
SUBSTITUTE HOUSE BILL 1412

State of Washington 53rd Legislature 1993 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives R. Meyers, Padden, Dellwo and Scott)

Read first time 02/26/93.

1 AN ACT Relating to prejudgment interest; amending RCW 4.56.110;
2 adding a new section to chapter 4.56 RCW; and creating a new section.

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

4 **Sec. 1.** RCW 4.56.110 and 1989 c 360 s 19 are each amended to read
5 as follows:

6 Interest on judgments shall accrue as follows:

7 (1) Judgments founded on written contracts, providing for the
8 payment of interest until paid at a specified rate, shall bear interest
9 at the rate specified in the contracts: PROVIDED, That said interest
10 rate is set forth in the judgment.

11 (2) All judgments for unpaid child support that have accrued under
12 a superior court order or an order entered under the administrative
13 procedure act shall bear interest at the rate of twelve percent.

14 (3) Except as provided under RCW 19.52.010, 82.32.060, and
15 subsections (1) and (2) of this section, judgments shall bear interest
16 from the date of ((~~entry~~)) notice at the maximum rate permitted under
17 RCW 19.52.020 on the date of ((~~entry thereof~~)) notice: PROVIDED, That
18 in any case where:

1 (a) A court is directed on review to enter judgment on a verdict or
2 in any case where a judgment entered on a verdict is wholly or partly
3 affirmed on review, then interest on the judgment or on that portion of
4 the judgment affirmed shall date back to and shall accrue from the date
5 ((the verdict was rendered)) of notice;

6 (b) Any portion of a claim is paid to a plaintiff or to a third
7 party on behalf of the plaintiff by a defendant prior to the entry of
8 the judgment, then prejudgment interest shall accrue on the amount of
9 the claim paid from the date of notice to the date of payment;

10 (c) At least one hundred and twenty days before trial the judgment
11 debtor has made a written settlement offer that is not accepted by the
12 judgment creditor within thirty days and the offer equals or exceeds
13 the judgment amount, then no prejudgment interest shall accrue on the
14 judgment;

15 (d) Any portion of a judgment is found to be future damages, then
16 no prejudgment interest shall accrue on that portion of the judgment;

17 (e) An established trial date is continued on the motion or request
18 of the plaintiff whether or not the defendant joined in the motion or
19 concurrent with the request, then prejudgment interest shall not be
20 applied during the period of the continuance; and

21 (f) If the judgment amount differs from the amount claimed in the
22 notice, then prejudgment interest shall accrue on the judgment amount.

23 (4) "Date of notice" as used in subsection (3) of this section
24 means:

25 (a) The date a claimant gives written notice of a claim to a
26 potential defendant, which notice may be given by personal service or
27 by registered mail to the potential defendant at the potential
28 defendant's last known address. Written notice of the claim shall
29 include the identification, amount, nature, and elements known at the
30 time of claim; or

31 (b) The date a lawsuit is initiated, either by filing or personal
32 service, if prior written notice of a claim has not otherwise been
33 given to the defendant.

34 NEW SECTION. Sec. 2. A new section is added to chapter 4.56 RCW
35 to read as follows:

1 Any attorney for a plaintiff or claimant shall not receive as
2 compensation any portion of the prejudgment interest awarded under RCW
3 4.56.110(3).

4 NEW SECTION. **Sec. 3.** Section 1 of this act applies to any
5 judgment entered after the effective date of this act.

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