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## Judiciary Committee

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### HB 2176

**Title:** An act relating to extending the time to enforce civil judgments for damages caused by impaired drivers.

**Brief Description:** Extending the time to enforce civil judgments for damages caused by impaired drivers.

**Sponsors:** Representatives Goodman, Hope, Dunshee, Kelley and Fitzgibbon.

<p><b>Brief Summary of Bill</b></p> <ul style="list-style-type: none"><li>• Extends the time to enforce civil judgments for damages caused by impaired drivers.</li></ul>
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**Hearing Date:** 1/18/12

**Staff:** Omeara Harrington (786-7136).

**Background:**

There are several kinds of economic damages recoverable for personal injury, including damages for physical pain, various forms of mental suffering and anguish, actual loss of earnings and impairment of earning capacity, medical expenses, physical disability, and other expenses incurred because of the injuries.

Washington's wrongful death statute provides that when the death of a person is caused by the wrongful act of another, his personal representative may maintain an action for damages against the person causing the death. The measure of damages is the actual pecuniary loss suffered by the surviving beneficiaries from the death of their relative, including loss of services, love, affection, care, companionship, and consortium. Washington's special survival statute (also known as the death by personal injury statute) allows the executor or administrator of a decedent's estate to recover the damages the decedent would have been entitled to had they not died, including any pain and suffering between the time of the injury and the time of death.

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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.*

Civil judgments expire 10 years from the date of entry. A party who has been awarded a judgment, or the assignee or current holder of the judgment award, may apply for an extension to the court in which the judgment was rendered within 90 days of expiration of the original 10 year period. The extension gives the party or assignee or current holder an additional 10 years during which an execution, garnishment, or other legal process may be issued. Applications are granted as a matter of right, subject to review only for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amount. With some limited exceptions, no judgment is enforceable for a period exceeding 20 years from the original date of entry.

Certain debts are non-dischargeable in bankruptcy. For instance, fines for violating the law, such as traffic tickets and court-ordered criminal restitution, are non-dischargeable debts. Judgments for damages related to injury caused by a debtor's operation of a motor vehicle while legally intoxicated are also not dischargeable in bankruptcy.

**Summary of Bill:**

An exception is made to the general 10 year statute of limitations for holders of civil judgments for damages for death or personal injury caused by a judgment debtor driving under the influence of alcohol or drugs. At any time before the expiration of the judgment, the judgment creditor (or the assignee or current holder) of a civil judgment for damages awarded under these circumstances may petition the court for an extension of the time limit upon which the judgment creditor can pursue the judgment from the judgment debtor. The court shall grant the petition as a matter of right, subject to review for timeliness, factual issues of full or partial satisfaction, or errors in calculating the judgment summary amount. The court may also review relevant records or documents to determine if the judgment is pursuant to death or personal injury caused by the judgment debtor driving under the influence of alcohol or drugs.

The order granting extension will not contain an expiration date and will specify that the judgment is extended until it is satisfied. A lien based upon an underlying judgment that has been extended under this act continues in force until the judgment is satisfied or the lien is removed, whichever occurs first. The holder of the judgment does not need to seek a 10 year extension before seeking an extension under this act.

Venue is proper in the court that rendered the judgment, or, if a foreign judgment, the court in which the foreign judgment was filed. The petitioner must pay a filing fee equal to the filing fee for initial filing for a civil action in the court. However, this fee is included in the judgment summary and is a recoverable cost.

All applicable judgments currently in effect on or after the effective date of this section are eligible for this extension, aside from judgments that have been satisfied, vacated, or quashed.

**Appropriation:** None.

**Fiscal Note:** Available.

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