
Civil Rights & Judiciary Committee

HB 2295

Brief Description: Concerning enforcement of small claims court judgments.

Sponsors: Representatives Goodman and Griffey.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Provides that the prevailing party in a small claims action may not enforce a judgment for 30 days from the date of entry unless otherwise ordered by the court.
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Hearing Date: 1/15/20

Staff: Cece Clynych (786-7195).

Background:

Small Claims Court Judgments.

In every district court, there is a small claims department with jurisdiction in cases for the recovery of money only if the amount claimed does not exceed: (1) \$10,000 in cases brought by a natural person (defined as a human being); or (2) \$5,000 in all other cases. Attorneys and paralegals are excluded from appearing or participating in a small claims suit unless granted permission by the judge.

Upon the judge's entry of judgment in a small claims action, the judgment is certified as a district court civil judgment, and the clerk of the small claims department is directed to enter the civil judgment on the judgment docket of the district court. A certified copy of the district court judgment is provided to the prevailing party. As with other judgments of district courts, once the judgment is entered on the district court's docket, garnishment, execution, and other process on execution may issue. In addition, the prevailing party may file a transcript of the district court civil judgment or a certified copy of the district court judgment in superior court for entry in the lien dockets.

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.

If the prevailing party receives payment of the judgment, that party must file a satisfaction of judgment with all courts in which the judgment was filed. If the prevailing party fails to file a satisfaction of judgment, the party paying the judgment may do so.

Enforcement of Judgments.

A creditor may seek enforcement of a debt owed by a debtor through execution, attachment, or garnishment of the debtor's property. Execution is the process for enforcing a court judgment for the payment of money or property by levying on the judgment debtor's property. Attachment is a process that allows a plaintiff in a court action to ask the court to attach the defendant's property during the pendency of the action as security for satisfaction of a judgment that may be rendered in favor of the plaintiff. Garnishment allows a creditor to reach a debtor's property that is held by a third person, such as a bank or an employer.

Generally, a judgment may be enforced for a period of 10 years from the date of judgment, and for an additional 10 years if the judgment is extended within 90 days of the end of the initial 10-year period. All real and personal property of a judgment debtor is subject to execution to satisfy the judgment, unless the property is exempt from execution.

Summary of Bill:

Unless otherwise ordered by the court, a prevailing party may not enforce a small claims judgment for 30 days from the date of entry.

Appropriation: None.

Fiscal Note: Not requested.

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