

**2SHB 1048 - S AMD 647**

By Senator Padden

**NOT ADOPTED 04/16/2019**

1 Strike everything after the enacting clause and insert the  
2 following:

3  
4 **"Sec. 1.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each  
5 amended to read as follows:

6 ((~~1~~)) A small claims action shall be commenced by the plaintiff  
7 filing a claim, in the form prescribed by RCW 12.40.050, in the small  
8 claims department. A filing fee of (~~fourteen~~) fifteen dollars plus  
9 any surcharge authorized by RCW 7.75.035 shall be paid when the claim  
10 is filed. Any party filing a counterclaim, cross-claim, or third-party  
11 claim in such action shall pay to the court a filing fee of  
12 (~~fourteen~~) fifteen dollars plus any surcharge authorized by RCW  
13 7.75.035. Fifty cents of every filing fee shall be deposited into the  
14 judicial stabilization trust account created in RCW 43.79.505 and used  
15 to fund indigent defense through the office of public defense. Fifty  
16 cents of every filing fee shall be deposited into the crime victims'  
17 compensation account created in RCW 7.68.045 and used to assist crime  
18 victims.

19 (~~(2) Until July 1, 2013, in addition to the fees required by this~~  
20 ~~section, an additional surcharge of ten dollars shall be charged on~~  
21 ~~the filing fees required by this section, of which seventy five~~  
22 ~~percent must be remitted to the state treasurer for deposit in the~~  
23 ~~judicial stabilization trust account and twenty five percent must be~~  
24 ~~retained by the county.))~~

25  
26 **Sec. 2.** RCW 12.40.030 and 1997 c 352 s 1 are each amended to read  
27 as follows:

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

8  
9 **Sec. 3.** RCW 12.40.040 and 1997 c 352 s 2 are each amended to read  
10 as follows:

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

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

24 The person serving the notice of claim shall be entitled to  
25 receive from the plaintiff, besides mileage, the fee specified in RCW  
26 36.18.040 for such service; which sum, together with the filing fee  
27 set forth in RCW 12.40.020, shall be added to any judgment given for  
28 plaintiff.

29  
30 **Sec. 4.** RCW 12.40.050 and 1984 c 258 s 62 are each amended to read  
31 as follows:

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

1 claim accrued; and (3) the name and residence of the defendant, if  
2 known to the plaintiff, for the purpose of serving the notice of claim  
3 on the defendant.

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

7 ~~((If the losing party fails to pay the judgment within thirty days  
8 or within the period otherwise ordered by the court, the judgment  
9 shall be increased by: (1) An amount sufficient to cover costs of  
10 certification of the judgment under RCW 12.40.110; (2) the amount  
11 specified in RCW 36.18.012(2)))~~ (1) At any time after the judge's  
12 entry of judgment in a small claims action, the judgment shall be  
13 certified as a district court civil judgment upon the payment of an  
14 amount sufficient to cover the costs of certification.

15 (2) The judgment shall be increased by: (a) The costs of  
16 certifying the judgment as provided in subsection (1) of this section;  
17 (b) the amount specified in RCW 36.18.012(2); (c) any post judgment  
18 interest provided for in RCW 4.56.110 and 19.52.020; and ~~((+3))~~ (d)  
19 any other costs incurred by the prevailing party to enforce the  
20 judgment, including but not limited to reasonable attorneys' fees,  
21 without regard to the jurisdictional limits on the small claims  
22 department.

23 (3) The clerk of the small claims department shall enter the civil  
24 judgment on the judgment docket of the district court; and, as in  
25 other judgments of district courts, once the judgment is entered on  
26 the district court's docket garnishment, execution, and other process  
27 on execution provided by law may issue thereon.

28 (4) A certified copy of the district court judgment shall be  
29 provided to the prevailing party for no additional fee.

30 (5) The prevailing party may file a transcript of the district  
31 court civil judgment or a certified copy of the district court  
32 judgment with superior courts for entry in the superior courts' lien  
33 dockets with like effect as in other cases.

34

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

3       No appeal shall be permitted from a judgment of the small claims  
4 department of the district court where the amount claimed was less  
5 than two hundred fifty dollars. No appeal shall be permitted by a  
6 party who requested the exercise of jurisdiction by the small claims  
7 department where the amount claimed by that party was less than one  
8 thousand dollars. A party in default may seek to have the default  
9 judgment set aside according to the civil court rules applicable to  
10 setting aside judgments in district court.

11  
12       NEW SECTION. **Sec. 7.** A new section is added to chapter 12.40 RCW  
13 to read as follows:

14       If the prevailing party receives payment of the judgment, the  
15 prevailing party shall file a satisfaction of such judgment with all  
16 courts in which the judgment was filed. If the prevailing party fails  
17 to file proof of satisfaction of the judgment, the party paying the  
18 judgment may file such notice with all courts in which the judgment  
19 was filed.

20  
21       **Sec. 8.** RCW 4.56.200 and 2012 c 133 s 1 are each amended to read  
22 as follows:

23       The lien of judgments upon the real estate of the judgment debtor  
24 shall commence as follows:

25       (1) Judgments of the district court of the United States rendered  
26 or filed in the county in which the real estate of the judgment debtor  
27 is situated, from the time of the entry or filing thereof;

28       (2) Judgments of the superior court for the county in which the  
29 real estate of the judgment debtor is situated, from the time of the  
30 filing by the county clerk upon the execution docket in accordance  
31 with RCW 4.64.030;

32       (3) Judgments of the district court of the United States rendered  
33 in any county in this state other than that in which the real estate  
34 of the judgment debtor to be affected is situated, judgments of the

1 supreme court of this state, judgments of the court of appeals of this  
2 state, and judgments of the superior court for any county other than  
3 that in which the real estate of the judgment debtor to be affected is  
4 situated, from the time of the filing of a duly certified abstract of  
5 such judgment with the county clerk of the county in which the real  
6 estate of the judgment debtor to be affected is situated, as provided  
7 in this act;

8 (4) Judgments of a district court of this state rendered or filed  
9 as a foreign judgment in a superior court in the county in which the  
10 real estate of the judgment debtor is situated, from the time of the  
11 filing of a duly certified district court judgment or duly certified  
12 transcript of the docket of the district court with the county clerk  
13 of the county in which such judgment was rendered or filed, and upon  
14 such filing said judgment shall become to all intents and purposes a  
15 judgment of the superior court for said county; and

16 (5) Judgments of a district court of this state rendered or filed  
17 in a superior court in any other county in this state than that in  
18 which the real estate of the judgment debtor to be affected is  
19 situated, a transcript of the docket of which has been filed with the  
20 county clerk of the county where such judgment was rendered or filed,  
21 from the time of filing, with the county clerk of the county in which  
22 the real estate of the judgment debtor to be affected is situated, of  
23 a duly certified abstract of the record of said judgment in the office  
24 of the county clerk of the county in which the certified transcript of  
25 the docket of said judgment of said district court was originally  
26 filed.

27

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

30 The judicial stabilization trust account is created within the  
31 state treasury, subject to appropriation. All receipts from the  
32 surcharges authorized by RCW 3.62.060(2), 12.40.020(~~(+2)~~),  
33 36.18.018(4), and 36.18.020(5) shall be deposited in this account.  
34 Moneys in the account may be spent only after appropriation.

1 Expenditures from the account may be used only for the support  
2 of judicial branch agencies.

3  
4 NEW SECTION. **Sec. 10.** RCW 12.40.110 (Procedure on nonpayment)  
5 and 2016 c 202 s 19, 1998 c 52 s 6, 1995 c 292 s 6, 1984 c 258 s 68,  
6 1983 c 254 s 3, 1975 1st ex.s. c 40 s 1, 1973 c 128 s 2, & 1919 c  
7 187 s 11 are each repealed."

8  
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11  
12 On page 1, line 2 of the title, after "court;", strike the  
13 remainder of the title and insert "amending RCW 12.40.020, 12.40.030,  
14 12.40.040, 12.40.050, 12.40.105, 12.40.120, 4.56.200, and 43.79.505;  
adding a new section to chapter 12.40 RCW; and repealing RCW  
12.40.110."

EFFECT: Reduces the filing fee for a small claims court action  
to \$15 and allows the prevailing party to pay the additional \$20 if  
and when the prevailing party wishes to have the judgment certified  
as a district court civil judgement.

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