

HOUSE BILL 11HOUSE BILL 11

Title: AN ACT to create W.S. 1-16-204; to amend W.S. 1-10-103, 1-10-104 and 1-17-302; and to repeal W.S. 1-16-201, 1-16-202 and 1-16-203 relating to confession of judgment; providing judgment or release of errors shall not be entered on any power of attorney, negotiable instrument or contract without prior notice and an opportunity to defend; providing exceptions; and providing for an effective date.

Introduced by:

Walter Lee
Alm *Ellen Cranley*

DATE	ACTION	DATE	ACTION
JAN 14 1981	READ FIRST TIME		
	REFERRED TO COM. NO. <u>1</u>		
	DELIVERED TO COM. NO. <u>1</u>		
JAN 20 1981	RETURNED		
	RECOMMENDED DO. <u>PASS 10 days</u>		
JAN 19 1981	CONSIDERED IT COM. OF WHOLE		
	RECOMMENDED DO. <u>PASS</u>		
JAN 21 1981	READ SECOND TIME		
	Amended as follows <u>HB 11 H 21/A</u> ✓		
	<u>ADOPTED</u>		
JAN 21 1981	READ THIRD TIME		
	<u>PASSED</u>		
	<u>Agree 100% Oppose 2% Withdrawn 0% Adjourned 0%</u>		
	Sent to Senate		
1-21-81	Received from House		
	Sent to Rep. Engineering		
1-22-81	ENGROSSED		
	<u>Sent to Senate</u>		
1-22-81	Received from House		
	Read first time		
	Referred to Com. No. <u>1</u>		
	Delivered to Com. No. <u>1</u>		
2-20-81	STANDING COMM. REPORT		
	DO PASS		

96 B 11Arthur ReadingDate 1/21/81

Roll Call of the House

of the FORTY-SIXTH LEGISLATURE

of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
63 ARNOLD	✓				30 PHELAN	✓			
62 ASAY	✓				29 PROSSER	✓			
61 BRYANT	✓				28 PUGH	✓			
60 BUDD	✓				27 RATLIFF	✓			ⓧ
59 BRUNNIST					26 ROTH	✓			
58 BURNS	✓				25 SALISBURY	✓			
57 BYRD	✓				24 SANDERS	✓			
56 CHAMBERLAIN	✓				23 SCHWOPE	✓			
55 CROSS	✓				22 SCOTT, C	✓			
54 CROWLEY	✓				21 SCOTT, D.	✓			
53 CURRY	✓				20 SHREVE	✓			
52 DONLEY	✓				19 SIDI	✓			
51 DUSL	✓				18 SIMONS	✓			
50 EDWARDS	✓			ⓧ	17 SIMPSON	✓			
49 ESKENS	✓				16 SMITH	✓			
48 GETTER	✓				15 SORESENSEN	✓			
47 HANSEN	✓				14 STAUFFER	✓			
46 HEMMERT	✓				13 STEWART	✓			
45 JENSEN	✓				12 STRAND	✓			
44 JONES	✓				11 TARTER	✓			
43 KINNISON	✓				10 THOMPSON	✓			
42 LARSON, T.	✓				9 THORSON	✓			
41 LUMMIS	✓				8 TIPTON	✓			
40 MacMILLAN	✓				7 TROWBRIDGE	✓			
39 MARTON	✓				6 URBIGKIT	✓			
38 McCARTHY	✓				5 VINICH	✓			
37 McILVAIN	✓				4 WALLIS	✓	✓		
36 MEENAN	✓				3 WIEDERSPAHN	✓			
35 MICHELI	✓				2 WINNINGER	✓			
34 MICHIE	✓	ⓧ			1 MR. SPEAKER	✓			
33 MURPHY	✓				PRESENT				
32 ODDE	✓								
31 PERRY	✓	✓							

AYES 60
 NOES 2
 EXCUSED _____
 ABSENT _____
 TOTAL 62
 LESS _____

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

m

Cheyenne, January 15, 1981

Mr. Speaker:

Your Committee No. 1 on JUDICIARY

to whom was referred H. B. No. 11

respectfully reports same back to the House with the recommendation that it

DO PASS

AYESNOESEXCUSED

0

0

Chamberlain

Hansen

Lummis

McCarthy

Odde

Scott

Tipton

Trowbridge

Wiederspahn

Crowley



Ellen Crowley

Chairman

ENGROSSED

1981

STATE OF WYOMING

81LS0-125/eng

HOUSE BILL NO. 11

Judgment by confession void.

Sponsored by: Representatives URBIGKIT, CROWLEY
and WIEDERSPAHN

A BILL

for

1 AN ACT to create W.S. 1-16-204; to amend W.S. 1-10-103,
2 1-10-104 and 1-17-302; and to repeal W.S. 1-16-201,
3 1-16-202 and 1-16-203 relating to confession of judgment;
4 providing judgment or release of errors shall not be
5 entered on any power of attorney, negotiable instrument or
6 contract without prior notice and an opportunity to
7 defend; providing exceptions; and providing for an effective
8 date.

9 Be It Enacted by the Legislature of the State of Wyoming:

10 Section 1. W.S. 1-16-204 is created to read:

1 1-16-204. Confession of judgment and release of
2 errors void.

3 (a) Any power of attorney to confess judgment or to
4 allow judgment to be entered by default before an action
5 is initiated or a suit is begun is void. Any agreement to
6 allow judgment to be executed as part of or in connection
7 with the signing of any negotiable instrument or other
8 written contract to pay money before an action is ini-
9 tiated or a suit is begun is also void.

10 (b) No person shall appear, accept service or waive
11 process for a defendant under any power of attorney to
12 confess judgment in any connection in this state before an
13 action is initiated.

14 (c) Any release of errors given before an action is
15 initiated is void.

16 (d) Nothing in this section shall apply to any nego-
17 tiable instrument or other written contract entered into
18 prior to May 20, 1981.

19 Section 2. W.S. 1-10-103, 1-10-104 and 1-17-302 are
20 amended to read:

21 1-10-103. Offer to settle before action brought.

1 Before an action for recovery of money is brought against
2 any person, he may go into the court of competent juris-
3 diction in the county of his residence or the county in
4 which the person having the cause of action resides, and
5 offer to ~~confess--judgment--in--favor-of~~ SETTLE WITH the
6 claimant for a specified sum. If the claimant, having such
7 notice as the court deems reasonable that the offer will
8 be made, its amount, and the time and place of making it
9 fails to attend and accept the ~~confession~~ OFFER OF SETTLE-
10 MENT, or if he attends and refuses to accept it and after-
11 wards commences an action upon the cause and fails to
12 recover more than the amount ~~offered-to-be-confessed~~ OF
13 THE OFFER OF SETTLEMENT, with interest from the date of
14 the offer, he shall pay all the costs of the action.

15 1-10-104. Offer in court to confess for part of
16 claim or causes. The defendant in an action for the recov-
17 ery of money may offer in court to confess judgment for
18 ~~part-of~~ the amount claimed, or part of the causes involved
19 in the action. If the plaintiff, being present, HAVING
20 BEEN AFFORDED REASONABLE NOTICE refuses to accept such
21 confession of judgment in full satisfaction of his demands
22 in the action, or ~~having--had--such--notice--as--the--court~~
23 ~~deems--reasonable--that--the--offer--would--be--made,--its--amount,~~
24 ~~and--the--time--of--making--it,~~ fails to attend, and on the

1 trial, does not recover more than was offered to be con-
2 fessed, with interest from the date of the offer, the
3 plaintiff shall pay all costs of the defendant incurred
4 after the offer was made.

5 1-17-302. When lien attaches to property; generally.

6 The lands and tenements within the county in which judg-
7 ment is entered are bound for the satisfaction thereof
8 from the first day of the term at which judgment is
9 rendered. ~~r-but-judgments-by-confession-and~~ HOWEVER, judg-
10 ments rendered at the same term in which the action is
11 commenced shall bind the lands only from the day on which
12 the judgments are rendered. All other lands as well as
13 goods and chattels of the debtor are bound from the time
14 they are seized in execution.

15 Section 3. W.S. 1-16-201, 1-16-202 and 1-16-203 are
16 repealed.

17 Section 4. This act is effective May 20, 1981.

18 (END)

House of Intro
To Com No. _____
Stand Report Do _____ Amd _____ Not _____
Com Whole Do _____ Amd _____ Not _____
2nd Reading Amd _____
3rd Reading Amd _____ Pass _____ Fail _____

Second House
To Com No. _____
Stand Report Do _____ Amd _____ Not _____
Com Whole Do _____ Amd _____ Not _____
2nd Reading Amd _____
3rd Reading Amd _____ Pass _____ Fail _____

INTRODUCED

1981

STATE OF WYOMING

81LSO-125.01

HOUSE BILL NO. 11

Judgment by confession void.

Sponsored by: Representative URBIGKIT

A BILL

for

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2 1-10-104 and 1-17-302; and to repeal W.S. 1-16-201,
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6 with the signing of any negotiable instrument or other
7 written contract to pay money before an action is ini-
8 tiated or a suit is begun is also void.

9 (b) No person shall appear, accept service or waive
10 process for a defendant under any power of attorney to
11 confess judgment in any connection in this state before an
12 action is initiated.

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21 which the person having the cause of action resides, and
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2 notice as the court deems reasonable that the offer will
3 be made, its amount, and the time and place of making it
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5 MENT, or if he attends and refuses to accept it and after-
6 wards commences an action upon the cause and fails to
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15 BEEN AFFORDED REASONABLE NOTICE refuses to accept such
16 confession of judgment in full satisfaction of his demands
17 in the action, or ~~having--had-such-notice-as-the-court~~
18 ~~deems-reasonable-that-the-offer-would-be-made,--its-amount,~~
19 ~~and-the-time-of-making-it,~~ fails to attend, and, on the
20 trial, does not recover more than was offered to be con-
21 fessed, with interest from the date of the offer, the
22 plaintiff shall pay all costs of the defendant incurred
23 after the offer was made.

1 1-17-302. When lien attaches to property; generally.

FISCAL NOTE

Anticipated REVENUE to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED REVENUE		
Anticipated COST to:	Fiscal Year 19	Fiscal Year 19
TOTAL ESTIMATED COST		

No apparent fiscal or personnel impact.

HB 11

UB 11

2/11/20/81

HB11H21/A

- ✓ page 1-line 7 Following "defend;" insert "providing
exceptions;".
- ✓ page 2-following line 14. Insert:

"(d) Nothing in this section shall apply to any negotiable instrument or other written contract entered into prior to May 20, 1981." -JONES *PH*

ADOPTED