
HOUSE BILL 1563

State of Washington

67th Legislature

2021 Regular Session

By Representatives Young, Barkis, Sutherland, and Dent

Read first time 03/24/21. Referred to Committee on Civil Rights & Judiciary.

1 AN ACT Relating to declaratory and other relief in actions to
2 determine the validity of certain gubernatorial orders; amending RCW
3 7.24.020 and 7.24.100; adding a new section to chapter 7.24 RCW;
4 creating a new section; and declaring an emergency.

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

6 **Sec. 1.** RCW 7.24.020 and 1935 c 113 s 2 are each amended to read
7 as follows:

8 (1) A person interested under a deed, will, written contract or
9 other writings constituting a contract, or whose rights, status or
10 other legal relations are affected by a statute, order issued by the
11 governor pursuant to chapter 43.06 RCW, municipal ordinance, contract
12 or franchise, may have determined any question of construction or
13 validity arising under the instrument, statute, order, ordinance,
14 contract or franchise and obtain a declaration of rights, status or
15 other legal relations thereunder.

16 (2) For purposes of determining the validity of an order issued
17 by the governor pursuant to chapter 43.06 RCW, where the order at
18 issue has not been or will not be enforced, an issue of continuing
19 and substantial public interest exists and is likely to recur, and
20 the final authoritative determination of the issue is essential.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.24 RCW
2 to read as follows:

3 Where an order issued by the governor pursuant to chapter 43.06
4 RCW is determined to be invalid in whole or in relevant part, the
5 court shall enjoin enforcement of the order or part of the order
6 determined to be invalid and award actual damages to the prevailing
7 plaintiff. The court may, in its discretion, increase the award of
8 damages to an amount not more than three times the actual damages
9 sustained.

10 **Sec. 3.** RCW 7.24.100 and 1935 c 113 s 10 are each amended to
11 read as follows:

12 (~~1~~) (1) Except as provided in subsection (2) of this section,
13 in any proceeding under this chapter, the court may make such award
14 of costs as may seem equitable and just.

15 (2) Where an order issued by the governor pursuant to chapter
16 43.06 RCW is determined to be invalid in whole or in relevant part,
17 the court shall award reasonable attorneys' fees and costs to the
18 prevailing plaintiff.

19 NEW SECTION. **Sec. 4.** This act applies to all causes of action
20 commenced on or after the effective date of this section, regardless
21 of when the cause of action arose. To this extent, this act applies
22 retroactively, but in all other respects it applies prospectively.

23 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
24 preservation of the public peace, health, or safety, or support of
25 the state government and its existing public institutions, and takes
26 effect immediately.

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