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SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1378

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State of Washington                      52nd Legislature                      1991 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

Read first time February 28, 1991.

1            AN ACT Relating to superior court fees; amending RCW 36.18.020,  
2 36.18.025, and 27.24.070; reenacting and amending RCW 43.08.250; adding  
3 a new section to chapter 43.08 RCW; adding a new section to chapter  
4 36.18 RCW; and creating a new section.

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

6            **Sec. 1.** RCW 36.18.020 and 1989 c 342 s 1 are each amended to read  
7 as follows:

8            Clerks of superior courts shall collect the following fees for  
9 their official services:

10            (1) The party filing the first or initial paper in any civil  
11 action, including an action for restitution, or change of name, shall  
12 pay, at the time said paper is filed, a fee of (~~seventy-eight~~) one  
13 hundred ten dollars except in proceedings filed under RCW 26.50.030 or  
14 49.60.227 where the petitioner shall pay a filing fee of twenty  
15 dollars, or an unlawful detainer action under chapter 59.18 or 59.20

1 RCW where the plaintiff shall pay a filing fee of thirty dollars. If  
2 the defendant serves or files an answer to an unlawful detainer  
3 complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,  
4 prior to proceeding with the unlawful detainer action, an additional  
5 (~~forty-eight~~) eighty dollars which shall be considered part of the  
6 filing fee. The thirty dollar filing fee under this subsection for an  
7 unlawful detainer action shall not include an order to show cause or  
8 any other order or judgment except a default order or default judgment  
9 in an unlawful detainer action.

10 (2) Any party, except a defendant in a criminal case, filing the  
11 first or initial paper on an appeal from a court of limited  
12 jurisdiction or any party on any civil appeal, shall pay, when said  
13 paper is filed, a fee of (~~seventy-eight~~) one hundred ten dollars.

14 (3) The party filing a transcript or abstract of judgment or  
15 verdict from a United States court held in this state, or from the  
16 superior court of another county or from a district court in the county  
17 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

18 (4) For the filing of a tax warrant by the department of revenue of  
19 the state of Washington, a fee of five dollars shall be paid.

20 (5) For the filing of a petition for modification of a decree of  
21 dissolution, a fee of twenty dollars shall be paid.

22 (6) The party filing a demand for jury of six in a civil action,  
23 shall pay, at the time of filing, a fee of (~~twenty-five~~) fifty  
24 dollars; if the demand is for a jury of twelve the fee shall be  
25 (~~fifty~~) one hundred dollars. If, after the party files a demand for  
26 a jury of six and pays the required fee, any other party to the action  
27 requests a jury of twelve, an additional (~~twenty-five~~) fifty-dollar  
28 fee will be required of the party demanding the increased number of  
29 jurors.

1 (7) For filing any paper, not related to or a part of any  
2 proceeding, civil or criminal, or any probate matter, required or  
3 permitted to be filed in the clerk's office for which no other charge  
4 is provided by law, or for filing a petition, written agreement, or  
5 memorandum as provided in RCW 11.96.170, the clerk shall collect two  
6 dollars.

7 (8) For preparing, transcribing or certifying any instrument on  
8 file or of record in the clerk's office, with or without seal, for the  
9 first page or portion thereof, a fee of two dollars, and for each  
10 additional page or portion thereof, a fee of one dollar. For  
11 authenticating or exemplifying any instrument, a fee of one dollar for  
12 each additional seal affixed.

13 (9) For executing a certificate, with or without a seal, a fee of  
14 two dollars shall be charged.

15 (10) For each garnishee defendant named in an affidavit for  
16 garnishment and for each writ of attachment, a fee of five dollars  
17 shall be charged.

18 (11) For approving a bond, including justification thereon, in  
19 other than civil actions and probate proceedings, a fee of two dollars  
20 shall be charged.

21 (12) In probate proceedings, the party instituting such  
22 proceedings, shall pay at the time of filing the first paper therein,  
23 a fee of (~~seventy-eight~~) one hundred ten dollars: PROVIDED, HOWEVER,  
24 A fee of two dollars shall be charged for filing a will only, when no  
25 probate of the will is contemplated. Except as provided for in  
26 subsection (13) of this section a fee of two dollars shall be charged  
27 for filing a petition, written agreement, or memorandum as provided in  
28 RCW 11.96.170.

29 (13) For filing any petition to contest a will admitted to probate  
30 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW  
2 11.96.170, there shall be paid a fee of (~~seventy-eight~~) one hundred  
3 ten dollars.

4 (14) For the issuance of each certificate of qualification and each  
5 certified copy of letters of administration, letters testamentary or  
6 letters of guardianship there shall be a fee of two dollars.

7 (15) For the preparation of a passport application there shall be  
8 a fee of four dollars.

9 (16) For searching records for which a written report is issued  
10 there shall be a fee of eight dollars per hour.

11 (17) Upon conviction or plea of guilty, upon failure to prosecute  
12 an appeal from a court of limited jurisdiction as provided by law, or  
13 upon affirmance of a conviction by a court of limited jurisdiction, a  
14 defendant in a criminal case shall be liable for a fee of (~~seventy~~)  
15 one hundred ten dollars.

16 (18) With the exception of demands for jury hereafter made and  
17 garnishments hereafter issued, civil actions and probate proceedings  
18 filed prior to midnight, July 1, 1972, shall be completed and governed  
19 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
20 fee shall be assessed if an order of dismissal on the clerk's record be  
21 filed as provided by rule of the supreme court.

22 (19) No fee shall be collected when a petition for relinquishment  
23 of parental rights is filed pursuant to RCW 26.33.080 or for forms and  
24 instructional brochures provided under RCW 26.50.030.

25 **Sec. 2.** RCW 36.18.025 and 1985 c 389 s 9 are each amended to read  
26 as follows:

27 (~~Thirty-two~~) Forty-six percent of the money received from filing  
28 fees paid pursuant to RCW 36.18.020(~~(, as now or hereafter amended,)~~)  
29 shall be transmitted by the county treasurer each month to the state

1 treasurer for deposit in the public safety and education account  
2 established under RCW 43.08.250.

3 **Sec. 3.** RCW 43.08.250 and 1991 sp.s. c 16 s 919 and 1991 sp.s. c  
4 13 s 25 are each reenacted and amended to read as follows:

5 The money received by the state treasurer from fees, fines,  
6 forfeitures, penalties, reimbursements or assessments by any court  
7 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
8 deposited in the public safety and education account which is hereby  
9 created in the state treasury. The legislature shall appropriate the  
10 funds in the account to promote traffic safety education, highway  
11 safety, criminal justice training, crime victims' compensation,  
12 judicial education, the judicial information system, civil  
13 representation of indigent persons, winter recreation parking, and  
14 state game programs. During the fiscal biennium ending June 30, 1993,  
15 the legislature may appropriate moneys from the public safety and  
16 education account for the purposes of local jail population data  
17 collection under RCW 10.98.130, the department of corrections' county  
18 partnership program under RCW 72.09.300, the treatment alternatives to  
19 street crimes program, the criminal litigation unit of the attorney  
20 general's office, and contracts with county officials to provide  
21 support enforcement services.

22 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.08 RCW  
23 to read as follows:

24 (1) Any money appropriated from the public safety and education  
25 account pursuant to RCW 43.08.250 in order to promote civil  
26 representation of indigent persons shall be used solely for the purpose  
27 of contracting with qualified legal aid programs. For purposes of this  
28 section, a "qualified legal aid program" means a not-for-profit

1 corporation incorporated and operating exclusively in Washington which  
2 has received basic field funding for the provision of civil legal  
3 services to indigents under Public Law 101-515.

4 (2) Funds distributed to qualified legal aid programs under this  
5 section shall be distributed on a basis proportionate to the number of  
6 individuals with incomes below the official federal poverty income  
7 guidelines who reside within the counties in the geographic service  
8 areas of such programs. The department of community development shall  
9 use the same formula for determining this distribution as is used by  
10 the legal services corporation in allocating funds for basic field  
11 services in the state of Washington.

12 (3)(a) Funds distributed to qualified legal aid programs under this  
13 section may not be used directly or indirectly for lobbying or in class  
14 action suits. Further, these funds are subject to all limitations and  
15 conditions imposed on use of funds made available to legal aid programs  
16 under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-  
17 222) as currently in effect or hereafter amended.

18 (b)(i) For purposes of this section, "lobbying" means any personal  
19 service, advertisement, telegram, telephone communication, letter,  
20 printed or written matter, or other device directly or indirectly  
21 intended to influence any member of congress or any other federal,  
22 state, or local nonjudicial official, whether elected or appointed:

23 (A) In connection with any act, bill, resolution, or similar  
24 legislation by the congress of the United States or by any state or  
25 local legislative body, or any administrative rule, standard, rate, or  
26 other enactment by any federal, state, or local administrative agency;

27 (B) In connection with any referendum, initiative, constitutional  
28 amendment, or any similar procedure of the congress, any state  
29 legislature, any local council, or any similar governing body acting in  
30 a legislative capacity; or

1 (C) In connection with inclusion of any provision in a legislative  
2 measure appropriating funds to, or defining or limiting the functions  
3 or authority of, the recipient of funds pursuant to this act.

4 (ii) "Lobbying" does not include the response of an employee of a  
5 legal aid program to a written request from a governmental agency, an  
6 elected or appointed official, or committee on a specific matter. This  
7 exception does not authorize communication with anyone other than the  
8 requesting party, or agent or employee of such agency, official, or  
9 committee.

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.18 RCW  
11 to read as follows:

12 The court may waive the filing fees provided for under RCW  
13 36.18.020 (1) and (2) upon affidavit by a party that the party is  
14 unable to pay the fee due to financial hardship.

15 **Sec. 6.** RCW 27.24.070 and 1985 c 389 s 2 are each amended to read  
16 as follows:

17 In each county pursuant to this chapter, the county treasurer shall  
18 deposit in the county or regional law library fund a sum equal to  
19 ~~((seven))~~ twelve dollars for every new probate or civil filing fee,  
20 including appeals, collected by the clerk of the superior court and  
21 ~~((three))~~ six dollars for every fee collected for the commencement of  
22 a civil action in district court for the support of the law library in  
23 that county or the regional law library to which the county belongs:  
24 PROVIDED, That upon a showing of need the ~~((seven))~~ twelve dollar  
25 contribution may be increased up to ~~((nine))~~ fourteen dollars upon the  
26 request of the law library board of trustees and with the approval of  
27 the county legislative body or bodies.

1        NEW SECTION.    **Sec. 7.**        If by June 30, 1992, the supplemental  
2 omnibus operating budget appropriations act does not provide a specific  
3 appropriation for section 4 of this act of at least two million four  
4 hundred thousand dollars, referencing this act by bill number, this act  
5 is null and void.