

2SSB 5597 - S AMD 1077

By Senator Padden

NOT ADOPTED 02/10/2022

1 On page 8, beginning on line 20, strike all of section 8 and
2 insert the following:

3 **"Sec. 8.** RCW 29A.92.130 and 2018 c 113 s 405 are each amended to
4 read as follows:

5 ~~((1))~~ In any action to enforce this chapter, the court may
6 allow the prevailing ~~((plaintiff or plaintiffs, other than the state~~
7 ~~or political subdivision thereof,))~~ party or parties reasonable
8 attorneys' fees, all nonattorney fee costs as defined by RCW
9 4.84.010, and all reasonable expert witness fees. No fees or costs
10 may be awarded if no action is filed.

11 ~~((2) Prevailing defendants may recover an award of fees or costs~~
12 ~~pursuant to RCW 4.84.185.))~~ "

13 Correct any internal references accordingly.

EFFECT: (1) Authorizes courts to award attorneys' fees, court costs, and witness fees to prevailing defendants in all cases, not solely frivolous claims.

(2) Removes provisions allowing prevailing plaintiffs to recover attorneys' fees and costs incurred before filing the action.

(3) Removes provisions allowing prevailing plaintiffs to recover attorneys' fees and costs if they can demonstrate that they altered the political subdivision's behavior, even if no relief or favorable judgment was obtained.

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