

SENATE BILL REPORT

SB 6317

As Passed Senate, February 15, 2002

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 History:

Committee Activity: Judiciary: 1/17/02, 1/28/02 [DP].

Passed Senate: 2/15/02, 47-0.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Kastama, Vice Chair; Costa, Hargrove, Johnson, Long, McCaslin, Poulsen, Roach, Thibaudeau and Zarelli.

Staff: Dick Armstrong (786-7460)

Background: Small claims court is a department of the district court. Small claims court has jurisdiction over cases for the recovery of money where the amount claimed does not exceed \$4,000. An action is commenced in small claims court by filing a claim that contains specified information and paying a filing fee.

The proceedings in the court are informal. The parties may offer evidence and bring witnesses. The judge may consult witnesses and investigate the controversy between the parties, and the judge may give judgment or make orders that the judge finds equitable.

If the losing party fails to pay the judgment within 30 days, the judgment is to be increased by the cost to certify the judgment (\$5) and the \$12 filing fee.

The District and Municipal Court Judges Association is recommending that additional incentives be given to a party that is attempting to collect a judgment that has not been paid in a timely manner.

Summary of Bill: In addition to existing fees granted to a prevailing party to enforce a small claims court judgment in superior court, a court may award the prevailing party costs to enforce the judgment including reasonable attorney's fees.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: Plaintiffs in small claims court usually don't have attorneys to represent them and it is difficult to hire attorneys to enforce a judgment where the usual amount of a judgment is under \$1,000. This bill will provide an incentive to enforce the judgment.

The bill does not impact any of the current procedures in small claims court, but it will help a party to collect on monies owed to him or her.

Testimony Against: None.

Testified: Judge Mike Padden, Spokane District Court; Judge Peter Lukevich, Tukwila District Court.