
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-3708.1/12

ATTY/TYPIST: AI:seg

BRIEF DESCRIPTION: Extending the time to enforce civil judgments.

1 AN ACT Relating to extending the time to enforce civil judgments;
2 and amending RCW 6.17.020, 4.56.190, 6.32.010, and 6.32.015.

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

4 **Sec. 1.** RCW 6.17.020 and 2002 c 261 s 1 are each amended to read
5 as follows:

6 (1) Except as provided in subsections (2)((~~, (3), and (4)~~)) through
7 (5) of this section, the party in whose favor a judgment of a court has
8 been or may be filed or rendered, or the assignee or the current holder
9 thereof, may have an execution, garnishment, or other legal process
10 issued for the collection or enforcement of the judgment at any time
11 within ten years from entry of the judgment or the filing of the
12 judgment in this state.

13 (2) After July 23, 1989, a party who obtains a judgment or order of
14 a court or an administrative order entered as defined in RCW
15 74.20A.020(6) for accrued child support, or the assignee or the current
16 holder thereof, may have an execution, garnishment, or other legal
17 process issued upon that judgment or order at any time within ten years
18 of the eighteenth birthday of the youngest child named in the order for
19 whom support is ordered.

1 (3) After June 9, 1994, a party in whose favor a judgment has been
2 filed as a foreign judgment or rendered pursuant to subsection (1) or
3 (~~(4)~~) (5) of this section, or the assignee or the current holder
4 thereof, may, within ninety days before the expiration of the original
5 ten-year period, apply to the court that rendered the judgment or to
6 the court where the judgment was filed as a foreign judgment for an
7 order granting an additional ten years during which an execution,
8 garnishment, or other legal process may be issued. If a district court
9 judgment of this state is transcribed to a superior court of this
10 state, the original district court judgment shall not be extended and
11 any petition under this section to extend the judgment that has been
12 transcribed to superior court shall be filed in the superior court
13 within ninety days before the expiration of the ten-year period of the
14 date the transcript of the district court judgment was filed in the
15 superior court of this state. The petitioner shall pay to the court a
16 filing fee equal to the filing fee for filing the first or initial
17 paper in a civil action in the court, except in the case of district
18 court judgments transcribed to superior court, where the filing fee
19 shall be the fee for filing the first or initial paper in a civil
20 action in the superior court where the judgment was transcribed. The
21 order granting the application shall contain an updated judgment
22 summary as provided in RCW 4.64.030. The filing fee required under
23 this subsection shall be included in the judgment summary and shall be
24 a recoverable cost. The application shall be granted as a matter of
25 right, subject to review only for timeliness, factual issues of full or
26 partial satisfaction, or errors in calculating the judgment summary
27 amounts.

28 (4) After June 9, 1994, a party in whose favor a judgment has been
29 filed as a foreign judgment or rendered pursuant to subsection (1) or
30 (5) of this section, or the assignee or the current holder thereof,
31 excluding those resulting from a breach of contract, may, within ninety
32 days before the expiration of the second ten-year period, apply to the
33 court that rendered the judgment or to the court where the judgment was
34 filed as a foreign judgment for an order granting an additional ten
35 years during which an execution, garnishment, or other legal process
36 may be issued. If a district court judgment of this state is
37 transcribed to a superior court of this state, the original district
38 court judgment shall not be extended and any petition under this

1 section to extend the judgment that has been transcribed to superior
2 court shall be filed in the superior court within ninety days before
3 the expiration of the second ten-year period. The petitioner shall pay
4 to the court a filing fee equal to the filing fee for filing the first
5 or initial paper in a civil action in the court, except in the case of
6 district court judgments transcribed to superior court, where the
7 filing fee shall be the fee for filing the first or initial paper in a
8 civil action in the superior court where the judgment was transcribed.
9 The order granting the application shall contain an updated judgment
10 summary as provided in RCW 4.64.030. The filing fee required under
11 this subsection shall be included in the judgment summary and shall be
12 a recoverable cost. The application shall be granted as a matter of
13 right, subject to review only for timeliness, factual issues of full or
14 partial satisfaction, or errors in calculating the judgment summary
15 amounts.

16 (5) A party who obtains a judgment or order for restitution, crime
17 victims' assessment, or other court-ordered legal financial obligations
18 pursuant to a criminal judgment and sentence, or the assignee or the
19 current holder thereof, may execute, garnish, and/or have legal process
20 issued upon the judgment or order any time within ten years subsequent
21 to the entry of the judgment and sentence or ten years following the
22 offender's release from total confinement as provided in chapter 9.94A
23 RCW. The clerk of superior court, or a party designated by the clerk,
24 may seek extension under subsection (3) of this section for purposes of
25 collection as allowed under RCW 36.18.190, provided that no filing fee
26 shall be required.

27 ((+5+)) (6) "Court" as used in this section includes but is not
28 limited to the United States supreme court, the United States courts of
29 appeals, the United States district courts, the United States
30 bankruptcy courts, the Washington state supreme court, the court of
31 appeals of the state of Washington, superior courts and district courts
32 of the counties of the state of Washington, and courts of other states
33 and jurisdictions from which judgment has been filed in this state
34 under chapter 6.36 or 6.40 RCW.

35 ((+6+)) (7) The perfection of any judgment lien and the priority of
36 that judgment lien on property as established by RCW 6.13.090 and
37 chapter 4.56 RCW is not altered by the extension of the judgment
38 pursuant to the provisions of this section and the lien remains in full

1 force and effect and does not have to be rerecorded after it is
2 extended. Continued perfection of a judgment that has been transcribed
3 to other counties and perfected in those counties may be accomplished
4 after extension of the judgment by filing with the clerk of the other
5 counties where the judgment has been filed either a certified copy of
6 the order extending the judgment or a certified copy of the docket of
7 the matter where the judgment was extended.

8 ~~((+7))~~ (8) Except as ordered in subsection (4) of this section,
9 RCW 4.16.020 (2) or (3), chapter 9.94A RCW, or chapter 13.40 RCW, no
10 judgment is enforceable for a period exceeding twenty years from the
11 date of entry in the originating court. Nothing in this section may be
12 interpreted to extend the expiration date of a foreign judgment beyond
13 the expiration date under the laws of the jurisdiction where the
14 judgment originated.

15 ~~((+8))~~ (9) The chapter 261, Laws of 2002 amendments to this
16 section apply to all judgments currently in effect on June 13, 2002, to
17 all judgments extended after June 9, 1994, unless the judgment has been
18 satisfied, vacated, and/or quashed, and to all judgments filed or
19 rendered, or both, after June 13, 2002.

20 **Sec. 2.** RCW 4.56.190 and 2011 c 106 s 4 are each amended to read
21 as follows:

22 The real estate of any judgment debtor, and such as the judgment
23 debtor may acquire, not exempt by law, shall be held and bound to
24 satisfy any judgment of the district court of the United States
25 rendered in this state and any judgment of the supreme court, court of
26 appeals, superior court, or district court of this state, and every
27 such judgment shall be a lien thereupon to commence as provided in RCW
28 4.56.200 and to run for a period of not to exceed ten years from the
29 day on which such judgment was entered unless the ten-year period is
30 extended in accordance with RCW 6.17.020 (3) or (4), or unless the
31 judgment results from a criminal sentence for a crime that was
32 committed on or after July 1, 2000, in which case the lien will remain
33 in effect until the judgment is fully satisfied. As used in this
34 chapter, real estate shall not include the vendor's interest under a
35 real estate contract for judgments rendered after August 23, 1983. If
36 a judgment debtor owns real estate, subject to execution, jointly or in

1 common with any other person, the judgment shall be a lien on the
2 interest of the defendant only.

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

5 **Sec. 3.** RCW 6.32.010 and 1994 c 189 s 4 are each amended to read
6 as follows:

7 At any time within ten years after entry of a judgment for the sum
8 of twenty-five dollars or over, unless the time is extended in
9 accordance with RCW 6.17.020 (3) or (4), upon application by the
10 judgment creditor such court or judge may, by an order, require the
11 judgment debtor to appear at a specified time and place before the
12 judge granting the order, or a referee appointed by the judge, to
13 answer concerning the same; and the judge to whom application is made
14 under this chapter may, if it is made to appear to him or her by the
15 affidavit of the judgment creditor, his or her agent or attorney that
16 there is danger of the debtor absconding, order the sheriff to arrest
17 the debtor and bring him or her before the judge granting the order.
18 Upon being brought before the judge, he or she may be ordered to enter
19 into a bond, with sufficient sureties, that he or she will attend from
20 time to time before the judge or referee, as shall be directed, during
21 the pendency of the proceedings and until the final termination
22 thereof. If the judgment debtor or other persons against whom the
23 special proceedings are instituted has been served with these
24 proceedings, the plaintiff shall be entitled to costs of service,
25 notary fees, and an appearance fee of twenty-five dollars. If the
26 judgment debtor or other persons fail to answer or appear, the
27 plaintiff shall additionally be entitled to reasonable attorney fees.
28 If a plaintiff institutes special proceedings and fails to appear, a
29 judgment debtor or other person against whom the proceeding was
30 instituted who appears is entitled to an appearance fee of twenty-five
31 dollars and reasonable attorney fees.

32 **Sec. 4.** RCW 6.32.015 and 1994 c 189 s 5 are each amended to read
33 as follows:

34 At any time within ten years after entry of a judgment for a sum of
35 twenty-five dollars or over, unless the time is extended in accordance
36 with RCW 6.17.020 (3) or (4), upon application by the judgment creditor

1 such court or judge may, by order served on the judgment debtor,
2 require such debtor to answer written interrogatories, under oath, in
3 such form as may be approved by the court. No such creditor shall be
4 required to proceed under this section nor shall he or she waive his or
5 her rights to proceed under RCW 6.32.010 by proceeding under this
6 section.

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