

HOUSE BILL REPORT

SSB 6045

As Passed House
March 3, 1994

Title: An act relating to execution of judgments.

Brief Description: Authorizing an additional ten years for execution of judgments.

Sponsors: Senate Committee on Law & Justice (originally sponsored by Senators A. Smith, Nelson and Haugen).

Brief History:

Reported by House Committee on:
Judiciary, February 25, 1994, DPA.
Passed House, March 3, 1994, 96-0.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass as amended. Signed by 17 members: Representatives Appelwick, Chair; Johanson, Vice Chair; Padden, Ranking Minority Member; Ballasiotes, Assistant Ranking Minority Member; Campbell; Chappell; Eide; Forner; J. Kohl; Long; Morris; H. Myers; Riley; Schmidt; Scott; Tate and Wineberry.

Staff: Bill Perry (786-7123).

Background: The statute of limitations for an action to enforce a judgment is 10 years. This period of limitation was raised from six years to 10 years in 1980.

Several sections of law affect this period of limitation. The general statute of limitations provides that "[a]n action upon a judgment" must be commenced within 10 years. (RCW 4.16.020) A statute covering liens on judgments provides that a judgment is a lien upon the real estate of a judgment debtor "for a period of not to exceed 10 years." (RCW 4.56.190) The statute covering execution on a judgment provides for the "collection or enforcement of the judgment at any time within 10 years from entry of the judgment." (RCW 6.17.020) Other statutes authorize the use of certain supplemental proceedings in connection with execution on a judgment. A supplemental proceeding to examine a judgment debtor and to require the debtor to post a bond may be brought by the judgment creditor "[a]t any time within 10 years after entry of a judgment." (RCW 6.32.010) A

supplemental proceeding to require a judgment debtor to answer interrogatories may be brought by the judgment creditor "[a]t any time, within 10 years after entry of a judgment." (RCW 6.32.015)

A number of other states have adopted periods greater than 10 years for the enforcement of a judgment. Some states allow a judgment creditor to obtain an extension on the period for enforcement of a judgment.

The fee for filing a civil action in Superior Court is \$110. The basic fee for filing a civil action in District Court is \$31.

Summary of Bill: The statutes covering execution on a judgment are amended to allow a judgment creditor to obtain a 10-year extension on an original 10-year period for execution.

In order to get such an extension, the judgment creditor must apply for it within 90 days before the expiration of the original period, and must pay a filing fee equal to the normal civil filing fee.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Many other states have periods longer than 10 years, or allow extensions. The bill will allow a patient creditor a better chance to collect.

Testimony Against: Ten years is long enough. The whole purpose of a period of limitation is to bring certainty and closure to disputes.

Witnesses: Kevin Underwood, Washington Apartment Association (pro); Mark Gjurasic, Washington Apartment Association (pro); and Susan Stanley, Washington State Bar Association, Creditor-Debtor Section (con).