
ENGROSSED HOUSE BILL 3201

State of Washington 58th Legislature 2004 Regular Session

By Representatives Lantz, Morrell, Clibborn and Rockefeller

Read first time 02/14/2004. Referred to .

1 AN ACT Relating to frivolous lawsuits; and amending RCW 4.84.185.

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

3 **Sec. 1.** RCW 4.84.185 and 1991 c 70 s 1 are each amended to read as
4 follows:

5 In any civil action, the court having jurisdiction (~~may~~) shall,
6 upon written findings by the judge that the action, counterclaim,
7 cross-claim, third party claim, or defense was frivolous and advanced
8 without reasonable cause, require the nonprevailing party to pay the
9 prevailing party the reasonable expenses, including fees of attorneys
10 and expert witnesses, incurred in opposing such action, counterclaim,
11 cross-claim, third party claim, or defense. This determination shall
12 be made upon motion by the prevailing party after a voluntary or
13 involuntary order of dismissal, order on summary judgment, final
14 judgment after trial, or other final order terminating the action as to
15 the prevailing party. The judge shall consider all evidence presented
16 at the time of the motion to determine whether the position of the
17 nonprevailing party was frivolous and advanced without reasonable
18 cause. In no event may such motion be filed more than thirty days
19 after entry of the order.

1 The provisions of this section apply unless otherwise specifically
2 provided by statute.

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