
SUBSTITUTE HOUSE BILL 2176

State of Washington 62nd Legislature 2012 Regular Session

By House Judiciary (originally sponsored by Representatives Goodman, Hope, Dunshee, Kelley, and Fitzgibbon)

READ FIRST TIME 01/25/12.

1 AN ACT Relating to extending the time to enforce civil judgments
2 for damages caused by impaired drivers; amending RCW 6.17.020,
3 4.16.020, 4.56.190, 4.56.210, 6.32.010, 6.32.015, 6.36.025, and
4 36.18.016; and adding a new section to chapter 6.17 RCW.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 6.17 RCW
7 to read as follows:

8 (1) After the effective date of this section, a judgment creditor
9 or the assignee or current holder of a civil judgment for damages for
10 the death or personal injury caused by the judgment debtor's operation
11 of a motor vehicle while under the influence of alcohol or any drug may
12 petition the court for an order granting an extension to execute,
13 garnish, and have legal process issued upon the judgment. The order
14 granting an extension shall not specify an expiration date and shall
15 specify that the judgment is extended until the judgment is satisfied.

16 (2) A petition for an extension under this section may be filed at
17 any time before the expiration of the judgment. A judgment creditor or
18 the assignee or current holder of the judgment is not required to seek
19 a second ten-year extension under RCW 6.17.020 before petitioning the

1 court for an extension under this section as long as the petition for
2 an extension under this section is submitted before the expiration of
3 the judgment.

4 (3) The petition shall be filed with the court that rendered the
5 judgment or, if it is a foreign judgment, to the court where the
6 foreign judgment was filed. If a district court judgment of this state
7 is transcribed to a superior court of this state, the original district
8 court judgment shall not be extended and any petition under this
9 section to extend the judgment that has been transcribed to superior
10 court shall be filed in the superior court.

11 (4) The petitioner shall pay to the court a filing fee equal to the
12 filing fee for filing an issuance of an extension of judgment under RCW
13 6.17.020.

14 (5)(a) The petition shall be granted as a matter of right, subject
15 to review for timeliness, factual issues of full or partial
16 satisfaction, or errors in calculating the judgment summary amounts.

17 (b) If necessary, the court may review any relevant records or
18 documents to determine if the judgment is a judgment for damages for
19 the death or personal injury caused by the judgment debtor's operation
20 of a motor vehicle while under the influence of alcohol or any drug.

21 (6) The order granting the petition shall contain an updated
22 judgment summary as provided in RCW 4.64.030. The filing fee required
23 under this section shall be included in the judgment summary and shall
24 be a recoverable cost.

25 (7) This section applies to all judgments currently in effect on or
26 after the effective date of this section, unless the judgment has been
27 satisfied, vacated, or quashed. To this extent, this section applies
28 retroactively, but in all other aspects it applies prospectively.

29 **Sec. 2.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read
30 as follows:

31 (1) Except as provided in subsections (2), (3), and (4) of this
32 section and section 1 of this act, the party in whose favor a judgment
33 of a court has been or may be filed or rendered, or the assignee or the
34 current holder thereof, may have an execution, garnishment, or other
35 legal process issued for the collection or enforcement of the judgment
36 at any time within ten years from entry of the judgment or the filing
37 of the judgment in this state.

1 (2) After July 23, 1989, a party who obtains a judgment or order of
2 a court or an administrative order entered as defined in RCW
3 74.20A.020(6) for accrued child support, or the assignee or the current
4 holder thereof, may have an execution, garnishment, or other legal
5 process issued upon that judgment or order at any time within ten years
6 of the eighteenth birthday of the youngest child named in the order for
7 whom support is ordered.

8 (3) After June 9, 1994, and except as provided in section 1 of this
9 act, a party in whose favor a judgment has been filed as a foreign
10 judgment or rendered pursuant to subsection (1) or (4) of this section,
11 or the assignee or the current holder thereof, may, within ninety days
12 before the expiration of the original ten-year period, apply to the
13 court that rendered the judgment or to the court where the judgment was
14 filed as a foreign judgment for an order granting an additional ten
15 years during which an execution, garnishment, or other legal process
16 may be issued. If a district court judgment of this state is
17 transcribed to a superior court of this state, the original district
18 court judgment shall not be extended and any petition under this
19 section to extend the judgment that has been transcribed to superior
20 court shall be filed in the superior court within ninety days before
21 the expiration of the ten-year period of the date the transcript of the
22 district court judgment was filed in the superior court of this state.
23 The petitioner shall pay to the court a filing fee equal to the filing
24 fee for filing the first or initial paper in a civil action in the
25 court, except in the case of district court judgments transcribed to
26 superior court, where the filing fee shall be the fee for filing the
27 first or initial paper in a civil action in the superior court where
28 the judgment was transcribed. The order granting the application shall
29 contain an updated judgment summary as provided in RCW 4.64.030. The
30 filing fee required under this subsection shall be included in the
31 judgment summary and shall be a recoverable cost. The application
32 shall be granted as a matter of right, subject to review only for
33 timeliness, factual issues of full or partial satisfaction, or errors
34 in calculating the judgment summary amounts.

35 (4) A party who obtains a judgment or order for restitution, crime
36 victims' assessment, or other court-ordered legal financial obligations
37 pursuant to a criminal judgment and sentence, or the assignee or the
38 current holder thereof, may execute, garnish, and/or have legal process

1 issued upon the judgment or order any time within ten years subsequent
2 to the entry of the judgment and sentence or ten years following the
3 offender's release from total confinement as provided in chapter 9.94A
4 RCW. The clerk of superior court, or a party designated by the clerk,
5 may seek extension under subsection (3) of this section for purposes of
6 collection as allowed under RCW 36.18.190, provided that no filing fee
7 shall be required.

8 (5) "Court" as used in this section includes but is not limited to
9 the United States supreme court, the United States courts of appeals,
10 the United States district courts, the United States bankruptcy courts,
11 the Washington state supreme court, the court of appeals of the state
12 of Washington, superior courts and district courts of the counties of
13 the state of Washington, and courts of other states and jurisdictions
14 from which judgment has been filed in this state under chapter 6.36 or
15 (~~6.40~~) 6.40A RCW.

16 (6) The perfection of any judgment lien and the priority of that
17 judgment lien on property as established by RCW 6.13.090 and chapter
18 4.56 RCW is not altered by the extension of the judgment pursuant to
19 the provisions of this section or section 1 of this act, and the lien
20 remains in full force and effect and does not have to be rerecorded
21 after it is extended. Continued perfection of a judgment that has been
22 transcribed to other counties and perfected in those counties may be
23 accomplished after extension of the judgment by filing with the clerk
24 of the other counties where the judgment has been filed either a
25 certified copy of the order extending the judgment or a certified copy
26 of the docket of the matter where the judgment was extended.

27 (7) Except as ordered in section 1 of this act, RCW 4.16.020 (2) or
28 (3), chapter 9.94A RCW, or chapter 13.40 RCW, no judgment is
29 enforceable for a period exceeding twenty years from the date of entry
30 in the originating court. Nothing in this section may be interpreted
31 to extend the expiration date of a foreign judgment beyond the
32 expiration date under the laws of the jurisdiction where the judgment
33 originated.

34 (8) The chapter 261, Laws of 2002 amendments to this section apply
35 to all judgments currently in effect on June 13, 2002, to all judgments
36 extended after June 9, 1994, unless the judgment has been satisfied,
37 vacated, and/or quashed, and to all judgments filed or rendered, or
38 both, after June 13, 2002.

1 **Sec. 3.** RCW 4.16.020 and 2002 c 261 s 2 are each amended to read
2 as follows:

3 The period prescribed for the commencement of actions shall be as
4 follows:

5 Within ten years:

6 (1) For actions for the recovery of real property, or for the
7 recovery of the possession thereof; and no action shall be maintained
8 for such recovery unless it appears that the plaintiff, his or her
9 ancestor, predecessor or grantor was seized or possessed of the
10 premises in question within ten years before the commencement of the
11 action.

12 (2) For an action upon a judgment or decree of any court of the
13 United States, or of any state or territory within the United States,
14 or of any territory or possession of the United States outside the
15 boundaries thereof, or of any extraterritorial court of the United
16 States, unless the period is extended under section 1 of this act, RCW
17 6.17.020, or a similar provision in another jurisdiction.

18 (3) Of the eighteenth birthday of the youngest child named in the
19 order for whom support is ordered for an action to collect past due
20 child support that has accrued under an order entered after July 23,
21 1989, by any of the above-named courts or that has accrued under an
22 administrative order as defined in RCW 74.20A.020(6), which is issued
23 after July 23, 1989.

24 **Sec. 4.** RCW 4.56.190 and 2011 c 106 s 4 are each amended to read
25 as follows:

26 The real estate of any judgment debtor, and such as the judgment
27 debtor may acquire, not exempt by law, shall be held and bound to
28 satisfy any judgment of the district court of the United States
29 rendered in this state and any judgment of the supreme court, court of
30 appeals, superior court, or district court of this state, and every
31 such judgment shall be a lien thereupon to commence as provided in RCW
32 4.56.200 and to run for a period of not to exceed ten years from the
33 day on which such judgment was entered unless the ten-year period is
34 extended in accordance with section 1 of this act or RCW 6.17.020(3),
35 or unless the judgment results from a criminal sentence for a crime
36 that was committed on or after July 1, 2000, in which case the lien
37 will remain in effect until the judgment is fully satisfied. As used

1 in this chapter, real estate shall not include the vendor's interest
2 under a real estate contract for judgments rendered after August 23,
3 1983. If a judgment debtor owns real estate, subject to execution,
4 jointly or in common with any other person, the judgment shall be a
5 lien on the interest of the defendant only.

6 Personal property of the judgment debtor shall be held only from
7 the time it is actually levied upon.

8 **Sec. 5.** RCW 4.56.210 and 1995 c 75 s 1 are each amended to read as
9 follows:

10 (1) Except as provided in subsections (2) and (3) of this section,
11 after the expiration of ten years from the date of the entry of any
12 judgment heretofore or hereafter rendered in this state, it shall cease
13 to be a lien or charge against the estate or person of the judgment
14 debtor. No suit, action or other proceeding shall ever be had on any
15 judgment rendered in this state by which the lien shall be extended or
16 continued in force for any greater or longer period than ten years.

17 (2) An underlying judgment or judgment lien entered after the
18 effective date of this act for accrued child support shall continue in
19 force for ten years after the eighteenth birthday of the youngest child
20 named in the order for whom support is ordered. All judgments entered
21 after the effective date of this act shall contain the birth date of
22 the youngest child for whom support is ordered.

23 (3)(a) Except as provided in (b) of this subsection, a lien based
24 upon an underlying judgment continues in force for an additional ten-
25 year period if the period of execution for the underlying judgment is
26 extended under RCW 6.17.020.

27 (b) A lien based upon an underlying judgment that has been extended
28 under section 1 of this act continues in force until the judgment is
29 satisfied or the lien is removed, whichever occurs first.

30 **Sec. 6.** RCW 6.32.010 and 1994 c 189 s 4 are each amended to read
31 as follows:

32 At any time within ten years after entry of a judgment for the sum
33 of twenty-five dollars or over, unless the time is extended in
34 accordance with section 1 of this act or RCW 6.17.020(3), upon
35 application by the judgment creditor such court or judge may, by an
36 order, require the judgment debtor to appear at a specified time and

1 place before the judge granting the order, or a referee appointed by
2 the judge, to answer concerning the same; and the judge to whom
3 application is made under this chapter may, if it is made to appear to
4 him or her by the affidavit of the judgment creditor, his or her agent
5 or attorney that there is danger of the debtor absconding, order the
6 sheriff to arrest the debtor and bring him or her before the judge
7 granting the order. Upon being brought before the judge, he or she may
8 be ordered to enter into a bond, with sufficient sureties, that he or
9 she will attend from time to time before the judge or referee, as shall
10 be directed, during the pendency of the proceedings and until the final
11 termination thereof. If the judgment debtor or other persons against
12 whom the special proceedings are instituted has been served with these
13 proceedings, the plaintiff shall be entitled to costs of service,
14 notary fees, and an appearance fee of twenty-five dollars. If the
15 judgment debtor or other persons fail to answer or appear, the
16 plaintiff shall additionally be entitled to reasonable attorney fees.
17 If a plaintiff institutes special proceedings and fails to appear, a
18 judgment debtor or other person against whom the proceeding was
19 instituted who appears is entitled to an appearance fee of twenty-five
20 dollars and reasonable attorney fees.

21 **Sec. 7.** RCW 6.32.015 and 1994 c 189 s 5 are each amended to read
22 as follows:

23 At any time within ten years after entry of a judgment for a sum of
24 twenty-five dollars or over, unless the time is extended in accordance
25 with section 1 of this act or RCW 6.17.020(3), upon application by the
26 judgment creditor such court or judge may, by order served on the
27 judgment debtor, require such debtor to answer written interrogatories,
28 under oath, in such form as may be approved by the court. No such
29 creditor shall be required to proceed under this section nor shall he
30 or she waive his or her rights to proceed under RCW 6.32.010 by
31 proceeding under this section.

32 **Sec. 8.** RCW 6.36.025 and 2002 c 261 s 4 are each amended to read
33 as follows:

34 (1) A copy of any foreign judgment authenticated in accordance with
35 the act of congress or the statutes of this state may be filed in the
36 office of the clerk of any superior court of any county of this state.

1 The clerk shall treat the foreign judgment in the same manner as a
2 judgment of the superior court of this state. A judgment so filed has
3 the same effect and is subject to the same procedures, defenses, set-
4 offs, counterclaims, cross-complaints, and proceedings for reopening,
5 vacating, staying, or extending as a judgment of a superior court of
6 this state and may be enforced, extended, or satisfied in like manner.

7 (2) Alternatively, a copy of any foreign judgment (a) authenticated
8 in accordance with the act of congress or the statutes of this state,
9 and (b) within the civil jurisdiction and venue of the district court
10 as provided in RCW 3.66.020, 3.66.030, and 3.66.040, may be filed in
11 the office of the clerk of any district court of this state. The clerk
12 shall treat the foreign judgment in the same manner as a judgment of
13 the district court of this state. A judgment so filed has the same
14 effect and is subject to the same procedures, defenses, set-offs,
15 counterclaims, cross-complaints, and proceedings for reopening,
16 vacating, staying, transcribing, or extending as a judgment of a
17 district court of this state, and may be enforced, transcribed,
18 extended, or satisfied in like manner.

19 (3) The lien of any judgment filed under subsection (1) or (2) of
20 this section shall be governed by chapter 4.56 RCW, section 1 of this
21 act, and RCW 6.17.020.

22 **Sec. 9.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to read
23 as follows:

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

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

30 (b) The party filing the first or initial petition for dissolution,
31 legal separation, or declaration concerning the validity of marriage
32 shall pay, at the time and in addition to the filing fee required under
33 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior
34 court shall transmit monthly twenty-four dollars of the thirty dollar
35 fee collected under this subsection to the state treasury for deposit
36 in the domestic violence prevention account. The remaining six dollars
37 shall be retained by the county for the purpose of supporting

1 community-based services within the county for victims of domestic
2 violence, except for five percent of the six dollars, which may be
3 retained by the court for administrative purposes.

4 (3)(a) The party making a demand for a jury of six in a civil
5 action shall pay, at the time, a fee of one hundred twenty-five
6 dollars; if the demand is for a jury of twelve, a fee of two hundred
7 fifty dollars. If, after the party demands a jury of six and pays the
8 required fee, any other party to the action requests a jury of twelve,
9 an additional one hundred twenty-five dollar fee will be required of
10 the party demanding the increased number of jurors.

11 (b) Upon conviction in criminal cases a jury demand charge of one
12 hundred twenty-five dollars for a jury of six, or two hundred fifty
13 dollars for a jury of twelve may be imposed as costs under RCW
14 10.46.190.

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

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

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

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

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

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

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

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

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

9 (13) For duplicated recordings of court's proceedings there must be
10 a fee of ten dollars for each audio tape and twenty-five dollars for
11 each video tape or other electronic storage medium.

12 (14) For registration of land titles, Torrens Act, under RCW
13 65.12.780, a fee of twenty dollars must be charged.

14 (15) For the issuance of extension of judgment under RCW 6.17.020,
15 section 1 of this act, and chapter 9.94A RCW, a fee of two hundred
16 dollars must be charged. When the extension of judgment is at the
17 request of the clerk, the two hundred dollar charge may be imposed as
18 court costs under RCW 10.46.190.

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

21 (17) For filing (~~a water rights statement~~) an adjudication claim
22 under RCW 90.03.180, a fee of twenty-five dollars must be charged.

23 (18) For filing a claim of frivolous lien under RCW 60.04.081, a
24 fee of thirty-five dollars must be charged.

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

28 (20) A service fee of five dollars for the first page and one
29 dollar for each additional page must be charged for receiving faxed
30 documents, pursuant to Washington state rules of court, general rule
31 17.

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

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

37 (23) Investment service charge and earnings under RCW 36.48.090
38 must be charged.

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

3 (25) For filing a request for mandatory arbitration, a filing fee
4 may be assessed against the party filing a statement of arbitrability
5 not to exceed two hundred twenty dollars as established by authority of
6 local ordinance. This charge shall be used solely to offset the cost
7 of the mandatory arbitration program.

8 (26) For filing a request for trial de novo of an arbitration
9 award, a fee not to exceed two hundred fifty dollars as established by
10 authority of local ordinance must be charged.

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

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

20 (29) For the collection of unpaid legal financial obligations, the
21 clerk may impose an annual fee of up to one hundred dollars, pursuant
22 to RCW 9.94A.780.

23 (30) A surcharge of up to twenty dollars may be charged in
24 dissolution and legal separation actions as authorized by RCW
25 26.12.260.

26 The revenue to counties from the fees established in this section
27 shall be deemed to be complete reimbursement from the state for the
28 state's share of benefits paid to the superior court judges of the
29 state prior to July 24, 2005, and no claim shall lie against the state
30 for such benefits.

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