

**RCW 60.90.070 Wage lien foreclosure.** (1) A wage lien may be judicially foreclosed by an action in:

(a) For real property, a superior court in any county in this state, or in United States district court for any district in the state of Washington when the action is brought by the United States department of labor;

(b) For personal property, a district court of this state if the amount of the claim does not exceed the jurisdictional limit of the district court provided in RCW 3.66.020; or

(c) For personal property, a superior court of this state if the amount of the claim exceeds the jurisdictional limit of the district court provided in RCW 3.66.020.

(2) Except as provided in subsection (4) of this section, an action to foreclose a wage lien may not be commenced more than eight months after the date the wage lien was recorded.

(3) If the claimant has instituted an action in a court of this state for the wage claim that is the subject of the wage lien, and that court is the court authorized by subsection (1) of this section to foreclose on the lien, that action shall be deemed an action to foreclose on the property subject to the lien.

(4) (a) If the claimant receives a judgment on a wage claim from a federal, state, or municipal court, the judgment, in addition to any applicable postjudgment interest, establishes the amount owed for the purposes of foreclosure under this chapter.

(b) If the claimant receives a judgment on a wage claim from a federal, state, or municipal court, that is not authorized to adjudicate the foreclosure of the claimant's wage lien, a separate action to foreclose the wage lien must be filed within 90 days of the date of that court's judgment. The entry of such a judgment shall not revive a wage lien that has been extinguished pursuant to RCW 60.90.090.

(5) (a) A final and binding assessment of wages owed by the department or by any local agency with authority to adjudicate wage claims, in addition to any applicable postjudgment interest, establishes the amount owed for the purposes of foreclosure under this chapter.

(b) A wage lien may also be foreclosed by:

(i) The department using the department's collection procedures under RCW 49.48.086 when the claimant has pursued a wage claim in an administrative proceeding and a final and binding citation and notice of assessment has been issued;

(ii) The claimant if a final and binding citation and notice of assessment has been issued by the department and the claimant has timely notified the department that the claimant will pursue foreclosure action on his or her own, without the department's assistance; or

(iii) An administrative agency of a local government.

(c) The foreclosure pursuant to this subsection by the claimant of a wage lien affecting real property must be commenced by the filing of an action in superior court in the county where the real property is located within 90 days of the date the department's citation and notice of assessment becomes final and binding.

(d) The extinguishment of a wage lien pursuant to RCW 60.90.090 does not preclude the department from using the collection procedures under RCW 49.48.086.

(6) A foreclosure action may be brought by the employee individually, the department, an administrative agency of a local

government, the United States department of labor, the office of the attorney general, or a representative of the employee, including a collective bargaining representative or class representative. Multiple wage claims against the same employer may be joined in a single proceeding, but the court may order separate trials or hearings.

(7) In the judgment resulting from an action to foreclose on the wage lien, the court may order the sale at sheriff's auction or the transfer to the lien claimant of title or possession of any property subject to the wage lien. Whether or not the court makes such an order as part of the judgment, a writ of sale may be issued for any property subject to the wage lien for 10 years after a judgment for a wage claim is issued. A wage lien based on an underlying judgment continues in force for an additional 10-year period if the period of execution for the underlying judgment is extended under RCW 6.17.020.

(8) In an action to foreclose on a wage lien on titled goods, the lien claimant must comply with the requirements of subsection (1) of this section and any other requirements of the department of licensing regarding transferring title and taking ownership of the vehicle or vessel.

(9) A lien claimant who prevails in a foreclosure action is entitled to costs, including the cost of recording or filing the lien and costs of title reports, and reasonable attorneys' fees. [2021 c 102 s 8.]