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HOUSE BILL 2748

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State of Washington

64th Legislature

2016 Regular Session

By Representatives Griffey, Scott, Manweller, McCaslin, Young, Buys, Holy, and Shea

Read first time 01/20/16. Referred to Committee on Judiciary.

1 AN ACT Relating to the payment of attorneys' fees to  
2 nongovernment parties under certain claims; and amending RCW  
3 4.84.010.

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

5 **Sec. 1.** RCW 4.84.010 and 2009 c 240 s 1 are each amended to read  
6 as follows:

7 (1) The measure and mode of compensation of attorneys and  
8 counselors(~~(7)~~) shall, unless otherwise specified in law, be left to  
9 the agreement, expressed or implied, of the parties, but there shall  
10 be allowed to the prevailing party upon the judgment certain sums for  
11 the prevailing party's expenses in the action, which allowances are  
12 termed costs, including, in addition to costs otherwise authorized by  
13 law, the following expenses:

14 ~~((1))~~ (a) Filing fees;

15 ~~((2))~~ (b) Fees for the service of process by a public officer,  
16 registered process server, or other means, as follows:

17 ~~((a))~~ (i) When service is by a public officer, the recoverable  
18 cost is the fee authorized by law at the time of service.

19 ~~((b))~~ (ii) If service is by a process server registered  
20 pursuant to chapter 18.180 RCW or a person exempt from registration,

1 the recoverable cost is the amount actually charged and incurred in  
2 effecting service;

3 ~~((3))~~ (c) Fees for service by publication;

4 ~~((4))~~ (d) Notary fees, but only to the extent the fees are for  
5 services that are expressly required by law and only to the extent  
6 they represent actual costs incurred by the prevailing party;

7 ~~((5))~~ (e) Reasonable expenses, exclusive of attorneys' fees,  
8 incurred in obtaining reports and records, which are admitted into  
9 evidence at trial or in mandatory arbitration in superior or district  
10 court, including but not limited to medical records, tax records,  
11 personnel records, insurance reports, employment and wage records,  
12 police reports, school records, bank records, and legal files;

13 ~~((6))~~ (f) Statutory attorney and witness fees; and

14 ~~((7))~~ (g) To the extent that the court or arbitrator finds that  
15 it was necessary to achieve the successful result, the reasonable  
16 expense of the transcription of depositions used at trial or at the  
17 mandatory arbitration hearing: PROVIDED, That the expenses of  
18 depositions shall be allowed on a pro rata basis for those portions  
19 of the depositions introduced into evidence or used for purposes of  
20 impeachment.

21 (2)(a) In an action brought by a nongovernment party for judicial  
22 review of an administrative action or decision, when the  
23 nongovernment party proves beyond a reasonable doubt that a  
24 government party has knowingly acted contrary to law, the court shall  
25 order the government party to pay costs and attorneys' fees to the  
26 nongovernment party.

27 (b) For purposes of this subsection (2), "government party"  
28 includes the state and all state agencies, counties, cities, special  
29 districts, municipal corporations, and their agencies.

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