

SENATE BILL REPORT

SB 6187

As Reported By Senate Committee On:
Law & Justice, January 30, 1996

Title: An act relating to mandatory arbitration for actions to quiet title to real property.

Brief Description: Providing for mandatory arbitration for actions to quiet title.

Sponsors: Senators Sheldon, Prentice, Thibaudeau and Snyder.

Brief History:

Committee Activity: Law & Justice: 1/23/96, 1/30/96 [DP].

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators Smith, Chair; Fairley, Vice Chair; Goings, Hargrove, Haugen, Long, McCaslin, Roach and Schow.

Staff: Cynthia Runger (786-7717)

Background: In counties that authorize arbitration, certain classes of cases are subject to mandatory arbitration. These cases include civil actions with claims of no more than \$15,000, and claims up to \$35,000 if approved by at least two-thirds of the county's superior court judges. Also, maintenance and child support payment actions are subject to mandatory arbitration if approved by a majority of the superior court judges in the county. Parties unsatisfied with arbitration settlements have the option of going through the court process by appealing and requesting a trial de novo.

Quiet title actions are not subject to mandatory arbitration; instead, these cases are brought in superior court. Quiet title actions may include disputes over issues like adverse possession, trespass, and liens. It has been asserted that arbitration should be required in quiet title cases because quiet title actions can be unduly expensive.

Summary of Bill: Quiet title actions to real property are subject to mandatory arbitration.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Quiet title action can be unduly expensive. Defending even small claims can put someone in bankruptcy. Mandatory arbitration would help those who do not have the resources to endure litigation.

Testimony Against: None.

Testified: Gene Ollenburger, citizen.