

# SENATE BILL REPORT

## SB 5392

---

---

As Passed Senate, February 22, 2023

**Title:** An act relating to overpayments for certain matters.

**Brief Description:** Concerning overpayments for certain matters.

**Sponsors:** Senators Schoesler and Pedersen.

**Brief History:**

**Committee Activity:** Law & Justice: 1/31/23, 2/02/23 [DP].

**Floor Activity:** Passed Senate: 2/22/23, 49-0.

**Brief Summary of Bill**

- Permits courts to retain overpayments in amounts of \$10 or less in connection with any litigation.
- Overpayments shall be remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund.

---

### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** Do pass.

Signed by Senators Dhingra, Chair; Trudeau, Vice Chair; Padden, Ranking Member; Kuderer, McCune, Pedersen, Salomon, Torres, Valdez, Wagoner and Wilson, L..

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

**Background:** Since 1983, intangible property held by the court that remains unclaimed for more than two years is presumed abandoned. Abandoned property that is not required to be transferred to the Department of Revenue may be transferred to the local government general fund five years after it has been abandoned. However, the local government remains liable to pay the intangible property to a person or entity that subsequently

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

establishes its ownership of this intangible property.

In 2007, this law was amended to permit courts to retain overpayments of \$10 or less made in connection with any litigation, including traffic, criminal, or noncriminal matters. The overpayments are required to be deposited by the court clerk in the Local Current Expense Fund. In 2022, the Legislature repealed, in part, the section of law allowing courts to retain overpayments of \$10 or less when it repealed the Uniform Unclaimed Property Act and adopted the Revised Uniform Unclaimed Property Act. Overpayments are not specifically addressed in the revised act and will be treated like abandoned property as it was treated prior to 2007. Under the revised act property held by a court is presumed abandoned one year after the property becomes distributable.

**Summary of Bill:** The bill re-enacts language repealed in the Revised Uniform Unclaimed Property Act of 2022. It permits courts to retain overpayments in amounts of \$10 or less in connection with any litigation, including traffic, criminal, and noncriminal matters. Overpayments shall be remitted by the clerk of the court to the local treasurer for deposit in the Local Current Expense Fund.

**Appropriation:** None.

**Fiscal Note:** Available.

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

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

**Staff Summary of Public Testimony:** PRO: This bill fixes a mistake that was made last year. In adopting the Revised Uniform Unclaimed Property Act, one provision was not picked up. Changes to the act eliminated the language that allowed clerks to waive refunds on court related overpayments. The result of that is clerks are now having to refund amounts where the cost of processing checks exceeds the money that is being given back. This restores it to what it was before and adds that non uniform provision into the act.

**Persons Testifying:** PRO: Lisa Henderson, Washington Association of County Clerks; Michael Shaw, Washington Association of County Officials (WACO); Senator Jamie Pedersen, Washington State Senate.

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