HOUSE BILL REPORT
SSB 5251

As Passed House:
April 8, 2003

Title: An act relating to foreign judgments.

Brief Description: Modifying foreign judgment provisions.

Sponsors: By Senate Committee on Judiciary (originally sponsored by Senators Brandland, Thibaudeau, Shin and Kline).

Brief History:
Committee Activity:
Judiciary: 4/1/03 [DP].
Floor Activity:
Passed House: 4/8/03, 95-0.

Brief Summary of Substitute Bill

· Requires a foreign judgment's filing and expiration dates under the laws of the originating jurisdiction to be included in the foreign judgment summary and in the affidavit submitted when filing the foreign judgment.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 8 members: Representatives Lantz, Chair; Moeller, Vice Chair; Carrell, Ranking Minority Member; McMahan, Assistant Ranking Minority Member; Campbell, Flannigan, Kirby and Lovick.

Staff: Edie Adams (786-7180).

Background:

When a judgment is rendered in a civil action, the court clerk must enter the judgment in what is called an execution docket, and indicate any amount to be recovered, the relief granted, or other determination in the action. The judgment entry must include a summary of specified information, depending on the type of judgment, and the judgment may not be entered or take effect until the required summary is provided.

If a judgment provides for the payment of money, the judgment summary must include the following information: judgment creditor and his or her attorney; judgment debtor; amount of the judgment; interest owed; and total costs and attorneys' fees.

A "foreign judgment" is a judgment entered in a federal court or another state's court. A foreign judgment may be filed in the court clerk's office in either superior court or district court, if the matter is within the district court's jurisdiction. A foreign judgment that is filed in a superior or district court of this state has the same effect and is treated in the same manner as a judgment of a court of this state. At the time of filing of the foreign judgment, the judgment creditor must file an affidavit with the court clerk that sets forth the name and last known address of the judgment debtor and the judgment creditor.

Summary of Bill:

Foreign judgments are included within the types of judgments for money that must include the specified judgment summary information. The judgment summary required for the entry of a foreign monetary judgment must include the filing and expiration dates of the judgment under the laws of the originating jurisdiction.

When a foreign judgment is filed with the court clerk, the affidavit filed by the judgment creditor must include the filing and expiration date of the judgment in the originating jurisdiction. A statement is made that this provision may not be interpreted to extend the expiration date of a foreign judgment beyond the expiration date under the laws of the jurisdiction where it originated.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill will provide clerks with needed information on the judgment summary relating to foreign judgments. Court clerks handle thousands of judgments per year and many of these involve sizeable monetary judgments that may involve attachment or garnishment. When a foreign judgment is filed in the state, the clerk needs to know the original filing date and expiration date of that judgment in the originating jurisdiction so that the clerk will know whether the judgment is still valid. In Washington a judgment can be extended for 10 years, but other states may have different periods. We need to know how long the foreign judgment runs. It is important for clerks to have this information to avoid mistakes and potential liability.

Testimony Against: None.

Testified: Pam Daniels, Washington State Association of County Clerks and Snohomish County Clerk; and Teri Nielsen, Washington State Association of County Clerks and Cowlitz County Clerk.