

## CHAPTER 127

[Engrossed Senate Bill No. 3130]

## ATTORNEYS' FEES—FRIVOLOUS CIVIL ACTIONS

AN ACT Relating to attorneys' fees for prevailing parties in frivolous actions or defenses and for certain other prevailing parties; adding new sections to chapter 4.84 RCW; and creating a new section.

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

**NEW SECTION.** Sec. 1. There is added to chapter 4.84 RCW a new section to read as follows:

In any civil action, the court having jurisdiction may, upon final judgment and written findings by the trial judge that the action, counterclaim, cross-claim, third party claim, or defense was frivolous and advanced without reasonable cause, require the nonprevailing party to pay the prevailing party the reasonable expenses, including fees of attorneys, incurred in opposing such action, counterclaim, cross-claim, third party claim, or defense. This determination shall be made upon post-trial motion, and the trial judge shall consider the action, counterclaim, cross-claim, third party claim, or defense as a whole.

The provisions of this section apply unless otherwise specifically provided by statute.

**NEW SECTION.** Sec. 2. The law revision commission shall conduct a study to analyze and evaluate the issues involved in enacting legislation to allow attorneys' fees to a prevailing party who acts as a private attorney general. The commission shall report its findings and recommendations, including proposed legislation, to the legislature prior to January 1, 1984.

Passed the Senate March 7, 1983.

Passed the House April 18, 1983.

Approved by the Governor April 23, 1983.

Filed in Office of Secretary of State April 23, 1983.

## CHAPTER 128

[Senate Bill No. 3140]

MAYOR-COUNCIL CODE CITIES—POPULATION FLUXES—  
COUNCILMANIC VACANCY PROCEDURE

AN ACT Relating to code cities; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 19, chapter 18, Laws of 1979 ex. sess. and RCW 35A.12.010; and amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. as last amended by section 24, chapter 18, Laws of 1979 ex. sess. and RCW 35A.13.010.

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