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**SENATE BILL 6053**

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**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** Senators Conway, Keiser, Stanford, Kuderer, and Saldaña

Prefiled 12/06/19. Read first time 01/13/20. Referred to Committee on Labor & Commerce.

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 (2) A wage lien is not effective against:

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

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

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

36 (4) A person, other than a consumer as defined in RCW 62A.1-201,  
37 who controls or possesses amounts payable to the employer that are  
38 not health-care-insurance receivables as defined in chapter 62A.9A  
39 RCW, and that are properly encumbered by a wage lien upon an account

1 receivable, is not obligated to pay a lien claimant amounts to which  
2 the wage lien has attached until that person receives written notice  
3 of such lien, nor is the person liable to the lien claimant for any  
4 amounts paid out prior to receipt of notice of the wage lien. The  
5 notice required must state that the amount due or to become due has  
6 been assigned by operation of this chapter and that payment is to be  
7 made to the lien claimant, and it must contain the information  
8 described in section 4 of this act. After receipt of the notice, the  
9 person responsible for payment of such amounts may discharge its  
10 obligation by paying the lien claimant and may not discharge the  
11 obligation by paying the employer. If requested by the person  
12 responsible for payment of such amounts, the lien claimant must,  
13 within a reasonable time, furnish reasonable proof that the wage lien  
14 continues to exist, and unless such proof is furnished, that person  
15 has no obligation to pay the lien claimant and may discharge its  
16 obligation by paying the employer. A written, signed statement from  
17 the employee that the wages that form the basis for the wage lien  
18 have not been paid in the time after filing the wage lien constitutes  
19 "reasonable proof" for this purpose. Failure to furnish any notice as  
20 provided in this section does not affect the status of the wage lien  
21 established under this chapter in regard to the relationship with  
22 other creditors.

23 (5) This chapter does not affect the ownership or title in  
24 personal or real property of the state or other public entity or  
25 public ownership, nor does any lien attach to the fee simple title of  
26 the state or other public ownership.

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

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

31 (i) The name, telephone number, and address of the lien claimant  
32 and, if the wage lien has been assigned, the name of the person who  
33 assigned the lien;

34 (ii) The name of the employer;

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

37 (iv) The name of the owner or reputed owner of the property, if  
38 known, and if not known, a statement saying the name of the owner is  
39 not known;

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

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

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

6 (b) Pay a filing fee to the county auditor as required by RCW  
7 36.18.010; and

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

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

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

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

20 (ii) The name of the employer;

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

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

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

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

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

31 (b) Pay a filing fee established by the department of licensing.  
32 All receipts from fees collected under this subsection shall be  
33 deposited into the department of licensing wage lien account created  
34 under section 17 of this act. Moneys in the fund may be spent only  
35 after appropriation and may be used only to administer the wage lien  
36 filings in this subsection; and

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

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

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

5 (i) The name, telephone number, and address of the lien claimant  
6 and, if the wage lien has been assigned, the name of the person who  
7 assigned the lien;

8 (ii) The name of the employer;

9 (iii) A description of the vehicle or vessel subject to the wage  
10 lien and the vehicle identification number or hull identification  
11 number of the vehicle or vessel;

12 (iv) The name of the registered or legal owner or reputed owner  
13 of the property, if known, and if not known, a statement saying the  
14 name of the owner is not known;

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

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

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

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

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

26 (4) A notice of claim of wage lien, acknowledgment, and  
27 certificate that is substantially in the following form is sufficient  
28 to satisfy subsections (1)(a) and (3)(a) of this section, provided it  
29 complies with the formatting requirements of RCW 65.04.045 (1)(a) and  
30 (b), (2), and (3):

31 When Recorded Return to: . . . . .

32 CLAIM OF WAGE LIEN

33 . . . . ., claimant, vs. . . . ., name of person indebted to  
34 claimant:

35 Notice is hereby given that the claimant named below asserts a  
36 wage lien pursuant to chapter 60.--- RCW (the new chapter created in

1 section 19 of this act). In support of this wage lien the following  
2 information is submitted:

3 1. NAME OF LIEN CLAIMANT: . . . . .

4 TELEPHONE NUMBER: . . . . .

5 ADDRESS: . . . . .

6 2. NAME OF EMPLOYER: . . . . .

7 3. DESCRIPTION OF THE PROPERTY AGAINST WHICH A WAGE LIEN IS  
8 CLAIMED (If real property, state the street address, legal  
9 description, and parcel number. If personal property, provide  
10 information that will reasonably describe the property, or statement  
11 that the wage lien covers all personal property. If a vehicle or  
12 vessel, the vehicle identification number or hull identification  
13 number of the vehicle or vessel): . . . . .

14 . . . . .

15 . . . . .

16 . . . . .

17 . . . . .

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

20 . . . . .

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

22 . . . . .

23 6. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE  
24 AND STATE THE NAME OF THE ASSIGNOR: . . . . .

25 . . . . .

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

29 NAME: . . . . .

30 REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;  
31 attorney or agent; representative of lien filing service;

1 administrator, representative, or agent of trustees of employee  
2 benefit plan):. . . . .  
3 . . . . .

4 ACKNOWLEDGMENT

5 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

6 STATE OF WASHINGTON, COUNTY OF

7 . . . . ., ss.

8 . . . . ., being sworn, says: I, . . . . .(name of  
9 person). . . . ., am the claimant. I have read the foregoing claim of  
10 wage lien, believe the claim of wage lien to be true and correct  
11 under penalty of perjury, and believe the claim of wage lien is not  
12 frivolous, is made with reasonable cause, and is not clearly  
13 excessive. The foregoing claim of wage lien is my free and voluntary  
14 act for the uses and purposes stated therein.

15 . . . . .Dated:. . . . .

16 . . . . .

17 . . . . .

18 . . . . .

19 (Signature)

20 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

21 STATE OF WASHINGTON, COUNTY OF

22 . . . . ., ss.

23 . . . . ., being sworn, says: I, . . . .(name of person). . ., am  
24 authorized to act on behalf of the claimant. I have read the  
25 foregoing claim of wage lien, believe the claim of wage lien to be  
26 true and correct under penalty of perjury, and believe the claim of  
27 wage lien is not frivolous, is made with reasonable cause, and is not  
28 clearly excessive. The foregoing claim of wage lien is the free and  
29 voluntary act of the claimant for the uses and purposes stated  
30 therein.

1 . . . . . Dated: . . . . .  
2 . . . . .  
3 . . . . .  
4 . . . . .  
5 (Signature)

6 CERTIFICATE

7 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

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

13 . . . . . Dated: . . . . .  
14 . . . . .  
15 . . . . .  
16 . . . . .  
17 (Signature)

18 (Seal or stamp)

19 . . . . . Title . . . . .  
20 . . . . . My appointment . . . . .  
21 . . . . . Expires . . . . .

22 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

23 I certify that I know or have satisfactory evidence that . . .  
24 (name of person) . . . is the person who appeared before me, and said  
25 person acknowledged that he/she signed this instrument, on oath  
26 stated that he/she was authorized to execute the instrument and  
27 acknowledged it as the . . . (type of authority, e.g., officer or  
28 employee, etc.) . . . of . . . (name of party on behalf of whom



1 instrument was executed) . . . to be the free and voluntary act of  
2 such party for the uses and purposes mentioned in the instrument.

3 . . . . . Dated: . . . . .

4 . . . . .

5 . . . . .

6 (Signature)

7 (Seal or Stamp)

8 . . . . . Title. . . . .

9 . . . . . My appointment. . . . .

10 . . . . . Expires. . . . .

11 (4) (a) For a notice of claim of wage lien on real property filed  
12 under this section, the notice must comply with the recording  
13 standards in chapter 65.04 RCW and the county auditor shall record  
14 the notice in the same manner as deeds and other instruments of title  
15 are recorded under chapter 65.08 RCW. Notices of claim of wage lien  
16 for registered land need not be recorded in the Torrens register.

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

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

22 (6) Mistakes or errors in the claimed amount owed do not  
23 invalidate the wage lien unless made with the intent to defraud.

24 (7) A wage lien under this chapter continues in all identifiable  
25 proceeds of the property subject to the wage lien.

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

31 NEW SECTION. **Sec. 6.** (1) A wage lien may be judicially  
32 foreclosed by an action in:

1 (a) The superior court in the county in which the real property  
2 is located;

3 (b) The district court in the county in which the personal  
4 property is located if the value of the claim does not exceed the  
5 jurisdictional limit of the district court provided in RCW 3.66.020;  
6 or

7 (c) The superior court in the county in which the personal  
8 property is located if the value of the claim exceeds the  
9 jurisdictional limit of the district court provided in RCW 3.66.020.

10 (2) Except as provided in subsection (3) of this section, if the  
11 claimant has instituted an action in a court of this state for the  
12 wage claim that is the subject of the wage lien, that action shall be  
13 deemed an action to foreclose on any property subject to the lien. An  
14 action to foreclose the wage lien must be filed within one year of  
15 the date the wage lien was recorded.

16 (3) (a) If the claimant receives a judgment on a wage claim from a  
17 federal, state, or municipal court, the judgment establishes the  
18 amount owed for the purposes of foreclosure under this chapter.

19 (b) If the claimant receives a judgment on a wage claim from a  
20 federal, state, or municipal court, that does not have jurisdiction  
21 over the claimant's wage lien, the action to foreclose the wage lien  
22 must be filed within one year of the date of that court's judgment.

23 (4) (a) A wage lien may also be foreclosed by:

24 (i) The department using the department's collection procedures  
25 under RCW 49.48.086 when the claimant has pursued a wage claim in an  
26 administrative proceeding and a final and binding citation and notice  
27 of assessment has been issued; or

28 (ii) The claimant if a final and binding citation and notice of  
29 assessment has been issued by the department and the claimant has  
30 timely notified the department that the claimant will pursue  
31 foreclosure action on his or her own, without the department's  
32 assistance.

33 (b) The citation and notice of assessment issued by the  
34 department establishes the amount owed for the purpose of foreclosure  
35 under this chapter.

36 (5) A foreclosure action may be brought by the employee  
37 individually, the department, the United States department of labor,  
38 the office of the attorney general, or a representative of the  
39 employee, including a collective bargaining representative or class  
40 representative. Multiple wage claims against the same employer may be

1 joined in a single proceeding, but the court may order separate  
2 trials or hearings.

3 (6) In the judgment resulting from an action to foreclose on the  
4 wage lien, the court may order the sale at sheriff's auction or the  
5 transfer to the lien claimant of title or possession of any property  
6 subject to the wage lien. Whether or not the court makes such an  
7 order as part of the judgment, a writ of sale may be issued for any  
8 property subject to the wage lien for ten years after a judgment for  
9 a wage claim is issued. A wage lien based on an underlying judgment  
10 continues in force for an additional ten-year period if the period of  
11 execution for the underlying judgment is extended under RCW 6.17.020.

12 (7) In an action to foreclose on a wage lien on a vehicle or  
13 vessel, the lien claimant must comply with the requirements of  
14 subsection (1) of this section and any other requirements of the  
15 department of licensing regarding transferring title and taking  
16 ownership of the vehicle or vessel.

17 (8) A lien claimant who prevails in a foreclosure action is  
18 entitled to costs and reasonable attorneys' fees.

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

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

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

1 (4) If a lien foreclosure action is filed during the pendency of  
2 another such action, the court may, on its own motion or the motion  
3 of any party, consolidate actions upon such terms and conditions as  
4 the court deems just, unless to do so would create an undue delay or  
5 cause hardship which cannot be cured by the imposition of costs or  
6 other conditions. If consolidation of actions is not permissible  
7 under this chapter, the lien foreclosure action filed during the  
8 pendency of another such action shall not be dismissed if the filing  
9 was the result of mistake, inadvertence, surprise, excusable neglect,  
10 or irregularity. An action to foreclose a lien shall not be dismissed  
11 at the instance of a plaintiff therein to the prejudice of another  
12 party to the suit who claims a lien.

13 NEW SECTION. **Sec. 8.** (1) A wage lien is extinguished:

14 (a) If an action for the underlying wage claim is not brought  
15 within one year of the date the wage lien was recorded;

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

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

22 (2)(a) When the wage lien has been extinguished, the lien  
23 claimant shall, within fifteen days, file a release of the wage lien  
24 at the place where the wage lien was recorded and pay a filing fee  
25 established by the agency where the notice is filed. If a lien  
26 claimant fails to file a release of the wage lien, upon demand and  
27 fifteen days' notice by the employer or any affected party, mailed to  
28 the lien claimant's address as indicated on the notice of the wage  
29 lien by certified mail with return receipt requested, the employer or  
30 affected party may petition the court for an order releasing the wage  
31 lien. If the lien claimant acted unreasonably and in bad faith in  
32 refusing to file a release of the wage lien, the employer or affected  
33 party shall be entitled to recover its attorneys' fees and costs  
34 incurred in the action, and the court in its discretion may also  
35 issue a fine not to exceed one thousand dollars.

36 (b) The release must include:

37 (i) the name, telephone number, address, and relationship to the  
38 wage lien of the person filing the notice;

- 1 (ii) The name, telephone number, and address of the lien
- 2 claimant;
- 3 (iii) The name of the employer;
- 4 (iv) A description of the property subject to the wage lien;
- 5 (v) The amount for which the wage lien was claimed;
- 6 (vi) The signature of the lien claimant, the lien claimant's
- 7 assignor, or a person authorized to act on the lien claimant's
- 8 behalf;
- 9 (vii) A certified acknowledgment as set forth in subsection (4)
- 10 of this section; and
- 11 (viii) The reference number of the original or amended wage lien.

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

15 (4)(a) A release of wage lien on real property must comply with  
 16 the recording standards established in RCW 65.04.045 and the county  
 17 auditor shall record the release in the same manner as deeds and  
 18 other instruments of title are recorded under chapter 65.08 RCW.

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

22 When Recorded Return to: . . . . .

23 NOTICE OF RELEASE OF WAGE LIEN

24 . . . . ., claimant, vs. . . . ., name of person indebted to  
 25 claimant:

26 Notice is hereby given that the wage lien described below is  
 27 released.

28 1. NAME OF PERSON FILING NOTICE OF RELEASE: . . . . .

29 TELEPHONE NUMBER: . . . . .

30 ADDRESS: . . . . .

31 RELATIONSHIP TO WAGE LIEN (lien claimant, representative of lien  
 32 claimant, assignee of lien claimant): . . . . .

33 IF THE PERSON SIGNING THIS NOTICE IS NOT THE CLAIMANT, BUT IS  
 34 AUTHORIZED TO ACT ON BEHALF OF THE CLAIMANT, STATE THE PERSON'S NAME

1 AND REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant;  
2 attorney or agent; representative of lien filing service;  
3 administrator, representative, or agent of trustees of employee  
4 benefit plan):. . . . .  
5 . . . . .

6 2. NAME OF LIEN CLAIMANT:. . . . .

7 TELEPHONE NUMBER:. . . . .

8 ADDRESS:. . . . .

9 3. NAME OF EMPLOYER:. . . . .

10 4. DESCRIPTION OF THE PERSONAL PROPERTY AGAINST WHICH THE LIEN IS  
11 CLAIMED OR FOR A LIEN ON REAL PROPERTY: (1) THE REFERENCE NUMBER OF  
12 PREVIOUSLY FILED LIEN, (2) AN ABBREVIATED LEGAL DESCRIPTION OF THE  
13 PROPERTY AS DESCRIBED IN RCW 65.04.045, AND (3) THE PARCEL NUMBER OF  
14 THE REAL PROPERTY:. . . . .  
15 . . . . .  
16 . . . . .  
17 . . . . .  
18 . . . . .

19 5. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not  
20 known, state "Unknown"). . . . .  
21 . . . . .  
22 . . . . .  
23 . . . . .

24 6. AMOUNT OF WAGE LIEN CLAIM:. . . . .

25 ACKNOWLEDGMENT

26 FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

27 STATE OF WASHINGTON, COUNTY OF

28 . . . . ., ss.

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

1 . . . . .Dated:. . . . .  
2 . . . . .  
3 . . . . .  
4 (Signature)

5 FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

6 STATE OF WASHINGTON, COUNTY OF

7 . . . . ., ss.

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

12 . . . . .Dated:. . . . .  
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.

23 . . . . .Dated:. . . . .  
24 . . . . .  
25 . . . . .  
26 (Signature)

27 (Seal or stamp)

1 . . . . . Title. . . . .  
2 . . . . . My appointment. . . . .  
3 . . . . . Expires. . . . .

4 FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

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

13 . . . . . Dated:. . . . .  
14 . . . . .  
15 . . . . .

16 (Signature)  
17 (Seal or stamp)

18 . . . . . Title. . . . .  
19 . . . . . My appointment. . . . .  
20 . . . . . Expires. . . . .

21 NEW SECTION. **Sec. 9.** (1) Except as provided in subsections (2)  
22 and (3) of this section, a wage lien recorded under this chapter has  
23 priority over all other debts, judgments, decrees, liens, or security  
24 interests against the property subject to the wage lien, regardless  
25 as to whether these debts, judgments, decrees, liens, or security  
26 interests originated before or after the wage lien, and regardless of  
27 whether these debts, judgments, decrees, liens, or security interests  
28 were perfected prior to the wage lien. A wage lien recorded under  
29 this chapter has priority over a lien or security interest of a  
30 financial institution only up to four percent of the financial



1 institution's security interest in the property that is encumbered by  
2 the wage lien.

3 (2) A statutory lien for wages owed, including but not limited to  
4 liens under chapters 60.04, 60.11, 60.16, 60.24, 60.28, 60.34, and  
5 60.76 RCW, ranks according to priority in time of filing.

6 (3)(a) A wage lien recorded under this chapter does not have  
7 priority over a lien for taxes that the department of revenue or any  
8 other government entity is authorized or required to collect and that  
9 originates before a lien recorded under this chapter.

10 (b) A wage lien recorded under this chapter does not have  
11 priority over liens or income withholding for child support  
12 obligations.

13 (4) A wage lien is effective against the estate of the employer.

14 NEW SECTION. **Sec. 10.** A contract between an employer and  
15 employee may not waive or require an employee to waive the right to a  
16 wage lien under this chapter. A provision of a contract made in  
17 violation of this section is void as against the public policy of  
18 this state.

19 NEW SECTION. **Sec. 11.** The claim of wage lien, when filed as  
20 required by this chapter, constitutes notice to the spouse or the  
21 domestic partner of the person who appears on record to be the owner  
22 of the property sought to be charged with the wage lien, and subjects  
23 all the community interest of both spouses or both domestic partners  
24 to the wage lien.

25 NEW SECTION. **Sec. 12.** (1) Any owner of real or personal  
26 property subject to a recorded claim of lien under this chapter, or  
27 lender or lien claimant who believes the claim of lien to be  
28 frivolous and made without reasonable cause or clearly excessive, may  
29 apply by motion to the appropriate court, as specified under section  
30 6 of this act, for the county where the property or some part thereof  
31 is located, for an order directing the lien claimant to appear before  
32 the court at a time no earlier than six nor later than fifteen days  
33 following the date of service of the application and order on the  
34 lien claimant, and show cause, if any he or she has, why the relief  
35 requested should not be granted. The motion shall state the grounds  
36 upon which relief is asked, and shall be supported by the affidavit

1 of the applicant or his or her attorney setting forth a concise  
2 statement of the facts upon which the motion is based.

3 (2) The order shall clearly state that if the lien claimant fails  
4 to appear at the time and place noted the lien shall be released,  
5 with prejudice, and that the lien claimant shall be ordered to pay  
6 the costs requested by the applicant including reasonable attorneys'  
7 fees.

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

13 (4) If, following a hearing on the matter, the court determines  
14 that the lien is frivolous and made without reasonable cause, or  
15 clearly excessive, the court shall issue an order releasing the lien  
16 if frivolous and made without reasonable cause, or reducing the lien  
17 if clearly excessive, and awarding costs and reasonable attorneys'  
18 fees to the applicant to be paid by the lien claimant. If the court  
19 determines that the lien is not frivolous and was made with  
20 reasonable cause, and is not clearly excessive, the court shall issue  
21 an order so stating and awarding costs and reasonable attorneys' fees  
22 to the lien claimant to be paid by the applicant.

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

25 NEW SECTION. **Sec. 13.** This chapter is to be liberally construed  
26 to provide security for all persons intended to be protected by its  
27 provisions.

28 **Sec. 14.** RCW 36.18.016 and 2018 c 36 s 7 are each amended to  
29 read as follows:

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

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

37 (b) The party filing the first or initial petition for  
38 dissolution, legal separation, or declaration concerning the validity

1 of marriage shall pay, at the time and in addition to the filing fee  
2 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk  
3 of the superior court shall transmit monthly forty-eight dollars of  
4 the fifty-four dollar fee collected under this subsection to the  
5 state treasury for deposit in the domestic violence prevention  
6 account. The remaining six dollars shall be retained by the county  
7 for the purpose of supporting community-based domestic violence  
8 services within the county, except for five percent of the six  
9 dollars, which may be retained by the court for administrative  
10 purposes. On or before December 15th of each year, the county shall  
11 report to the department of social and health services revenues  
12 associated with this section and community-based domestic violence  
13 services expenditures. The department of social and health services  
14 shall develop a reporting form to be utilized by counties for uniform  
15 reporting purposes.

16 (3) (a) The party making a demand for a jury of six in a civil  
17 action shall pay, at the time, a fee of one hundred twenty-five  
18 dollars; if the demand is for a jury of twelve, a fee of two hundred  
19 fifty dollars. If, after the party demands a jury of six and pays the  
20 required fee, any other party to the action requests a jury of  
21 twelve, an additional one hundred twenty-five dollar fee will be  
22 required of the party demanding the increased number of jurors.

23 (b) Upon conviction in criminal cases a jury demand charge of one  
24 hundred twenty-five dollars for a jury of six, or two hundred fifty  
25 dollars for a jury of twelve may be imposed as costs under RCW  
26 10.46.190.

27 (4) For preparing a certified copy of an instrument on file or of  
28 record in the clerk's office, for the first page or portion of the  
29 first page, a fee of five dollars, and for each additional page or  
30 portion of a page, a fee of one dollar must be charged. For  
31 authenticating or exemplifying an instrument, a fee of two dollars  
32 for each additional seal affixed must be charged. For preparing a  
33 copy of an instrument on file or of record in the clerk's office  
34 without a seal, a fee of fifty cents per page must be charged. When  
35 copying a document without a seal or file that is in an electronic  
36 format, a fee of twenty-five cents per page must be charged. For  
37 copies made on a compact disc, an additional fee of twenty dollars  
38 for each compact disc must be charged.

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

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

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

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

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

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

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

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

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

23 (14) For registration of land titles, Torrens Act, under RCW  
24 65.12.780, a fee of twenty dollars must be charged.

25 (15) For the issuance of extension of judgment under RCW 6.17.020  
26 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
27 When the extension of judgment is at the request of the clerk, the  
28 two hundred dollar charge may be imposed as court costs under RCW  
29 10.46.190.

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

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

34 (18) For filing a claim of frivolous lien under RCW 60.04.081 or  
35 section 12 of this act, a fee of thirty-five dollars must be charged.

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

39 (20) A service fee of five dollars for the first page and one  
40 dollar for each additional page must be charged for receiving faxed

1 documents, pursuant to Washington state rules of court, general rule  
2 17.

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

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

8 (23) Investment service charge and earnings under RCW 36.48.090  
9 must be charged.

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

12 (25) For filing a request for civil arbitration, a filing fee may  
13 be assessed against the party filing a statement of arbitrability not  
14 to exceed two hundred fifty dollars as established by authority of  
15 local ordinance. Two hundred twenty dollars of this charge shall be  
16 used to offset the cost of the civil arbitration program. Thirty  
17 dollars of each fee collected under this subsection must be used for  
18 indigent defense services.

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

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

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

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

34 (30) A surcharge of up to twenty dollars may be charged in  
35 dissolution and legal separation actions as authorized by RCW  
36 26.12.260.

37 The revenue to counties from the fees established in this section  
38 shall be deemed to be complete reimbursement from the state for the  
39 state's share of benefits paid to the superior court judges of the

1 state prior to July 24, 2005, and no claim shall lie against the  
2 state for such benefits.

3 **Sec. 15.** RCW 49.48.086 and 2014 c 210 s 1 are each amended to  
4 read as follows:

5 (1) After a final order is issued under RCW 49.48.084, if an  
6 employer defaults in the payment of: (a) Any wages determined by the  
7 department to be owed to an employee, including interest; or (b) any  
8 civil penalty ordered by the department under RCW 49.48.083, the  
9 director may file with the clerk of any county within the state a  
10 warrant in the amount of the payment plus any filing fees. The clerk  
11 of the county in which the warrant is filed shall immediately  
12 designate a superior court cause number for the warrant, and the  
13 clerk shall cause to be entered in the judgment docket under the  
14 superior court cause number assigned to the warrant, the name of the  
15 employer mentioned in the warrant, the amount of payment due on it  
16 plus any filing fees, and the date when the warrant was filed. The  
17 aggregate amount of the warrant as docketed becomes a lien upon the  
18 title to, and interest in, all real and personal property of the  
19 employer against whom the warrant is issued, the same as a judgment  
20 in a civil case docketed in the office of the clerk. The sheriff  
21 shall proceed upon the warrant in all respects and with like effect  
22 as prescribed by law with respect to execution or other process  
23 issued against rights or property upon judgment in a court of  
24 competent jurisdiction. The warrant so docketed is sufficient to  
25 support the issuance of writs of garnishment in favor of the state in  
26 a manner provided by law in case of judgment, wholly or partially  
27 unsatisfied. The clerk of the court is entitled to a filing fee which  
28 will be added to the amount of the warrant. A copy of the warrant  
29 shall be mailed to the employer within three days of filing with the  
30 clerk.

31 (2)(a) The director may issue to any person, firm, corporation,  
32 other entity, municipal corporation, political subdivision of the  
33 state, a public corporation, or any agency of the state, a notice and  
34 order to withhold and deliver property of any kind when he or she has  
35 reason to believe that there is in the possession of the person,  
36 firm, corporation, other entity, municipal corporation, political  
37 subdivision of the state, public corporation, or agency of the state,  
38 property that is or will become due, owing, or belonging to an  
39 employer upon whom a notice of assessment has been served by the

1 department for payments or civil penalties due to the department. The  
2 effect of a notice and order is continuous from the date the notice  
3 and order is first made until the liability out of which the notice  
4 and order arose is satisfied or becomes unenforceable because of  
5 lapse of time. The department shall release the notice and order when  
6 the liability out of which the notice and order arose is satisfied or  
7 becomes unenforceable by reason of lapse of time and shall notify the  
8 person against whom the notice and order was made that the notice and  
9 order has been released.

10 (b) The notice and order to withhold and deliver must be served  
11 by the sheriff of the county or by the sheriff's deputy, by certified  
12 mail, return receipt requested, or by the director. A person, firm,  
13 corporation, other entity, municipal corporation, political  
14 subdivision of the state, public corporation, or agency of the state  
15 upon whom service has been made shall answer the notice within twenty  
16 days exclusive of the day of service, under oath and in writing, and  
17 shall make true answers to the matters inquired of in the notice and  
18 order. Upon service of the notice and order, if the party served  
19 possesses any property that may be subject to the claim of the  
20 department, the party shall promptly deliver the property to the  
21 director. The director shall hold the property in trust for  
22 application on the employer's indebtedness to the department, or for  
23 return without interest, in accordance with a final determination of  
24 a petition for review. In the alternative, the party shall furnish a  
25 good and sufficient surety bond satisfactory to the director  
26 conditioned upon final determination of liability. If a party served  
27 and named in the notice fails to answer the notice within the time  
28 prescribed in this section, the court may render judgment by default  
29 against the party for the full amount claimed by the director in the  
30 notice, together with costs. If a notice is served upon an employer  
31 and the property subject to it is wages, the employer may assert in  
32 the answer all exemptions provided for by chapter 6.27 RCW to which  
33 the wage earner is entitled.

34 (c) As an alternative to the methods of service described in this  
35 section, the department may electronically serve a financial  
36 institution with a notice and order to withhold and deliver by  
37 providing a list of its outstanding warrants, except those for which  
38 a payment agreement is in good standing, to the department of  
39 revenue. The department of revenue may include the warrants provided  
40 by the department in a notice and order to withhold and deliver

1 served under RCW 82.32.235(3). A financial institution that is served  
2 with a notice and order to withhold and deliver under this subsection  
3 (2)(c) must answer the notice within the time period applicable to  
4 service under RCW 82.32.235(3). The department and the department of  
5 revenue may adopt rules to implement this subsection (2)(c).

6 (3)(a) In addition to the procedure for collection of wages owed,  
7 including interest, and civil penalties as set forth in this section,  
8 the department may recover wages owed, including interest, and civil  
9 penalties assessed under RCW 49.48.083 in a civil action brought in a  
10 court of competent jurisdiction of the county where the violation is  
11 alleged to have occurred.

12 (b) The department may use the procedures under this section to  
13 foreclose wage liens established under chapter 60.--- RCW (the new  
14 chapter created in section 19 of this act). When the department is  
15 foreclosing on a wage lien, the date the wage lien was originally  
16 filed shall be the date by which priority is determined, regardless  
17 of the date the warrant is filed under this section. If a claimant  
18 has timely notified the department that the claimant will pursue  
19 foreclosure on their own, without the department's assistance, the  
20 department is not required to file a warrant under this section and  
21 is relieved from any liability related to foreclosing on the  
22 claimant's wage lien.

23 (4) Whenever any employer quits business, sells out, exchanges,  
24 or otherwise disposes of the employer's business or stock of goods,  
25 any person who becomes a successor to the business becomes liable for  
26 the full amount of any outstanding citation and notice of assessment  
27 or penalty against the employer's business under this chapter if, at  
28 the time of the conveyance of the business, the successor has: (a)  
29 Actual knowledge of the fact and amount of the outstanding citation  
30 and notice of assessment or (b) a prompt, reasonable, and effective  
31 means of accessing and verifying the fact and amount of the  
32 outstanding citation and notice of assessment from the department. If  
33 the citation and notice of assessment or penalty is not paid in full  
34 by the employer within ten days of the date of the sale, exchange, or  
35 disposal, the successor is liable for the payment of the full amount  
36 of the citation and notice of assessment or penalty, and payment  
37 thereof by the successor must, to the extent thereof, be deemed a  
38 payment upon the purchase price. If the payment is greater in amount  
39 than the purchase price, the amount of the difference becomes a debt  
40 due the successor from the employer.



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

3 NEW SECTION. **Sec. 16.** A new section is added to chapter 43.24  
4 RCW to read as follows:

5 For the purposes of implementing the notice and filing provisions  
6 under sections 4(2)(a) and 8 of this act that are applicable to the  
7 department of licensing, the department of licensing may, by rule,  
8 create wage lien forms specific to the department of licensing, so  
9 long as the forms include the information described in those  
10 sections.

11 NEW SECTION. **Sec. 17.** A new section is added to chapter 43.24  
12 RCW to read as follows:

13 The department of licensing wage lien account is created in the  
14 state treasury. All receipts from wage lien filing fees collected by  
15 the department of licensing must be deposited in the account. Moneys  
16 in the account may be spent only after appropriation. Expenditures  
17 from the account may be used only to administer wage lien filings in  
18 section 4 of this act.

19 NEW SECTION. **Sec. 18.** This act takes effect January 1, 2021.

20 NEW SECTION. **Sec. 19.** Sections 1 through 13 and 18 of this act  
21 constitute a new chapter in Title 60 RCW.

--- END ---