

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1048

66th Legislature
2019 Regular Session

Passed by the House March 11, 2019
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 16, 2019
Yeas 29 Nays 19

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1048** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1048

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By House Appropriations (originally sponsored by Representatives Goodman, Stokesbary, Jinkins, Macri, Appleton, Wylie, and Chambers)

READ FIRST TIME 02/21/19.

1 AN ACT Relating to modifying the process for prevailing parties
2 to recover judgments in small claims court; amending RCW 12.40.020,
3 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and
4 43.79.505; adding a new section to chapter 12.40 RCW; and repealing
5 RCW 12.40.110.

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

7 **Sec. 1.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each
8 amended to read as follows:

9 (~~((1))~~) A small claims action shall be commenced by the plaintiff
10 filing a claim, in the form prescribed by RCW 12.40.050, in the small
11 claims department. A filing fee of (~~fourteen~~) thirty-five dollars
12 plus any surcharge authorized by RCW 7.75.035 shall be paid when the
13 claim is filed. Any party filing a counterclaim, cross-claim, or
14 third-party claim in such action shall pay to the court a filing fee
15 of (~~fourteen~~) thirty-five dollars plus any surcharge authorized by
16 RCW 7.75.035. Fifty cents of every filing fee shall be deposited into
17 the judicial stabilization trust account created in RCW 43.79.505 and
18 used to fund indigent defense through the office of public defense.
19 Fifty cents of every filing fee shall be deposited into the crime
20 victims' compensation account created in RCW 7.68.045 and used to
21 assist crime victims.

1 (~~(2) Until July 1, 2013, in addition to the fees required by~~
2 ~~this section, an additional surcharge of ten dollars shall be charged~~
3 ~~on the filing fees required by this section, of which seventy-five~~
4 ~~percent must be remitted to the state treasurer for deposit in the~~
5 ~~judicial stabilization trust account and twenty-five percent must be~~
6 ~~retained by the county.))~~

7 **Sec. 2.** RCW 12.40.030 and 1997 c 352 s 1 are each amended to
8 read as follows:

9 Upon filing of a claim, the court shall set a time for hearing on
10 the matter. The court shall issue a notice of the claim which shall
11 be served upon the defendant to notify the defendant of the hearing
12 date. A trial need not be held (~~(on this))~~ at the first
13 (~~(appearance))~~ hearing, if dispute resolution services are offered
14 instead of trial, or local practice rules provide (~~(that trials will~~
15 ~~be held on different days))~~ for a pretrial hearing.

16 **Sec. 3.** RCW 12.40.040 and 1997 c 352 s 2 are each amended to
17 read as follows:

18 The notice of claim (~~(can))~~ may be served either as provided for
19 the service of summons or complaint and notice in civil actions as
20 described in RCW 4.28.080 or by registered or certified mail if a
21 return receipt with the signature of the party being served is filed
22 with the court. No other legal document or process is to be served
23 with the notice of claim. Information from the court regarding the
24 small claims department, local small claims procedure, dispute
25 resolution services, or other matters related to litigation in the
26 small claims department may be included with the notice of claim when
27 served.

28 The notice of claim shall be served promptly after filing the
29 claim. Service must be complete at least ten calendar days prior to
30 the first hearing.

31 The person serving the notice of claim shall be entitled to
32 receive from the plaintiff, besides mileage, the fee specified in RCW
33 36.18.040 for such service; which sum, together with the filing fee
34 set forth in RCW 12.40.020, shall be added to any judgment given for
35 plaintiff.

36 **Sec. 4.** RCW 12.40.050 and 1984 c 258 s 62 are each amended to
37 read as follows:

1 A claim filed in the small claims department shall contain: (1)
2 The name and address of the plaintiff; (2) a sworn statement, in
3 brief and concise form, of the nature and amount of the claim and
4 when the claim accrued; and (3) the name and residence of the
5 defendant, if known to the plaintiff, for the purpose of serving the
6 notice of claim on the defendant.

7 **Sec. 5.** RCW 12.40.105 and 2004 c 70 s 1 are each amended to read
8 as follows:

9 ~~((If the losing party fails to pay the judgment within thirty
10 days or within the period otherwise ordered by the court, the
11 judgment shall be increased by: (1) An amount sufficient to cover
12 costs of certification of the judgment under RCW 12.40.110; (2) the
13 amount specified in RCW 36.18.012(2))~~ (1) Upon the judge's entry of
14 judgment in a small claims action, the judgment is certified as a
15 district court civil judgment and shall be increased by: (a) The
16 amount specified in RCW 36.18.012(2); (b) any post judgment interest
17 provided for in RCW 4.56.110 and 19.52.020; and ((+3+)) (c) any other
18 costs incurred by the prevailing party to enforce the judgment,
19 including but not limited to reasonable attorneys' fees, without
20 regard to the jurisdictional limits on the small claims department.

21 (2) The clerk of the small claims department shall enter the
22 civil judgment on the judgment docket of the district court; and, as
23 in other judgments of district courts, once the judgment is entered
24 on the district court's docket garnishment, execution, and other
25 process on execution provided by law may issue thereon.

26 (3) A certified copy of the district court judgment shall be
27 provided to the prevailing party for no additional fee.

28 (4) The prevailing party may file a transcript of the district
29 court civil judgment or a certified copy of the district court
30 judgment with superior courts for entry in the superior courts' lien
31 dockets with like effect as in other cases.

32 **Sec. 6.** RCW 12.40.120 and 1997 c 352 s 4 are each amended to
33 read as follows:

34 No appeal shall be permitted from a judgment of the small claims
35 department of the district court where the amount claimed was less
36 than two hundred fifty dollars. No appeal shall be permitted by a
37 party who requested the exercise of jurisdiction by the small claims
38 department where the amount claimed by that party was less than one

1 thousand dollars. A party in default may seek to have the default
2 judgment set aside according to the civil court rules applicable to
3 setting aside judgments in district court.

4 NEW SECTION. **Sec. 7.** A new section is added to chapter 12.40
5 RCW to read as follows:

6 If the prevailing party receives payment of the judgment, the
7 prevailing party shall file a satisfaction of such judgment with all
8 courts in which the judgment was filed. If the prevailing party fails
9 to file proof of satisfaction of the judgment, the party paying the
10 judgment may file such notice with all courts in which the judgment
11 was filed.

12 **Sec. 8.** RCW 4.56.200 and 2012 c 133 s 1 are each amended to read
13 as follows:

14 The lien of judgments upon the real estate of the judgment debtor
15 shall commence as follows:

16 (1) Judgments of the district court of the United States rendered
17 or filed in the county in which the real estate of the judgment
18 debtor is situated, from the time of the entry or filing thereof;

19 (2) Judgments of the superior court for the county in which the
20 real estate of the judgment debtor is situated, from the time of the
21 filing by the county clerk upon the execution docket in accordance
22 with RCW 4.64.030;

23 (3) Judgments of the district court of the United States rendered
24 in any county in this state other than that in which the real estate
25 of the judgment debtor to be affected is situated, judgments of the
26 supreme court of this state, judgments of the court of appeals of
27 this state, and judgments of the superior court for any county other
28 than that in which the real estate of the judgment debtor to be
29 affected is situated, from the time of the filing of a duly certified
30 abstract of such judgment with the county clerk of the county in
31 which the real estate of the judgment debtor to be affected is
32 situated, as provided in this act;

33 (4) Judgments of a district court of this state rendered or filed
34 as a foreign judgment in a superior court in the county in which the
35 real estate of the judgment debtor is situated, from the time of the
36 filing of a duly certified district court judgment or duly certified
37 transcript of the docket of the district court with the county clerk
38 of the county in which such judgment was rendered or filed, and upon

1 such filing said judgment shall become to all intents and purposes a
2 judgment of the superior court for said county; and

3 (5) Judgments of a district court of this state rendered or filed
4 in a superior court in any other county in this state than that in
5 which the real estate of the judgment debtor to be affected is
6 situated, a transcript of the docket of which has been filed with the
7 county clerk of the county where such judgment was rendered or filed,
8 from the time of filing, with the county clerk of the county in which
9 the real estate of the judgment debtor to be affected is situated, of
10 a duly certified abstract of the record of said judgment in the
11 office of the county clerk of the county in which the certified
12 transcript of the docket of said judgment of said district court was
13 originally filed.

14 **Sec. 9.** RCW 43.79.505 and 2011 1st sp.s. c 44 s 6 are each
15 amended to read as follows:

16 The judicial stabilization trust account is created within the
17 state treasury, subject to appropriation. All receipts from the
18 surcharges authorized by RCW 3.62.060(2), (~~(12.40.020(2),~~)
19 12.40.020, 36.18.018(4), and 36.18.020(5) shall be deposited in this
20 account. Moneys in the account may be spent only after appropriation.

21 Expenditures from the account may be used only for the support of
22 judicial branch agencies.

23 NEW SECTION. **Sec. 10.** RCW 12.40.110 (Procedure on nonpayment)
24 and 2016 c 202 s 19, 1998 c 52 s 6, 1995 c 292 s 6, 1984 c 258 s 68,
25 1983 c 254 s 3, 1975 1st ex.s. c 40 s 1, 1973 c 128 s 2, & 1919 c 187
26 s 11 are each repealed.

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