
SUBSTITUTE SENATE BILL 6053

State of Washington

66th Legislature

2020 Regular Session

By Senate Labor & Commerce (originally sponsored by Senators Conway, Keiser, Stanford, Kuderer, and Saldaña)

READ FIRST TIME 01/29/20.

1 AN ACT Relating to establishing wage liens; amending RCW
2 36.18.016 and 49.48.086; adding new sections to chapter 43.24 RCW;
3 adding a new chapter to Title 60 RCW; and providing an effective
4 date.

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

6 NEW SECTION. **Sec. 1.** This act may be known and cited as the
7 Washington wage recovery act.

8 NEW SECTION. **Sec. 2.** The definitions in this section apply
9 throughout this chapter unless the context clearly requires
10 otherwise.

11 (1) "Department" means the department of labor and industries.

12 (2) "Director" means the director of labor and industries.

13 (3) "Employ" includes permit to work.

14 (4) "Employee" includes any individual currently or formerly
15 employed by an employer.

16 (5) "Employer" includes any individual, partnership, association,
17 corporation, business trust, or any person or group of persons acting
18 directly or indirectly in the interest of an employer in relation to
19 an employee.

1 (6) "Maintain" includes to maintain, clean, manage, improve,
2 protect, repair, monitor, or restore real property at the instance of
3 the owner or tenant or of any person acting by the owner's or
4 tenant's authority.

5 (7) "Wage claim" means a claim for any unpaid wages owed to the
6 claimant as an employee of an employer, as well as any other
7 compensation, interest, statutory damages, liquidated damages, or
8 statutory penalties that may be owed for violation of a state or
9 federal wage law, including but not limited to chapters 39.12, 49.12,
10 49.46, 49.48, and 49.52 RCW, and the fair labor standards act, 29
11 U.S.C. Sec. 201 et seq.

12 NEW SECTION. **Sec. 3.** (1)(a) A person has a wage lien for wage
13 claims on:

14 (i) Any property in the state of Washington that is owned or is
15 subsequently acquired by the person's employer;

16 (ii) Any property in the state of Washington that is owned or is
17 subsequently acquired by an officer, vice principal, or agent of the
18 employer who is personally liable for a wage claim under RCW
19 49.52.070; and

20 (iii) Any real property in the state of Washington that the
21 person has maintained, for all wage claims for maintenance of that
22 property.

23 (b) A person does not have a wage lien under this chapter on any
24 property that is or would be subject to a lien by that person under
25 chapter 60.04 RCW.

26 (c) A wage lien is effective against the estate of the employer.

27 (2) A wage lien is not effective against:

28 (a) With respect to goods as defined in RCW 62A.9A-102, a buyer
29 in the ordinary course of business, as such term is defined in RCW
30 62A.1-201(b) (9);

31 (b) Third persons who, prior to the filing of the wage lien
32 notice required under this chapter, acquired title in good faith, for
33 value and without actual notice of the wage lien, to property other
34 than goods; or

35 (c) The interest in real property of any person, who, prior to
36 the filing of the wage lien notice required under this chapter, was a
37 grantee under a recorded instrument conveying such interest, provided
38 such person acquired the interest in good faith, for value, and
39 without actual notice of the wage lien. A wage lien that is not

1 effective against any person pursuant to this subsection is
2 ineffective against the heirs, successors, or assigns of such person.

3 (3) Chapter 62A.9A RCW of the uniform commercial code does not
4 apply to a wage lien on personal property under this chapter.

5 (4) A person, other than a consumer as defined in RCW 62A.1-201,
6 who controls or possesses amounts payable to the employer that are
7 not health-care-insurance receivables as defined in chapter 62A.9A
8 RCW, and that are properly encumbered by a wage lien upon an account
9 receivable, is not obligated to pay a lien claimant amounts to which
10 the wage lien has attached until that person receives written notice
11 of such lien, nor is the person liable to the lien claimant for any
12 amounts paid out prior to receipt of notice of the wage lien. The
13 notice required must state that the amount due or to become due has
14 been assigned by operation of this chapter and that payment is to be
15 made to the lien claimant, and it must contain the information
16 described in section 4 of this act. After receipt of the notice, the
17 person responsible for payment of such amounts may discharge its
18 obligation by paying the lien claimant and may not discharge the
19 obligation by paying the employer. If requested by the person
20 responsible for payment of such amounts, the lien claimant must,
21 within a reasonable time, furnish reasonable proof that the wage lien
22 continues to exist, and unless such proof is furnished, that person
23 has no obligation to pay the lien claimant and may discharge its
24 obligation by paying the employer. A written, signed statement from
25 the employee that the wages that form the basis for the wage lien
26 have not been paid in the time after filing the wage lien constitutes
27 "reasonable proof" for this purpose. Failure to furnish any notice as
28 provided in this section does not affect the status of the wage lien
29 established under this chapter in regard to the relationship with
30 other creditors.

31 (5) This chapter does not affect the ownership or title in
32 personal or real property of the state or other public entity or
33 public ownership, nor does any lien attach to the fee simple title of
34 the state or other public ownership.

35 NEW SECTION. **Sec. 4.** (1) To establish a wage lien on real
36 property, the lien claimant must:

37 (a) File for recording a notice of claim of wage lien in the
38 county where the property is located that includes:

1 (i) The name, telephone number, and address of the lien claimant
2 and, if the wage lien has been assigned, the name of the person who
3 assigned the lien;

4 (ii) The name of the employer;

5 (iii) The street address, legal description, and parcel number of
6 the real property to be charged with the wage lien;

7 (iv) The name of the owner or reputed owner of the property, if
8 known, and if not known, a statement saying the name of the owner is
9 not known;

10 (v) The amount for which the wage lien is claimed;

11 (vi) The signature of the lien claimant or of a person authorized
12 to act on his or her behalf; and

13 (vii) An acknowledgment and certification as set forth in
14 subsection (4) of this section;

15 (b) Pay a filing fee to the county auditor as required by RCW
16 36.18.010; and

17 (c) Mail a copy of the notice filed under this subsection (1) to
18 the employer's registered agent, the employer's registered business
19 address, or the address where the employer resides, and to the
20 property owner if known and if the employer is not the property
21 owner, by certified mail with return receipt requested.

22 (2) To establish a wage lien on personal property, other than a
23 vehicle or vessel, the lien claimant must:

24 (a) File for recording a notice of claim of wage lien with the
25 department of licensing that includes:

26 (i) The name, telephone number, and address of the lien claimant
27 and, if the wage lien has been assigned, the name of the person who
28 assigned the lien;

29 (ii) The name of the employer;

30 (iii) A description of the personal property subject to the wage
31 lien or a statement that the wage lien covers all personal property;

32 (iv) The name of the owner or reputed owner of the property, if
33 known, and if not known, a statement saying the name of the owner is
34 not known;

35 (v) The principal amount for which the wage lien is claimed;

36 (vi) The signature of the lien claimant or of a person authorized
37 to act on his or her behalf; and

38 (vii) An acknowledgment and certification as set forth in
39 subsection (4) of this section;

1 (b) Pay a filing fee established by the department of licensing.
2 All receipts from fees collected under this subsection shall be
3 deposited into the department of licensing wage lien account created
4 under section 19 of this act. Moneys in the fund may be spent only
5 after appropriation and may be used only to administer the wage lien
6 filings in this subsection; and

7 (c) Mail a copy of the notice filed under this subsection (2) to
8 the employer's registered agent, the employer's registered business
9 address, or the address where the employer resides, by certified mail
10 with return receipt requested.

11 (3) To establish a wage lien on a vehicle or vessel, the lien
12 claimant must:

13 (a) File for recording a notice of claim of wage lien with the
14 department of licensing that includes:

15 (i) The name, telephone number, and address of the lien claimant
16 and, if the wage lien has been assigned, the name of the person who
17 assigned the lien;

18 (ii) The name of the employer;

19 (iii) A description of the vehicle or vessel subject to the wage
20 lien and the vehicle identification number or hull identification
21 number of the vehicle or vessel;

22 (iv) The name of the registered or legal owner or reputed owner
23 of the property, if known, and if not known, a statement saying the
24 name of the owner is not known;

25 (v) The principal amount for which the wage lien is claimed;

26 (vi) The signature of the lien claimant or of a person authorized
27 to act on his or her behalf; and

28 (vii) An acknowledgment and certification as set forth in
29 subsection (4) of this section;

30 (b) Pay a filing fee to the department of licensing as required
31 under RCW 46.17.005; and

32 (c) Mail a copy of the notice filed under this subsection to the
33 employer's registered agent, the employer's registered business
34 address, or the address where the employer resides, by certified mail
35 with return receipt requested.

36 (4) A notice of claim of wage lien, acknowledgment, and
37 certificate that is substantially in the following form is sufficient
38 to satisfy subsection (1)(a) of this section, provided it complies
39 with the formatting requirements of RCW 65.04.045 (1)(a) and (b),
40 (2), and (3). A notice of claim of wage lien, acknowledgment, and

1 certificate that is substantially in the following form is sufficient
2 to satisfy subsections (2)(a) and (3)(a) of this section, provided it
3 also complies with any requirements created by the department under
4 section 18 of this act.

5 When Recorded Return to:

6 CLAIM OF WAGE LIEN

7, claimant, vs., name of person indebted to
8 claimant:

9 Notice is hereby given that the claimant named below asserts a
10 wage lien pursuant to chapter 60.--- RCW (the new chapter created in
11 section 21 of this act). In support of this wage lien the following
12 information is submitted:

13 1. NAME OF LIEN CLAIMANT:

14 TELEPHONE NUMBER:

15 ADDRESS:

16 2. NAME OF EMPLOYER:

17 3. DESCRIPTION OF THE PROPERTY AGAINST WHICH A WAGE LIEN IS
18 CLAIMED (If real property, state the street address, legal
19 description, and parcel number. If personal property, provide
20 information that will reasonably describe the property, or statement
21 that the wage lien covers all personal property. If a vehicle or
22 vessel, the vehicle identification number or hull identification
23 number of the vehicle or vessel):

24

25

26

27

28 4. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not
29 known, state "Unknown")

30

31 5. PRINCIPAL AMOUNT FOR WHICH THE WAGE LIEN IS CLAIMED IS:

32

1 6. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE
2 AND STATE THE NAME OF THE ASSIGNOR:
3

4 7. IF THE PERSON SIGNING THIS CLAIM OF WAGE LIEN IS NOT THE
5 CLAIMANT, BUT IS AUTHORIZED TO ACT ON THE CLAIMANT'S BEHALF, STATE
6 THE PERSON'S NAME AND REPRESENTATIVE CAPACITY:

7 NAME:

8 REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;
9 attorney or agent; representative of lien filing service;
10 administrator, representative, or agent of trustees of employee
11 benefit plan):
12

13 ACKNOWLEDGMENT

14 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

15 STATE OF WASHINGTON, COUNTY OF

16, ss.

17, being sworn, says: I,(name of
18 person)., am the claimant. I have read the foregoing claim of
19 wage lien, believe the claim of wage lien to be true and correct
20 under penalty of perjury, and believe the claim of wage lien is not
21 frivolous, is made with reasonable cause, and is not clearly
22 excessive. The foregoing claim of wage lien is my free and voluntary
23 act for the uses and purposes stated therein.

24Dated:

25

26

27

28 (Signature)

29 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

1 STATE OF WASHINGTON, COUNTY OF

2, ss.

3, being sworn, says: I, . . .(name of person). . ., am
4 authorized to act on behalf of the claimant. I have read the
5 foregoing claim of wage lien, believe the claim of wage lien to be
6 true and correct under penalty of perjury, and believe the claim of
7 wage lien is not frivolous, is made with reasonable cause, and is not
8 clearly excessive. The foregoing claim of wage lien is the free and
9 voluntary act of the claimant for the uses and purposes stated
10 therein.

11Dated:.

12

13

14

15 (Signature)

16 CERTIFICATE

17 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

18 I certify that I know or have satisfactory evidence that . . .
19 (name of person) . . . is the person who appeared before me, and said
20 person acknowledged that he/she signed this instrument and
21 acknowledged it to be his/her free and voluntary act for the uses and
22 purposes mentioned in the instrument.

23Dated:.

24

25

26

27 (Signature)

28 (Seal or stamp)

29 Title.

1 My appointment.
2 Expires.

3 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

4 I certify that I know or have satisfactory evidence that . . .
5 (name of person) . . . is the person who appeared before me, and said
6 person acknowledged that he/she signed this instrument, on oath
7 stated that he/she was authorized to execute the instrument and
8 acknowledged it as the . . . (type of authority, e.g., officer or
9 employee, etc.) . . . of . . . (name of party on behalf of whom
10 instrument was executed) . . . to be the free and voluntary act of
11 such party for the uses and purposes mentioned in the instrument.

12 Dated:.
13
14
15 (Signature)

16 (Seal or Stamp)

17 Title.
18 My appointment.
19 Expires.

20 (5) (a) For a notice of claim of wage lien on real property filed
21 under this section, the notice must comply with the recording
22 standards in chapter 65.04 RCW and the county auditor shall record
23 the notice in the same manner as deeds and other instruments of title
24 are recorded under chapter 65.08 RCW. Notices of claim of wage lien
25 for registered land need not be recorded in the Torrens register.

26 (b) For a notice of claim of wage lien on personal property,
27 including vehicles and vessels, filed under this section, the
28 department of licensing shall record the notice.

29 (6) The notice of claim of wage lien must be filed within a
30 period of two years from when the wages were first due.

31 (7) Mistakes or errors in the claimed amount owed do not
32 invalidate the wage lien unless made with the intent to defraud.

1 (8) A wage lien under this chapter continues in all identifiable
2 proceeds of the property subject to the wage lien.

3 NEW SECTION. **Sec. 5.** Any wage lien or right of wage lien
4 created by this chapter and the right of action to recover the wage
5 lien is assignable so as to vest in the assignee all rights and
6 remedies of the assignor, subject to all defenses thereto that might
7 be made.

8 NEW SECTION. **Sec. 6.** (1) After a wage claim affecting title to
9 real property has been commenced in any court, but no later than
10 eight months after the recording of the wage lien, the wage claimant
11 or the claimant's assignee must file with the auditor of each county
12 in which the property is situated a notice of the pendency of the
13 wage claim, containing:

14 (a) The names of the parties and assignees, if any;

15 (b) The object of the action;

16 (c) A description of the real property located within that
17 county; and

18 (d) The name of the court where the action was filed and the
19 cause number for the action.

20 (2) The county auditor must index the notice in a manner similar
21 to the auditor practice for indexing a notice of lis pendens filed
22 under RCW 4.28.320 or 4.28.325.

23 (3) The filing of the notice under subsection (1) of this section
24 is constructive notice to a purchaser or encumbrancer of the
25 property, and every subsequent purchaser or encumbrancer, and is
26 bound by all proceedings taken after the filing of the notice to the
27 same extent as if he or she were a party to the action.

28 (4) The court in which the action was commenced may, at its
29 discretion, at any time after the action is settled, discontinued, or
30 abated, with notice and on a showing of good cause, order the notice
31 canceled by the county auditor, and such cancellation shall be
32 evidenced by the recording of the court order.

33 (5) If a wage claim is filed with an administrative agency of a
34 local government, that agency must file a notice under the provisions
35 of this section, using a substantially similar form.

36 (6) If a wage claim is filed with the department, the department
37 must file a notice under the provisions of this section, using a
38 substantially similar form.

1 NEW SECTION. **Sec. 7.** (1) A wage lien may be judicially
2 foreclosed by an action in:

3 (a) For real property, a superior court in any county in this
4 state, or in United States district court for any district in the
5 state of Washington when the action is brought by the United States
6 department of labor;

7 (b) For personal property, a district court of this state if the
8 value of the claim does not exceed the jurisdictional limit of the
9 district court provided in RCW 3.66.020; or

10 (c) For personal property, a superior court of this state if the
11 value of the claim exceeds the jurisdictional limit of the district
12 court provided in RCW 3.66.020.

13 (2) Except as provided in subsection (4) of this section, an
14 action to foreclose the wage lien must be filed within eight months
15 of the date the wage lien was recorded.

16 (3) If the claimant has instituted an action in a court of this
17 state for the wage claim that is the subject of the wage lien, and
18 that court is the court authorized by subsection (1) of this section
19 to foreclose on the lien, that action shall be deemed an action to
20 foreclose on the property subject to the lien.

21 (4) (a) If the claimant receives a judgment on a wage claim from a
22 federal, state, or municipal court, the judgment establishes the
23 amount owed for the purposes of foreclosure under this chapter.

24 (b) If the claimant receives a judgment on a wage claim from a
25 federal, state, or municipal court, that is not authorized to
26 adjudicate the foreclosure of the claimant's wage lien, a separate
27 action to foreclose the wage lien must be filed within ninety days of
28 the date of that court's judgment. The entry of such a judgment shall
29 not revive a wage lien that has been extinguished pursuant to section
30 9 of this act.

31 (5) (a) A final and binding assessment of wages owed by the
32 department or by any local agency with authority to adjudicate wage
33 claims establishes the amount owed for the purposes of foreclosure
34 under this chapter.

35 (b) A wage lien may also be foreclosed by:

36 (i) The department using the department's collection procedures
37 under RCW 49.48.086 when the claimant has pursued a wage claim in an
38 administrative proceeding and a final and binding citation and notice
39 of assessment has been issued;

1 (ii) The claimant if a final and binding citation and notice of
2 assessment has been issued by the department and the claimant has
3 timely notified the department that the claimant will pursue
4 foreclosure action on his or her own, without the department's
5 assistance; or

6 (iii) An administrative agency of a local government.

7 (c) The foreclosure pursuant to this subsection by the claimant
8 of a wage lien affecting real property must be commenced by the
9 filing of an action in superior court in the county where the real
10 property is located within ninety days of the date the department's
11 citation and notice of assessment becomes final and binding.

12 (d) The extinguishment of a wage lien pursuant to section 9 of
13 this act shall not preclude the department from using the collection
14 procedures under RCW 49.48.086.

15 (6) A foreclosure action may be brought by the employee
16 individually, the department, an administrative agency of a local
17 government, the United States department of labor, the office of the
18 attorney general, or a representative of the employee, including a
19 collective bargaining representative or class representative.
20 Multiple wage claims against the same employer may be joined in a
21 single proceeding, but the court may order separate trials or
22 hearings.

23 (7) In the judgment resulting from an action to foreclose on the
24 wage lien, the court may order the sale at sheriff's auction or the
25 transfer to the lien claimant of title or possession of any property
26 subject to the wage lien. Whether or not the court makes such an
27 order as part of the judgment, a writ of sale may be issued for any
28 property subject to the wage lien for ten years after a judgment for
29 a wage claim is issued. A wage lien based on an underlying judgment
30 continues in force for an additional ten-year period if the period of
31 execution for the underlying judgment is extended under RCW 6.17.020.

32 (8) In an action to foreclose on a wage lien on a vehicle or
33 vessel, the lien claimant must comply with the requirements of
34 subsection (1) of this section and any other requirements of the
35 department of licensing regarding transferring title and taking
36 ownership of the vehicle or vessel.

37 (9) A lien claimant who prevails in a foreclosure action is
38 entitled to costs and reasonable attorneys' fees.

1 NEW SECTION. **Sec. 8.** (1) The lien provided by this chapter, for
2 which claims of lien have been recorded, may be foreclosed and
3 enforced as provided under section 7 of this act. The court shall
4 have the power to order the sale of the property. In any action
5 brought to foreclose a lien, the owner shall be joined as a party.
6 The interest in the real property of any person who, prior to the
7 commencement of the action, has a recorded interest in the property,
8 or any part thereof, shall not be foreclosed or affected unless they
9 are joined as a party.

10 (2) A person shall not begin an action to foreclose a lien upon
11 any property while a prior action begun to foreclose another lien on
12 the same property is pending, but if not made a party plaintiff or
13 defendant to the prior action, he or she may apply to the court to be
14 joined as a party thereto, and his or her lien may be foreclosed in
15 the same action. The filing of such application shall toll the
16 running of the period of limitation until disposition of the
17 application or other time set by the court.

18 (3) The court shall grant the application for joinder unless to
19 do so would create an undue delay or cause hardship which cannot be
20 cured by the imposition of costs or other conditions as the court
21 deems just.

22 (4) If a lien foreclosure action is filed during the pendency of
23 another such action, the court may, on its own motion or the motion
24 of any party, consolidate actions upon such terms and conditions as
25 the court deems just, unless to do so would create an undue delay or
26 cause hardship which cannot be cured by the imposition of costs or
27 other conditions. If consolidation of actions is not permissible
28 under this chapter, the lien foreclosure action filed during the
29 pendency of another such action shall not be dismissed if the filing
30 was the result of mistake, inadvertence, surprise, excusable neglect,
31 or irregularity. An action to foreclose a lien shall not be dismissed
32 at the instance of a plaintiff therein to the prejudice of another
33 party to the suit who claims a lien.

34 NEW SECTION. **Sec. 9.** (1) A wage lien is extinguished:

35 (a) If an action for the underlying wage claim is not brought
36 within eight months of the date the wage lien was recorded or if the
37 notice required by section 6 of this act was not recorded within
38 eight months of the date the wage lien was recorded;

1 (b) If the action for the underlying wage claim is dismissed with
2 prejudice and no appeal is filed within the applicable appeals
3 period. If an appeal is filed, the wage lien continues in force until
4 final judgment is rendered; or

5 (c) Upon payment and acceptance of payment for the employee's
6 wage claim.

7 (2)(a) When the wage lien has been extinguished, the lien
8 claimant shall, within fifteen days, file a release of the wage lien
9 at the place where the wage lien was recorded and pay a filing fee
10 established by the agency where the notice is filed. If a lien
11 claimant fails to file a release of the wage lien, upon demand and
12 fifteen days' notice by the employer or any affected party, mailed to
13 the lien claimant's address as indicated on the notice of the wage
14 lien by certified mail with return receipt requested, the employer or
15 affected party may petition the court for an order releasing the wage
16 lien. If the lien claimant acted unreasonably and in bad faith in
17 refusing to file a release of the wage lien, the employer or affected
18 party shall be entitled to recover its attorneys' fees and costs
19 incurred in the action, and the court in its discretion may also
20 issue a fine not to exceed one thousand dollars.

21 (b) The release must include:

22 (i) The name, telephone number, address, and relationship to the
23 wage lien of the person filing the notice;

24 (ii) The name, telephone number, and address of the lien
25 claimant;

26 (iii) The name of the employer;

27 (iv) A description of the property subject to the wage lien;

28 (v) The amount for which the wage lien was claimed;

29 (vi) The signature of the lien claimant, the lien claimant's
30 assignor, or a person authorized to act on the lien claimant's
31 behalf;

32 (vii) A certified acknowledgment as set forth in subsection (4)
33 of this section; and

34 (viii) The reference number of the original or amended wage lien.

35 (3) The person filing the release must mail a copy of the release
36 to the person against whom the lien claim was made by first-class
37 mail within ten days of filing the notice.

38 (4)(a) A release of wage lien on real property must comply with
39 the recording standards established in RCW 65.04.045 and the county

1 auditor shall record the release in the same manner as deeds and
2 other instruments of title are recorded under chapter 65.08 RCW.

3 (b) A release of wage lien substantially in the following form is
4 sufficient, provided it complies with the formatting requirements of
5 RCW 65.04.045 (1)(a) and (b), (2), and (3):

6 When Recorded Return to:

7 RELEASE OF WAGE LIEN

8, claimant, vs., name of person indebted to
9 claimant:

10 Notice is hereby given that the wage lien described below is
11 released.

12 1. NAME OF PERSON FILING RELEASE:

13 RECORDED LIEN NUMBER IF THE LIEN WAS RECORDED AGAINST REAL
14 PROPERTY:

15 TELEPHONE NUMBER:

16 ADDRESS:

17 RELATIONSHIP TO WAGE LIEN (lien claimant, representative of lien
18 claimant, assignee of lien claimant):

19 IF THE PERSON SIGNING THIS NOTICE IS NOT THE CLAIMANT, BUT IS
20 AUTHORIZED TO ACT ON BEHALF OF THE CLAIMANT, STATE THE PERSON'S NAME
21 AND REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;
22 attorney or agent; representative of lien filing service;
23 administrator, representative, or agent of trustees of employee
24 benefit plan):
25

26 2. NAME OF LIEN CLAIMANT:

27 TELEPHONE NUMBER:

28 ADDRESS:

29 3. NAME OF EMPLOYER:

1 4. DESCRIPTION OF THE PERSONAL PROPERTY AGAINST WHICH THE LIEN IS
2 CLAIMED OR FOR A LIEN ON REAL PROPERTY: (1) THE REFERENCE NUMBER OF
3 PREVIOUSLY FILED LIEN, (2) AN ABBREVIATED LEGAL DESCRIPTION OF THE
4 PROPERTY AS DESCRIBED IN RCW 65.04.045, AND (3) THE PARCEL NUMBER OF
5 THE REAL PROPERTY:
6
7
8
9

10 5. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not
11 known, state "Unknown").
12
13
14

15 6. AMOUNT OF WAGE LIEN CLAIM:

16 ACKNOWLEDGMENT

17 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

18 STATE OF WASHINGTON, COUNTY OF

19, ss.

20, being sworn, says: I, . . . (name of person) . . ., am
21 the (claimant/assignee of the claimant). I have read the foregoing
22 release of wage lien and believe the notice to be true and correct
23 under penalty of perjury.

24 Dated:

25

26

27 (Signature)

28 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

29 STATE OF WASHINGTON, COUNTY OF

30, ss.

1, being sworn, says: I, . . . (name of person) . . ., am
2 authorized to act on behalf of (claimant/assignee of the claimant). I
3 have read the foregoing release of wage lien and believe the notice
4 to be true and correct under penalty of perjury.

5 Dated:
6
7
8 (Signature)

9 CERTIFICATE

10 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

11 I certify that I know or have satisfactory evidence that . . .
12 (name of person) . . . is the person who appeared before me, and said
13 person acknowledged that he/she signed this instrument and
14 acknowledged it to be his/her free and voluntary act for the uses and
15 purposes mentioned in the instrument.

16 Dated:
17
18
19 (Signature)

20 (Seal or stamp)

21 Title
22 My appointment
23 Expires

24 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

25 I certify that I know or have satisfactory evidence that . . .
26 (name of person) . . . is the person who appeared before me, and said
27 person acknowledged that he/she signed this instrument, on oath
28 stated that he/she was authorized to execute the instrument and

1 acknowledged it as the . . . (type of authority, e.g., officer or
2 employee, etc.) . . . of . . . (name of party on behalf of whom
3 instrument was executed) . . . to be the free and voluntary act of
4 such party for the uses and purposes mentioned in the instrument.

5 Dated:

6

7

8 (Signature)

9 (Seal or stamp)

10 Title.

11 My appointment.

12 Expires.

13 NEW SECTION. **Sec. 10.** A wage lien recorded pursuant to this
14 chapter shall be prior to any security interest, lien, mortgage, deed
15 of trust, or other encumbrance that attached to the property after,
16 or was unrecorded at the time, such wage lien was recorded. A wage
17 lien recorded pursuant to this chapter shall be subject and
18 subordinate to any prior perfected security interest, lien, mortgage,
19 deed of trust, or other encumbrance.

20 NEW SECTION. **Sec. 11.** A contract between an employer and
21 employee may not waive or require an employee to waive the right to a
22 wage lien under this chapter. A provision of a contract made in
23 violation of this section is void as against the public policy of
24 this state.

25 NEW SECTION. **Sec. 12.** The claim of wage lien, when filed as
26 required by this chapter, constitutes notice to the spouse or the
27 domestic partner of the person who appears on record to be the owner
28 of the property sought to be charged with the wage lien, and subjects
29 all the community interest of both spouses or both domestic partners
30 to the wage lien.

1 NEW SECTION. **Sec. 13.** (1) Any owner of real or personal
2 property subject to a recorded claim of lien under this chapter, or
3 lender or another lien claimant who believes the claim of lien to be
4 frivolous and made without reasonable cause or clearly excessive, may
5 apply by motion to the appropriate court, as specified under section
6 7 of this act, for the county where the property or some part thereof
7 is located, for an order directing the lien claimant to appear before
8 the court at a time no earlier than six nor later than fifteen days
9 following the date of service of the application and order on the
10 lien claimant, and show cause, if any he or she has, why the relief
11 requested should not be granted. The motion shall state the grounds
12 upon which relief is asked, and shall be supported by the affidavit
13 of the applicant or his or her attorney setting forth a concise
14 statement of the facts upon which the motion is based.

15 (2) The order shall clearly state that if the lien claimant fails
16 to appear at the time and place noted the lien shall be released,
17 with prejudice, and that the lien claimant shall be ordered to pay
18 the costs requested by the applicant including reasonable attorneys'
19 fees.

20 (3) If no action to foreclose the lien claim has been filed, the
21 clerk of the court shall assign a cause number to the application and
22 obtain from the applicant a filing fee pursuant to RCW 36.18.016(18).
23 If an action has been filed to foreclose the lien claim, the
24 application shall be made a part of that action.

25 (4) If, following a hearing on the matter, the court determines
26 that the lien is frivolous and made without reasonable cause, or
27 clearly excessive, the court shall issue an order releasing the lien
28 if frivolous and made without reasonable cause, or reducing the lien
29 if clearly excessive, and awarding costs and reasonable attorneys'
30 fees to the applicant to be paid by the lien claimant. If the court
31 determines that the lien is not frivolous and was made with
32 reasonable cause, and is not clearly excessive, the court shall issue
33 an order so stating and awarding costs and reasonable attorneys' fees
34 to the lien claimant to be paid by the applicant.

35 (5) Proceedings under this section shall not affect other rights
36 and remedies available to the parties.

37 NEW SECTION. **Sec. 14.** (1) Any owner of real property subject to
38 a recorded claim of lien under this chapter, or contractor,
39 subcontractor, lender, or another lien claimant who disputes the

1 correctness or validity of the claim of lien may record, either
2 before or after the commencement of an action to enforce the lien, in
3 the office of the county recorder or auditor in the county where the
4 claim of lien was recorded, a bond issued by a surety company
5 authorized to issue surety bonds in the state. The surety shall be
6 listed in the latest federal department of the treasury list of
7 surety companies acceptable on federal bonds, published in the
8 federal register, as authorized to issue bonds on United States
9 government projects with an underwriting limitation, including
10 applicable reinsurance, equal to or greater than the amount of the
11 bond to be recorded. The bond shall contain a description of the
12 claim of lien and real property involved, and be in an amount equal
13 to the greater of five thousand dollars or two times the amount of
14 the lien claimed if it is ten thousand dollars or less, and in an
15 amount equal to or greater than one and one-half times the amount of
16 the lien if it is in excess of ten thousand dollars. If the claim of
17 lien affects more than one parcel of real property and is segregated
18 to each parcel, the bond may be segregated the same as in the claim
19 of lien.

20 (2) A separate bond shall be required for each claim of lien made
21 by separate claimants. However, a single bond may be used to
22 guarantee payment of amounts claimed by more than one claim of lien
23 by a single claimant so long as the amount of the bond meets the
24 requirements of this section as applied to the aggregate sum of all
25 claims by such claimant.

26 (3) The condition of the bond shall be to guarantee payment of
27 any judgment upon the lien in favor of the lien claimant entered in
28 any action to recover the amount claimed in a claim of lien, or on
29 the claim asserted in the claim of lien.

30 (4) The effect of recording a bond shall be to release the real
31 property described in the notice of claim of lien from the lien and
32 any action brought to recover the amount claimed. Unless otherwise
33 prohibited by law, if no action is commenced to recover on a lien
34 within the time specified in section 9 of this act, the surety shall
35 be discharged from liability under the bond. If an action is timely
36 commenced, then on payment of any judgment entered in the action or
37 on payment of the full amount of the bond to the holder of the
38 judgment, whichever is less, the surety shall be discharged from
39 liability under the bond.

1 (5) Nothing in this section shall in any way prohibit or limit
2 the use of other methods, devised by the affected parties to secure
3 the obligation underlying a claim of lien and to obtain a release of
4 real property from a claim of lien.

5 NEW SECTION. **Sec. 15.** This chapter is to be liberally construed
6 to provide security for all persons intended to be protected by its
7 provisions.

8 **Sec. 16.** RCW 36.18.016 and 2018 c 36 s 7 are each amended to
9 read as follows:

10 (1) Revenue collected under this section is not subject to
11 division under RCW 36.18.025 or 27.24.070.

12 (2)(a) For the filing of a petition for modification of a decree
13 of dissolution or paternity, within the same case as the original
14 action, and any party filing a counterclaim, cross-claim, or third-
15 party claim in any such action, a fee of thirty-six dollars must be
16 paid.

17 (b) The party filing the first or initial petition for
18 dissolution, legal separation, or declaration concerning the validity
19 of marriage shall pay, at the time and in addition to the filing fee
20 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk
21 of the superior court shall transmit monthly forty-eight dollars of
22 the fifty-four dollar fee collected under this subsection to the
23 state treasury for deposit in the domestic violence prevention
24 account. The remaining six dollars shall be retained by the county
25 for the purpose of supporting community-based domestic violence
26 services within the county, except for five percent of the six
27 dollars, which may be retained by the court for administrative
28 purposes. On or before December 15th of each year, the county shall
29 report to the department of social and health services revenues
30 associated with this section and community-based domestic violence
31 services expenditures. The department of social and health services
32 shall develop a reporting form to be utilized by counties for uniform
33 reporting purposes.

34 (3)(a) The party making a demand for a jury of six in a civil
35 action shall pay, at the time, a fee of one hundred twenty-five
36 dollars; if the demand is for a jury of twelve, a fee of two hundred
37 fifty dollars. If, after the party demands a jury of six and pays the
38 required fee, any other party to the action requests a jury of

1 twelve, an additional one hundred twenty-five dollar fee will be
2 required of the party demanding the increased number of jurors.

3 (b) Upon conviction in criminal cases a jury demand charge of one
4 hundred twenty-five dollars for a jury of six, or two hundred fifty
5 dollars for a jury of twelve may be imposed as costs under RCW
6 10.46.190.

7 (4) For preparing a certified copy of an instrument on file or of
8 record in the clerk's office, for the first page or portion of the
9 first page, a fee of five dollars, and for each additional page or
10 portion of a page, a fee of one dollar must be charged. For
11 authenticating or exemplifying an instrument, a fee of two dollars
12 for each additional seal affixed must be charged. For preparing a
13 copy of an instrument on file or of record in the clerk's office
14 without a seal, a fee of fifty cents per page must be charged. When
15 copying a document without a seal or file that is in an electronic
16 format, a fee of twenty-five cents per page must be charged. For
17 copies made on a compact disc, an additional fee of twenty dollars
18 for each compact disc must be charged.

19 (5) For executing a certificate, with or without a seal, a fee of
20 two dollars must be charged.

21 (6) For a garnishee defendant named in an affidavit for
22 garnishment and for a writ of attachment, a fee of twenty dollars
23 must be charged.

24 (7) For filing a supplemental proceeding, a fee of twenty dollars
25 must be charged.

26 (8) For approving a bond, including justification on the bond, in
27 other than civil actions and probate proceedings, a fee of two
28 dollars must be charged.

29 (9) For the issuance of a certificate of qualification and a
30 certified copy of letters of administration, letters testamentary, or
31 letters of guardianship, there must be a fee of five dollars.

32 (10) For the preparation of a passport application, the clerk may
33 collect an execution fee as authorized by the federal government.

34 (11) For clerk's services such as performing historical searches,
35 compiling statistical reports, and conducting exceptional record
36 searches, the clerk may collect a fee not to exceed thirty dollars
37 per hour.

38 (12) For processing ex parte orders, the clerk may collect a fee
39 of thirty dollars.

1 (13) For duplicated recordings of court's proceedings there must
2 be a fee of ten dollars for each audiotape and twenty-five dollars
3 for each video or other electronic storage medium.

4 (14) For registration of land titles, Torrens Act, under RCW
5 65.12.780, a fee of twenty dollars must be charged.

6 (15) For the issuance of extension of judgment under RCW 6.17.020
7 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
8 When the extension of judgment is at the request of the clerk, the
9 two hundred dollar charge may be imposed as court costs under RCW
10 10.46.190.

11 (16) A facilitator surcharge of up to twenty dollars must be
12 charged as authorized under RCW 26.12.240.

13 (17) For filing an adjudication claim under RCW 90.03.180, a fee
14 of twenty-five dollars must be charged.

15 (18) For filing a claim of frivolous lien under RCW 60.04.081 or
16 section 13 of this act, a fee of thirty-five dollars must be charged.

17 (19) For preparation of a change of venue, a fee of twenty
18 dollars must be charged by the originating court in addition to the
19 per page charges in subsection (4) of this section.

20 (20) A service fee of five dollars for the first page and one
21 dollar for each additional page must be charged for receiving faxed
22 documents, pursuant to Washington state rules of court, general rule
23 17.

24 (21) For preparation of clerk's papers under RAP 9.7, a fee of
25 fifty cents per page must be charged.

26 (22) For copies and reports produced at the local level as
27 permitted by RCW 2.68.020 and supreme court policy, a variable fee
28 must be charged.

29 (23) Investment service charge and earnings under RCW 36.48.090
30 must be charged.

31 (24) Costs for nonstatutory services rendered by clerk by
32 authority of local ordinance or policy must be charged.

33 (25) For filing a request for civil arbitration, a filing fee may
34 be assessed against the party filing a statement of arbitrability not
35 to exceed two hundred fifty dollars as established by authority of
36 local ordinance. Two hundred twenty dollars of this charge shall be
37 used to offset the cost of the civil arbitration program. Thirty
38 dollars of each fee collected under this subsection must be used for
39 indigent defense services.

1 (26) For filing a request for trial de novo of a civil
2 arbitration award, a fee not to exceed four hundred dollars as
3 established by authority of local ordinance must be charged.

4 (27) A public agency may not charge a fee to a law enforcement
5 agency, for preparation, copying, or mailing of certified copies of
6 the judgment and sentence, information, affidavit of probable cause,
7 and/or the notice of requirement to register, of a sex offender
8 convicted in a Washington court, when such records are necessary for
9 risk assessment, preparation of a case for failure to register, or
10 maintenance of a sex offender's registration file.

11 (28) For the filing of a will or codicil under the provisions of
12 chapter 11.12 RCW, a fee of twenty dollars must be charged.

13 (29) For the collection of an adult offender's unpaid legal
14 financial obligations, the clerk may impose an annual fee of up to
15 one hundred dollars, pursuant to RCW 9.94A.780.

16 (30) A surcharge of up to twenty dollars may be charged in
17 dissolution and legal separation actions as authorized by RCW
18 26.12.260.

19 The revenue to counties from the fees established in this section
20 shall be deemed to be complete reimbursement from the state for the
21 state's share of benefits paid to the superior court judges of the
22 state prior to July 24, 2005, and no claim shall lie against the
23 state for such benefits.

24 **Sec. 17.** RCW 49.48.086 and 2014 c 210 s 1 are each amended to
25 read as follows:

26 (1) After a final order is issued under RCW 49.48.084, if an
27 employer defaults in the payment of: (a) Any wages determined by the
28 department to be owed to an employee, including interest; or (b) any
29 civil penalty ordered by the department under RCW 49.48.083, the
30 director may file with the clerk of any county within the state a
31 warrant in the amount of the payment plus any filing fees. The clerk
32 of the county in which the warrant is filed shall immediately
33 designate a superior court cause number for the warrant, and the
34 clerk shall cause to be entered in the judgment docket under the
35 superior court cause number assigned to the warrant, the name of the
36 employer mentioned in the warrant, the amount of payment due on it
37 plus any filing fees, and the date when the warrant was filed. The
38 aggregate amount of the warrant as docketed becomes a lien upon the
39 title to, and interest in, all real and personal property of the

1 employer against whom the warrant is issued, the same as a judgment
2 in a civil case docketed in the office of the clerk. The sheriff
3 shall proceed upon the warrant in all respects and with like effect
4 as prescribed by law with respect to execution or other process
5 issued against rights or property upon judgment in a court of
6 competent jurisdiction. The warrant so docketed is sufficient to
7 support the issuance of writs of garnishment in favor of the state in
8 a manner provided by law in case of judgment, wholly or partially
9 unsatisfied. The clerk of the court is entitled to a filing fee which
10 will be added to the amount of the warrant. A copy of the warrant
11 shall be mailed to the employer within three days of filing with the
12 clerk.

13 (2) (a) The director may issue to any person, firm, corporation,
14 other entity, municipal corporation, political subdivision of the
15 state, a public corporation, or any agency of the state, a notice and
16 order to withhold and deliver property of any kind when he or she has
17 reason to believe that there is in the possession of the person,
18 firm, corporation, other entity, municipal corporation, political
19 subdivision of the state, public corporation, or agency of the state,
20 property that is or will become due, owing, or belonging to an
21 employer upon whom a notice of assessment has been served by the
22 department for payments or civil penalties due to the department. The
23 effect of a notice and order is continuous from the date the notice
24 and order is first made until the liability out of which the notice
25 and order arose is satisfied or becomes unenforceable because of
26 lapse of time. The department shall release the notice and order when
27 the liability out of which the notice and order arose is satisfied or
28 becomes unenforceable by reason of lapse of time and shall notify the
29 person against whom the notice and order was made that the notice and
30 order has been released.

31 (b) The notice and order to withhold and deliver must be served
32 by the sheriff of the county or by the sheriff's deputy, by certified
33 mail, return receipt requested, or by the director. A person, firm,
34 corporation, other entity, municipal corporation, political
35 subdivision of the state, public corporation, or agency of the state
36 upon whom service has been made shall answer the notice within twenty
37 days exclusive of the day of service, under oath and in writing, and
38 shall make true answers to the matters inquired of in the notice and
39 order. Upon service of the notice and order, if the party served
40 possesses any property that may be subject to the claim of the

1 department, the party shall promptly deliver the property to the
2 director. The director shall hold the property in trust for
3 application on the employer's indebtedness to the department, or for
4 return without interest, in accordance with a final determination of
5 a petition for review. In the alternative, the party shall furnish a
6 good and sufficient surety bond satisfactory to the director
7 conditioned upon final determination of liability. If a party served
8 and named in the notice fails to answer the notice within the time
9 prescribed in this section, the court may render judgment by default
10 against the party for the full amount claimed by the director in the
11 notice, together with costs. If a notice is served upon an employer
12 and the property subject to it is wages, the employer may assert in
13 the answer all exemptions provided for by chapter 6.27 RCW to which
14 the wage earner is entitled.

15 (c) As an alternative to the methods of service described in this
16 section, the department may electronically serve a financial
17 institution with a notice and order to withhold and deliver by
18 providing a list of its outstanding warrants, except those for which
19 a payment agreement is in good standing, to the department of
20 revenue. The department of revenue may include the warrants provided
21 by the department in a notice and order to withhold and deliver
22 served under RCW 82.32.235(3). A financial institution that is served
23 with a notice and order to withhold and deliver under this subsection
24 (2)(c) must answer the notice within the time period applicable to
25 service under RCW 82.32.235(3). The department and the department of
26 revenue may adopt rules to implement this subsection (2)(c).

27 (3)(a) In addition to the procedure for collection of wages owed,
28 including interest, and civil penalties as set forth in this section,
29 the department may recover wages owed, including interest, and civil
30 penalties assessed under RCW 49.48.083 in a civil action brought in a
31 court of competent jurisdiction of the county where the violation is
32 alleged to have occurred.

33 (b) The department may use the procedures under this section to
34 foreclose wage liens established under chapter 60.--- RCW (the new
35 chapter created in section 21 of this act). When the department is
36 foreclosing on a wage lien, the date the wage lien was originally
37 filed shall be the date by which priority is determined, regardless
38 of the date the warrant is filed under this section. If a claimant
39 has timely notified the department that the claimant will pursue
40 foreclosure on their own, without the department's assistance, the

1 department is not required to file a warrant under this section and
2 is relieved from any liability related to foreclosing on the
3 claimant's wage lien.

4 (4) Whenever any employer quits business, sells out, exchanges,
5 or otherwise disposes of the employer's business or stock of goods,
6 any person who becomes a successor to the business becomes liable for
7 the full amount of any outstanding citation and notice of assessment
8 or penalty against the employer's business under this chapter if, at
9 the time of the conveyance of the business, the successor has: (a)
10 Actual knowledge of the fact and amount of the outstanding citation
11 and notice of assessment or (b) a prompt, reasonable, and effective
12 means of accessing and verifying the fact and amount of the
13 outstanding citation and notice of assessment from the department. If
14 the citation and notice of assessment or penalty is not paid in full
15 by the employer within ten days of the date of the sale, exchange, or
16 disposal, the successor is liable for the payment of the full amount
17 of the citation and notice of assessment or penalty, and payment
18 thereof by the successor must, to the extent thereof, be deemed a
19 payment upon the purchase price. If the payment is greater in amount
20 than the purchase price, the amount of the difference becomes a debt
21 due the successor from the employer.

22 (5) This section does not affect other collection remedies that
23 are otherwise provided by law.

24 NEW SECTION. Sec. 18. A new section is added to chapter 43.24
25 RCW to read as follows:

26 For the purposes of implementing the notice and filing provisions
27 under sections 4(2)(a) and 9 of this act that are applicable to the
28 department of licensing, the department of licensing may, by rule,
29 create wage lien forms specific to the department of licensing, so
30 long as the forms include the information described in those
31 sections.

32 NEW SECTION. Sec. 19. A new section is added to chapter 43.24
33 RCW to read as follows:

34 The department of licensing wage lien account is created in the
35 state treasury. All receipts from wage lien filing fees collected by
36 the department of licensing must be deposited in the account. Moneys
37 in the account may be spent only after appropriation. Expenditures

1 from the account may be used only to administer wage lien filings in
2 section 4 of this act.

3 NEW SECTION. **Sec. 20.** This act takes effect January 1, 2021.

4 NEW SECTION. **Sec. 21.** Sections 1 through 15 and 20 of this act
5 constitute a new chapter in Title 60 RCW.

--- END ---