Washington State
House of Representatives
Office of Program Research

BILL ANALYSIS

Judiciary Committee

SB 6317

Title: An act relating to awarding costs to the prevailing party for enforcement of the judgment in small claims cases.

Brief Description: Awarding costs to the prevailing party for enforcement of the judgment in small claims cases.

Sponsors: Senators Kline, McCaslin, Fairley and Winsley.

Brief Summary of Bill

· Requires the court to add collection costs to a judgment in a small claims court case when the losing party fails to timely pay the judgement.

Hearing Date: 2/25/02

Staff: Trudes Hutcheson (786-7384).

Background:

Small claims court is a department within the district court. The small claims court has jurisdiction over cases for the recovery of money if the amount claimed does not exceed $4,000. Proceedings in small claims court are informal. The judge may consult witnesses, investigate the controversy, and give judgment or make orders that the judge finds equitable.

If a monetary judgment is entered in small claims court, the debtor must pay the prevailing party at the time the judgment is entered or pay on a court-approved payment plan. If the judgment is not timely paid, the prevailing party may notify the court. The court must certify the judgment and enter the judgment on the docket in the district court.

If the losing party fails to pay the judgment within 30 days or within the period of the payment plan, the court must increase the judgement by the cost of certifying the judgement and the filing fee.

Summary of Bill:

When the losing party in small claims court fails to pay the judgment within 30 days or the

time allowed by the court, the judgment must be increased for any costs incurred by the prevailing party to enforce the judgment in superior court, including reasonable attorney fees. This is in addition to the costs to certify and file the judgment.

Appropriation: None.

Fiscal Note: Not Requested.

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