

**Chapter 4.84 RCW**  
**COSTS**

**Sections**

- 4.84.010 Costs allowed to prevailing party—Defined—Compensation of attorneys.
- 4.84.015 Costs in civil actions for the recovery of money only—When plaintiff considered the prevailing party.
- 4.84.020 Amount of contracted attorneys' fee to be fixed by court.
- 4.84.030 Prevailing party to recover costs.
- 4.84.040 Limitation on costs in certain actions.
- 4.84.050 Limited to one of several actions.
- 4.84.060 Costs to defendant.
- 4.84.070 Costs to defendants defending separately.
- 4.84.080 Schedule of attorneys' fees.
- 4.84.090 Cost bill—Witnesses to report attendance.
- 4.84.100 Costs on postponement of trial.
- 4.84.110 Costs where tender is made.
- 4.84.120 Costs where deposit in court is made and rejected.
- 4.84.130 Costs in appeals from district courts.
- 4.84.140 Costs against guardian of infant plaintiff.
- 4.84.150 Costs against fiduciaries.
- 4.84.160 Costs against assignee.
- 4.84.170 Costs against state or county.
- 4.84.185 Prevailing party to receive expenses for opposing frivolous action or defense.
- 4.84.190 Costs in proceedings not specifically covered.
- 4.84.200 Retaxation of costs.
- 4.84.210 Security for costs.
- 4.84.220 Bond in lieu of separate security.
- 4.84.230 Dismissal for failure to give security.
- 4.84.240 Judgment on cost bond.
- 4.84.250 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Allowed to prevailing party.
- 4.84.260 Attorneys' fees as costs in damage actions of ten thousand dollars or less—When plaintiff deemed prevailing party.
- 4.84.270 Attorneys' fees as costs in damage actions of ten thousand dollars or less—When defendant deemed prevailing party.
- 4.84.280 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Offers of settlement in determining.
- 4.84.290 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Prevailing party on appeal.
- 4.84.300 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Application.
- 4.84.320 Attorneys' fees in actions for injuries resulting from the rendering of medical and other health care.
- 4.84.330 Actions on contract or lease which provides that attorneys' fees and costs incurred to enforce provisions be awarded to one of parties—Prevailing party entitled to attorneys' fees—Waiver prohibited.
- 4.84.340 Judicial review of agency action—Definitions.
- 4.84.350 Judicial review of agency action—Award of fees and expenses.
- 4.84.360 Judicial review of agency action—Payment of fees and expenses—Report to office of financial management.

4.84.370 Appeal of land use decisions—Fees and costs.

*Deposit of jury fee taxable as costs: RCW 4.44.110.*

**RCW 4.84.010 Costs allowed to prevailing party—Defined—**  
**Compensation of attorneys.** The measure and mode of compensation of attorneys and counselors, shall be left to the agreement, expressed or implied, of the parties, but there shall be allowed to the prevailing party upon the judgment certain sums for the prevailing party's expenses in the action, which allowances are termed costs, including, in addition to costs otherwise authorized by law, the following expenses:

- (1) Filing fees;
- (2) Fees for the service of process by a public officer, registered process server, or other means, as follows:
  - (a) When service is by a public officer, the recoverable cost is the fee authorized by law at the time of service.
  - (b) If service is by a process server registered pursuant to chapter 18.180 RCW or a person exempt from registration, the recoverable cost is the amount actually charged and incurred in effecting service;
- (3) Fees for service by publication;
- (4) Notary fees, but only to the extent the fees are for services that are expressly required by law and only to the extent they represent actual costs incurred by the prevailing party;
- (5) Reasonable expenses, exclusive of attorneys' fees, incurred in obtaining reports and records, which are admitted into evidence at trial or in mandatory arbitration in superior or district court, including but not limited to medical records, tax records, personnel records, insurance reports, employment and wage records, police reports, school records, bank records, and legal files;
- (6) Statutory attorney and witness fees; and
- (7) To the extent that the court or arbitrator finds that it was necessary to achieve the successful result, the reasonable expense of the transcription of depositions used at trial or at the mandatory arbitration hearing: PROVIDED, That the expenses of depositions shall be allowed on a pro rata basis for those portions of the depositions introduced into evidence or used for purposes of impeachment. [2009 c 240 s 1; 2007 c 121 s 1; 1993 c 48 s 1; 1984 c 258 s 92; 1983 1st ex.s. c 45 s 7; Code 1881 s 505; 1877 p 108 s 509; 1869 p 123 s 459; 1854 p 201 s 367; RRS s 474.]

**Court Improvement Act of 1984—Effective dates—Severability—**  
**Short title—1984 c 258:** See notes following RCW 3.30.010.

*Attorney fee in appeals from board of industrial insurance appeals:*  
*RCW 51.52.130, 51.52.132.*

*Process server fees: RCW 18.180.035.*

**RCW 4.84.015 Costs in civil actions for the recovery of money only—When plaintiff considered the prevailing party.** (1) In any civil action for the recovery of money only, the plaintiff will be considered the prevailing party for the purpose of awarding costs,

including a statutory attorney fee, if: (a) The defendant makes full or partial payment of the amounts sought by the plaintiff prior to the entry of judgment; and (b) before such payment is tendered, the plaintiff has notified the defendant in writing that the full or partial payment of the amounts sued for might result in an award of costs.

(2) For the purposes of this section, "plaintiff" includes a counterclaimant, cross-claimant, and third-party plaintiff, and "defendant" includes a party defending a counterclaim, cross-claim, or third-party claim.

(3) A party may demand, offer, or accept the payment of statutory costs before the entry of judgment in an action.

(4) This section may not be construed to (a) authorize an award of costs if the action is resolved by a negotiated settlement or (b) limit or bar the operation of cost-shifting provisions of other statutes or court rules. [2009 c 240 s 2.]

**RCW 4.84.020 Amount of contracted attorneys' fee to be fixed by court.** In all cases of foreclosure of mortgages and in all other cases in which attorneys' fees are allowed, the amount thereof shall be fixed by the court at such sum as the court shall deem reasonable, any stipulations in the note, mortgage or other instrument to the contrary notwithstanding; but in no case shall said fee be fixed above contract price stated in said note or contract. [1895 c 48 s 1; 1891 c 44 s 1; 1888 p 9 s 1; 1885 p 176 s 1; RRS s 475.]

**RCW 4.84.030 Prevailing party to recover costs.** In any action in the superior court of Washington the prevailing party shall be entitled to his or her costs and disbursements; but the plaintiff shall in no case be entitled to costs taxed as attorneys' fees in actions within the jurisdiction of the district court when commenced in the superior court. [1987 c 202 s 121; 1890 p 337 s 1; 1883 p 42 s 1; Code 1881 ss 506, 507; 1854 p 201 ss 368, 369; RRS s 476.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

**RCW 4.84.040 Limitation on costs in certain actions.** In an action for an assault and battery, or for false imprisonment, libel, slander, malicious prosecution, criminal conversation or seduction, if the plaintiff recover less than ten dollars, he or she shall be entitled to no more costs or disbursements than the damage recovered. [2011 c 336 s 120; Code 1881 s 508; 1877 p 108 s 512; 1869 p 123 s 460; 1854 p 202 s 370; RRS s 477.]

**RCW 4.84.050 Limited to one of several actions.** When several actions are brought on one bond, undertaking, promissory note, bill of exchange, or other instrument in writing, or in any other case for the same cause of action against several parties, who might have been joined as defendants in the same action, no costs or disbursements shall be allowed to the plaintiff in more than one of such actions, which may be at his or her election, if the parties proceeded against in the other actions were, at the commencement of the previous action,

openly within this state. [2011 c 336 s 121; Code 1881 s 509; 1877 p 108 s 513; 1869 p 123 s 461; 1854 p 202 s 371; RRS s 478.]

**RCW 4.84.060 Costs to defendant.** In all cases where costs and disbursements are not allowed to the plaintiff, the defendant shall be entitled to have judgment in his or her favor for the same. [2011 c 336 s 122; Code 1881 s 510; 1877 p 109 s 514; 1869 p 123 s 462; 1854 p 202 s 372; RRS s 479.]

**RCW 4.84.070 Costs to defendants defending separately.** In all actions where there are several defendants not united in interest, and making separate defenses by separate answers, and the plaintiff fails to recover judgment against all, the court may award costs to such defendants as recover judgments in their favor, or either of them. [Code 1881 s 511; 1877 p 109 s 515; 1869 p 124 s 463; 1854 p 202 s 373; RRS s 480.]

**RCW 4.84.080 Schedule of attorneys' fees.** When allowed to either party, costs to be called the attorney fee, shall be as follows:

(1) In all actions where judgment is rendered, two hundred dollars.

(2) In all actions where judgment is rendered in the supreme court or the court of appeals, after argument, two hundred dollars. [2004 c 123 s 1; 1985 c 240 s 1; 1981 c 331 s 3; 1975-'76 2nd ex.s. c 30 s 2; Code 1881 s 512; 1877 p 108 s 516; 1869 p 124 s 464; 1854 p 202 s 374; RRS s 481.]

**Court Congestion Reduction Act of 1981—Purpose—Severability—1981 c 331:** See notes following RCW 2.32.070.

*Costs:* RCW 4.84.190.

*Transmission of record on change of venue—Costs, attorney's fees:* RCW 4.12.090.

**RCW 4.84.090 Cost bill—Witnesses to report attendance.** The prevailing party, in addition to allowance for costs, as provided in RCW 4.84.080, shall also be allowed for all necessary disbursements, including the fees of officers allowed by law, the fees of witnesses, the necessary expenses of taking depositions, by commission or otherwise, and the compensation of referees. The court shall allow the prevailing party all service of process charges in case such process was served by a person or persons not an officer or officers. Such service charge shall be the same as is now allowed or shall in the future be allowed as fee and mileage to an officer. The disbursements shall be stated in detail and verified by affidavit, and shall be served on the opposite party or his or her attorney, and filed with the clerk of the court, within ten days after the judgment: PROVIDED, The clerk of the court shall keep a record of all witnesses in attendance upon any civil action, for whom fees are to be claimed, with the number of days in attendance and their mileage, and no fees

or mileage for any witness shall be taxed in the cost bill unless they shall have reported their attendance at the close of each day's session to the clerk in attendance at such trial. [2011 c 336 s 123; 1949 c 146 s 1; 1905 c 16 s 1; Code 1881 s 513; 1877 p 109 s 517; 1869 p 124 s 465; 1854 p 202 s 375; Rem. Supp. 1949 s 482.]

*Witness fees and mileage: Chapter 2.40 RCW.*

**RCW 4.84.100 Costs on postponement of trial.** When an application shall be made to a court or referees to postpone a trial, the payment to the adverse party of a sum not exceeding ten dollars, besides the fees of witnesses, may be imposed as the condition of granting the postponement. [Code 1881 s 515; 1877 p 109 s 519; 1854 p 203 s 377; RRS s 484.]

**RCW 4.84.110 Costs where tender is made.** When in an action for the recovery of money, the defendant alleges in his or her answer, that, before the commencement of the action, he or she tendered to the plaintiff the full amount to which he or she is entitled, in such money as by agreement ought to be tendered, and thereupon brings into court, for the plaintiff, the amount tendered, and the allegation be found true, the plaintiff shall not recover costs, but shall pay them to the defendant. [2011 c 336 s 124; Code 1881 s 516; 1877 p 109 s 520; 1854 p 203 s 378; RRS s 485.]

**RCW 4.84.120 Costs where deposit in court is made and rejected.** If the defendant in any action pending, shall at any time deposit with the clerk of the court, for the plaintiff, the amount which he or she admits to be due, together with all costs that have accrued, and notify the plaintiff thereof, and such plaintiff shall refuse to accept the same in discharge of the action, and shall not afterwards recover a larger amount than that deposited with the clerk, exclusive of interest and cost, he or she shall pay all costs that may accrue from the time such money was so deposited. [2011 c 336 s 125; Code 1881 s 517; 1877 p 110 s 521; 1854 p 203 s 379; RRS s 486.]

*Conflicting claims, deposit in court, costs: RCW 4.08.170.*

**RCW 4.84.130 Costs in appeals from district courts.** In all civil actions tried before the district court, in which an appeal shall be taken to the superior court, and the party appellant shall not recover a more favorable judgment in the superior court than before the district court, such appellant shall pay all costs. [1987 c 202 s 122; Code 1881 s 518; 1877 p 110 s 522; 1854 p 203 s 380; RRS s 487.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

*District court appeals: Chapter 12.36 RCW.*

**RCW 4.84.140 Costs against guardian of infant plaintiff.** When costs are adjudged against an infant plaintiff, the guardian or person by whom he or she appeared in the action shall be responsible therefor, and payment may be enforced by execution. [2011 c 336 s 126; Code 1881 s 519; 1877 p 110 s 523; 1854 p 203 s 381; RRS s 488.]

**RCW 4.84.150 Costs against fiduciaries.** In an action prosecuted or defended by an executor, administrator, trustee of an express trust, or a person expressly authorized by statute, costs shall be recovered as in an action by or against a person prosecuting in his or her own right, but such costs shall be chargeable only upon or collected of the estate of the party represented, unless the court shall direct the same to be paid by the plaintiff or defendant personally, for mismanagement or bad faith in such action or defense. [2011 c 336 s 127; Code 1881 s 520; 1877 p 110 s 524; 1854 p 203 s 382; RRS s 489.]

*Actions by and against personal representatives, etc.: Chapter 11.48 RCW.*

**RCW 4.84.160 Costs against assignee.** When the cause of action, after the commencement of the action, by assignment, or in any other manner, becomes the property of a person not a party thereto, and the prosecution or defense is thereafter continued, such person shall be liable for the costs in the same manner as if he or she were a party, and payment thereof may be enforced by execution. [2011 c 336 s 128; Code 1881 s 521; 1877 p 110 s 525; 1869 p 125 s 473; 1854 p 203 s 383; RRS s 490.]

**RCW 4.84.170 Costs against state or county.** In all actions prosecuted in the name and for the use of the state, or in the name and for the use of any county, and in any action brought against the state or any county, and on all appeals to the supreme court or the court of appeals of the state in all actions brought by or against either the state or any county, the state or county shall be liable for costs in the same case and to the same extent as private parties. [1971 c 81 s 22; 1959 c 62 s 1; Code 1881 s 522; 1877 p 110 s 526; 1854 p 203 s 384; RRS s 491.]

**RCW 4.84.185 Prevailing party to receive expenses for opposing frivolous action or defense.** In any civil action, the court having jurisdiction may, upon written findings by the judge that the action, counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, or defense. This determination shall be made upon motion by the prevailing party after a voluntary or involuntary order of dismissal, order on summary judgment, final judgment after trial, or other final order terminating the action as to the prevailing party. The judge shall consider all evidence presented at the time of the motion to determine whether the position of the nonprevailing party was frivolous and advanced without reasonable

cause. In no event may such motion be filed more than thirty days after entry of the order.

The provisions of this section apply unless otherwise specifically provided by statute. [1991 c 70 s 1; 1987 c 212 s 201; 1983 c 127 s 1.]

*Administrative law, frivolous petitions for judicial review: RCW 34.05.598.*

**RCW 4.84.190 Costs in proceedings not specifically covered.** In all actions and proceedings other than those mentioned in this chapter [and RCW 4.48.100], where no provision is made for the recovery of costs, they may be allowed or not, and if allowed may be apportioned between the parties, in the discretion of the court. [Code 1881 s 525; 1877 p 111 s 529; 1854 p 204 s 387; RRS s 493.]

*Costs: RCW 4.84.080.*

**RCW 4.84.200 Retaxation of costs.** Any party aggrieved by the taxation of costs by the clerk of the court may, upon application, have the same retaxed by the court in which the action or proceeding is had. [Code 1881 s 526; 1877 p 111 s 530; 1854 p 204 s 388; RRS s 494.]

**RCW 4.84.210 Security for costs.** When a plaintiff in an action, or in a garnishment or other proceeding, resides out of the county, or is a foreign corporation, or begins such action or proceeding as the assignee of some other person or of a firm or corporation, as to all causes of action sued upon, security for the costs and charges which may be awarded against such plaintiff may be required by the defendant or garnishee defendant. When required, all proceedings in the action or proceeding shall be stayed until a bond, executed by two or more persons, or by a surety company authorized to do business in this state be filed with the clerk, conditioned that they will pay such costs and charges as may be awarded against the plaintiff by judgment, or in the progress of the action or proceeding, not exceeding the sum of two hundred dollars. A new or additional bond may be ordered by the court or judge, upon proof that the original bond is insufficient security, and proceedings in the action or proceeding stayed until such new or additional bond be executed and filed. The plaintiff may deposit with the clerk the sum of two hundred dollars in lieu of a bond. [1929 c 103 s 1; Code 1881 s 527; 1877 p 111 s 531; 1854 p 204 s 389; RRS s 495.]

**RCW 4.84.220 Bond in lieu of separate security.** In lieu of separate security for each action or proceeding in any court, the plaintiff may cause to be executed and filed in the court a bond in the penal sum of two hundred dollars running to the state of Washington, with surety as in case of a separate bond, and conditioned for the payment of all judgments for costs which may thereafter be rendered against him or her in that court. Any defendant or garnishee who shall thereafter recover a judgment for costs in said court against the principal on such bond shall likewise be entitled to

judgment against the sureties. Such bond shall not be sufficient unless the penalty thereof is unimpaired by any outstanding obligation at the time of the commencement of the action. [2011 c 336 s 129; 1929 c 103 s 2; RRS s 495-1.]

**RCW 4.84.230 Dismissal for failure to give security.** After the lapse of ninety days from the service of notice that security is required or of an order for new or additional security, upon proof thereof, and that no undertaking as required has been filed, the court or judge may order the action to be dismissed. [1933 c 14 s 1; RRS s 495-2.]

**RCW 4.84.240 Judgment on cost bond.** Whenever any bond or undertaking for the payment of any costs to any party shall be filed in any action or other legal proceeding in any court in this state and judgment should be rendered for any such costs against the principal on any such bonds or against the party primarily liable therefor in whose behalf any such bond or undertaking has been filed, such judgment for costs shall be rendered against the principal on such bond or the party primarily liable therefor and at the same time also against his or her surety or sureties on any or all such bonds or undertakings filed in any such action or other legal proceeding. [2011 c 336 s 130; 1909 c 173 s 1; RRS s 496.]

**RCW 4.84.250 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Allowed to prevailing party.** Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is seven thousand five hundred dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action a reasonable amount to be fixed by the court as attorneys' fees. After July 1, 1985, the maximum amount of the pleading under this section shall be ten thousand dollars. [1984 c 258 s 88; 1980 c 94 s 1; 1973 c 84 s 1.]

**Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258:** See notes following RCW 3.30.010.

**Effective date—1980 c 94:** "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1980." [1980 c 94 s 6.]

**RCW 4.84.260 Attorneys' fees as costs in damage actions of ten thousand dollars or less—When plaintiff deemed prevailing party.** The plaintiff, or party seeking relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250 when the recovery, exclusive of costs, is as much as or more than the amount offered in settlement by the plaintiff, or party seeking relief, as set forth in RCW 4.84.280. [1973 c 84 s 2.]

**RCW 4.84.270 Attorneys' fees as costs in damage actions of ten thousand dollars or less—When defendant deemed prevailing party.** The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250, if the plaintiff, or party seeking relief in an action for damages where the amount pleaded, exclusive of costs, is equal to or less than the maximum allowed under RCW 4.84.250, recovers nothing, or if the recovery, exclusive of costs, is the same or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in RCW 4.84.280. [1980 c 94 s 2; 1973 c 84 s 3.]

**Effective date—1980 c 94:** See note following RCW 4.84.250.

**RCW 4.84.280 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Offers of settlement in determining.** Offers of settlement shall be served on the adverse party in the manner prescribed by applicable court rules at least ten days prior to trial. Offers of settlement shall not be served until thirty days after the completion of the service and filing of the summons and complaint. Offers of settlement shall not be filed or communicated to the trier of the fact until after judgment, at which time a copy of said offer of settlement shall be filed for the purposes of determining attorneys' fees as set forth in RCW 4.84.250. [1983 c 282 s 1; 1980 c 94 s 3; 1973 c 84 s 4.]

**Effective date—1980 c 94:** See note following RCW 4.84.250.

**RCW 4.84.290 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Prevailing party on appeal.** If the case is appealed, the prevailing party on appeal shall be considered the prevailing party for the purpose of applying the provisions of RCW 4.84.250: PROVIDED, That if, on appeal, a retrial is ordered, the court ordering the retrial shall designate the prevailing party, if any, for the purpose of applying the provisions of RCW 4.84.250.

In addition, if the prevailing party on appeal would be entitled to attorneys' fees under the provisions of RCW 4.84.250, the court deciding the appeal shall allow to the prevailing party such additional amount as the court shall adjudge reasonable as attorneys' fees for the appeal. [1973 c 84 s 5.]

**RCW 4.84.300 Attorneys' fees as costs in damage actions of ten thousand dollars or less—Application.** The provisions of RCW 4.84.250 through 4.84.290 shall apply regardless of whether the action is commenced in district court or superior court except as provided in RCW 4.84.280. This section shall not be construed as conferring jurisdiction on either court. [1987 c 202 s 123; 1980 c 94 s 4; 1973 c 84 s 6.]

**Intent—1987 c 202:** See note following RCW 2.04.190.

**Effective date—1980 c 94:** See note following RCW 4.84.250.

**RCW 4.84.320 Attorneys' fees in actions for injuries resulting from the rendering of medical and other health care.** See RCW 7.70.070.

**RCW 4.84.330 Actions on contract or lease which provides that attorneys' fees and costs incurred to enforce provisions be awarded to one of parties—Prevailing party entitled to attorneys' fees—Waiver prohibited.** In any action on a contract or lease entered into after September 21, 1977, where such contract or lease specifically provides that attorneys' fees and costs, which are incurred to enforce the provisions of such contract or lease, shall be awarded to one of the parties, the prevailing party, whether he or she is the party specified in the contract or lease or not, shall be entitled to reasonable attorneys' fees in addition to costs and necessary disbursements.

Attorneys' fees provided for by this section shall not be subject to waiver by the parties to any contract or lease which is entered into after September 21, 1977. Any provision in any such contract or lease which provides for a waiver of attorneys' fees is void.

As used in this section "prevailing party" means the party in whose favor final judgment is rendered. [2011 c 336 s 131; 1977 ex.s. c 203 s 1.]

**RCW 4.84.340 Judicial review of agency action—Definitions.**

Unless the context clearly requires otherwise, the definitions in this section apply throughout RCW 4.84.340 through 4.84.360.

(1) "Agency" means any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches, the governor, or the attorney general except to the extent otherwise required by law.

(2) "Agency action" means agency action as defined by chapter 34.05 RCW.

(3) "Fees and other expenses" includes the reasonable expenses of expert witnesses, the reasonable cost of a study, analysis, engineering report, test, or project that is found by the court to be necessary for the preparation of the party's case, and reasonable attorneys' fees. Reasonable attorneys' fees shall be based on the prevailing market rates for the kind and quality of services furnished, except that (a) no expert witness shall be compensated at a rate in excess of the highest rates of compensation for expert witnesses paid by the state of Washington, and (b) attorneys' fees shall not be awarded in excess of one hundred fifty dollars per hour unless the court determines that an increase in the cost of living or a special factor, such as the limited availability of qualified attorneys for the proceedings involved, justifies a higher fee.

(4) "Judicial review" means a judicial review as defined by chapter 34.05 RCW.

(5) "Qualified party" means (a) an individual whose net worth did not exceed one million dollars at the time the initial petition for judicial review was filed or (b) a sole owner of an unincorporated business, or a partnership, corporation, association, or organization whose net worth did not exceed five million dollars at the time the initial petition for judicial review was filed, except that an

organization described in section 501(c)(3) of the federal internal revenue code of 1954 as exempt from taxation under section 501(a) of the code and a cooperative association as defined in section 15(a) of the agricultural marketing act (12 U.S.C. 1141J(a)), may be a party regardless of the net worth of such organization or cooperative association. [1995 c 403 s 902.]

**Findings—1995 c 403:** "The legislature finds that certain individuals, smaller partnerships, smaller corporations, and other organizations may be deterred from seeking review of or defending against an unreasonable agency action because of the expense involved in securing the vindication of their rights in administrative proceedings. The legislature further finds that because of the greater resources and expertise of the state of Washington, individuals, smaller partnerships, smaller corporations, and other organizations are often deterred from seeking review of or defending against state agency actions because of the costs for attorneys, expert witnesses, and other costs. The legislature therefore adopts this equal access to justice act to ensure that these parties have a greater opportunity to defend themselves from inappropriate state agency actions and to protect their rights." [1995 c 403 s 901.]

**Findings—Short title—Intent—1995 c 403:** See note following RCW 34.05.328.

**RCW 4.84.350 Judicial review of agency action—Award of fees and expenses.** (1) Except as otherwise specifically provided by statute, a court shall award a qualified party that prevails in a judicial review of an agency action fees and other expenses, including reasonable attorneys' fees, unless the court finds that the agency action was substantially justified or that circumstances make an award unjust. A qualified party shall be considered to have prevailed if the qualified party obtained relief on a significant issue that achieves some benefit that the qualified party sought.

(2) The amount awarded a qualified party under subsection (1) of this section shall not exceed twenty-five thousand dollars. Subsection (1) of this section shall not apply unless all parties challenging the agency action are qualified parties. If two or more qualified parties join in an action, the award in total shall not exceed twenty-five thousand dollars. The court, in its discretion, may reduce the amount to be awarded pursuant to subsection (1) of this section, or deny any award, to the extent that a qualified party during the course of the proceedings engaged in conduct that unduly or unreasonably protracted the final resolution of the matter in controversy. [1995 c 403 s 903.]

**Findings—1995 c 403:** See note following RCW 4.84.340.

**Findings—Short title—Intent—1995 c 403:** See note following RCW 34.05.328.

**RCW 4.84.360 Judicial review of agency action—Payment of fees and expenses—Report to office of financial management.** Fees and other expenses awarded under RCW 4.84.340 and 4.84.350 shall be paid

by the agency over which the party prevails from operating funds appropriated to the agency within sixty days. Agencies paying fees and other expenses pursuant to RCW 4.84.340 and 4.84.350 shall report all payments to the office of financial management within five days of paying the fees and other expenses. Fees and other expenses awarded by the court shall be subject to the provisions of chapter 39.76 RCW and shall be deemed payable on the date the court announces the award. [1995 c 403 s 904.]

**Findings—1995 c 403:** See note following RCW 4.84.340.

**Findings—Short title—Intent—1995 c 403:** See note following RCW 34.05.328.

**RCW 4.84.370 Appeal of land use decisions—Fees and costs.** (1) Notwithstanding any other provisions of this chapter, reasonable attorneys' fees and costs shall be awarded to the prevailing party or substantially prevailing party on appeal before the court of appeals or the supreme court of a decision by a county, city, or town to issue, condition, or deny a development permit involving a site-specific rezone, zoning, plat, conditional use, variance, shoreline permit, building permit, site plan, or similar land use approval or decision. The court shall award and determine the amount of reasonable attorneys' fees and costs under this section if:

(a) The prevailing party on appeal was the prevailing or substantially prevailing party before the county, city, or town, or in a decision involving a substantial development permit under chapter 90.58 RCW, the prevailing party on appeal was the prevailing party or the substantially prevailing party before the shoreline[s] hearings board; and

(b) The prevailing party on appeal was the prevailing party or substantially prevailing party in all prior judicial proceedings.

(2) In addition to the prevailing party under subsection (1) of this section, the county, city, or town whose decision is on appeal is considered a prevailing party if its decision is upheld at superior court and on appeal. [1995 c 347 s 718.]

**Finding—Severability—Part headings and table of contents not law—1995 c 347:** See notes following RCW 36.70A.470.