

CERTIFICATION OF ENROLLMENT

SENATE BILL 5023

Chapter 70, Laws of 1991

52nd Legislature
1991 Regular Session

FRIVOLOUS LAWSUITS--RECOVERY OF DEFENSE EXPENSES

EFFECTIVE DATE: 7/28/91

Passed by the Senate February 13, 1991
Yeas 48 Nays 0

JOEL PRITCHARD
President of the Senate

Passed by the House April 18, 1991
Yeas 96 Nays 1

JOE KING
**Speaker of the
House of Representatives**

Approved May 3, 1991

BOOTH GARDNER
Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5023** as passed by the Senate and the House of Representatives on the dates hereon set forth.

GORDON A. GOLOB
Secretary

FILED

May 3, 1991 - 10:06 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5023

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge and Nelson.

Read first time January 16, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the expense of defending against frivolous court
2 actions; and amending RCW 4.84.185.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.84.185 and 1987 c 212 s 201 are each amended to read
5 as follows:

6 In any civil action, the court having jurisdiction may, upon
7 written findings by the judge that the action, counterclaim,
8 cross-claim, third party claim, or defense was frivolous and advanced
9 without reasonable cause, require the nonprevailing party to pay the
10 prevailing party the reasonable expenses, including fees of attorneys,
11 incurred in opposing such action, counterclaim, cross-claim, third
12 party claim, or defense. This determination shall be made upon motion
13 by the prevailing party after ~~((an))~~ a voluntary or involuntary order
14 of dismissal, order on summary judgment, ~~((or))~~ final judgment after

1 trial, or other final order terminating the action as to the prevailing
2 party. The judge shall consider all evidence presented at the time of
3 the motion to determine whether the position of the nonprevailing party
4 was frivolous and advanced without reasonable cause. In no event may
5 such motion be filed more than thirty days after entry of the order.
6 (~~The judge shall consider the action, counterclaim, cross claim, third~~
7 ~~party claim, or defense as a whole.~~)

8 The provisions of this section apply unless otherwise specifically
9 provided by statute.

Passed the Senate February 13, 1991.

Passed the House April 18, 1991.

Approved by the Governor May 3, 1991.

Filed in Office of Secretary of State May 3, 1991.