

CERTIFICATION OF ENROLLMENT

SENATE BILL 5165

Chapter 74, Laws of 1995

54th Legislature
1995 Regular Session

Negotiable instruments--Statute of limitations

EFFECTIVE DATE: 7/23/95

Passed by the Senate March 7, 1995
YEAS 49 NAYS 0

JOEL PRITCHARD

President of the Senate

Passed by the House April 6, 1995
YEAS 95 NAYS 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Approved April 18, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5165** as passed by the Senate and the House of Representatives on the dates hereon set forth.

MARTY BROWN

Secretary

FILED

April 18, 1995 - 1:03 p.m.

**Secretary of State
State of Washington**

SENATE BILL 5165

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

By Senator Smith

Read first time 01/13/95. Referred to Committee on Financial Institutions & Housing.

1 AN ACT Relating to the statute of limitations for negotiable
2 instruments; and amending RCW 62A.3-118.

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

4 **Sec. 1.** RCW 62A.3-118 and 1993 c 229 s 20 are each amended to read
5 as follows:

6 STATUTE OF LIMITATIONS. (a) Except as provided in subsection (e),
7 an action to enforce the obligation of a party to pay a note payable at
8 a definite time must be commenced within six years after the due date
9 or dates stated in the note or, if a due date is accelerated, within
10 six years after the accelerated due date.

11 (b) Except as provided in subsection (d) or (e), if demand for
12 payment is made to the maker of a note payable on demand, an action to
13 enforce the obligation of a party to pay the note must be commenced
14 within six years after the demand. If no demand for payment is made to
15 the maker, an action to enforce the note is barred if neither principal
16 nor interest on the note has been paid for a continuous period of ten
17 years.

18 (c) Except as provided in subsection (d), an action to enforce the
19 obligation of a party to an unaccepted draft to pay the draft must be

1 commenced within (~~three~~) six years after dishonor of the draft or ten
2 years after the date of the draft, whichever period expires first.

3 (d) An action to enforce the obligation of the acceptor of a
4 certified check or the issuer of a teller's check, cashier's check, or
5 traveler's check must be commenced within three years after demand for
6 payment is made to the acceptor or issuer, as the case may be.

7 (e) An action to enforce the obligation of a party to a certificate
8 of deposit to pay the instrument must be commenced within six years
9 after demand for payment is made to the maker, but if the instrument
10 states a due date and the maker is not required to pay before that
11 date, the six-year period begins when a demand for payment is in effect
12 and the due date has passed.

13 (f) An action to enforce the obligation of a party to pay an
14 accepted draft, other than a certified check, must be commenced (i)
15 within six years after the due date or dates stated in the draft or
16 acceptance if the obligation of the acceptor is payable at a definite
17 time, or (ii) within six years after the date of the acceptance if the
18 obligation of the acceptor is payable on demand.

19 (g) Unless governed by other law regarding claims for indemnity or
20 contribution, an action (i) for conversion of an instrument, for money
21 had and received, or like action based on conversion, (ii) for breach
22 of warranty, or (iii) to enforce an obligation, duty, or right arising
23 under this Article and not governed by this section must be commenced
24 within three years after the cause of action accrues.

Passed the Senate March 7, 1995.

Passed the House April 6, 1995.

Approved by the Governor April 18, 1995.

Filed in Office of Secretary of State April 18, 1995.

--- END ---