
SUBSTITUTE SENATE BILL 6032

State of Washington

58th Legislature

2004 Regular Session

By Senate Committee on Judiciary (originally sponsored by Senators Parlette and McCaslin)

READ FIRST TIME 02/09/04.

1 AN ACT Relating to the liability of a spouse for the acts of the
2 other spouse; and amending RCW 26.16.190.

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

4 **Sec. 1.** RCW 26.16.190 and 1972 ex.s. c 108 s 6 are each amended to
5 read as follows:

6 (1) For all injuries committed by a married person, there shall be
7 no recovery against the separate property of the other spouse except in
8 cases where there would be joint responsibility if the marriage did not
9 exist.

10 (2) Debt incurred during a marriage by one spouse without the
11 knowledge or consent of the other spouse when no community benefit is
12 realized shall not be considered a community debt and is an affirmative
13 defense of the nonconsenting spouse. The burden of proof shall be upon
14 the nonconsenting spouse as to lack of knowledge and benefit. The
15 party seeking to hold the nonconsenting spouse liable has the burden of
16 proof as to all other issues. For the purposes of this section, a debt
17 is any obligation arising out of an express or implied contract.

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