

CERTIFICATION OF ENROLLMENT

SENATE BILL 5023

52nd Legislature
1991 Regular Session

Passed by the Senate February 13, 1991
Yeas 48 Nays 0

President of the Senate

Passed by the House April 18, 1991
Yeas 96 Nays 1

**Speaker of the
House of Representatives**

Approved

Governor of the State of Washington

CERTIFICATE

I, Gordon Golob, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5023** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5023

Passed Legislature - 1991 Regular Session

State of Washington 52nd Legislature 1991 Regular Session

By Senators Talmadge and Nelson.

Read first time January 16, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the expense of defending against frivolous court
2 actions; and amending RCW 4.84.185.

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

4 **Sec. 1.** RCW 4.84.185 and 1987 c 212 s 201 are each amended to read
5 as follows:

6 In any civil action, the court having jurisdiction may, upon
7 written findings by the judge that the action, counterclaim,
8 cross-claim, third party claim, or defense was frivolous and advanced
9 without reasonable cause, require the nonprevailing party to pay the
10 prevailing party the reasonable expenses, including fees of attorneys,
11 incurred in opposing such action, counterclaim, cross-claim, third
12 party claim, or defense. This determination shall be made upon motion
13 by the prevailing party after ((an)) a voluntary or involuntary order
14 of dismissal, order on summary judgment, ((or)) final judgment after

1 trial, or other final order terminating the action as to the prevailing
2 party. The judge shall consider all evidence presented at the time of
3 the motion to determine whether the position of the nonprevailing party
4 was frivolous and advanced without reasonable cause. In no event may
5 such motion be filed more than thirty days after entry of the order.
6 (~~The judge shall consider the action, counterclaim, cross claim, third~~
7 ~~party claim, or defense as a whole.~~)

8 The provisions of this section apply unless otherwise specifically
9 provided by statute.