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SENATE BILL 5989

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State of Washington

63rd Legislature

2014 Regular Session

By Senators Hobbs, Baumgartner, Darneille, Schoesler, Ranker, Braun, Mullet, Dammeier, Pearson, Nelson, Fain, Rolfes, Hasegawa, Conway, and Holmquist Newbry; by request of Governor Inslee and Attorney General

1 AN ACT Relating to strengthening economic protections for veterans  
2 and military personnel; amending RCW 38.42.010, 38.42.020, and  
3 73.16.070; adding new sections to chapter 38.42 RCW; and prescribing  
4 penalties.

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

6 **Sec. 1.** RCW 38.42.010 and 2012 c 24 s 1 are each amended to read  
7 as follows:

8 The definitions in this section apply throughout this chapter.

9 (1) "Attorney general" means the attorney general of the state of  
10 Washington or any person designated by the attorney general to carry  
11 out a responsibility of the attorney general under this chapter.

12 (2) "Business loan" means a loan or extension of credit granted to  
13 a business entity that: (a) Is owned and operated by a service member,  
14 in which the service member is either (i) a sole proprietor, or (ii)  
15 the owner of at least fifty percent of the entity; and (b) experiences  
16 a material reduction in revenue due to the service member's military  
17 service.

18 ((+2)) (3) "Dependent" means:

19 (a) The service member's spouse;

1 (b) The service member's minor child; or

2 (c) An individual for whom the service member provided more than  
3 one-half of the individual's support for one hundred eighty days  
4 immediately preceding an application for relief under this chapter.

5 ((+3)) (4) "Financial institution" means an institution as defined  
6 in RCW 30.22.041.

7 ((+4)) (5) "Judgment" does not include temporary orders as issued  
8 by a judicial court or administrative tribunal in domestic relations  
9 cases under Title 26 RCW, including but not limited to establishment of  
10 a temporary child support obligation, creation of a temporary parenting  
11 plan, or entry of a temporary protective or restraining order.

12 ((+5)) (6) "Military service" means a service member:

13 (a) Under a call to active service authorized by the president of  
14 the United States or the secretary of defense for a period of more than  
15 thirty consecutive days; or

16 (b) Under a call to service authorized by the governor under RCW  
17 38.08.040 for a period of more than thirty consecutive days.

18 ((+6)) (7) "National guard" has the meaning in RCW 38.04.010.

19 ((+7)) (8) "Service member" means any resident of Washington state  
20 who is a member of the national guard or member of a military reserve  
21 component.

22 **Sec. 2.** RCW 38.42.020 and 2005 c 254 s 2 are each amended to read  
23 as follows:

24 (1) Any service member who is ordered to report for military  
25 service and his or her dependents are entitled to the rights and  
26 protections of this chapter during the period beginning on the date on  
27 which the service member receives the order and ending one hundred  
28 eighty days after termination of or release from military service.

29 (2) This chapter applies to any judicial or administrative  
30 proceeding commenced in any court or agency in Washington state in  
31 which a service member or his or her dependent is a ((defendant))  
32 party. This chapter does not apply to criminal proceedings.

33 (3) This chapter shall be construed liberally so as to provide  
34 fairness and do substantial justice to service members and their  
35 dependents.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 38.42 RCW  
2 to read as follows:

3        (1) The federal Servicemembers Civil Relief Act of 2003, P.L.  
4 108-189, as amended, is specifically declared to apply in proper cases  
5 in all the courts of this state.

6        (2) A violation of the federal Servicemembers Civil Relief Act of  
7 2003 is a violation of this chapter.

8        NEW SECTION.    **Sec. 4.**    A new section is added to chapter 38.42 RCW  
9 to read as follows:

10       (1) Any person aggrieved by a violation of this chapter may in a  
11 civil action:

12       (a) Obtain any appropriate equitable or declaratory relief with  
13 respect to the violation; and

14       (b) Recover all other appropriate relief, including monetary  
15 damages.

16       (2) The court may award to a person aggrieved by a violation of  
17 this chapter who prevails in an action brought under subsection (1)(a)  
18 of this section the costs of the action, including reasonable  
19 attorneys' fees.

20       NEW SECTION.    **Sec. 5.**    A new section is added to chapter 38.42 RCW  
21 to read as follows:

22       (1) Civil proceedings to enforce this chapter may be brought by the  
23 attorney general against any person that:

24       (a) Engages in a pattern or practice of violating this chapter; or

25       (b) Engages in a violation of this chapter that raises an issue of  
26 significant public importance.

27       (2) In a civil action commenced under subsection (1)(a) of this  
28 section, the court may:

29       (a) Grant any appropriate equitable or declaratory relief with  
30 respect to the violation of this chapter;

31       (b) Award all other appropriate relief, including monetary damages,  
32 to any person aggrieved by the violation; and

33       (c) May, to vindicate the public interest, assess a civil penalty:

34       (i) In an amount not exceeding fifty-five thousand dollars for a  
35 first violation; and

1 (ii) In an amount not exceeding one hundred ten thousand dollars  
2 for any subsequent violation.

3 (3) Upon timely application, a person aggrieved by a violation of  
4 this chapter with respect to which the civil action is commenced may  
5 intervene in such an action and may obtain appropriate relief as the  
6 person could obtain in a civil action under section 3 of this act with  
7 respect to that violation, along with costs and reasonable attorneys'  
8 fees.

9 **Sec. 6.** RCW 73.16.070 and 2001 c 133 s 11 are each amended to read  
10 as follows:

11 The federal (~~soldiers' and sailors' civil relief act of 1940,~~  
12 ~~Public Act No. 861~~) Uniformed Services Employment and Reemployment  
13 Rights Act, P.L. 103-353, as amended, is hereby specifically declared  
14 to apply in proper cases in all the courts of this state.

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