

tal deficiency to be made by persons obliged to meet the requirements of this act or by any court which may be called upon to interpret the act.

With the exception of this item, the remainder of Engrossed House Bill No. 23 is approved."

CHAPTER 83  
[House Bill No. 103]  
JUSTICE COURTS--SMALL CLAIMS DEPARTMENT--  
JURISDICTIONAL AMOUNT--NOTICES--APPEALS

AN ACT Relating to small claims departments of justice courts; amending section 1, chapter 187, Laws of 1919 as amended by section 1, chapter 123, Laws of 1965 \*[1963] and RCW 12.40.010; amending section 4, chapter 187, Laws of 1919 as amended by section 9, chapter 263, Laws of 1959 and RCW 12.40.040; and adding new sections to chapter 12.40 RCW.

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

Section 1. Section 1, chapter 187, Laws of 1919 as amended by section 1, chapter 123, Laws of 1963 and RCW 12.40.010 are each amended to read as follows:

That in every justice court of this state there shall be created and organized by the (~~justice-of-the-peace-thereof~~) court a department to be known as the "small claims department of the justice's court" (~~(-which-shall-have-jurisdiction,-but-not-exclusive,-in-cases-for-the-recovery-of-money-only-where-the-amount-claimed-does-not-exceed-fifty-dollars)~~). If the justice court is operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed two hundred dollars. If the justice court is not operating under the provisions of chapters 3.30 through 3.74 RCW, the small claims department of that court shall have jurisdiction, but not exclusive, in cases for the recovery of money only where the amount claimed does not exceed one hundred dollars.

NEW SECTION. Sec. 2. There is added to chapter 12.40 RCW a new section to read as follows:

A defendant in a justice court proceeding wherein the claim is within the jurisdictional amount for the small claims department of the justice court may in accordance with court rules transfer the action to the small claims department: PROVIDED, HOWEVER, That in the event of such a transfer the provisions of RCW 12.40.070 shall not be applicable if the plaintiff was an assignee of the claim at the time the action was commenced nor shall the provisions of RCW 12.40.080 prohibit an attorney from representing the plaintiff if he was the attorney of record for the plaintiff at the time the action was commenced.

Sec. 3. Section 4, chapter 187, Laws of 1919 as amended by section 9, chapter 263, Laws of 1959 and RCW 12.40.040 are each amended to read as follows:

Said notice of claim (~~shall~~) can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail provided a return receipt with the signature of the party being served is filed with the court, but no other paper is to be served with the notice. The officer serving such notice shall be entitled to receive from the plaintiff, besides mileage, one dollar for such service; which sum, together with the filing fee (~~of the justice of the peace~~) named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

NEW SECTION. Sec. 4. There is added to chapter 12.40 RCW a new section to read as follows:

No appeal shall be permitted from a judgment of the small claims department of the justice court where the amount claimed was less than one hundred dollars nor shall any appeal be permitted by a party who requested the exercise of jurisdiction by the small claims court.

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Passed the Senate February 6, 1970  
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