BILL REQ. #: Z-0455.1/13

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Strengthening economic protections for veterans and military personnel.
AN ACT Relating to strengthening economic protections for veterans and military personnel; amending RCW 38.42.010 and 73.16.070; adding a new section to chapter 31.45 RCW; adding new sections to chapter 38.42 RCW; and prescribing penalties.

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

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

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


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

The definitions in this section apply throughout this chapter.
(1) "Attorney general" means the attorney general of the state of Washington or any person designated by the attorney general to carry out a responsibility of the attorney general under this chapter.

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

  ((2+)) (3) "Dependent" means:
  (a) The service member's spouse;
  (b) The service member's minor child; or
  (c) An individual for whom the service member provided more than one-half of the individual's support for one hundred eighty days immediately preceding an application for relief under this chapter.

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

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

  ((5+)) (6) "Military service" means a service member:
  (a) Under a call to active service authorized by the president of the United States or the secretary of defense for a period of more than thirty consecutive days; or
  (b) Under a call to service authorized by the governor under RCW 38.08.040 for a period of more than thirty consecutive days.

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

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

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

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

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

(1) Any person aggrieved by a violation of this chapter may in a civil action:
(a) Obtain any appropriate equitable or declaratory relief with respect to the violation; and
(b) Recover all other appropriate relief, including monetary damages.

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

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

(1) Civil proceedings to enforce this chapter may be brought by the attorney general against any person that:
(a) Engages in a pattern or practice of violating this chapter; or
(b) Engages in a violation of this chapter that raises an issue of significant public importance.

(2) In a civil action commenced under subsection (1)(a) of this section, the court may:
(a) Grant any appropriate equitable or declaratory relief with respect to the violation of this chapter;
(b) Award all other appropriate relief, including monetary damages, to any person aggrieved by the violation; and
(c) May, to vindicate the public interest, assess a civil penalty:
   (i) In an amount not exceeding fifty-five thousand dollars for a first violation; and
   (ii) In an amount not exceeding one hundred ten thousand dollars for any subsequent violation.

(3) Upon timely application, a person aggrieved by a violation of this chapter with respect to which the civil action is commenced may intervene in such an action and may obtain appropriate relief as the
person could obtain in a civil action under section 3 of this act with
respect to that violation, along with costs and reasonable attorneys'
fees.

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

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

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