
SENATE BILL 5175

State of Washington 65th Legislature 2017 Regular Session

By Senators Padden, Pedersen, and Warnick

Read first time 01/16/17. Referred to Committee on Law & Justice.

1 AN ACT Relating to modifying the process for prevailing parties
2 to recover judgments in small claims court; amending RCW 12.40.020,
3 12.40.030, 12.40.040, 12.40.050, 12.40.105, 12.40.120, and 43.79.505;
4 adding a new section to chapter 12.40 RCW; and repealing RCW
5 12.40.110.

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

7 **Sec. 1.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each
8 amended to read as follows:

9 ~~((1))~~ A small claims action shall be commenced by the plaintiff
10 filing a claim, in the form prescribed by RCW 12.40.050, in the small
11 claims department. A filing fee of ~~((fourteen))~~ thirty-four dollars
12 plus any surcharge authorized by RCW 7.75.035 shall be paid when the
13 claim is filed. Any party filing a counterclaim, cross-claim, or
14 third-party claim in such action shall pay to the court a filing fee
15 of ~~((fourteen))~~ thirty-four dollars plus any surcharge authorized by
16 RCW 7.75.035.

17 ~~((2) Until July 1, 2013, in addition to the fees required by
18 this section, an additional surcharge of ten dollars shall be charged
19 on the filing fees required by this section, of which seventy-five
20 percent must be remitted to the state treasurer for deposit in the~~

1 ~~judicial stabilization trust account and twenty five percent must be~~
2 ~~retained by the county.))~~

3 **Sec. 2.** RCW 12.40.030 and 1997 c 352 s 1 are each amended to
4 read as follows:

5 Upon filing of a claim, the court shall set a time for hearing on
6 the matter. The court shall issue a notice of the claim which shall
7 be served upon the defendant to notify the defendant of the hearing
8 date. A trial need not be held ~~((on this))~~ at the first
9 ~~((appearance))~~ hearing, if dispute resolution services are offered
10 instead of trial, or local practice rules provide ~~((that trials will~~
11 ~~be held on different days))~~ for a pretrial hearing.

12 **Sec. 3.** RCW 12.40.040 and 1997 c 352 s 2 are each amended to
13 read as follows:

14 The notice of claim ~~((can))~~ may be served either as provided for
15 the service of summons or complaint and notice in civil actions as
16 described in RCW 4.28.080 or by registered or certified mail if a
17 return receipt with the signature of the party being served is filed
18 with the court. No other legal document or process is to be served
19 with the notice of claim. Information from the court regarding the
20 small claims department, local small claims procedure, dispute
21 resolution services, or other matters related to litigation in the
22 small claims department may be included with the notice of claim when
23 served.

24 The notice of claim shall be served promptly after filing the
25 claim. Service must be complete at least ten calendar days prior to
26 the first hearing.

27 The person serving the notice of claim shall be entitled to
28 receive from the plaintiff, besides mileage, the fee specified in RCW
29 36.18.040 for such service; which sum, together with the filing fee
30 set forth in RCW 12.40.020, shall be added to any judgment given for
31 plaintiff.

32 **Sec. 4.** RCW 12.40.050 and 1984 c 258 s 62 are each amended to
33 read as follows:

34 A claim filed in the small claims department shall contain: (1)
35 The name and address of the plaintiff; (2) a sworn statement, in
36 brief and concise form, of the nature and amount of the claim and
37 when the claim accrued; and (3) the name and residence of the

1 defendant, if known to the plaintiff, for the purpose of serving the
2 notice of claim on the defendant.

3 **Sec. 5.** RCW 12.40.105 and 2004 c 70 s 1 are each amended to read
4 as follows:

5 ~~((If the losing party fails to pay the judgment within thirty
6 days or within the period otherwise ordered by the court, the
7 judgment shall be increased by: (1) An amount sufficient to cover
8 costs of certification of the judgment under RCW 12.40.110; (2) the
9 amount specified in RCW 36.18.012(2))~~ (1) Upon the judge's entry of
10 judgment in a small claims action, the judgment is certified as a
11 district court civil judgment and shall be increased by: (a) The
12 amount specified in RCW 36.18.012(2); (b) any post judgment interest
13 provided for in RCW 4.56.110 and 19.52.020; and ((+3+)) (c) any other
14 costs incurred by the prevailing party to enforce the judgment,
15 including but not limited to reasonable attorneys' fees, without
16 regard to the jurisdictional limits on the small claims department.

17 (2) The clerk of the small claims department shall enter the
18 civil judgment on the judgment docket of the district court; and, as
19 in other judgments of district courts, once the judgment is entered
20 on the district court's docket garnishment, execution, and other
21 process on execution provided by law may issue thereon.

22 (3) A certified copy of the district court judgment shall be
23 provided to the prevailing party for no additional fee.

24 (4) The prevailing party may file a transcript of the district
25 court civil judgment or a certified copy of the district court
26 judgment with superior courts for entry in the superior courts' lien
27 dockets with like effect as in other cases.

28 **Sec. 6.** RCW 12.40.120 and 1997 c 352 s 4 are each amended to
29 read as follows:

30 No appeal shall be permitted from a judgment of the small claims
31 department of the district court where the amount claimed was less
32 than two hundred fifty dollars. No appeal shall be permitted by a
33 party who requested the exercise of jurisdiction by the small claims
34 department where the amount claimed by that party was less than one
35 thousand dollars. A party in default may seek to have the default
36 judgment set aside according to the civil court rules applicable to
37 setting aside judgments in district court.

1 NEW SECTION. **Sec. 7.** A new section is added to chapter 12.40
2 RCW to read as follows:

3 If the prevailing party receives payment of the judgment, the
4 prevailing party shall file a satisfaction of such judgment with the
5 district court. If the prevailing party fails to file proof of
6 satisfaction of the judgment, the party paying the judgment may file
7 such notice with the district court.

8 **Sec. 8.** RCW 43.79.505 and 2011 1st sp.s. c 44 s 6 are each
9 amended to read as follows:

10 The judicial stabilization trust account is created within the
11 state treasury, subject to appropriation. All receipts from the
12 surcharges authorized by RCW 3.62.060(2), (~~(12.40.020(2),)~~)
13 36.18.018(4), and 36.18.020(5) shall be deposited in this account.
14 Moneys in the account may be spent only after appropriation.

15 Expenditures from the account may be used only for the support of
16 judicial branch agencies.

17 NEW SECTION. **Sec. 9.** RCW 12.40.110 (Procedure on nonpayment)
18 and 2016 c 202 s 19, 1998 c 52 s 6, 1995 c 292 s 6, 1984 c 258 s 68,
19 1983 c 254 s 3, 1975 1st ex.s. c 40 s 1, 1973 c 128 s 2, & 1919 c 187
20 s 11 are each repealed.

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