

# SENATE BILL REPORT

## SHB 2295

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As of February 26, 2020

**Title:** An act relating to enforcement of small claims court judgments.

**Brief Description:** Concerning enforcement of small claims court judgments.

**Sponsors:** House Committee on Civil Rights & Judiciary (originally sponsored by Representatives Goodman, Griffey, Irwin and Wylie).

**Brief History:** Passed House: 2/19/20, 98-0.

**Committee Activity:** Law & Justice: 2/24/20.

### Brief Summary of Bill

- Delays execution of a small claims judgment for 30 days after its entry on the district court docket.
- Permits the prevailing party to file the judgment with the superior court lien docket after 30 days.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Staff:** Tim Ford (786-7423)

**Background:** Small claims court is a department of the district court. The hearing and disposition of a small claims court action are informal and generally the parties may not be represented by attorneys without permission from a judge. The parties may offer evidence through witness testimony, and the judge may informally consult witnesses or otherwise investigate the controversy. The hearing and disposition of small claims court actions shall be informal, with the sole object of dispensing speedy and quick justice between the litigants.

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. Once the judgment is entered on the district court's docket it may be executed. Judgment is executed typically by serving notice of the judgment on the losing party, followed by garnishment to collect upon the judgment. In addition, the prevailing party may file a transcript of the district court civil

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judgment or a certified copy of the district court judgment in superior court in order to obtain a lien on property to collect upon the judgment.

**Summary of Bill:** After a small claims judgment is entered on the district court judgment docket the losing party has 30 days to pay the judgment before the prevailing party may execute the judgement by service and garnishment. If the losing party fails to pay the judgment within 30 days, the prevailing party may file the judgment with the superior court in order to obtain a lien and collect upon the judgment.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Last year we enacted small claims court reforms to increase the dollar amount that could be litigated, and also a one step for fees. The one thing we forgot is an appeal right. This bill creates a 30 day delay so the losing party may appeal the judgment.

This bill re-establishes a 30 day delay period which was allowed under the prior law.

**Persons Testifying:** PRO: Representative Roger Goodman, Prime Sponsor; Paul Wohl, District and Municipal Court Judges Association.

**Persons Signed In To Testify But Not Testifying:** No one.