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SENATE BILL 5801

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State of Washington

55th Legislature

1997 Regular Session

By Senator Hargrove

Read first time 02/13/97. Referred to Committee on Government Operations.

1 AN ACT Relating to awards of fees and expenses in judicial review  
2 of agency action; and amending RCW 4.84.350.

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

4 **Sec. 1.** RCW 4.84.350 and 1995 c 403 s 903 are each amended to read  
5 as follows:

6 (1) Except as otherwise specifically provided by statute, a court  
7 shall award a qualified party that prevails in a judicial review of an  
8 agency action fees and other expenses, including reasonable attorneys'  
9 fees, unless the court finds (~~that the agency action was substantially~~  
10 ~~justified or~~)) that circumstances make an award grossly unjust. A  
11 qualified party shall be considered to have prevailed if the qualified  
12 party obtained relief on a significant issue that achieves some benefit  
13 that the qualified party sought.

14 (2) The amount awarded a qualified party under subsection (1) of  
15 this section shall not exceed twenty-five thousand dollars. Subsection  
16 (1) of this section shall not apply unless all parties challenging the  
17 agency action are qualified parties. If two or more qualified parties  
18 join in an action, the award in total shall not exceed twenty-five  
19 thousand dollars. The court, in its discretion, may reduce the amount

1 to be awarded pursuant to subsection (1) of this section, or deny any  
2 award, to the extent that a qualified party during the course of the  
3 proceedings engaged in conduct that unduly or unreasonably protracted  
4 the final resolution of the matter in controversy.

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