

# SENATE BILL REPORT

## SB 6266

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As Reported by Senate Committee On:  
Financial Institutions, Housing & Insurance, February 3, 2010

**Title:** An act relating to service members' civil relief.

**Brief Description:** Concerning service members' civil relief.

**Sponsors:** Senators Hobbs, Kilmer, Shin and McCaslin.

**Brief History:**

**Committee Activity:** Financial Institutions, Housing & Insurance: 1/27/10, 2/02/10, 2/03/10 [DPS].

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### SENATE COMMITTEE ON FINANCIAL INSTITUTIONS, HOUSING & INSURANCE

**Majority Report:** That Substitute Senate Bill No. 6266 be substituted therefor, and the substitute bill do pass.

Signed by Senators Berkey, Chair; Hobbs, Vice Chair; Benton, Ranking Minority Member; Franklin, McDermott, Parlette and Schoesler.

**Staff:** Alison Mendiola (786-7483)

**Background:** The Washington State Service Members' Civil Relief Act (SCRA) protects Washington State residents who serve in the National Guard or any military reserve component from various civil actions while they are serving their country. Although the federal SCRA provides protections for all military personnel, the Washington State SCRA provides more protections for Washington State residents, specifically National Guard and military reserve personnel.

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Substitute):** The definition of military service is expanded to include a service member who is called to state active duty by the Governor for more than 30 consecutive days.

In civil actions, plaintiffs are required to declare by affidavit whether or not the defendant is a service member which includes those called to state active duty by the Governor for more than 30 consecutive days.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**EFFECT OF CHANGES MADE BY FINANCIAL INSTITUTIONS, HOUSING & INSURANCE COMMITTEE (Recommended Substitute As Passed Committee):** In civil actions, plaintiffs are required to declare by affidavit whether or not the defendant is a service member which includes those called to state active duty by the Governor for more than 30 consecutive days.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony on Proposed Substitute As Heard in Committee:**

PRO: When the National Guard is called up to active duty they are often paid less than when on regular duty. There could be an issue where courts require proof that a defendant is not a service member as there is no state database like there is federally. During the interim we should continue to look at extending the same protections to active duty members.

**Persons Testifying:** PRO: Senator Hobbs, prime sponsor; Adam Torem, Washington State Bar Association, Legal Assistance to Military Personnel Section; Brad Tower, Community Banks of Washington; Greg Luhn, Washington Collectors Association.