

SENATE BILL REPORT

SSB 6045

AS PASSED SENATE, FEBRUARY 8, 1994

Brief Description: Authorizing an additional ten years for execution of judgments.

SPONSORS: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Nelson and Haugen)

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: That Substitute Senate Bill No. 6045 be substituted therefor, and the substitute bill do pass.

Signed by Senators A. Smith, Chairman; Ludwig, Vice Chairman; Hargrove, Nelson, Quigley, Roach, Schow and Spanel.

Staff: Martin Lovinger (786-7443)

Hearing Dates: January 18, 1994

HOUSE COMMITTEE ON JUDICIARY

BACKGROUND:

Under current law a person who has obtained a judgment in a court of record in this state may enforce that judgment for ten years after the date the judgment was entered. There are times when the person who won the judgment is unable to collect the amount owed within ten years. For example, a debtor may be paying the judgment, but does not earn enough to pay the amount owed within the ten-year period. In other cases debtors move away, but return after the enforcement period has passed.

At least 21 states have adopted a period greater than ten years in which judgments can be enforced. Five other states have adopted a system in which a judgment can be renewed, for a total enforcement period greater than ten years.

Court filing fees are divided between the local jurisdiction and the State Treasurer, where they are deposited in the public safety and education account.

SUMMARY:

A party who has been awarded a judgment may apply within 90 days before the original ten-year enforcement period expires for an additional ten-year extension. The party seeking the extension must pay a fee equal to half the filing fee for a civil complaint.

Appropriation: none

Revenue: yes

Fiscal Note: requested January 11, 1994

TESTIMONY FOR:

Over half the other states have a longer enforcement period than ten years. Some debtors move out of state where they cannot be reached for collections, but may relocate back at a later date. Just because a debtor has been able to duck collection for ten years does not justify letting the debtor off the hook.

TESTIMONY AGAINST: None

TESTIFIED: Kevin Underwood, Allied Collectors (pro); Mark Gjurasic, WA State Collectors Assn. (pro)

HOUSE AMENDMENT(S):

The amendment requires the payment of a full civil filing fee for an extension and requires the application to be accompanied by an updated judgment summary. The amendment also makes several technical changes and provides cross references to other RCW provisions that might be affected by extensions of judgments.