

SENATE BILL REPORT

SB 5251

As Reported By Senate Committee On:
Judiciary, February 28, 2003

Title: An act relating to foreign judgments.

Brief Description: Modifying foreign judgment provisions.

Sponsors: Senators Brandland, Thibaudeau, Shin and Kline.

Brief History:

Committee Activity: Judiciary: 1/29/03, 2/28/03 [DPS].

SENATE COMMITTEE ON JUDICIARY

Majority Report: That Substitute Senate Bill No. 5251 be substituted therefor, and the substitute bill do pass.

Signed by Senators McCaslin, Chair; Esser, Vice Chair; Brandland, Hargrove, Haugen, Johnson, Kline, Roach and Thibaudeau.

Staff: Lidia Mori (786-7755)

Background: A judgment is an official and authentic decision of a court of justice on the respective rights and claims of the parties to an action. A judgment is filed after it is signed in court and the clerk enters it in the execution docket. The first page of a judgment, which provides for the payment of money, must include, in addition to other information, the name of the judgment creditor and his or her attorney, the judgment debtor, the amount of the judgment, the interest owed, and the total of costs and attorney fees.

A foreign judgment is a judgment from a jurisdiction outside the state of Washington. It may be filed in superior or district court. There is concern that a Washington court in which a foreign judgment is filed may not know how long the judgment is enforceable under Washington law if the filing and expiration dates of the foreign judgment are not provided.

Summary of Substitute Bill: The first page of a foreign judgment must include the filing and expiration dates of the judgment under the laws of the original jurisdiction. At the time of filing the foreign judgment in Washington, the judgment creditor or his or her attorney is required to make and file with the clerk of the court an affidavit stating the filing and expiration date of the judgment in the originating jurisdiction. This affidavit is not to be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where the judgment originated.

Substitute Bill Compared to Original Bill: A clarification is added in the substitute bill such that the filing of an affidavit setting forth the filing and expiration date of the judgment in the originating jurisdiction by the judgment creditor or his or her attorney may not be

interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where it originated.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: It is critical that summaries are on the first page; filing and expiration dates are very important to know and different states have different periods for which a judgment is valid. A Washington court may not know if a particular foreign judgment is still enforceable.

Testimony Against: None.

Testified: Terrie Nielsen, WA State Assn. of County Clerks; Pam Daniels, WA State Assn. of County Clerks; Patrick Layman, attorney.