

CHAPTER 129

[Engrossed Senate Bill No. 3128]

CONDEMNATION PROCEEDINGS—ATTORNEY FEES—INTEREST RATES

AN ACT Relating to condemnation proceedings; amending section 3, chapter 137, Laws of 1967 ex. sess. as amended by section 3, chapter 39, Laws of 1971 ex. sess. and RCW 8.25-.070; and amending section 1, chapter 28, Laws of 1943 and RCW 8.28.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 3, chapter 137, Laws of 1967 ex. sess. as amended by section 3, chapter 39, Laws of 1971 ex. sess. and RCW 8.25.070 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, if a trial is held for the fixing of the amount of compensation to be awarded to the owner or party having an interest in the property being condemned, the court shall award the condemnee reasonable attorney's fees and reasonable expert witness fees in the event of any of the following:

(a) If condemnor fails to make any written offer in settlement to condemnee at least thirty days prior to commencement of said trial; or

(b) If the judgment awarded as a result of the trial exceeds by ten percent or more the highest written offer in settlement submitted to those condemnees appearing in the action by condemnor ~~((at least))~~ in effect thirty days ((prior to commencement of said)) before the trial.

(2) The attorney general or other attorney representing a condemnor in effecting a settlement of an eminent domain proceeding may allow to the condemnee reasonable attorney fees.

(3) Reasonable attorney fees and reasonable expert witness fees authorized by this section shall be awarded only if the condemnee stipulates, if requested to do so in writing by the condemnor, to an order of immediate possession and use of the property being condemned within thirty days after receipt of the written request, or within fifteen days after the entry of an order adjudicating public use whichever is later and thereafter delivers possession of the property to the condemnor upon the deposit in court of a warrant sufficient to pay the amount offered as provided by law. In the event, however, the condemnor does not request the condemnee to stipulate to an order of immediate possession and use prior to trial, the condemnee shall be entitled to an award of reasonable attorney fees and reasonable expert witness fees as authorized by subsections (1) and (2) of this section.

(4) Reasonable attorney fees as authorized in this section shall not exceed the general trial rate, per day ~~((for actual trial time and the general hourly rate for preparation as provided in the minimum bar fee schedule of the county or judicial district in which the proceeding was instituted, or if no minimum bar fee schedule has been adopted in the county, then the trial and hourly rates as provided in the minimum bar fee schedule customarily~~

~~used in such county. Not later than July 1, 1971 the administrator for the courts shall adopt a rule establishing standards for verifying fees authorized by this section.))~~ customarily charged for general trial work by the condemnnee's attorney for actual trial time and his or her hourly rate for preparation. Reasonable expert witness fees as authorized in this section shall not exceed the customary rates obtaining in the county by the hour for investigation and research and by the day or half day for trial attendance.

(5) In no event may any offer in settlement be referred to or used during the trial for any purpose in determining the amount of compensation to be paid for the property.

Sec. 2. Section 1, chapter 28, Laws of 1943 and RCW 8.28.040 are each amended to read as follows:

Whenever in any eminent domain proceeding, heretofore or hereafter instituted for the taking or damaging of private property, a verdict shall have been returned by the jury, or by the court if the case be tried without a jury, fixing the amount to be paid as compensation for the property so to be taken or damaged, such verdict shall bear interest at the ~~((rate of six percent per annum))~~ maximum rate of interest permitted at that time under RCW 19.52.020 from the date of its entry to the date of payment thereof: PROVIDED, That the running of such interest shall be suspended, and such interest shall not accrue, for any period of time during which the entry of final judgment in such proceeding shall have been delayed solely by the pendency of an appeal taken in such proceeding.

Passed the Senate February 28, 1984.

Passed the House February 15, 1984.

Approved by the Governor March 7, 1984.

Filed in Office of Secretary of State March 7, 1984.

CHAPTER 130

[Second Substitute Senate Bill No. 3158]

TRADE NAMES

AN ACT Relating to trade names; amending section 1, chapter 145, Laws of 1907 as amended by section 1, chapter 22, Laws of 1979 ex. sess. and RCW 19.80.010; amending section 5, chapter 145, Laws of 1907 and RCW 19.80.040; adding new sections to chapter 19.80 RCW; creating a new section; repealing section 4, chapter 145, Laws of 1907 and RCW 19.80.020; repealing section 3, chapter 145, Laws of 1907 and RCW 19.80.030; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. There is added to chapter 19.80 RCW a new section to read as follows:

The purposes of this chapter are: (1) To require each person who is conducting business in the state of Washington under a trade name to disclose the true and real name of each person conducting that business, and