

HOUSE BILL REPORT

SB 5023

As Passed Legislature

Title: An act relating to the expense of defending against frivolous court actions.

Brief Description: Providing expenses for defending against frivolous court actions.

Sponsor(s): Senators Talmadge and Nelson.

Brief History:

Reported by House Committee on:
Judiciary, April 2, 1991, DP;
Passed House, April 18, 1991, 96-1;
Passed Legislature, 96-1.

**HOUSE COMMITTEE ON
JUDICIARY**

Majority Report: *Do pass.* Signed by 18 members:
Representatives Appelwick, Chair; Ludwig, Vice Chair;
Padden, Ranking Minority Member; Paris, Assistant Ranking
Minority Member; Belcher; Broback; Hargrove; Inslee; Locke;
R. Meyers; Mielke; H. Myers; Riley; Scott; D. Sommers; Tate;
Vance; and Wineberry.

Staff: Jeff Fishel (786-7191).

Background: In 1983, the Legislature adopted the frivolous claims statute in an effort to ease court congestion by reducing the number of lawsuits brought solely for purposes of harassment, delay, or nuisance. The statute allowed the court to award attorney fees and court costs to a party forced to defend against a lawsuit the court found frivolous.

After the Tort Reform Act of 1986, a task force organized by the Insurance Commissioner reviewed the act and made recommendations to further modify Washington tort law. One recommendation adopted by the Legislature amended the frivolous claim statute to allow attorney fees and court costs on pretrial motions as well as post-trial motions. Subsequent case law limited the availability of attorney fees for frivolous claims to lawsuits dismissed on a summary judgment motion.

Summary of Bill: The frivolous claim statute is amended to allow a court to award attorney fees and court costs for a frivolous claim based on all the evidence presented at the time the motion is made. Attorney fees and court costs may be awarded on a pretrial motion whether the case is voluntarily or involuntarily dismissed.

Fiscal Note: Not requested.

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

Testimony For: None.

Testimony Against: None.

Witnesses: None.