
HOUSE BILL 1469

State of Washington 52nd Legislature 1991 Regular Session

By Representatives Wineberry, Inslee, R. Meyers, Padden, Dellwo and Orr.

Read first time January 30, 1991. Referred to Committee on Judiciary.

1 AN ACT Relating to prejudgment interest; amending RCW 4.56.110;
2 adding a new section to chapter 4.56 RCW; and creating a new section.

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

4 **Sec. 1.** RCW 4.56.110 and 1989 c 360 s 19 are each amended to read
5 as follows:

6 Interest on judgments shall accrue as follows:

7 (1) Judgments founded on written contracts, providing for the
8 payment of interest until paid at a specified rate, shall bear interest
9 at the rate specified in the contracts: PROVIDED, That said interest
10 rate is set forth in the judgment.

11 (2) All judgments for unpaid child support that have accrued under
12 a superior court order or an order entered under the administrative
13 procedure act shall bear interest at the rate of twelve percent.

14 (3) Except as provided under RCW 19.52.010, 82.32.060, and
15 subsections (1) and (2) of this section, judgments shall bear interest

1 from the date of (~~entry~~) notice at the maximum rate permitted under
2 RCW 19.52.020 on the date of (~~entry thereof~~) notice: PROVIDED, That
3 in any case where: (a) A court is directed on review to enter judgment
4 on a verdict or in any case where a judgment entered on a verdict is
5 wholly or partly affirmed on review, then interest on the judgment or
6 on that portion of the judgment affirmed shall date back to and shall
7 accrue from the date (~~the verdict was rendered~~) of notice; (b) any
8 portion of a claim is paid to a plaintiff by a defendant prior to the
9 entry of the judgment, then prejudgment interest shall accrue on the
10 amount of the claim paid from the date of notice to the date of
11 payment; (c) the judgment debtor has made a written settlement offer
12 that is not accepted by the judgment creditor within thirty days, or
13 sixty days prior to trial, whichever occurs first, if the settlement
14 offer is made at least ninety days prior to trial, and the settlement
15 offer is not less than seventy-five percent of the judgment amount,
16 then prejudgment interest after the date of service of the settlement
17 offer shall only be calculated on that portion of the judgment which
18 exceeds the settlement offer; (d) an established trial date is
19 continued at solely the plaintiff's request, then prejudgment interest
20 shall not be applied during the period of the continuance unless the
21 court rules that the reason for the continuance was beyond the ability
22 of the requesting plaintiff to control; and (e) if the judgment amount
23 differs from the amount claimed in the notice, then prejudgment
24 interest shall accrue on the judgment amount.

25 (4) "Date of notice" as used in subsection (3) of this section
26 means: (a) The date a claimant gives written notice of a claim to a
27 potential defendant, which notice may be given by personal service or
28 by registered mail to the potential defendant at the potential
29 defendant's last known address. Written notice of the claim shall
30 include the identification, amount, nature, and elements known at the

1 time of claim; or (b) the date a lawsuit is initiated, either by filing
2 or personal service, if prior written notice of a claim has not
3 otherwise been given to the defendant.

4 NEW SECTION. Sec. 2. A new section is added to chapter 4.56 RCW
5 to read as follows:

6 An attorney shall not receive as compensation any portion of the
7 prejudgment interest awarded pursuant to RCW 4.56.110(3).

8 NEW SECTION. Sec. 3. Section 1 of this act applies to any
9 judgment entered after the effective date of this act.