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HOUSE BILL 2596

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State of Washington

54th Legislature

1996 Regular Session

By Representatives Clements, Hickel, Chandler, Boldt, Honeyford, McMorris, Delvin, Huff, Campbell, Hymes and Thompson

Read first time 01/15/96. Referred to Committee on Law & Justice.

1 AN ACT Relating to awards of reasonable attorneys' fees in civil  
2 actions brought by the state; and adding a new section to chapter 4.84  
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 4.84 RCW  
6 to read as follows:

7 (1) Whenever a private defendant prevails in a civil action brought  
8 by a governmental plaintiff, the court shall require the governmental  
9 plaintiff to pay the prevailing private defendant the reasonable  
10 expenses, including reasonable attorneys' fees, incurred in defending  
11 the action. The court shall order payment under this section upon the  
12 motion of a prevailing private defendant after a voluntary or  
13 involuntary order of dismissal, order on summary judgment, final  
14 judgment after trial, or other final order terminating the action as to  
15 the prevailing private plaintiff.

16 (2) For purposes of this section:

17 (a) "Governmental plaintiff" means the state or a party represented  
18 by an attorney who is paid for that representation in whole or in part  
19 by state funds;

1 (b) "Private defendant" means a defendant who is not a public  
2 entity and is not represented by an attorney who is paid for that  
3 representation in whole or in part by public funds;

4 (c) "State" means the state of Washington and any of its  
5 departments, offices, or agencies, but does not mean any political  
6 subdivision of the state, municipal corporation, or quasi-municipal  
7 corporation; and

8 (d) "Public" means the federal government, any state government or  
9 its departments, offices, or agencies, or any political subdivision,  
10 municipal corporation, or quasi-municipal corporation.

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