

SENATE BILL REPORT

HB 1572

As Reported By Senate Committee On:
Judiciary, February 20, 2004

Title: An act relating to failure to pay small claims judgments.

Brief Description: Increasing small claims judgments upon failure to pay.

Sponsors: Representatives Kirby, Newhouse, Moeller, Campbell, Fromhold, Hinkle and Condotta.

Brief History:

Committee Activity: Judiciary: 3/28/03 [DP]; 2/18/04, 2/20/04 [DP].

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Jinnah Rose-McFadden (786-7421)

Background: Small claims courts have jurisdiction over claims totaling \$4,000 or less. Generally, parties to an action in small claims court may not hire or use attorneys or professional legal help in adjudicating their claim. If a monetary judgment is entered, it is the debtor's responsibility to pay the judgment upon such terms as the judge subscribes. If the debtor fails to pay the judgment within the period ordered by the court, the prevailing party may take additional steps to certify the judgment. Fees incurred in certifying the judgment are added to the debtor's outstanding balance owed.

Summary of Bill: The law is amended to allow a party that has prevailed in an action in small claims court to recover additional costs, including attorney fees, incurred by enforcing an outstanding judgment.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: 2003: This bill simply requires a defaulting debtor to pay for the attorneys fees incurred by the prevailing party in enforcing an outstanding small claims judgment. Many small claims judgments go unpaid because prevailing parties are unaware of the procedures available to enforce judgments. This bill allows a prevailing party to hire an attorney to enforce an outstanding judgment without fear of having to pay for the legal services out of pocket. **2004:** Judgments awarded in small claims court are small and often difficult for a claimant to recover without the assistance of an attorney. This bill simply

allows claimant's to recover reasonable attorney's fees incurred in enforcing outstanding judgments.

Testimony Against: 2003: None. **2004:** None.

Testified: 2003: PRO: Melanie Stewart, Washington State District and Municipal Court Judges Association. **2004:** PRO: Representative Steve Kirby; Judge Marilyn Paga, District and Municipal Court Judges Association.