
SUBSTITUTE HOUSE BILL 1832

State of Washington

60th Legislature

2007 Regular Session

By House Committee on State Government & Tribal Affairs (originally sponsored by Representatives Hunt, Chandler, Williams, Ormsby and Condotta)

READ FIRST TIME 02/27/07.

1 AN ACT Relating to limitation on actions; and amending RCW
2 42.17.400 and 42.17.410.

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

4 **Sec. 1.** RCW 42.17.400 and 1975 1st ex.s. c 294 s 27 are each
5 amended to read as follows:

6 (1) The attorney general and the prosecuting authorities of
7 political subdivisions of this state may bring civil actions in the
8 name of the state for any appropriate civil remedy, including but not
9 limited to the special remedies provided in RCW 42.17.390.

10 (2) The attorney general and the prosecuting authorities of
11 political subdivisions of this state may investigate or cause to be
12 investigated the activities of any person who there is reason to
13 believe is or has been acting in violation of this chapter, and may
14 require any such person or any other person reasonably believed to have
15 information concerning the activities of such person to appear at a
16 time and place designated in the county in which such person resides or
17 is found, to give such information under oath and to produce all
18 accounts, bills, receipts, books, paper and documents which may be

1 relevant or material to any investigation authorized under this
2 chapter.

3 (3) When the attorney general or the prosecuting authority of any
4 political subdivision of this state requires the attendance of any
5 person to obtain such information or the production of the accounts,
6 bills, receipts, books, papers, and documents which may be relevant or
7 material to any investigation authorized under this chapter, he shall
8 issue an order setting forth the time when and the place where
9 attendance is required and shall cause the same to be delivered to or
10 sent by registered mail to the person at least fourteen days before the
11 date fixed for attendance. Such order shall have the same force and
12 effect as a subpoena, shall be effective statewide, and, upon
13 application of the attorney general or said prosecuting authority,
14 obedience to the order may be enforced by any superior court judge in
15 the county where the person receiving it resides or is found, in the
16 same manner as though the order were a subpoena. The court, after
17 hearing, for good cause, and upon application of any person aggrieved
18 by the order, shall have the right to alter, amend, revise, suspend, or
19 postpone all or any part of its provisions. In any case where the
20 order is not enforced by the court according to its terms, the reasons
21 for the court's actions shall be clearly stated in writing, and such
22 action shall be subject to review by the appellate courts by certiorari
23 or other appropriate proceeding.

24 (4) Any person who has notified the attorney general and the
25 prosecuting attorney in the county in which the violation occurred in
26 writing that there is reason to believe that some provision of this
27 chapter is being or has been violated may himself bring in the name of
28 the state any of the actions (hereinafter referred to as a citizen's
29 action) authorized under this chapter.

30 (a) This citizen action may be brought only if:

31 (i) The attorney general and the prosecuting attorney have failed
32 to commence an action hereunder within forty-five days after such
33 notice (~~and~~);

34 (ii) Such person has thereafter further notified the attorney
35 general and prosecuting attorney that said person will commence a
36 citizen's action within ten days upon their failure so to do(~~and~~);

37 (iii) The attorney general and the prosecuting attorney have in

1 fact failed to bring such action within ten days of receipt of said
2 second notice; and

3 (iv) The citizen's action is filed within two years after the date
4 when the alleged violation occurred.

5 (b) If the person who brings the citizen's action prevails, the
6 judgment awarded shall escheat to the state, but he shall be entitled
7 to be reimbursed by the state of Washington for costs and attorney's
8 fees he has incurred: PROVIDED, That in the case of a citizen's action
9 which is dismissed and which the court also finds was brought without
10 reasonable cause, the court may order the person commencing the action
11 to pay all costs of trial and reasonable attorney's fees incurred by
12 the defendant.

13 (5) In any action brought under this section, the court may award
14 to the state all costs of investigation and trial, including a
15 reasonable attorney's fee to be fixed by the court. If the violation
16 is found to have been intentional, the amount of the judgment, which
17 shall for this purpose include the costs, may be trebled as punitive
18 damages. If damages or trebled damages are awarded in such an action
19 brought against a lobbyist, the judgment may be awarded against the
20 lobbyist, and the lobbyist's employer or employers joined as
21 defendants, jointly, severally, or both. If the defendant prevails, he
22 shall be awarded all costs of trial, and may be awarded a reasonable
23 attorney's fee to be fixed by the court to be paid by the state of
24 Washington.

25 **Sec. 2.** RCW 42.17.410 and 1982 c 147 s 18 are each amended to read
26 as follows:

27 Except as provided in RCW 42.17.400(4)(a)(iv), any action brought
28 under the provisions of this chapter must be commenced within five
29 years after the date when the violation occurred.

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