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SENATE BILL 5324

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State of Washington

56th Legislature

1999 Regular Session

By Senators Haugen, Rasmussen, Shin, Prentice, Winsley, Costa, Finkbeiner, Franklin, Stevens, Jacobsen and Honeyford

Read first time . Referred to Committee on .

1 AN ACT Relating to expenses for frivolous legal actions; and  
2 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 1991 c 70 s 1 are each amended to read as  
5 follows:

6 (1) Except as provided in subsection (2) of this section, in any  
7 civil action, the court having jurisdiction may, upon written findings  
8 by the judge that the action, counterclaim, cross-claim, third party  
9 claim, or defense was frivolous and advanced without reasonable cause,  
10 require the nonprevailing party to pay the prevailing party the  
11 reasonable expenses, including fees of attorneys, incurred in opposing  
12 such action, counterclaim, cross-claim, third party claim, or defense.  
13 This determination shall be made upon motion by the prevailing party  
14 after a voluntary or involuntary order of dismissal, order on summary  
15 judgment, final judgment after trial, or other final order terminating  
16 the action as to the prevailing party. The judge shall consider all  
17 evidence presented at the time of the motion to determine whether the  
18 position of the nonprevailing party was frivolous and advanced without

1 reasonable cause. In no event may such motion be filed more than  
2 thirty days after entry of the order.

3 (2) In any action against any past or present state legislator  
4 arising from an act or omission made in the exercise of legislative  
5 power, the court having jurisdiction shall find that the action,  
6 counterclaim, cross-claim, third party claim, or defense was frivolous  
7 and advanced without reasonable cause, and require the nonprevailing  
8 party to pay the prevailing party the reasonable expenses, including  
9 fees of attorneys, incurred in opposing such action, counterclaim,  
10 cross-claim, third party claim, or defense. This determination shall  
11 be made upon motion by the prevailing party after a voluntary or  
12 involuntary order of dismissal, order on summary judgment, final  
13 judgment after trial, or other final order terminating the action as to  
14 the prevailing party. In no event may such motion be filed more than  
15 thirty days after entry of the order.

16 (3) The provisions of this section apply unless otherwise  
17 specifically provided by statute.

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