

HOUSE BILL REPORT

HB 1348

As Reported by House Committee On:
Judiciary

Title: An act relating to jurisdiction over judgments.

Brief Description: Providing a uniform method of transferring a municipal court judgment into district court.

Sponsors: Representatives Williams, Newhouse and Lantz.

Brief History:

Committee Activity:

Judiciary: 2/1/05 [DPS].

Brief Summary of Substitute Bill

- Grants district courts jurisdiction to civilly enforce money judgments from municipal courts and municipal departments.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

Staff: Trudes Tango Hutcheson (786-7384).

Background:

Municipal courts and municipal departments within district courts have jurisdiction to process civil and criminal violations of city ordinances that could result in monetary fines. The statutes governing municipal courts and municipal departments do not provide those courts with jurisdiction over civil judgment enforcement proceedings, such as garnishment or attachment.

District courts have jurisdiction over misdemeanors and gross misdemeanors and over civil actions where the amount at issue is not more than \$50,000. District courts generally have the same powers as superior courts to enforce money judgments. For instance, district and superior courts can use garnishment and attachment to enforce judgments. However, district courts do not have authority to issue liens on real property.

District courts may transfer judgments to superior court by filing a certified transcript of the judgment with the superior court. The court clerk enters the district court judgment in the same manner as superior court judgments. Although jurisdiction over the judgment transfers to the superior court, the court has the option of sending it back to district court to determine motions to vacate or modify the judgment.

Summary of Substitute Bill:

District courts are granted jurisdiction over proceedings to civilly enforce money judgments from municipal court or a municipal department of a district court. The proceeding may be brought in the district in which the municipal court or municipal department is located. The district court may not vacate or amend the judgment. The fee for filing the abstract of judgement or transcript of judgment in district court is \$31.

Substitute Bill Compared to Original Bill:

The substitute made a technical correction.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: Collection agencies have implied authority to move municipal court judgments to district court because the statute says these judgments are enforceable like any other civil judgment. However, there are no procedures in place to transfer the judgments. This will codify current practice in most courts.

Testimony Against: None.

Persons Testifying: Representative Williams, prime sponsor; and Kevin Underwood, Washington Collectors Association.

Persons Signed In To Testify But Not Testifying: None.