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HOUSE BILL 2176

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State of Washington                      62nd Legislature                      2011 2nd Special Session

By Representatives Goodman, Hope, Dunshee, Kelley, and Fitzgibbon

Read first time 12/14/11. Referred to Committee on Judiciary.

1            AN ACT Relating to extending the time to enforce civil judgments  
2 for damages caused by impaired drivers; amending RCW 6.17.020,  
3 4.16.020, 4.56.190, 4.56.210, 6.32.010, 6.32.015, 6.36.025, and  
4 36.18.016; and adding a new section to chapter 6.17 RCW.

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

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 6.17 RCW  
7 to read as follows:

8            (1) After the effective date of this section, a judgment creditor  
9 or the assignee or current holder of a civil judgment for damages for  
10 the death or personal injury caused by the judgment debtor's operation  
11 of a motor vehicle while under the influence of alcohol or any drug may  
12 petition the court for an order granting an extension to execute,  
13 garnish, and have legal process issued upon the judgment. The order  
14 granting an extension shall not specify an expiration date and shall  
15 specify that the judgment is extended until the judgment is satisfied.

16            (2) A petition for an extension under this section may be filed at  
17 any time before the expiration of the judgment. A judgment creditor or  
18 the assignee or current holder of the judgment is not required to seek  
19 a second ten-year extension under RCW 6.17.020 before petitioning the

1 court for an extension under this section as long as the petition for  
2 an extension under this section is submitted before the expiration of  
3 the judgment.

4 (3) The petition shall be filed with the court that rendered the  
5 judgment or, if it is a foreign judgment, to the court where the  
6 foreign judgment was filed. If a district court judgment of this state  
7 is transcribed to a superior court of this state, the original district  
8 court judgment shall not be extended and any petition under this  
9 section to extend the judgment that has been transcribed to superior  
10 court shall be filed in the superior court.

11 (4) The petitioner shall pay to the court a filing fee equal to the  
12 filing fee for filing the first or initial paper in a civil action in  
13 the court. In the case of district court judgments transcribed to  
14 superior court, the filing fee shall be the fee for filing the first or  
15 initial paper in a civil action in the superior court where the  
16 judgment was transcribed.

17 (5)(a) The petition shall be granted as a matter of right, subject  
18 to review for timeliness, factual issues of full or partial  
19 satisfaction, or errors in calculating the judgment summary amounts.

20 (b) If necessary, the court may review any relevant records or  
21 documents to determine if the judgment is a judgment for damages for  
22 the death or personal injury caused by the judgment debtor's operation  
23 of a motor vehicle while under the influence of alcohol or any drug.

24 (6) The order granting the petition shall contain an updated  
25 judgment summary as provided in RCW 4.64.030. The filing fee required  
26 under this section shall be included in the judgment summary and shall  
27 be a recoverable cost.

28 (7) This section applies to all judgments currently in effect on or  
29 after the effective date of this section, unless the judgment has been  
30 satisfied, vacated, or quashed. To this extent, this section applies  
31 retroactively, but in all other aspects it applies prospectively.

32 **Sec. 2.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read  
33 as follows:

34 (1) Except as provided in subsections (2), (3), and (4) of this  
35 section and section 1 of this act, the party in whose favor a judgment  
36 of a court has been or may be filed or rendered, or the assignee or the  
37 current holder thereof, may have an execution, garnishment, or other

1 legal process issued for the collection or enforcement of the judgment  
2 at any time within ten years from entry of the judgment or the filing  
3 of the judgment in this state.

4 (2) After July 23, 1989, a party who obtains a judgment or order of  
5 a court or an administrative order entered as defined in RCW  
6 74.20A.020(6) for accrued child support, or the assignee or the current  
7 holder thereof, may have an execution, garnishment, or other legal  
8 process issued upon that judgment or order at any time within ten years  
9 of the eighteenth birthday of the youngest child named in the order for  
10 whom support is ordered.

11 (3) After June 9, 1994, and except as provided in section 1 of this  
12 act, a party in whose favor a judgment has been filed as a foreign  
13 judgment or rendered pursuant to subsection (1) or (4) of this section,  
14 or the assignee or the current holder thereof, may, within ninety days  
15 before the expiration of the original ten-year period, apply to the  
16 court that rendered the judgment or to the court where the judgment was  
17 filed as a foreign judgment for an order granting an additional ten  
18 years during which an execution, garnishment, or other legal process  
19 may be issued. If a district court judgment of this state is  
20 transcribed to a superior court of this state, the original district  
21 court judgment shall not be extended and any petition under this  
22 section to extend the judgment that has been transcribed to superior  
23 court shall be filed in the superior court within ninety days before  
24 the expiration of the ten-year period of the date the transcript of the  
25 district court judgment was filed in the superior court of this state.  
26 The petitioner shall pay to the court a filing fee equal to the filing  
27 fee for filing the first or initial paper in a civil action in the  
28 court, except in the case of district court judgments transcribed to  
29 superior court, where the filing fee shall be the fee for filing the  
30 first or initial paper in a civil action in the superior court where  
31 the judgment was transcribed. The order granting the application shall  
32 contain an updated judgment summary as provided in RCW 4.64.030. The  
33 filing fee required under this subsection shall be included in the  
34 judgment summary and shall be a recoverable cost. The application  
35 shall be granted as a matter of right, subject to review only for  
36 timeliness, factual issues of full or partial satisfaction, or errors  
37 in calculating the judgment summary amounts.

1 (4) A party who obtains a judgment or order for restitution, crime  
2 victims' assessment, or other court-ordered legal financial obligations  
3 pursuant to a criminal judgment and sentence, or the assignee or the  
4 current holder thereof, may execute, garnish, and/or have legal process  
5 issued upon the judgment or order any time within ten years subsequent  
6 to the entry of the judgment and sentence or ten years following the  
7 offender's release from total confinement as provided in chapter 9.94A  
8 RCW. The clerk of superior court, or a party designated by the clerk,  
9 may seek extension under subsection (3) of this section for purposes of  
10 collection as allowed under RCW 36.18.190, provided that no filing fee  
11 shall be required.

12 (5) "Court" as used in this section includes but is not limited to  
13 the United States supreme court, the United States courts of appeals,  
14 the United States district courts, the United States bankruptcy courts,  
15 the Washington state supreme court, the court of appeals of the state  
16 of Washington, superior courts and district courts of the counties of  
17 the state of Washington, and courts of other states and jurisdictions  
18 from which judgment has been filed in this state under chapter 6.36 or  
19 (~~6.40~~) 6.40A RCW.

20 (6) The perfection of any judgment lien and the priority of that  
21 judgment lien on property as established by RCW 6.13.090 and chapter  
22 4.56 RCW is not altered by the extension of the judgment pursuant to  
23 the provisions of this section or section 1 of this act, and the lien  
24 remains in full force and effect and does not have to be rerecorded  
25 after it is extended. Continued perfection of a judgment that has been  
26 transcribed to other counties and perfected in those counties may be  
27 accomplished after extension of the judgment by filing with the clerk  
28 of the other counties where the judgment has been filed either a  
29 certified copy of the order extending the judgment or a certified copy  
30 of the docket of the matter where the judgment was extended.

31 (7) Except as ordered in section 1 of this act, RCW 4.16.020 (2) or  
32 (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is  
33 enforceable for a period exceeding twenty years from the date of entry  
34 in the originating court. Nothing in this section may be interpreted  
35 to extend the expiration date of a foreign judgment beyond the  
36 expiration date under the laws of the jurisdiction where the judgment  
37 originated.

1 (8) The chapter 261, Laws of 2002 amendments to this section apply  
2 to all judgments currently in effect on June 13, 2002, to all judgments  
3 extended after June 9, 1994, unless the judgment has been satisfied,  
4 vacated, and/or quashed, and to all judgments filed or rendered, or  
5 both, after June 13, 2002.

6 **Sec. 3.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read  
7 as follows:

8 The period prescribed for the commencement of actions shall be as  
9 follows:

10 Within ten years:

11 (1) For actions for the recovery of real property, or for the  
12 recovery of the possession thereof; and no action shall be maintained  
13 for such recovery unless it appears that the plaintiff, his or her  
14 ancestor, predecessor or grantor was seized or possessed of the  
15 premises in question within ten years before the commencement of the  
16 action.

17 (2) For an action upon a judgment or decree of any court of the  
18 United States, or of any state or territory within the United States,  
19 or of any territory or possession of the United States outside the  
20 boundaries thereof, or of any extraterritorial court of the United  
21 States, unless the period is extended under section 1 of this act, RCW  
22 6.17.020, or a similar provision in another jurisdiction.

23 (3) Of the eighteenth birthday of the youngest child named in the  
24 order for whom support is ordered for an action to collect past due  
25 child support that has accrued under an order entered after July 23,  
26 1989, by any of the above-named courts or that has accrued under an  
27 administrative order as defined in RCW 74.20A.020(6), which is issued  
28 after July 23, 1989.

29 **Sec. 4.** RCW 4.56.190 and 2011 c 106 s 4 are each amended to read  
30 as follows:

31 The real estate of any judgment debtor, and such as the judgment  
32 debtor may acquire, not exempt by law, shall be held and bound to  
33 satisfy any judgment of the district court of the United States  
34 rendered in this state and any judgment of the supreme court, court of  
35 appeals, superior court, or district court of this state, and every  
36 such judgment shall be a lien thereupon to commence as provided in RCW

1 4.56.200 and to run for a period of not to exceed ten years from the  
2 day on which such judgment was entered unless the ten-year period is  
3 extended in accordance with section 1 of this act or RCW 6.17.020(3),  
4 or unless the judgment results from a criminal sentence for a crime  
5 that was committed on or after July 1, 2000, in which case the lien  
6 will remain in effect until the judgment is fully satisfied. As used  
7 in this chapter, real estate shall not include the vendor's interest  
8 under a real estate contract for judgments rendered after August 23,  
9 1983. If a judgment debtor owns real estate, subject to execution,  
10 jointly or in common with any other person, the judgment shall be a  
11 lien on the interest of the defendant only.

12 Personal property of the judgment debtor shall be held only from  
13 the time it is actually levied upon.

14 **Sec. 5.** RCW 4.56.210 and 1995 c 75 s 1 are each amended to read as  
15 follows:

16 (1) Except as provided in subsections (2) and (3) of this section,  
17 after the expiration of ten years from the date of the entry of any  
18 judgment heretofore or hereafter rendered in this state, it shall cease  
19 to be a lien or charge against the estate or person of the judgment  
20 debtor. No suit, action or other proceeding shall ever be had on any  
21 judgment rendered in this state by which the lien shall be extended or  
22 continued in force for any greater or longer period than ten years.

23 (2) An underlying judgment or judgment lien entered after the  
24 effective date of this act for accrued child support shall continue in  
25 force for ten years after the eighteenth birthday of the youngest child  
26 named in the order for whom support is ordered. All judgments entered  
27 after the effective date of this act shall contain the birth date of  
28 the youngest child for whom support is ordered.

29 (3)(a) Except as provided in (b) of this subsection, a lien based  
30 upon an underlying judgment continues in force for an additional ten-  
31 year period if the period of execution for the underlying judgment is  
32 extended under RCW 6.17.020.

33 (b) A lien based upon an underlying judgment that has been extended  
34 under section 1 of this act continues in force until the judgment is  
35 satisfied or the lien is removed, whichever occurs first.

1       **Sec. 6.** RCW 6.32.010 and 1994 c 189 s 4 are each amended to read  
2 as follows:

3       At any time within ten years after entry of a judgment for the sum  
4 of twenty-five dollars or over, unless the time is extended in  
5 accordance with section 1 of this act or RCW 6.17.020(3), upon  
6 application by the judgment creditor such court or judge may, by an  
7 order, require the judgment debtor to appear at a specified time and  
8 place before the judge granting the order, or a referee appointed by  
9 the judge, to answer concerning the same; and the judge to whom  
10 application is made under this chapter may, if it is made to appear to  
11 him or her by the affidavit of the judgment creditor, his or her agent  
12 or attorney that there is danger of the debtor absconding, order the  
13 sheriff to arrest the debtor and bring him or her before the judge  
14 granting the order. Upon being brought before the judge, he or she may  
15 be ordered to enter into a bond, with sufficient sureties, that he or  
16 she will attend from time to time before the judge or referee, as shall  
17 be directed, during the pendency of the proceedings and until the final  
18 termination thereof. If the judgment debtor or other persons against  
19 whom the special proceedings are instituted has been served with these  
20 proceedings, the plaintiff shall be entitled to costs of service,  
21 notary fees, and an appearance fee of twenty-five dollars. If the  
22 judgment debtor or other persons fail to answer or appear, the  
23 plaintiff shall additionally be entitled to reasonable attorney fees.  
24 If a plaintiff institutes special proceedings and fails to appear, a  
25 judgment debtor or other person against whom the proceeding was  
26 instituted who appears is entitled to an appearance fee of twenty-five  
27 dollars and reasonable attorney fees.

28       **Sec. 7.** RCW 6.32.015 and 1994 c 189 s 5 are each amended to read  
29 as follows:

30       At any time within ten years after entry of a judgment for a sum of  
31 twenty-five dollars or over, unless the time is extended in accordance  
32 with section 1 of this act or RCW 6.17.020(3), upon application by the  
33 judgment creditor such court or judge may, by order served on the  
34 judgment debtor, require such debtor to answer written interrogatories,  
35 under oath, in such form as may be approved by the court. No such  
36 creditor shall be required to proceed under this section nor shall he

1 or she waive his or her rights to proceed under RCW 6.32.010 by  
2 proceeding under this section.

3 **Sec. 8.** RCW 6.36.025 and 2002 c 261 s 4 are each amended to read  
4 as follows:

5 (1) A copy of any foreign judgment authenticated in accordance with  
6 the act of congress or the statutes of this state may be filed in the  
7 office of the clerk of any superior court of any county of this state.  
8 The clerk shall treat the foreign judgment in the same manner as a  
9 judgment of the superior court of this state. A judgment so filed has  
10 the same effect and is subject to the same procedures, defenses, set-  
11 offs, counterclaims, cross-complaints, and proceedings for reopening,  
12 vacating, staying, or extending as a judgment of a superior court of  
13 this state and may be enforced, extended, or satisfied in like manner.

14 (2) Alternatively, a copy of any foreign judgment (a) authenticated  
15 in accordance with the act of congress or the statutes of this state,  
16 and (b) within the civil jurisdiction and venue of the district court  
17 as provided in RCW 3.66.020, 3.66.030, and 3.66.040, may be filed in  
18 the office of the clerk of any district court of this state. The clerk  
19 shall treat the foreign judgment in the same manner as a judgment of  
20 the district court of this state. A judgment so filed has the same  
21 effect and is subject to the same procedures, defenses, set-offs,  
22 counterclaims, cross-complaints, and proceedings for reopening,  
23 vacating, staying, transcribing, or extending as a judgment of a  
24 district court of this state, and may be enforced, transcribed,  
25 extended, or satisfied in like manner.

26 (3) The lien of any judgment filed under subsection (1) or (2) of  
27 this section shall be governed by chapter 4.56 RCW, section 1 of this  
28 act, and RCW 6.17.020.

29 **Sec. 9.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to read  
30 as follows:

31 (1) Revenue collected under this section is not subject to division  
32 under RCW 36.18.025 or 27.24.070.

33 (2)(a) For the filing of a petition for modification of a decree of  
34 dissolution or paternity, within the same case as the original action,  
35 and any party filing a counterclaim, cross-claim, or third-party claim  
36 in any such action, a fee of thirty-six dollars must be paid.



1 (b) The party filing the first or initial petition for dissolution,  
2 legal separation, or declaration concerning the validity of marriage  
3 shall pay, at the time and in addition to the filing fee required under  
4 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
5 court shall transmit monthly twenty-four dollars of the thirty dollar  
6 fee collected under this subsection to the state treasury for deposit  
7 in the domestic violence prevention account. The remaining six dollars  
8 shall be retained by the county for the purpose of supporting  
9 community-based services within the county for victims of domestic  
10 violence, except for five percent of the six dollars, which may be  
11 retained by the court for administrative purposes.

12 (3)(a) The party making a demand for a jury of six in a civil  
13 action shall pay, at the time, a fee of one hundred twenty-five  
14 dollars; if the demand is for a jury of twelve, a fee of two hundred  
15 fifty dollars. If, after the party demands a jury of six and pays the  
16 required fee, any other party to the action requests a jury of twelve,  
17 an additional one hundred twenty-five dollar fee will be required of  
18 the party demanding the increased number of jurors.

19 (b) Upon conviction in criminal cases a jury demand charge of one  
20 hundred twenty-five dollars for a jury of six, or two hundred fifty  
21 dollars for a jury of twelve may be imposed as costs under RCW  
22 10.46.190.

23 (4) For preparing a certified copy of an instrument on file or of  
24 record in the clerk's office, for the first page or portion of the  
25 first page, a fee of five dollars, and for each additional page or  
26 portion of a page, a fee of one dollar must be charged. For  
27 authenticating or exemplifying an instrument, a fee of two dollars for  
28 each additional seal affixed must be charged. For preparing a copy of  
29 an instrument on file or of record in the clerk's office without a  
30 seal, a fee of fifty cents per page must be charged. When copying a  
31 document without a seal or file that is in an electronic format, a fee  
32 of twenty-five cents per page must be charged. For copies made on a  
33 compact disc, an additional fee of twenty dollars for each compact disc  
34 must be charged.

35 (5) For executing a certificate, with or without a seal, a fee of  
36 two dollars must be charged.

37 (6) For a garnishee defendant named in an affidavit for garnishment  
38 and for a writ of attachment, a fee of twenty dollars must be charged.

- 1 (7) For filing a supplemental proceeding, a fee of twenty dollars  
2 must be charged.
- 3 (8) For approving a bond, including justification on the bond, in  
4 other than civil actions and probate proceedings, a fee of two dollars  
5 must be charged.
- 6 (9) For the issuance of a certificate of qualification and a  
7 certified copy of letters of administration, letters testamentary, or  
8 letters of guardianship, there must be a fee of five dollars.
- 9 (10) For the preparation of a passport application, the clerk may  
10 collect an execution fee as authorized by the federal government.
- 11 (11) For clerk's services such as performing historical searches,  
12 compiling statistical reports, and conducting exceptional record  
13 searches, the clerk may collect a fee not to exceed thirty dollars per  
14 hour.
- 15 (12) For processing ex parte orders, the clerk may collect a fee of  
16 thirty dollars.
- 17 (13) For duplicated recordings of court's proceedings there must be  
18 a fee of ten dollars for each audio tape and twenty-five dollars for  
19 each video tape or other electronic storage medium.
- 20 (14) For registration of land titles, Torrens Act, under RCW  
21 65.12.780, a fee of twenty dollars must be charged.
- 22 (15) For the issuance of extension of judgment under RCW 6.17.020,  
23 section 1 of this act, and chapter 9.94A RCW, a fee of two hundred  
24 dollars must be charged. When the extension of judgment is at the  
25 request of the clerk, the two hundred dollar charge may be imposed as  
26 court costs under RCW 10.46.190.
- 27 (16) A facilitator surcharge of up to twenty dollars must be  
28 charged as authorized under RCW 26.12.240.
- 29 (17) For filing (~~(a water rights statement)~~) an adjudication claim  
30 under RCW 90.03.180, a fee of twenty-five dollars must be charged.
- 31 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
32 fee of thirty-five dollars must be charged.
- 33 (19) For preparation of a change of venue, a fee of twenty dollars  
34 must be charged by the originating court in addition to the per page  
35 charges in subsection (4) of this section.
- 36 (20) A service fee of five dollars for the first page and one  
37 dollar for each additional page must be charged for receiving faxed

1 documents, pursuant to Washington state rules of court, general rule  
2 17.

3 (21) For preparation of clerk's papers under RAP 9.7, a fee of  
4 fifty cents per page must be charged.

5 (22) For copies and reports produced at the local level as  
6 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
7 be charged.

8 (23) Investment service charge and earnings under RCW 36.48.090  
9 must be charged.

10 (24) Costs for nonstatutory services rendered by clerk by authority  
11 of local ordinance or policy must be charged.

12 (25) For filing a request for mandatory arbitration, a filing fee  
13 may be assessed against the party filing a statement of arbitrability  
14 not to exceed two hundred twenty dollars as established by authority of  
15 local ordinance. This charge shall be used solely to offset the cost  
16 of the mandatory arbitration program.

17 (26) For filing a request for trial de novo of an arbitration  
18 award, a fee not to exceed two hundred fifty dollars as established by  
19 authority of local ordinance must be charged.

20 (27) A public agency may not charge a fee to a law enforcement  
21 agency, for preparation, copying, or mailing of certified copies of the  
22 judgment and sentence, information, affidavit of probable cause, and/or  
23 the notice of requirement to register, of a sex offender convicted in  
24 a Washington court, when such records are necessary for risk  
25 assessment, preparation of a case for failure to register, or  
26 maintenance of a sex offender's registration file.

27 (28) For the filing of a will or codicil under the provisions of  
28 chapter 11.12 RCW, a fee of twenty dollars must be charged.

29 (29) For the collection of unpaid legal financial obligations, the  
30 clerk may impose an annual fee of up to one hundred dollars, pursuant  
31 to RCW 9.94A.780.

32 (30) A surcharge of up to twenty dollars may be charged in  
33 dissolution and legal separation actions as authorized by RCW  
34 26.12.260.

35 The revenue to counties from the fees established in this section  
36 shall be deemed to be complete reimbursement from the state for the  
37 state's share of benefits paid to the superior court judges of the

1 state prior to July 24, 2005, and no claim shall lie against the state  
2 for such benefits.

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