

FINAL BILL REPORT

HB 1572

C 70 L 04

Synopsis as Enacted

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

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

House Committee on Judiciary
Senate Committee on Judiciary

Background:

Small claims court is a department within the district court. The small claims court has jurisdiction over cases if the amount in controversy does not exceed \$4,000. Proceedings in small claims court are informal. The judge may consult witnesses, investigate the controversy, and give judgment or issue orders that the judge finds equitable.

If a monetary judgment is entered in small claims court, the debtor must pay the prevailing party either at the time the judgment is entered or order a court-approved payment plan. If the losing party fails to pay the judgment within 30 days or within the period of the payment plan, the prevailing party may request the court to certify the judgment and enter it on the district court docket so that it may be enforced like any other judgment from district court. The court must increase the judgment by the cost of certifying the judgment and the filing fee.

Summary:

When the losing party in small claims court fails to pay the judgment within 30 days or the time allowed by the court, the court must increase the judgment by the costs incurred by the prevailing party to enforce the judgment, including reasonable attorney fees. This is in addition to the costs to certify and file the judgment.

Votes on Final Passage:

House 97 0

Senate 47 0

Effective: June 10, 2004