 must be charged.

23 (24) Costs for nonstatutory services rendered by clerk by
24 authority of local ordinance or policy must be charged.

25 (25) For filing a request for civil arbitration, a filing fee may
26 be assessed against the party filing a statement of arbitrability not
27 to exceed two hundred fifty dollars as established by authority of
28 local ordinance. Two hundred twenty dollars of this charge shall be
29 used to offset the cost of the civil arbitration program. Thirty
30 dollars of each fee collected under this subsection must be used for
31 indigent defense services.

32 (26) For filing a request for trial de novo of a civil
33 arbitration award, a fee not to exceed four hundred dollars as
34 established by authority of local ordinance must be charged.

35 (27) A public agency may not charge a fee to a law enforcement
36 agency, for preparation, copying, or mailing of certified copies of
37 the judgment and sentence, information, affidavit of probable cause,
38 and/or the notice of requirement to register, of a sex offender
39 convicted in a Washington court, when such records are necessary for

1 risk assessment, preparation of a case for failure to register, or
2 maintenance of a sex offender's registration file.

3 (28) For the filing of a will or codicil under the provisions of
4 chapter 11.12 RCW, a fee of twenty dollars must be charged.

5 (29) For the collection of an adult offender's unpaid legal
6 financial obligations, the clerk may impose an annual fee of up to
7 one hundred dollars, pursuant to RCW 9.94A.780.

8 (30) A surcharge of up to twenty dollars may be charged in
9 dissolution and legal separation actions as authorized by RCW
10 26.12.260.

11 The revenue to counties from the fees established in this section
12 shall be deemed to be complete reimbursement from the state for the
13 state's share of benefits paid to the superior court judges of the
14 state prior to July 24, 2005, and no claim shall lie against the
15 state for such benefits.

16 **Sec. 18.** RCW 49.48.086 and 2014 c 210 s 1 are each amended to
17 read as follows:

18 (1) After a final order is issued under RCW 49.48.084, if an
19 employer defaults in the payment of: (a) Any wages determined by the
20 department to be owed to an employee, including interest; or (b) any
21 civil penalty ordered by the department under RCW 49.48.083, the
22 director may file with the clerk of any county within the state a
23 warrant in the amount of the payment plus any filing fees. The clerk
24 of the county in which the warrant is filed shall immediately
25 designate a superior court cause number for the warrant, and the
26 clerk shall cause to be entered in the judgment docket under the
27 superior court cause number assigned to the warrant, the name of the
28 employer mentioned in the warrant, the amount of payment due on it
29 plus any filing fees, and the date when the warrant was filed. The
30 aggregate amount of the warrant as docketed becomes a lien upon the
31 title to, and interest in, all real and personal property of the
32 employer against whom the warrant is issued, the same as a judgment
33 in a civil case docketed in the office of the clerk. The sheriff
34 shall proceed upon the warrant in all respects and with like effect
35 as prescribed by law with respect to execution or other process
36 issued against rights or property upon judgment in a court of
37 competent jurisdiction. The warrant so docketed is sufficient to
38 support the issuance of writs of garnishment in favor of the state in
39 a manner provided by law in case of judgment, wholly or partially

1 unsatisfied. The clerk of the court is entitled to a filing fee which
2 will be added to the amount of the warrant. A copy of the warrant
3 shall be mailed to the employer within three days of filing with the
4 clerk.

5 (2) (a) The director may issue to any person, firm, corporation,
6 other entity, municipal corporation, political subdivision of the
7 state, a public corporation, or any agency of the state, a notice and
8 order to withhold and deliver property of any kind when he or she has
9 reason to believe that there is in the possession of the person,
10 firm, corporation, other entity, municipal corporation, political
11 subdivision of the state, public corporation, or agency of the state,
12 property that is or will become due, owing, or belonging to an
13 employer upon whom a notice of assessment has been served by the
14 department for payments or civil penalties due to the department. The
15 effect of a notice and order is continuous from the date the notice
16 and order is first made until the liability out of which the notice
17 and order arose is satisfied or becomes unenforceable because of
18 lapse of time. The department shall release the notice and order when
19 the liability out of which the notice and order arose is satisfied or
20 becomes unenforceable by reason of lapse of time and shall notify the
21 person against whom the notice and order was made that the notice and
22 order has been released.

23 (b) The notice and order to withhold and deliver must be served
24 by the sheriff of the county or by the sheriff's deputy, by certified
25 mail, return receipt requested, or by the director. A person, firm,
26 corporation, other entity, municipal corporation, political
27 subdivision of the state, public corporation, or agency of the state
28 upon whom service has been made shall answer the notice within twenty
29 days exclusive of the day of service, under oath and in writing, and
30 shall make true answers to the matters inquired of in the notice and
31 order. Upon service of the notice and order, if the party served
32 possesses any property that may be subject to the claim of the
33 department, the party shall promptly deliver the property to the
34 director. The director shall hold the property in trust for
35 application on the employer's indebtedness to the department, or for
36 return without interest, in accordance with a final determination of
37 a petition for review. In the alternative, the party shall furnish a
38 good and sufficient surety bond satisfactory to the director
39 conditioned upon final determination of liability. If a party served
40 and named in the notice fails to answer the notice within the time

1 prescribed in this section, the court may render judgment by default
2 against the party for the full amount claimed by the director in the
3 notice, together with costs. If a notice is served upon an employer
4 and the property subject to it is wages, the employer may assert in
5 the answer all exemptions provided for by chapter 6.27 RCW to which
6 the wage earner is entitled.

7 (c) As an alternative to the methods of service described in this
8 section, the department may electronically serve a financial
9 institution with a notice and order to withhold and deliver by
10 providing a list of its outstanding warrants, except those for which
11 a payment agreement is in good standing, to the department of
12 revenue. The department of revenue may include the warrants provided
13 by the department in a notice and order to withhold and deliver
14 served under RCW 82.32.235(3). A financial institution that is served
15 with a notice and order to withhold and deliver under this subsection
16 (2)(c) must answer the notice within the time period applicable to
17 service under RCW 82.32.235(3). The department and the department of
18 revenue may adopt rules to implement this subsection (2)(c).

19 (3)(a) In addition to the procedure for collection of wages owed,
20 including interest, and civil penalties as set forth in this section,
21 the department may recover wages owed, including interest, and civil
22 penalties assessed under RCW 49.48.083 in a civil action brought in a
23 court of competent jurisdiction of the county where the violation is
24 alleged to have occurred.

25 (b) The department may use the procedures under this section to
26 foreclose wage liens established under chapter 60.--- RCW (the new
27 chapter created in section 22 of this act). When the department is
28 foreclosing on a wage lien, the date the wage lien was originally
29 filed shall be the date by which priority is determined, regardless
30 of the date the warrant is filed under this section. If a claimant
31 has timely notified the department that the claimant will pursue
32 foreclosure on their own, without the department's assistance, the
33 department is not required to file a warrant under this section and
34 is relieved from any liability related to foreclosing on the
35 claimant's wage lien.

36 (4) Whenever any employer quits business, sells out, exchanges,
37 or otherwise disposes of the employer's business or stock of goods,
38 any person who becomes a successor to the business becomes liable for
39 the full amount of any outstanding citation and notice of assessment
40 or penalty against the employer's business under this chapter if, at

1 the time of the conveyance of the business, the successor has: (a)
2 Actual knowledge of the fact and amount of the outstanding citation
3 and notice of assessment or (b) a prompt, reasonable, and effective
4 means of accessing and verifying the fact and amount of the
5 outstanding citation and notice of assessment from the department. If
6 the citation and notice of assessment or penalty is not paid in full
7 by the employer within ten days of the date of the sale, exchange, or
8 disposal, the successor is liable for the payment of the full amount
9 of the citation and notice of assessment or penalty, and payment
10 thereof by the successor must, to the extent thereof, be deemed a
11 payment upon the purchase price. If the payment is greater in amount
12 than the purchase price, the amount of the difference becomes a debt
13 due the successor from the employer.

14 (5) This section does not affect other collection remedies that
15 are otherwise provided by law.

16 NEW SECTION. **Sec. 19.** A new section is added to chapter 43.24
17 RCW to read as follows:

18 For the purposes of implementing the notice and filing provisions
19 under sections 4(2)(a) and 10 of this act that are applicable to the
20 department of licensing, the department of licensing may, by rule,
21 create wage lien forms specific to the department of licensing, so
22 long as the forms include the information described in those
23 sections.

24 NEW SECTION. **Sec. 20.** A new section is added to chapter 43.24
25 RCW to read as follows:

26 The department of licensing wage lien account is created in the
27 state treasury. All receipts from wage lien filing fees collected by
28 the department of licensing must be deposited in the account. Moneys
29 in the account may be spent only after appropriation. Expenditures
30 from the account may be used only to administer wage lien filings in
31 section 4 of this act.

32 NEW SECTION. **Sec. 21.** This act takes effect January 1, 2022.

33 NEW SECTION. **Sec. 22.** Sections 1 through 16 and 21 of this act
34 constitute a new chapter in Title 60 RCW.

--- END ---