
SUBSTITUTE HOUSE BILL 1359

State of Washington

59th Legislature

2005 Regular Session

By House Committee on Judiciary (originally sponsored by Representatives Darneille, Jarrett, Grant, Appleton, Kirby, Walsh, Kagi, Pettigrew, Lovick, Lantz, Campbell, Fromhold, Haigh, Priest, Kessler, Hinkle, Buck, Ormsby, Upthegrove, Dickerson, McIntire, Chase, McDermott and Holmquist)

READ FIRST TIME 02/15/05.

1 AN ACT Relating to the interest rate on legal financial
2 obligations; and amending RCW 10.82.090 and 4.56.110.

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

4 **Sec. 1.** RCW 10.82.090 and 2004 c 121 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsection (2) of this section, financial
7 obligations imposed in a judgment shall bear interest from the date of
8 the judgment until payment, at the rate applicable to ~~((civil))~~ tort
9 judgments as provided for in RCW 4.56.110(3). All nonrestitution
10 interest retained by the court shall be split twenty-five percent to
11 the state treasurer for deposit in the public safety and education
12 account as provided in RCW 43.08.250, twenty-five percent to the state
13 treasurer for deposit in the judicial information system account as
14 provided in RCW 2.68.020, twenty-five percent to the county current
15 expense fund, and twenty-five percent to the county current expense
16 fund to fund local courts. The rate of interest specified in this
17 subsection applies to the accrual of interest as of the date of entry
18 of judgment with respect to a judgment that is entered on or after the
19 effective date of this act, and applies to the accrual of interest as

1 of the effective date of this act with respect to a judgment that was
2 entered before the effective date of this act and is still accruing
3 interest on the effective date of this act.

4 (2) The court may, on motion by the offender, following the
5 offender's release from total confinement, reduce or waive the interest
6 on legal financial obligations levied as a result of a criminal
7 conviction. The court may reduce or waive the interest only as an
8 incentive for the offender to meet his or her legal financial
9 obligations. The court may not waive the interest on the restitution
10 portion of the legal financial obligation and may only reduce the
11 interest on the restitution portion of the legal financial obligation
12 if the principal of the restitution has been paid in full. The
13 offender must show that he or she has personally made a good faith
14 effort to pay, that the interest accrual is causing a significant
15 hardship, and that he or she will be unable to pay the principal and
16 interest in full and that reduction or waiver of the interest will
17 likely enable the offender to pay the full principal and any remaining
18 interest thereon. For purposes of this section, "good faith effort"
19 means that the offender has either (a) paid the principal amount in
20 full; or (b) made twenty-four consecutive monthly payments, excluding
21 any payments mandatorily deducted by the department of corrections, on
22 his or her legal financial obligations under his or her payment
23 agreement with the court. The court may grant the motion, establish a
24 payment schedule, and retain jurisdiction over the offender for
25 purposes of reviewing and revising the reduction or waiver of interest.
26 This section applies to persons convicted as adults or in juvenile
27 court.

28 **Sec. 2.** RCW 4.56.110 and 2004 c 185 s 2 are each amended to read
29 as follows:

30 Interest on judgments shall accrue as follows:

31 (1) Judgments founded on written contracts, providing for the
32 payment of interest until paid at a specified rate, shall bear interest
33 at the rate specified in the contracts: PROVIDED, That said interest
34 rate is set forth in the judgment.

35 (2) All judgments for unpaid child support that have accrued under
36 a superior court order or an order entered under the administrative
37 procedure act shall bear interest at the rate of twelve percent.

1 (3) Judgments founded on the tortious conduct of individuals or
2 other entities, whether acting in their personal or representative
3 capacities, shall bear interest from the date of entry at two
4 percentage points above the equivalent coupon issue yield, as published
5 by the board of governors of the federal reserve system, of the average
6 bill rate for twenty-six week treasury bills as determined at the first
7 bill market auction conducted during the calendar month immediately
8 preceding the date of entry. In any case where a court is directed on
9 review to enter judgment on a verdict or in any case where a judgment
10 entered on a verdict is wholly or partly affirmed on review, interest
11 on the judgment or on that portion of the judgment affirmed shall date
12 back to and shall accrue from the date the verdict was rendered.

13 (4) Except as provided under subsections (1), (2), and (3) of this
14 section, judgments shall bear interest from the date of entry at the
15 maximum rate permitted under RCW 19.52.020 on the date of entry
16 thereof. In any case where a court is directed on review to enter
17 judgment on a verdict or in any case where a judgment entered on a
18 verdict is wholly or partly affirmed on review, interest on the
19 judgment or on that portion of the judgment affirmed shall date back to
20 and shall accrue from the date the verdict was rendered. ((The method
21 for determining an interest rate prescribed by this subsection is also
22 the method for determining the "rate applicable to civil judgments" for
23 purposes of RCW 10.82.090.))

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