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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0455.1/13

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Strengthening economic protections for veterans  
and military personnel.

1 AN ACT Relating to strengthening economic protections for veterans  
2 and military personnel; amending RCW 38.42.010 and 73.16.070; adding a  
3 new section to chapter 31.45 RCW; adding new sections to chapter 38.42  
4 RCW; and prescribing penalties.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 31.45 RCW  
7 to read as follows:

8 (1) Section 670 of the federal John Warner National Defense  
9 Authorization Act for fiscal year 2007, P.L. 109-364, as amended, or  
10 any regulation promulgated pursuant thereto, is specifically declared  
11 to apply in proper cases in all the courts of this state.

12 (2) A violation of any applicable provision of section 670 of the  
13 federal John Warner National Defense Authorization Act for fiscal year  
14 2007, P.L. 109-364, or any regulation promulgated pursuant thereto, is  
15 deemed a violation of this chapter.

16 **Sec. 2.** RCW 38.42.010 and 2012 c 24 s 1 are each amended to read  
17 as follows:

18 The definitions in this section apply throughout this chapter.

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

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

10           ~~((+2))~~ (3) "Dependent" means:

11           (a) The service member's spouse;

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

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

16           ~~((+3))~~ (4) "Financial institution" means an institution as defined  
17 in RCW 30.22.041.

18           ~~((+4))~~ (5) "Judgment" does not include temporary orders as issued  
19 by a judicial court or administrative tribunal in domestic relations  
20 cases under Title 26 RCW, including but not limited to establishment of  
21 a temporary child support obligation, creation of a temporary parenting  
22 plan, or entry of a temporary protective or restraining order.

23           ~~((+5))~~ (6) "Military service" means a service member:

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

27           (b) Under a call to service authorized by the governor under RCW  
28 38.08.040 for a period of more than thirty consecutive days.

29           ~~((+6))~~ (7) "National guard" has the meaning in RCW 38.04.010.

30           ~~((+7))~~ (8) "Service member" means any resident of Washington state  
31 who is a member of the national guard or member of a military reserve  
32 component.

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

35           (1) The federal Servicemembers Civil Relief Act of 2003, P.L.  
36 108-189, as amended, is specifically declared to apply in proper cases  
37 in all the courts of this state.

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

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

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

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

9 (b) Recover all other appropriate relief, including monetary  
10 damages.

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

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

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

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

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

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

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

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

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

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

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

33 (3) Upon timely application, a person aggrieved by a violation of  
34 this chapter with respect to which the civil action is commenced may  
35 intervene in such an action and may obtain appropriate relief as the

1 person could obtain in a civil action under section 3 of this act with  
2 respect to that violation, along with costs and reasonable attorneys'  
3 fees.

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

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

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