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SUBSTITUTE HOUSE BILL 1824

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Judiciary (originally sponsored by Representative Appelwick).

Read first time March 5, 1991.

1 AN ACT Relating to district court jurisdiction; amending RCW  
2 3.66.020, 10.14.150, 60.10.020, 60.11.060, 4.24.130, and 2.24.040;  
3 providing a contingent effective date; providing an effective date; and  
4 declaring an emergency.

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

6 **Sec. 1.** RCW 3.66.020 and 1984 c 258 s 41 are each amended to read  
7 as follows:

8 If the value of the claim or the amount at issue does not exceed  
9 twenty-five thousand dollars, exclusive of interest, costs, and  
10 attorneys' fees, the district court shall have jurisdiction and  
11 cognizance of the following civil actions and proceedings:

12 (1) ~~((Of an))~~ Actions arising on contract for the recovery of money  
13 ~~((only in which the sum claimed does not exceed seven thousand five~~  
14 ~~hundred dollars))~~;

1       (2) (~~(Of-an)~~) Actions for damages for injuries to the person, or  
2 for taking or detaining personal property, or for injuring personal  
3 property, or for an injury to real property when no issue raised by the  
4 answer involves the plaintiff's title to or possession of the same(~~(,~~  
5 ~~when the amount of damages claimed does not exceed seven thousand five~~  
6 ~~hundred dollars; also of)~~) and actions to recover the possession of  
7 personal property (~~(when the value of such property as alleged in the~~  
8 ~~complaint, does not exceed seven thousand five hundred dollars)~~);

9       (3) (~~(Of-an)~~) Actions for a penalty (~~(not exceeding seven thousand~~  
10 ~~five hundred dollars)~~);

11       (4) (~~(Of-an)~~) Actions upon a bond conditioned for the payment of  
12 money, when the amount claimed does not exceed (~~(seven)~~) twenty-five  
13 thousand (~~(five hundred)~~) dollars, though the penalty of the bond  
14 exceeds that sum, the judgment to be given for the sum actually due,  
15 not exceeding the amount claimed in the complaint;

16       (5) (~~(Of-an)~~) Actions on an undertaking or surety bond taken by the  
17 court(~~(,~~ ~~when the amount claimed does not exceed seven thousand five~~  
18 ~~hundred dollars)~~);

19       (6) (~~(Of-an)~~) Actions for damages for fraud in the sale, purchase,  
20 or exchange of personal property(~~(,~~ ~~when the damages claimed do not~~  
21 ~~exceed seven thousand five hundred dollars)~~);

22       (7) Proceedings to take and enter judgment on confession of a  
23 defendant(~~(,~~ ~~when the amount of the judgment confessed does not exceed~~  
24 ~~seven thousand five hundred dollars)~~);

25       (8) Proceedings to issue writs of attachment, garnishment and  
26 replevin upon goods, chattels, moneys, and effects(~~(,~~ ~~when the amount~~  
27 ~~does not exceed seven thousand five hundred dollars)~~); and

28       (9) (~~(Of)~~) All other actions and proceedings of which jurisdiction  
29 is specially conferred by statute, when (~~(the amount involved does not~~

1 exceed seven thousand five hundred dollars and)) the title to, or right  
2 of possession of(~~(, or a lien upon)~~) real property is not involved.

3 (~~The seven thousand five hundred dollar amounts provided in~~  
4 ~~subsections (1) through (9) of this section shall remain in effect~~  
5 ~~until June 30, 1985; effective July 1, 1985, such amount shall be~~  
6 ~~increased to ten thousand dollars.~~

7 ~~The amounts of money referred to in this section shall be exclusive~~  
8 ~~of interest, costs and attorney's fees.)~~)

9 **Sec. 2.** RCW 10.14.150 and 1987 c 280 s 15 are each amended to read  
10 as follows:

11 The (~~superior~~) district courts shall have jurisdiction and  
12 cognizance of any civil actions and proceedings brought under this  
13 chapter. The municipal and district courts shall have jurisdiction and  
14 cognizance of any criminal actions brought under RCW 10.14.120 and  
15 10.14.170.

16 **Sec. 3.** RCW 60.10.020 and 1969 c 82 s 3 are each amended to read  
17 as follows:

18 Any lien upon personal property, excluded by RCW 62A.9-104 from the  
19 provisions of the Uniform Commercial Code (Title 62A RCW), may be  
20 foreclosed by: (1) An action in the district court having jurisdiction  
21 in the district in which the property is situated in accordance with  
22 RCW 61.12.162, if the value of the claim does not exceed the  
23 jurisdictional limit of the district court provided in RCW 3.66.020; or  
24 (2) an action in the superior court having jurisdiction in the county  
25 in which the property is situated in accordance with RCW 61.12.162,  
26 ~~((or it may be foreclosed by))~~ if the value of the claim exceeds the  
27 jurisdictional limit of the district court provided in RCW 3.66.020; or  
28 (3) summary procedure as provided in this chapter.

1       **Sec. 4.** RCW 60.11.060 and 1986 c 242 s 6 are each amended to read  
2 as follows:

3       Any lien subject to this chapter, excluded by RCW 62A.9-104 from  
4 the provisions of the Uniform Commercial Code, Title 62A RCW, may be  
5 foreclosed by: (1) An action in the district court having jurisdiction  
6 in the district in which the real property on which the crop in  
7 question was grown is situated in accordance with RCW 60.11.070, if the  
8 value of the claim does not exceed the jurisdictional limit of the  
9 district court provided in RCW 3.66.020; or (2) an action in the  
10 superior court having jurisdiction in the county in which the real  
11 property on which the crop in question was grown is situated in  
12 accordance with RCW 60.11.070 (~~(or it may be foreclosed by)~~), if the  
13 value of the claim exceeds the jurisdictional limit of the district  
14 court provided in RCW 3.66.020; or (3) summary procedure as provided in  
15 RCW 60.11.080.

16       **Sec. 5.** RCW 4.24.130 and Code of 1881 s 635 are each amended to  
17 read as follows:

18       Any person desiring a change of his or her name or that of his or  
19 her child or ward, may apply therefor to the (~~(superior)~~) district  
20 court of the (~~(county)~~) judicial district in which he or she resides,  
21 by petition setting forth the reasons for such change; thereupon such  
22 court in its discretion may order a change of the name and thenceforth  
23 the new name shall be in place of the former.

24       **Sec. 6.** RCW 2.24.040 and 1979 ex.s. c 54 s 2 are each amended to  
25 read as follows:

26       Such court commissioner shall have power, authority, and  
27 jurisdiction, concurrent with the superior court and the judge thereof,  
28 in the following particulars:

1 (1) To hear and determine all matters in probate, to make and issue  
2 all proper orders therein, and to issue citations in all cases where  
3 same are authorized by the probate statutes of this state.

4 (2) To grant and enter defaults and enter judgment thereon.

5 (3) To issue temporary restraining orders and temporary  
6 injunctions, and to fix and approve bonds thereon.

7 (4) To act as referee in all matters and actions referred to him or  
8 her by the superior court as such, with all the powers now conferred  
9 upon referees by law.

10 (5) To hear and determine all proceedings supplemental to  
11 execution, with all the powers conferred upon the judge of the superior  
12 court in such matters.

13 (6) To hear and determine all petitions for the adoption of  
14 children, for the dissolution of incorporations(~~(, and to change the~~  
15 ~~name of any person)~~)).

16 (7) To hear and determine all applications for the commitment of  
17 any person to the hospital for the insane, with all the powers of the  
18 superior court in such matters: PROVIDED, That in cases where a jury  
19 is demanded, same shall be referred to the superior court for trial.

20 (8) To hear and determine all complaints for the commitments of  
21 minors with all powers conferred upon the superior court in such  
22 matters.

23 (9) To hear and determine ex parte and uncontested civil matters of  
24 any nature.

25 (10) To grant adjournments, administer oaths, preserve order,  
26 compel attendance of witnesses, and to punish for contempts in the  
27 refusal to obey or the neglect of ((~~his~~)) the court commissioner's  
28 lawful orders made in any matter before ((~~him~~)) the court commissioner  
29 as fully as the judge of the superior court.

1 (11) To take acknowledgments and proofs of deeds, mortgages and  
2 all other instruments requiring acknowledgment under the laws of this  
3 state, and to take affidavits and depositions in all cases.

4 (12) To provide an official seal, upon which shall be engraved the  
5 words "Court Commissioner," and the name of the county for which he or  
6 she may be appointed, and to authenticate his official acts therewith  
7 in all cases where same is necessary.

8 (13) To charge and collect, for his or her own use, the same fees  
9 for the official performance of official acts mentioned in subsections  
10 (4) and (11) of this section as are provided by law for referees and  
11 notaries public.

12 NEW SECTION. Sec. 7. Section 2 of this act shall take effect  
13 July 1, 1992, if the proposed amendment to Article IV, section 6 of the  
14 state Constitution (HJR 4221) affecting superior court jurisdiction  
15 over cases in equity is validly submitted to and is approved and  
16 ratified by the voters at the next general election. If the proposed  
17 amendment is not so approved and ratified, section 2 of this act is  
18 null and void in its entirety.

19 NEW SECTION. Sec. 8. Sections 1 and 3 through 6 of this act  
20 are necessary for the immediate preservation of the public peace,  
21 health, or safety, or support of the state government and its existing  
22 public institutions, and shall take effect July 1, 1991.