

Chapter 60.90 RCW
WASHINGTON WAGE RECOVERY ACT

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RCW 60.90.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Account" has the same meaning as defined in RCW 62A.9A-102.
- (2) "Chattel paper" has the same meaning as defined in RCW 62A.9A-102.
- (3) "Department" means the department of labor and industries.
- (4) "Director" means the director of labor and industries.
- (5) "Employ" includes permit to work.
- (6) "Employee" includes any individual currently or formerly employed by an employer.
- (7) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee.
- (8) "Goods" has the same meaning as defined in RCW 62A.9A-102.
- (9) "Highly compensated employee" means any employee who was a five percent owner of the business at which he or she is employed during the current year or preceding year, or who received compensation from the employer in the preceding year in excess of the indexed compensation pursuant to 26 U.S.C. Sec. 414(q).
- (10) "Instrument" has the same meaning as defined in RCW 62A.9A-102.
- (11) "Maintain" includes to maintain, clean, manage, improve, protect, repair, monitor, or restore real property at the instance of

the owner or tenant or of any person acting by the owner's or tenant's authority.

(12) "Payment intangibles" has the same meaning as defined in RCW 62A.9A-102.

(13) "Signature" includes an electronic signature.

(14) "Wage claim" means a claim for any unpaid wages owed to the claimant as an employee of an employer, as well as any other compensation, interest, statutory damages, liquidated damages, attorneys' fees and costs, or statutory penalties that may be owed for violation of a local, state, or federal wage law, including but not limited to chapters 39.12, 49.12, 49.46, 49.48, and 49.52 RCW, and the fair labor standards act, 29 U.S.C. Sec. 201 et seq. A wage claim does not include vacation or severance pay, contributions to an employee benefit plan, or paid leave except paid leave that is statutorily mandated. [2021 c 102 s 2.]

RCW 60.90.020 Wage liens—Effect on ownership or title in certain property. (1) (a) An employee, except a highly compensated employee, who complies with RCW 60.90.030 has a wage lien for wage claims on:

(i) Any real property in the state of Washington that is owned or subsequently acquired by the employee's employer;

(ii) Goods and tangible chattel paper in the state of Washington that are owned or are subsequently acquired by the employee's employer;

(iii) Accounts and payment intangibles that are owned or subsequently acquired by the employee's employer; and

(iv) Any real property in the state of Washington that the wage claimant has maintained, for all wage claims for maintenance of that property.

(b) A person does not have a wage lien under this chapter for any wage claim that is or would be subject to a lien by that person under chapter 60.04 RCW.

(c) A wage lien is effective against the estate of the employer.

(2) This chapter does not affect the ownership or title in personal or real property of the state or other public entity or public ownership, nor does any lien attach to the fee simple title of the state or other public ownership. [2021 c 102 s 3.]

RCW 60.90.030 Establishing wage liens on property pursuant to RCW 60.90.020. (1) To establish a wage lien on real property pursuant to RCW 60.90.020, the lien claimant must:

(a) File for recording a notice of claim of wage lien in the county where the property is located that includes:

(i) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(ii) The name of the employer;

(iii) The street address, legal description, and parcel number of the real property subject to the wage lien;

(iv) The name of the owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(v) The principal amount for which the wage lien is claimed;

(vi) The signature of the lien claimant or of a person authorized to act on the claimant's behalf; and

(vii) An acknowledgment and certification as set forth in subsection (4) of this section;

(b) Pay a filing fee to the county auditor as required by RCW 36.18.010; and

(c) Mail a copy of the notice filed under this subsection (1) to the employer's registered agent, the employer's registered business address, or the address where the employer resides, and to the property owner if known and if the employer is not the property owner, by certified mail with return receipt requested.

(2) Except as provided in subsection (3) of this section, to establish a wage lien on personal property pursuant to RCW 60.90.020, the lien claimant must:

(a) (i) (A) For an employer located in Washington, file with the department of licensing a financing statement that satisfies the requirements of Part 5 of chapter 62A.9A RCW; or

(B) For an employer located outside Washington, file a financing statement with the office designated by section 9A-501(a)(2) of the uniform commercial code of the state in which the employer is located and pay the filing fees established by the office.

(ii) For purposes of the financing statement filings in (a)(i) of this subsection:

(A) "Debtor" means the owner of the property encumbered by the wage lien; and

(B) A description of the collateral covered by the wage lien that states that the wage lien covers all goods and tangible chattel paper located in Washington state, as well as all accounts and payment intangibles is sufficient;

(b) If filing the financing statement with the department of licensing, pay the filing fee established by the department of licensing. All receipts from fees collected under this subsection shall be deposited into the department of licensing wage lien account created under RCW 43.24.175. Moneys in the fund may be spent only after appropriation and may be used only to administer the wage lien filings in this subsection; and

(c) Mail a copy of the financing statement filed under this subsection and a notice of claim of wage lien to the employer's registered agent, the employer's registered business address, or the address where the employer resides, by certified mail with return receipt requested. The notice of claim of wage lien must include:

(i) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(ii) The name of the employer;

(iii) A description of the personal property subject to the wage lien or a statement that the wage lien covers all goods and tangible chattel paper located in Washington state, as well as all accounts, and payment intangibles;

(iv) The name of the owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(v) The principal amount for which the wage lien is claimed;

(vi) The signature of the lien claimant or of a person authorized to act on the claimant's behalf; and

(vii) An acknowledgment and certification as set forth in subsection (4) of this section.

(3) (a) Except as provided in (b) of this subsection, to establish a wage lien on goods covered by a certificate of title issued pursuant to chapter 46.12 or 88.02 RCW, the lien claimant must:

(i) File a notice of claim of wage lien with the department of licensing that includes:

(A) The name, telephone number, and address of the lien claimant and, if the wage lien has been assigned, the name of the person who assigned the lien;

(B) The name of the employer;

(C) A description of the goods subject to the wage lien, including the vehicle identification number or hull identification number of the goods;

(D) The name of the registered or legal owner or reputed owner of the property, if known, and if not known, a statement saying the name of the owner is not known;

(E) The principal amount for which the wage lien is claimed;

(F) The signature of the lien claimant or of a person authorized to act on his or her behalf; and

(G) An acknowledgment and certification as set forth in subsection (4) of this section;

(ii) Pay a filing fee to the department of licensing; and

(iii) Mail a copy of the notice filed under this subsection to the employer's registered agent, the employer's registered business address, or the address where the employer resides, by certified mail with return receipt requested.

(b) This subsection does not apply to:

(i) Goods held for sale or lease by a person, or leased by that person as lessor, if that person is in the business of selling goods of that kind; or

(ii) Vessels documented under Title 46 of the United States Code, for which Washington state title is required to be surrendered under Title 46 U.S.C. Sec. 12106.

(4) A notice of claim of wage lien, acknowledgment, and certificate that is substantially in the following form is sufficient to satisfy subsection (1)(a) of this section, provided it complies with the formatting requirements of RCW 65.04.045 (1)(a) and (b), (2), and (3). A notice of claim of wage lien, acknowledgment, and certificate that is substantially in the following form is sufficient to satisfy subsections (2)(c) and (3)(a)(i) of this section, provided it also complies with any requirements created by the department under RCW 43.24.170.

When Recorded Return to:

CLAIM OF WAGE LIEN

., claimant, vs., name of person indebted to claimant:

Notice is hereby given that the claimant named below asserts a wage lien pursuant to chapter 60.90 RCW. In support of this wage lien the following information is submitted:

1. NAME OF LIEN CLAIMANT:

TELEPHONE NUMBER:

ADDRESS:

2. NAME OF EMPLOYER:

3. DESCRIPTION OF THE PROPERTY AGAINST WHICH A WAGE LIEN IS CLAIMED (If real property, state the street address, legal description, and parcel number. If personal property, provide information that will reasonably describe the property, or statement that the wage lien covers all personal property. If a vehicle or vessel, the vehicle identification number or hull identification number of the vehicle or vessel):
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4. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not known, state "Unknown")
.

5. PRINCIPAL AMOUNT FOR WHICH THE WAGE LIEN IS CLAIMED IS:
.

6. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE AND STATE THE NAME OF THE ASSIGNOR:
.

7. IF THE PERSON SIGNING THIS CLAIM OF WAGE LIEN IS NOT THE CLAIMANT, BUT IS AUTHORIZED TO ACT ON THE CLAIMANT'S BEHALF, STATE THE PERSON'S NAME AND REPRESENTATIVE CAPACITY:

NAME:

REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant; attorney or agent; representative of lien filing service; administrator, representative, or agent of trustees of employee benefit plan):
.

ACKNOWLEDGMENT

FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., ss.

., being sworn, says: I,(name of person)., am the claimant. I have read the foregoing claim of wage lien, believe the claim of wage lien to be true and correct under penalty of perjury, and believe the claim of wage lien is not frivolous, is made with reasonable cause, and is not clearly excessive. The foregoing claim of wage lien is my free and voluntary act for the uses and purposes stated therein.

. Dated:
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.
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(Signature)

FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., ss.

., being sworn, says: I, . . . (name of person) . . ., am authorized to act on behalf of the claimant. I have read the foregoing claim of wage lien, believe the claim of wage lien to be true and correct under penalty of perjury, and believe the claim of wage lien is not frivolous, is made with reasonable cause, and is not clearly excessive. The foregoing claim of wage lien is the free and voluntary act of the claimant for the uses and purposes stated therein.

. Dated:
.
.
.

(Signature)

CERTIFICATE

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

I certify that I know or have satisfactory evidence that . . . (name of person) . . . is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

. Dated:
.
.
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(Signature)

(Seal or stamp)

. Title.

. My appointment.
. Expires.

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

I certify that I know or have satisfactory evidence that . . .
(name of person) . . . is the person who appeared before me, and said
person acknowledged that he/she signed this instrument, on oath stated
that he/she was authorized to execute the instrument and acknowledged
it as the . . . (type of authority, e.g., officer or employee,
etc.) . . . of . . . (name of party on behalf of whom instrument was
executed) . . . to be the free and voluntary act of such party for the
uses and purposes mentioned in the instrument.

. Dated:

(Signature)

(Seal or Stamp)

. Title.

. My appointment.

. Expires.

(5) (a) For a notice of claim of wage lien on real property filed
under this section, the notice must comply with the recording
standards in chapter 65.04 RCW and the county auditor shall record the
notice in the same manner as deeds and other instruments of title are
recorded under chapter 65.08 RCW. Notices of claim of wage lien for
registered land need not be recorded in the Torrens register.

(b) For a notice of claim of wage lien on vehicles and vessels
filed under this section, the department of licensing shall record the
notice.

(6) The notice of claim of wage lien must be filed within a
period of two years from when the wages were first due.

(7) Mistakes or errors in the claimed amount owed do not
invalidate the wage lien unless made with the intent to defraud.

(8) A wage lien under this chapter attaches to all identifiable
proceeds of the property subject to the wage lien except instruments
and chattel paper. [2021 c 102 s 4.]

RCW 60.90.040 Financial statement filings. The department of
licensing shall file and index the financial statement filings under
RCW 60.90.030(2) in the same systems as those filings made under RCW
62A.9A-519. [2021 c 102 s 5.]

RCW 60.90.050 Assignability. Any wage lien or right of wage
lien created by this chapter and the right of action to recover the

wage lien is assignable so as to vest in the assignee all rights and remedies of the assignor, subject to all defenses thereto that might be made. [2021 c 102 s 6.]

RCW 60.90.060 Recording—Notice. (1) After a wage claim for which a wage lien has been recorded as to real property has been commenced in any court, but no later than eight months after the recording of the wage lien, the wage claimant or the claimant's assignee must file with the auditor of each county in which the property is situated a notice of the pendency of the wage claim, containing:

- (a) The names of the parties and assignees, if any;
- (b) The object of the action;
- (c) The abbreviated legal description and assessor parcel number of the real property located within that county; and
- (d) The name of the court where the action was filed and the cause number for the action.

(2) The county auditor must index the notice in a manner similar to the auditor practice for indexing a notice of lis pendens filed under RCW 4.28.320 or 4.28.325.

(3) The filing of the notice under subsection (1) of this section is constructive notice to every subsequent purchaser or encumbrancer, and such purchaser or encumbrancer is bound by all proceedings taken after the filing of the notice to the same extent as if he or she were a party to the action.

(4) The court in which the action was commenced may, at its discretion, at any time after the action is settled, discontinued, or abated, with notice and on a showing of good cause, order the notice canceled, and such cancellation shall be evidenced by the recording of the court order with the county auditor.

(5) If a wage claim is filed with an administrative agency of a local government, that agency must file a notice under the provisions of this section, using a substantially similar form.

(6) If a wage claim is filed with the department, the department must file a notice under the provisions of this section, using a substantially similar form. [2021 c 102 s 7.]

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.]

RCW 60.90.080 Lien foreclosure—Enforcement—Joinder—

Consolidation of actions. (1) A lien under this chapter may be foreclosed and enforced as provided under RCW 60.90.070. The court shall have the power to order the sale of the property. In any action brought to foreclose a lien, the owner shall be joined as a party. The interest in the property of any person who, prior to the commencement of the action, has a recorded interest in the property, or any part thereof, shall not be foreclosed or affected unless they are joined as a party.

(2) A person shall not begin an action to foreclose a lien upon any property while a prior action begun to foreclose another lien on the same property is pending, but if not made a party plaintiff or defendant to the prior action, he or she may apply to the court to be joined as a party thereto, and his or her lien may be foreclosed in the same action. The filing of such application shall toll the running of the period of limitation until disposition of the application or other time set by the court.

(3) The court shall grant the application for joinder unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions as the court deems just.

(4) If a lien foreclosure action is filed during the pendency of another such action, the court may, on its own motion or the motion of any party, consolidate actions upon such terms and conditions as the court deems just, unless to do so would create an undue delay or cause hardship which cannot be cured by the imposition of costs or other conditions. If consolidation of actions is not permissible under this chapter, the lien foreclosure action filed during the pendency of another such action shall not be dismissed if the filing was the result of mistake, inadvertence, surprise, excusable neglect, or irregularity. An action to foreclose a lien shall not be dismissed at the instance of a plaintiff therein to the prejudice of another party to the suit who claims a lien. [2021 c 102 s 9.]

RCW 60.90.090 Wage lien extinguished—Form. (1) A wage lien is extinguished:

(a) If an action for the underlying wage claim is not brought within eight months of the date the wage lien was recorded or if the notice required by RCW 60.90.060 was not recorded within eight months of the date the wage lien was recorded;

(b) If the action for the underlying wage claim is dismissed with prejudice and no appeal is filed within the applicable appeals period. If an appeal is filed, the wage lien continues in force until final judgment is rendered;

(c) Upon payment and acceptance of payment for the employee's wage claim; or

(d) Upon proper recording or notice of a bond meeting the requirements of RCW 60.90.140 and, if applicable, notification of the lien claimant as required under RCW 60.90.140.

(2) (a) When the wage lien has been extinguished, the lien claimant shall release the lien in writing within 15 days. For liens on real property and titled goods, the lien claimant shall file a release of the wage lien at the place where the wage lien was recorded and pay a filing fee established by the agency where the notice is filed. For liens on personal property filed pursuant to RCW 60.90.030(2), the lien claimant shall file a termination statement of the type used pursuant to chapter 62A.9A RCW with the department of licensing and pay a filing fee established by the department.

(b) If a lien claimant fails to release the wage lien, upon demand and 15 days' notice by the employer or any affected party, mailed to the lien claimant's address as indicated on the notice of the wage lien by certified mail with return receipt requested, the employer or affected party may petition the court in which foreclosure is authorized under RCW 60.90.070, for an order releasing the wage lien. If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee pursuant to RCW 36.18.016(18). If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(c) If the lien claimant acted unreasonably and in bad faith in refusing to file a release of the wage lien, the employer or affected party shall be entitled to recover its attorneys' fees and costs incurred in the action, and the court in its discretion may also issue a fine not to exceed \$1,000.

(d) For liens on real property and titled goods, the release must include:

- (i) The name, telephone number, address, and relationship to the wage lien of the person filing the notice;
- (ii) The name, telephone number, and address of the lien claimant;
- (iii) The name of the employer;
- (iv) A description of the property subject to the wage lien;
- (v) The amount for which the wage lien was claimed;
- (vi) The signature of the lien claimant, the lien claimant's assignor, or a person authorized to act on the lien claimant's behalf;
- (vii) A certified acknowledgment as set forth in subsection (4) of this section; and
- (viii) The reference number of the original or amended wage lien.

(3) The person filing the release or termination statement shall mail a copy of the release or termination statement to the person against whom the lien claim was made by first-class mail within 10 days of filing the notice of release or termination.

(4) (a) A release of wage lien on real property must comply with the recording standards established in RCW 65.04.045 and the county auditor shall record the release in the same manner as deeds and other instruments of title are recorded under chapter 65.08 RCW.

(b) For liens on real property and titled goods, a release of wage lien substantially in the following form is sufficient, provided it complies with the formatting requirements of RCW 65.04.045 (1) (a) and (b), (2), and (3):

When Recorded Return to:

RELEASE OF WAGE LIEN

..., claimant, vs. ..., name of person indebted to claimant:

Notice is hereby given that the wage lien described below is released.

1. NAME OF PERSON FILING RELEASE:.....

RECORDED LIEN NUMBER IF THE LIEN WAS RECORDED AGAINST REAL PROPERTY:.....

TELEPHONE NUMBER:.....

ADDRESS:.....

RELATIONSHIP TO WAGE LIEN (lien claimant, representative of lien claimant, assignee of lien claimant):.....

IF THE PERSON SIGNING THIS NOTICE IS NOT THE CLAIMANT, BUT IS AUTHORIZED TO ACT ON BEHALF OF THE CLAIMANT, STATE THE PERSON'S NAME AND REPRESENTATIVE CAPACITY (e.g., officer or employee of claimant; attorney or agent; representative of lien filing service; administrator, representative, or agent of trustees of employee benefit plan):.....

2. NAME OF LIEN CLAIMANT:.....

TELEPHONE NUMBER:.....

ADDRESS:.....

3. NAME OF EMPLOYER:.....

4. DESCRIPTION OF THE PERSONAL PROPERTY AGAINST WHICH THE LIEN IS CLAIMED OR FOR A LIEN ON REAL PROPERTY: (1) THE REFERENCE NUMBER OF PREVIOUSLY FILED LIEN, (2) AN ABBREVIATED LEGAL DESCRIPTION OF THE PROPERTY AS DESCRIBED IN RCW 65.04.045, AND (3) THE PARCEL NUMBER OF THE REAL PROPERTY:.....

5. NAME OF REGISTERED OR LEGAL OWNER OR REPUTED OWNER (If not known, state "Unknown").....

6. AMOUNT OF WAGE LIEN CLAIM:.....

ACKNOWLEDGMENT

FOR AN ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., ss.

., being sworn, says: I, . . . (name of person) . . ., am the (claimant/assignee of the claimant). I have read the foregoing release of wage lien and believe the notice to be true and correct under penalty of perjury.

.Dated:.

.

.
(Signature)

FOR AN ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

STATE OF WASHINGTON, COUNTY OF

., ss.

., being sworn, says: I, . . . (name of person) . . ., am authorized to act on behalf of (claimant/assignee of the claimant). I have read the foregoing release of wage lien and believe the notice to be true and correct under penalty of perjury.

.Dated:.

.

.
(Signature)

CERTIFICATE

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN AN INDIVIDUAL CAPACITY:

I certify that I know or have satisfactory evidence that . . . (name of person) . . . is the person who appeared before me, and said person acknowledged that he/she signed this instrument and acknowledged it to be his/her free and voluntary act for the uses and purposes mentioned in the instrument.

.Dated:.

.

.
(Signature)

(Seal or stamp)

. Title.
. My appointment.
. Expires.

FOR A CERTIFICATE OF ACKNOWLEDGMENT IN A REPRESENTATIVE CAPACITY:

I certify that I know or have satisfactory evidence that . . .
(name of person) . . . is the person who appeared before me, and said
person acknowledged that he/she signed this instrument, on oath stated
that he/she was authorized to execute the instrument and acknowledged
it as the . . . (type of authority, e.g., officer or employee,
etc.) . . . of . . . (name of party on behalf of whom instrument was
executed) . . . to be the free and voluntary act of such party for the
uses and purposes mentioned in the instrument.

. Dated:.
.
.

(Signature)

(Seal or stamp)

. Title.
. My appointment.
. Expires. [2021 c 102 s 10.]

RCW 60.90.100 Priority among wage liens—Real property—Personal property—Wage lien not effective, when. (1) Priority among wage liens recorded pursuant to this chapter is determined by date of recording. The first to be recorded has priority.

(2) A wage lien as to real property recorded pursuant to this chapter shall be prior to any security interest, lien, mortgage, deed of trust, or other encumbrance that attached to the real property after, or was unrecorded at the time, such wage lien was recorded. A wage lien as to real property recorded pursuant to this chapter shall be subject and subordinate to any prior perfected security interest, lien, mortgage, deed of trust, or other encumbrance.

(3) With respect to personal property:

(a) A security interest perfected pursuant to Title 62A RCW has priority over a wage lien recorded pursuant to this chapter if the security interest was perfected or a financing statement covering the collateral was filed before the wage lien was recorded, provided there is no period thereafter when there is neither filing nor perfection. For the purposes of this subsection, the time of filing or perfection as to a security interest in collateral is also the time of filing or perfection as to a security interest in proceeds of the collateral.

(b) (i) A buyer of goods subject to a certificate of title that does not contain a statement that the goods are or may be subject to a wage lien takes free of a wage lien on such goods if the buyer gives value and receives delivery of the goods without knowledge of the wage lien.

(ii) A perfected security interest in goods subject to a certificate of title that does not contain a statement that the goods are or may be subject to a wage lien has priority over a wage lien on such goods.

(4) (a) A wage lien is not effective against:

(i) With respect to goods:

(A) A buyer in ordinary course of business, as defined in RCW 62A.1-201(b) (9); or

(B) A buyer of goods from a person who used or bought the goods for use primarily for personal, family, or household purposes takes free of a security interest, even if perfected, if the buyer buys without knowledge of the security interest, for value, primarily for the buyer's personal, family, or household purposes; and before the filing of the wage lien covering the goods;

(ii) Third persons who, prior to the filing of the wage lien notice required under this chapter, acquired title in good faith, for value and without actual notice of the wage lien, to property other than goods; or

(iii) The interest in real property of any person, who, prior to the filing of the wage lien notice required under this chapter, was a grantee under a recorded instrument conveying such interest, provided such person acquired the interest in good faith, for value, and without actual notice of the wage lien.

(b) A wage lien that is not effective against any person pursuant to this subsection is ineffective against the heirs, successors, or assigns of such person. [2021 c 102 s 11.]

RCW 60.90.110 Waiver. A contract between an employer and employee may not waive or require an employee to waive the right to a wage lien under this chapter. A provision of a contract made in violation of this section is void as against the public policy of this state. [2021 c 102 s 12.]

RCW 60.90.120 Notice to spouse, domestic partner. The claim of wage lien, when filed as required by this chapter, constitutes notice to the spouse or the domestic partner of the person who appears on record to be the owner of the property sought to be charged with the wage lien, and subjects all the community interest of both spouses or both domestic partners to the wage lien. [2021 c 102 s 13.]

RCW 60.90.130 Frivolous claims and claims without reasonable cause or clearly excessive—Order directing lien claimant to appear. (1) Any owner of real or personal property subject to a recorded claim of lien under this chapter, or lender or another lien claimant who believes the claim of lien to be frivolous and made without reasonable cause or clearly excessive, may apply by motion to the appropriate court, as specified under RCW 60.90.070, for the county where the property or some part thereof is located, for an order directing the

lien claimant to appear before the court at a time no earlier than six nor later than 15 days following the date of service of the application and order on the lien claimant, and show cause, if any he or she has, why the relief requested should not be granted. The motion shall state the grounds upon which relief is asked and shall be supported by the affidavit of the applicant or his or her attorney setting forth a concise statement of the facts upon which the motion is based.

(2) The order shall clearly state that if the lien claimant fails to appear at the time and place noted the lien shall be released, with prejudice, and that the lien claimant shall be ordered to pay the costs requested by the applicant including reasonable attorneys' fees.

(3) If no action to foreclose the lien claim has been filed, the clerk of the court shall assign a cause number to the application and obtain from the applicant a filing fee pursuant to RCW 36.18.016(18). If an action has been filed to foreclose the lien claim, the application shall be made a part of that action.

(4) If, following a hearing on the matter, the court determines that the lien is frivolous and made without reasonable cause, or clearly excessive, the court shall issue an order releasing the lien if frivolous and made without reasonable cause, or reducing the lien if clearly excessive, and awarding costs and reasonable attorneys' fees to the applicant to be paid by the lien claimant. If the court determines that the lien is not frivolous and was made with reasonable cause, and is not clearly excessive, the court shall issue an order so stating and awarding costs and reasonable attorneys' fees to the lien claimant to be paid by the applicant.

(5) Proceedings under this section shall not affect other rights and remedies available to the parties. [2021 c 102 s 14.]

RCW 60.90.140 Surety bond. (1) Any owner of property subject to a recorded claim of lien under this chapter, or lender or another lien claimant, who disputes the correctness or validity of the claim of lien, may either before or after the commencement of an action on the wage claim underlying the lien, furnish a bond issued by a surety company authorized to issue surety bonds in the state. The surety company must be listed in the latest federal department of the treasury list of surety companies acceptable on federal bonds, published in the federal register, as authorized to issue bonds on United States government projects with an underwriting limitation, including applicable reinsurance, equal to or greater than the amount of the bond to be recorded.

(2) (a) The bond shall contain a description of the claim of lien and property involved, and must be in an amount equal to the greater of \$5,000 or two times the amount of the lien claimed if the lien claimed is \$10,000 or less, and in an amount equal to or greater than one and one-half times the amount of the lien if the lien claimed is in excess of \$10,000.

(b) If the bond relates to a claim of lien affecting more than one parcel of real property and the claim of lien is segregated to each parcel, the bond may be segregated the same as in the claim of lien.

(c) A separate bond shall be required for each claim of lien made by separate claimants. However, a single bond may be used to guarantee payment of amounts claimed by more than one claim of lien by a single claimant so long as the amount of the bond meets the requirements of

this section as applied to the aggregate sum of all claims by such claimant.

(d) The condition of the bond shall be to guarantee payment of any judgment or binding administrative assessment upon the lien in favor of the lien claimant entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien.

(3) For a lien on real property, the bond must be recorded in the office of the county recorder or auditor in the county where the claim of lien was recorded. Recording a bond that meets the requirements of this section releases the real property described in the notice of claim of lien from the lien and any action brought to recover the amount claimed.

(4) (a) For a lien on personal property, within five days of furnishing a bond, the person furnishing the bond shall send notice to the lien claimant, by certified mail return receipt requested, notifying the lien claimant that a bond meeting the requirements of this section has been furnished. The notification must include sufficient documentation or other evidence showing that a bond meeting the requirements of this section has been furnished.

(b) Within 15 days of receiving notice that a bond has been purchased, the lien claimant shall release the lien pursuant to RCW 60.90.090. If a lien claimant fails to release the wage lien as required, upon demand and 15 days' notice by the employer or any affected party, mailed to the lien claimant's address as indicated on the notice of the wage lien by certified mail with return receipt requested, the employer or affected party may petition the court in which foreclosure is authorized under RCW 60.90.070, for an order releasing the wage lien. If the lien claimant acted unreasonably and in bad faith in refusing to file a release of the wage lien, the employer or affected party shall be entitled to recover its attorneys' fees and costs incurred in the action, and the court in its discretion may also issue a fine not to exceed \$1,000.

(5) (a) Unless otherwise prohibited by law, if no action is commenced to recover on a lien within the time specified in RCW 60.90.090, the surety shall be discharged from liability under the bond.

(b) If an action to enforce the lien is timely commenced, then on payment of any judgment or administrative assessment entered in the action or on payment of the full amount of the bond to the holder of the judgment or administrative assessment, whichever is less, the surety shall be discharged from liability under the bond.

(6) Nothing in this section shall in any way prohibit or limit the use of other methods, devised by the affected parties to secure the obligation underlying a claim of lien and to obtain a release of real property from a claim of lien. [2021 c 102 s 15.]

RCW 60.90.900 Short title—2021 c 102. This act may be known and cited as the Washington wage recovery act. [2021 c 102 s 1.]

RCW 60.90.901 Construction of chapter. This chapter is to be liberally construed to provide security for all persons intended to be protected by its provisions. [2021 c 102 s 16.]

RCW 60.90.902 Effective date—2021 c 102. This act takes effect
January 1, 2022. [2021 c 102 s 21.]