

December 31, (~~1980~~) 1981. A charter boat license for which no application is made to the department or which is not renewed in any year automatically expires and shall not be renewed further.

Nothing herein shall be construed to be contrary to the provisions of Title 75 RCW or any rule promulgated thereunder. All such charter boat licenses shall be transferable.

NEW SECTION. Sec. 8. Sections 2 through 6 of this act are added to chapter 106, Laws of 1977 ex. sess. and to chapter 75.30 RCW.

NEW SECTION. Sec. 9. Section 11, chapter 106, Laws of 1977 ex. sess. (uncodified) is repealed.

NEW SECTION. Sec. 10. This act shall take effect on January 1, 1980.

Passed the House February 22, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

## CHAPTER 102

[House Bill No. 279]

### COURT OF APPEALS—APPELLATE JURISDICTION—JUSTICE COURTS— JURISDICTION LIMITS

AN ACT Relating to courts; amending section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030; section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020; section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020; section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 and RCW 12.40.010; creating new sections; declaring an emergency; and making an effective date.

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

Section 1. Section 3, chapter 221, Laws of 1969 ex. sess. and RCW 2.06.030 are each amended to read as follows:

The administration and procedures of the court shall be as provided by rules of the supreme court. The court shall be vested with all power and authority, not inconsistent with said rules, necessary to carry into complete execution all of its judgments, decrees and determinations in all matters within its jurisdiction, according to the rules and principles of the common law and the Constitution and laws of this state.

For the prompt and orderly administration of justice, the supreme court may (1) transfer to the appropriate division of the court for decision a case or appeal pending before the supreme court; or (2) transfer to the supreme court for decision a case or appeal pending in a division of the court.

Subject to the provisions of this section, the court shall have exclusive appellate jurisdiction in all cases except:

(a) cases of quo warranto, prohibition, injunction or mandamus directed to state officials;

(b) criminal cases where the death penalty has been decreed;

(c) cases where the validity of all or any portion of a statute, ordinance, tax, impost, assessment or toll is drawn into question on the grounds of repugnancy to the Constitution of the United States or of the state of Washington, or to a statute or treaty of the United States, and the superior court has held against its validity;

(d) cases involving fundamental and urgent issues of broad public import requiring prompt and ultimate determination; and

(e) cases involving substantive issues on which there is a direct conflict among prevailing decisions of panels of the court or between decisions of the supreme court;

all of which shall be appealed directly to the supreme court: PROVIDED, That whenever a majority of the court before which an appeal is pending, but before a hearing thereon, is in doubt as to whether such appeal is within the categories set forth in subsection (d) or (e) of this section, the cause shall be certified to the supreme court for such determination.

The appellate jurisdiction of the court of appeals does not extend to civil actions at law for the recovery of money or personal property when the original amount in controversy, or the value of the property does not exceed the sum of two hundred dollars.

~~((When the court acquires jurisdiction of any cause and makes a disposition thereof, there shall be a right of appeal to the supreme court when the court reverses a judgment or order of the superior court by less than a unanimous decision. In all other cases;))~~ Appeals from the court to the supreme court shall be only at the discretion of the supreme court upon the filing of a petition for review. No case, appeal or petition for a writ filed in the supreme court or the court shall be dismissed for the reason that it was not filed in the proper court, but it shall be transferred to the proper court.

Sec. 2. Section 23, page 226, Laws of 1854 as last amended by section 1, chapter 96, Laws of 1965 and RCW 3.20.020 are each amended to read as follows:

(1) Every justice of the peace required by law to be a licensed attorney of this state and required by law to devote his full time to the office shall have jurisdiction and cognizance of the following civil actions and proceedings:

(a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than ~~((one))~~ three thousand dollars;

(b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than ~~((one))~~ three thousand dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than ~~((one))~~ three thousand dollars;

- (c) Of an action for a penalty less than ~~((one))~~ three thousand dollars;
- (d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than ~~((one))~~ three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;
- (e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than ~~((one))~~ three thousand dollars;
- (f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than ~~((one))~~ three thousand dollars;
- (g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than ~~((one))~~ three thousand dollars;
- (h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than ~~((one))~~ three thousand dollars;
- (i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than ~~((one))~~ three thousand dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

The three thousand dollars amounts provided in subsection (1) (a) through (i) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amounts shall be increased to five thousand dollars.

(2) Every justice of the peace not required by law to be a licensed attorney of this state and not required by law to devote his full time to his office shall have jurisdiction and cognizance of the following civil actions and proceedings:

- (a) Of an action arising on contract for the recovery of money only in which the sum claimed is less than five hundred dollars;
- (b) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed is less than five hundred dollars; also of actions to recover the possession of personal property, when the value of such property, as alleged in the complaint, is less than five hundred dollars;
- (c) Of an action for a penalty less than five hundred dollars;
- (d) Of an action upon a bond conditioned for the payment of money, when the amount claimed is less than five hundred dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(e) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed is less than five hundred dollars;

(f) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed are less than five hundred dollars;

(g) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed is less than five hundred dollars;

(h) To issue writs of attachment upon goods, chattels, moneys, and effects, when the amount is less than five hundred dollars;

(i) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved is less than five hundred dollars, and the title to, or right of possession of, or to a lien upon, real property is not involved.

Sec. 3. Section 113, chapter 299, Laws of 1961 as amended by section 1, chapter 95, Laws of 1965 and RCW 3.66.020 are each amended to read as follows:

The justice court shall have jurisdiction and cognizance of the following civil actions and proceedings:

(1) Of an action arising on contract for the recovery of money only in which the sum claimed does not exceed ((one)) three thousand dollars;

(2) Of an action for damages for injuries to the person, or for taking or detaining personal property, or for injuring personal property, or for an injury to real property when no issue raised by the answer involves the plaintiff's title to or possession of the same, when the amount of damages claimed does not exceed ((one)) three thousand dollars; also of actions to recover the possession of personal property when the value of such property as alleged in the complaint, does not exceed ((one)) three thousand dollars;

(3) Of an action for a penalty not exceeding ((one)) three thousand dollars;

(4) Of an action upon a bond conditioned for the payment of money, when the amount claimed does not exceed ((one)) three thousand dollars, though the penalty of the bond exceeds that sum, the judgment to be given for the sum actually due, not exceeding the amount claimed in the complaint;

(5) Of an action on an undertaking or surety bond taken by him or his predecessor in office, when the amount claimed does not exceed ((one)) three thousand dollars;

(6) Of an action for damages for fraud in the sale, purchase, or exchange of personal property, when the damages claimed do not exceed ((one)) three thousand dollars;

(7) To take and enter judgment on confession of a defendant, when the amount of the judgment confessed does not exceed ((one)) three thousand dollars;

(8) To issue writs of attachment, garnishment and replevin upon goods, chattels, moneys, and effects, when the amount does not exceed ~~((one))~~ three thousand dollars; and

(9) Of all other actions and proceedings of which jurisdiction is specially conferred by statute, when the amount involved does not exceed ~~((one))~~ three thousand dollars and the title to, or right of possession of, or a lien upon real property is not involved.

The three thousand dollars amounts provided in subsections (1) through (9) of this section shall take effect on May 1, 1979, and shall remain in effect until June 30, 1981; effective July 1, 1981, and thereafter, such amount shall be increased to five thousand dollars.

The amounts of money referred to in ~~((subparagraphs (1) through (9)))~~ this section shall be exclusive of interest, costs and attorney's fees.

Sec. 4. Section 1, chapter 187, Laws of 1919 as last amended by section 1, chapter 128, Laws of 1973 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 court a department to be known as the "small claims department of the justice's court". 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 ~~((three))~~ five 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 two hundred dollars.

NEW SECTION. Sec. 5. Sections 2, 3, and 4 of this 1979 amendatory act upon taking effect shall apply to all actions filed on or after December 8, 1977. Any party to an action which is pending on the effective date of this act shall be permitted to amend any pleadings to reflect such increase in court jurisdiction: PROVIDED, That nothing in this act shall affect the validity of judicial acts taken prior to its effective date.

NEW SECTION. Sec. 6. If any provision of this amendatory act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 7. Sections 2 through 5 of this 1979 amendatory act are necessary for the immediate preservation of the public peace, health,

and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1979.

Passed the House March 8, 1979.

Passed the Senate March 2, 1979.

Approved by the Governor March 23, 1979.

Filed in Office of Secretary of State March 23, 1979.

## CHAPTER 103

[Substitute House Bill No. 425]

### CIVIL ACTIONS—MANDATORY ARBITRATION

AN ACT Relating to mandatory arbitration of civil actions; creating a new chapter in Title 7 RCW; and providing an effective date.

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

NEW SECTION. Section 1. The superior court of a county by majority vote of the judges thereof may authorize mandatory arbitration of civil actions under this chapter.

NEW SECTION. Sec. 2. All civil actions, except for appeals from municipal or justice courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of ten thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration.

NEW SECTION. Sec. 3. The supreme court shall by rule adopt procedures to implement mandatory arbitration of civil actions under this chapter.

NEW SECTION. Sec. 4. The qualifications and appointment of arbitrators shall be prescribed by rules adopted by the supreme court. Arbitrators shall be compensated in the same amount and manner as judges pro tempore of the superior court.

NEW SECTION. Sec. 5. Following a hearing as prescribed by court rule, the arbitrator shall file his decision and award with the clerk of the superior court, together with proof of service thereof on the parties. Within twenty days after such filing, any aggrieved party may file with the clerk a written notice of appeal and request for a trial de novo in the superior court on all issues of law and fact. Such trial de novo shall thereupon be held, including a right to jury, if demanded.

If no appeal has been filed at the expiration of twenty days following filing of the arbitrator's decision and award, the clerk shall enter the arbitrator's decision and award as a final judgment in the cause, which shall have the same force and effect as judgments in civil actions.

NEW SECTION. Sec. 6. The supreme court may by rule provide for costs and reasonable attorney's fees that may be assessed against a party