

SENATE BILL 5289

State of Washington

52nd Legislature

1991 Regular Session

By Senators Rasmussen, Nelson, Erwin, Hayner, Thorsness, Hansen, Oke, Craswell and McCaslin.

Read first time January 28, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to attorneys' fees, costs, and expenses awarded
2 against the state; adding a new section to chapter 4.84 RCW; and
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that it is in the
6 interests of the state of Washington to encourage citizens or private
7 entities to pursue the legal rights and remedies available to them and,
8 accordingly, to seek justice by resorting to the courts of this state.
9 The legislature further finds that the state of Washington has
10 virtually unlimited resources to pursue and defend its position in
11 litigation with the citizens and private entities of the state, and
12 that the great power and influence of the state creates a chilling
13 effect which discourages the pursuit or defense of legal rights. The
14 legislature therefore declares that encouragement and facilitation of

1 the rights of citizens to participate in civil legal proceedings in
2 which the state is a party is desirable.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 4.84 RCW
4 to read as follows:

5 In all civil actions, except tort actions, including appeals, in
6 which the state of Washington or a political subdivision is one of the
7 parties, the state or political subdivision shall be liable for payment
8 of reasonable attorneys' fees, costs, and expenses to the prevailing
9 party when the state or political subdivision is not the prevailing
10 party.

11 NEW SECTION. **Sec. 3.** This act shall apply to all actions,
12 except tort actions, including appeals, commenced on or after or
13 pending on January 1, 1992.