

2 **SHB 1692** - S COMM AMD
3 By Committee on Law & Justice

4 ADOPTED AS AMENDED 4/11/95

5 Strike everything after the enacting clause and insert the
6 following:

7 "**Sec. 1.** RCW 5.28.010 and 1987 c 202 s 124 are each amended to
8 read as follows:

9 ((That)) Every court, judge, clerk of a court, or notary public, is
10 authorized to take testimony in any action, suit or proceeding, and
11 such other persons in particular cases as authorized by law. Every
12 such court or officer is authorized to collect fees established under
13 RCW 36.18.020 and sections 12 through 15 of this act and to administer
14 oaths and affirmations generally((7)) and to every such other person in
15 such particular case as authorized.

16 **Sec. 2.** RCW 10.14.040 and 1987 c 280 s 4 are each amended to read
17 as follows:

18 There shall exist an action known as a petition for an order for
19 protection in cases of unlawful harassment.

20 (1) A petition for relief shall allege the existence of harassment
21 and shall be accompanied by an affidavit made under oath stating the
22 specific facts and circumstances from which relief is sought.

23 (2) A petition for relief may be made regardless of whether or not
24 there is a pending lawsuit, complaint, petition, or other action
25 between the parties.

26 (3) All court clerks' offices shall make available simplified forms
27 and instructional brochures. Any assistance or information provided by
28 clerks under this section does not constitute the practice of law and
29 clerks are not responsible for incorrect information contained in a
30 petition.

31 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be
32 charged for a petition filed in an existing action or under an existing
33 cause number brought under this chapter in the jurisdiction where the
34 relief is sought. Forms and instructional brochures shall be provided
35 free of charge.

1 (5) A person is not required to post a bond to obtain relief in any
2 proceeding under this section.

3 **Sec. 3.** RCW 10.82.070 and 1988 c 169 s 5 are each amended to read
4 as follows:

5 (1) All sums of money derived from costs, fines, penalties, and
6 forfeitures imposed or collected, in whole or in part, by a superior
7 court for violation of orders of injunction, mandamus and other like
8 writs, for contempt of court, or for breach of the penal laws shall be
9 paid in cash by the person collecting the same, within twenty days
10 after the collection, to the county treasurer of the county in which
11 the same have accrued.

12 (2) The county treasurer shall remit monthly thirty-two percent of
13 the money received under this section except for certain costs to the
14 state treasurer for deposit as provided under RCW 43.08.250 and shall
15 deposit the remainder as provided by law. "Certain costs" as used in
16 this subsection, means those costs awarded to prevailing parties in
17 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
18 against convicted defendants in criminal actions under RCW 10.01.160,
19 10.46.190, or 36.18.040, or other similar statutes if such costs are
20 specifically designated as costs by the court and are awarded for the
21 specific reimbursement of costs incurred by the state or county in the
22 prosecution of the case, including the fees of defense counsel. Costs
23 or assessments awarded to dedicated accounts, state or local, are not
24 subject to this state allocation or to RCW 7.68.035.

25 (3) All fees, fines, forfeitures and penalties collected or
26 assessed by a district court because of the violation of a state law
27 shall be remitted as provided in chapter 3.62 RCW as now exists or is
28 later amended. All fees, fines, forfeitures, and penalties collected
29 or assessed by a superior court in cases on appeal from a lower court
30 shall be remitted to the municipal or district court from which the
31 cases were appealed.

32 **Sec. 4.** RCW 11.86.031 and 1989 c 34 s 3 are each amended to read
33 as follows:

34 (1) The disclaimer shall:

35 (a) Be in writing;

36 (b) Be signed by the disclaimant;

37 (c) Identify the interest to be disclaimed; and

1 (d) State the disclaimer and the extent thereof.

2 (2) The disclaimer shall be delivered or mailed as provided in
3 subsection (3) of this section at any time after the creation of the
4 interest, but in all events by nine months after the latest of:

5 (a) The date the beneficiary attains the age of twenty-one years;

6 (b) The date of the transfer; or

7 (c) The date that the beneficiary is finally ascertained and the
8 beneficiary's interest is indefeasibly vested.

9 (3) The disclaimer shall be mailed by first-class mail, or
10 otherwise delivered, to the creator of the interest, the creator's
11 legal representative, or the holder of the legal title to the property
12 to which the interest relates or, if the creator is dead and there is
13 no legal representative or holder of legal title, to the person having
14 possession of the property.

15 (4) If the date of the transfer is the date of the death of the
16 creator of the interest, a copy of the disclaimer may be filed with the
17 clerk of the probate court in which the estate of the creator is, or
18 has been, administered, or, if no probate administration has been
19 commenced, then with the clerk of the court of any county provided by
20 law as the place for probate administration of such person, where it
21 shall be indexed under the name of the decedent in the probate index
22 upon the payment of a fee (~~(of two dollars)~~) established under section
23 14 of this act.

24 (5) The disclaimer of an interest in real property may be recorded,
25 but shall constitute notice to all persons only from and after the date
26 of recording. If recorded, a copy of the disclaimer shall be recorded
27 in the office of the auditor in the county or counties where the real
28 property is situated.

29 **Sec. 5.** RCW 12.40.105 and 1983 c 254 s 2 are each amended to read
30 as follows:

31 If the losing party fails to pay the judgment within twenty days or
32 within the period otherwise ordered by the court, the judgment shall be
33 increased by: (1) An amount sufficient to cover costs of certification
34 of the judgment under RCW 12.40.110; and (2) the amount specified in
35 (~~(RCW 36.18.020(3))~~) section 12(2) of this act, without regard to the
36 jurisdictional limits on the small claims department.

37 **Sec. 6.** RCW 12.40.110 and 1984 c 258 s 68 are each amended to read

1 as follows:

2 (1) If the losing party fails to pay the judgment according to the
3 terms and conditions thereof within twenty days or is in arrears on any
4 payment plan, and the prevailing party so notifies the court, the judge
5 before whom such hearing was had shall certify the judgment in
6 substantially the following form:

Washington.

8 In the District Court of County.

9 Plaintiff,

10 vs.

11 Defendant.

12 In the Small Claims Department.

13 This is to certify that: (1) In a certain action before me, the
14 undersigned, had on this the day of 19. . . ,
15 wherein was plaintiff and
16 defendant, jurisdiction of said defendant having been had by personal
17 service (or otherwise) as provided by law, I then and there entered
18 judgment against in the sum of Dollars; (2) the
19 judgment has not been paid within twenty days or the period otherwise
20 ordered by the court; and (3) pursuant to RCW 12.40.105, the amount of
21 the judgment is hereby increased by any costs of certification under
22 this section and the amount specified in ((RCW 36.18.020(3))) section
23 12(2) of this act.

24 Witness my hand this day of, 19. . .

25
26 District Judge sitting in the
27 Small Claims Department.

28 (2) The judge shall forthwith enter the judgment transcript on the
29 judgment docket of the district court; and thereafter garnishment,
30 execution, and other process on execution provided by law may issue
31 thereon, as in other judgments of district courts.

32 (3) Transcripts of such judgments may be filed and entered in
33 judgment lien dockets in superior courts with like effect as in other
34 cases.

35 **Sec. 7.** RCW 13.64.020 and 1993 c 294 s 2 are each amended to read
36 as follows:

1 (1) A petition for emancipation shall be signed and verified by the
2 petitioner, and shall include the following information: (a) The full
3 name of the petitioner, the petitioner's birthdate, and the state and
4 county of birth; (b) a certified copy of the petitioner's birth
5 certificate; (c) the name and last known address of the petitioner's
6 parent or parents, guardian, or custodian; (d) the petitioner's present
7 address, and length of residence at that address; (e) a declaration by
8 the petitioner indicating that he or she has the ability to manage his
9 or her financial affairs, including any supporting information; and (f)
10 a declaration by the petitioner indicating that he or she has the
11 ability to manage his or her personal, social, educational, and
12 nonfinancial affairs, including any supporting information.

13 (2) ~~((A reasonable filing fee not to exceed fifty dollars shall be
14 set by the court.))~~ Fees for this section are set under section 13 of
15 this act.

16 **Sec. 8.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read
17 as follows:

18 There shall exist an action known as a petition for an order for
19 protection in cases of domestic violence.

20 (1) A petition for relief shall allege the existence of domestic
21 violence, and shall be accompanied by an affidavit made under oath
22 stating the specific facts and circumstances from which relief is
23 sought.

24 (2) A petition for relief may be made regardless of whether or not
25 there is a pending lawsuit, complaint, petition, or other action
26 between the parties except in cases where the court realigns petitioner
27 and respondent in accordance with RCW 26.50.060(~~(+3)~~) (4).

28 (3) Within ninety days of receipt of the master copy from the
29 administrator for the courts, all court clerk's offices shall make
30 available the standardized forms, instructions, and informational
31 brochures required by RCW 26.50.035 and shall fill in and keep current
32 specific program names and telephone numbers for community resources.
33 Any assistance or information provided by clerks under this section
34 does not constitute the practice of law and clerks are not responsible
35 for incorrect information contained in a petition.

36 (4) ~~((A))~~ No filing fee ~~((of twenty dollars shall))~~ may be charged
37 for proceedings under this section. ~~((No filing fee may be charged
38 for:—(a) A petition filed in an existing action or under an existing~~

1 ~~cause number brought under this chapter in the jurisdiction where the~~
2 ~~relief is sought; or (b) the transfer of a case from district or~~
3 ~~municipal court to superior court under RCW 26.50.020(2).))~~ Forms and
4 instructional brochures shall be provided free of charge.

5 (5) A person is not required to post a bond to obtain relief in any
6 proceeding under this section.

7 **Sec. 9.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read
8 as follows:

9 (1) Except as provided in subsection (2) of this section (~~and RCW~~
10 ~~36.70A.300(3))~~), proceedings for review under this chapter shall be
11 instituted by paying the fee required under RCW 36.18.020 and filing a
12 petition in the superior court, at the petitioner's option, for (a)
13 Thurston county, (b) the county of the petitioner's residence or
14 principal place of business, or (c) in any county where the property
15 owned by the petitioner and affected by the contested decision is
16 located.

17 (2) For proceedings involving institutions of higher education, the
18 petition shall be filed either in the county in which the principal
19 office of the institution involved is located or in the county of a
20 branch campus if the action involves such branch.

21 **Sec. 10.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
22 as follows:

23 (1) Revenue collected under this section is subject to division
24 with the state public safety and education account under RCW 36.18.025
25 and with the county or regional law library fund under RCW 27.24.070.

26 (2) Clerks of superior courts shall collect the following fees for
27 their official services:

28 (~~(1)~~) (a) The party filing the first or initial paper in any
29 civil action, including, but not limited to an action for restitution,
30 (~~or~~) adoption, or change of name, shall pay, at the time (~~said~~) the
31 paper is filed, a fee of one hundred ten dollars except, in
32 (~~proceedings filed under RCW 26.50.030 or 49.60.227 where the~~
33 ~~petitioner shall pay a filing fee of twenty dollars, or~~) an unlawful
34 detainer action under chapter 59.18 or 59.20 RCW (~~where~~) for which
35 the plaintiff shall pay a case initiating filing fee of thirty dollars.
36 (~~If the defendant serves or files an answer to an unlawful detainer~~
37 ~~complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,~~

1 prior to proceeding with the unlawful detainer action, an additional
2 eighty dollars which shall be considered part of the filing fee.)) The
3 thirty dollar filing fee under this subsection for an unlawful detainer
4 action shall not include an order to show cause or any other order or
5 judgment except a default order or default judgment in an unlawful
6 detainer action.

7 ((2)) (b) Any party, except a defendant in a criminal case,
8 filing the first or initial paper on an appeal from a court of limited
9 jurisdiction or any party on any civil appeal, shall pay, when said
10 paper is filed, a fee of one hundred ten dollars.

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

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

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

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

26 (7) For filing any paper, not related to or a part of any
27 proceeding, civil or criminal, or any probate matter, required or
28 permitted to be filed in the clerk's office for which no other charge
29 is provided by law, or for filing a petition, written agreement, or
30 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty
31 dollars.

32 (8) For preparing, transcribing or certifying any instrument on
33 file or of record in the clerk's office, with or without seal, for the
34 first page or portion thereof, a fee of two dollars, and for each
35 additional page or portion thereof, a fee of one dollar. For
36 authenticating or exemplifying any instrument, a fee of one dollar for
37 each additional seal affixed.

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

1 ~~(10) For each garnishee defendant named in an affidavit for~~
2 ~~garnishment and for each writ of attachment, a fee of twenty dollars~~
3 ~~shall be charged.~~

4 ~~(11) For approving a bond, including justification thereon, in~~
5 ~~other than civil actions and probate proceedings, a fee of two dollars~~
6 ~~shall be charged.~~

7 ~~(12))~~ (c) For filing of a petition for judicial review as required
8 under RCW 34.05.514 a filing fee of one hundred ten dollars.

9 (d) For filing of a petition for unlawful harassment under RCW
10 10.14.040 a filing fee of one hundred ten dollars.

11 (e) For filing of a petition for determination of water rights
12 under RCW 90.03.180 a filing fee of twenty-five dollars.

13 (f) In probate proceedings, the party instituting such proceedings,
14 shall pay at the time of filing the first paper therein, a fee of one
15 hundred ten dollars~~((:—PROVIDED, HOWEVER, A fee of twenty dollars~~
16 ~~shall be charged for filing a will only, when no probate of the will is~~
17 ~~contemplated. Except as provided for in subsection (13) of this~~
18 ~~section a fee of two dollars shall be charged for filing a petition,~~
19 ~~written agreement, or memorandum as provided in RCW 11.96.170)).~~

20 ~~((13))~~ (g) For filing any petition to contest a will admitted to
21 probate or a petition to admit a will which has been rejected, or a
22 petition objecting to a written agreement or memorandum as provided in
23 RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.

24 ~~((14) For the issuance of each certificate of qualification and~~
25 ~~each certified copy of letters of administration, letters testamentary~~
26 ~~or letters of guardianship there shall be a fee of two dollars.~~

27 ~~(15) For the preparation of a passport application the clerk may~~
28 ~~collect an execution fee as authorized by the federal government.~~

29 ~~(16) For clerks' special services such as processing ex parte~~
30 ~~orders by mail, performing historical searches, compiling statistical~~
31 ~~reports, and conducting exceptional record searches the clerk may~~
32 ~~collect a fee not to exceed twenty dollars per hour or portion of an~~
33 ~~hour.~~

34 ~~(17) For duplicated recordings of court's proceedings there shall~~
35 ~~be a fee of ten dollars for each audio tape and twenty five dollars for~~
36 ~~each video tape.~~

37 ~~(18))~~ (h) Upon conviction or plea of guilty, upon failure to
38 prosecute an appeal from a court of limited jurisdiction as provided by
39 law, or upon affirmance of a conviction by a court of limited

1 jurisdiction, a defendant in a criminal case shall be liable for a fee
2 of one hundred ten dollars.

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

9 ~~((20))~~ (3) No fee shall be collected when a petition for
10 relinquishment of parental rights is filed pursuant to RCW 26.33.080 or
11 for forms and instructional brochures provided under RCW 26.50.030.

12 **Sec. 11.** RCW 36.18.010 and 1991 c 26 s 2 are each amended to read
13 as follows:

14 County auditors or recording officers shall collect the following
15 fees for their official services:

16 For recording instruments, for the first page, legal size (eight
17 and one-half by fourteen inches or less), five dollars; for each
18 additional legal size page, one dollar; the fee for recording multiple
19 transactions contained in one instrument will be calculated
20 individually for each transaction requiring separate indexing as
21 required under RCW 65.04.050;

22 For preparing and certifying copies, for the first legal size page,
23 three dollars; for each additional legal size page, one dollar;

24 For preparing noncertified copies, for each legal size page, one
25 dollar;

26 For administering an oath or taking an affidavit, with or without
27 seal, two dollars;

28 For issuing a marriage license, eight dollars, (this fee includes
29 taking necessary affidavits, filing returns, indexing, and transmittal
30 of a record of the marriage to the state registrar of vital statistics)
31 plus an additional five-dollar fee for use and support of the
32 prevention of child abuse and neglect activities to be transmitted
33 monthly to the state treasurer and deposited in the state general fund,
34 ~~((which five-dollar fee shall expire June 30, 1995,))~~ plus an
35 additional ten-dollar fee to be transmitted monthly to the state
36 treasurer and deposited in the state general fund. The legislature
37 intends to appropriate an amount at least equal to the revenue
38 generated by this fee for the purposes of the displaced homemaker act,

1 chapter 28B.04 RCW;

2 For searching records per hour, eight dollars;

3 For recording plats, fifty cents for each lot except cemetery plats
4 for which the charge shall be twenty-five cents per lot; also one
5 dollar for each acknowledgment, dedication, and description: PROVIDED,
6 That there shall be a minimum fee of twenty-five dollars per plat;

7 For recording of miscellaneous records, not listed above, for first
8 legal size page, five dollars; for each additional legal size page, one
9 dollar;

10 For modernization and improvement of the recording and indexing
11 system, a surcharge as provided in RCW 36.22.170.

12 NEW SECTION. **Sec. 12.** A new section is added to chapter 36.18 RCW
13 to read as follows:

14 (1) Revenue collected under this section is subject to division
15 with the state for deposit in the public safety and education account
16 under RCW 36.18.025.

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

21 (3) For the filing of a tax warrant by the department of revenue of
22 the state of Washington, a fee of five dollars must be paid.

23 (4) The clerk shall collect a fee of twenty dollars for: Filing a
24 paper not related to or a part of a proceeding, civil or criminal, or
25 a probate matter, required or permitted to be filed in the clerk's
26 office for which no other charge is provided by law; or filing a
27 petition, written agreement, or memorandum as provided in RCW
28 11.96.170.

29 (5) If the defendant serves or files an answer to an unlawful
30 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
31 shall pay before proceeding with the unlawful detainer action eighty
32 dollars.

33 (6) For a restrictive covenant for filing a petition to strike
34 discriminatory provisions in real estate under RCW 49.60.227 a fee of
35 twenty dollars must be charged.

36 (7) A fee of twenty dollars must be charged for filing a will only,
37 when no probate of the will is contemplated.

38 (8) A fee of two dollars must be charged for filing a petition,

1 written agreement, or written memorandum in a nonjudicial probate
2 dispute under RCW 11.96.170.

3 (9) For certification of delinquent taxes by a county treasurer
4 under RCW 84.64.190, a fee of five dollars must be charged.

5 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.18 RCW
6 to read as follows:

7 (1) Revenue collected under this section is subject to division
8 with the county law library under RCW 27.24.070.

9 (2) For filing a petition for emancipation for minors as required
10 under RCW 13.64.020 a fee up to fifty dollars must be collected.

11 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.18 RCW
12 to read as follows:

13 (1) Revenue collected under this section is not subject to division
14 under RCW 36.18.025 or 27.24.070.

15 (2) For the filing of a petition for modification of a decree of
16 dissolution or paternity, within the same case as the original action,
17 a fee of twenty dollars must be paid.

18 (3) The party making a demand for jury of six in a civil action
19 shall pay, at the time, a fee of fifty dollars; if the demand is for a
20 jury of twelve, a fee of one hundred dollars. If, after the party
21 demands a jury of six and pays the required fee, any other party to the
22 action requests a jury of twelve, an additional fifty-dollar fee will
23 be required of the party demanding the increased number of jurors.
24 Upon conviction in criminal cases a jury demand charge may be imposed
25 as costs under RCW 10.46.190.

26 (4) For preparing, transcribing, or certifying an instrument on
27 file or of record in the clerk's office, with or without seal, for the
28 first page or portion of the first page, a fee of two dollars, and for
29 each additional page or portion of a page, a fee of one dollar must be
30 charged. For authenticating or exemplifying an instrument, a fee of
31 one dollar for each additional seal affixed must be charged.

32 (5) For executing a certificate, with or without a seal, a fee of
33 two dollars must be charged.

34 (6) For a garnishee defendant named in an affidavit for garnishment
35 and for a writ of attachment, a fee of twenty dollars must be charged.

36 (7) For approving a bond, including justification on the bond, in
37 other than civil actions and probate proceedings, a fee of two dollars

1 must be charged.

2 (8) For the issuance of a certificate of qualification and a
3 certified copy of letters of administration, letters testamentary, or
4 letters of guardianship, there must be a fee of two dollars.

5 (9) For the preparation of a passport application, the clerk may
6 collect an execution fee as authorized by the federal government.

7 (10) For clerk's special services such as processing ex parte
8 orders by mail, performing historical searches, compiling statistical
9 reports, and conducting exceptional record searches, the clerk may
10 collect a fee not to exceed twenty dollars per hour or portion of an
11 hour.

12 (11) For duplicated recordings of court's proceedings there must be
13 a fee of ten dollars for each audio tape and twenty-five dollars for
14 each video tape.

15 (12) For the filing of oaths and affirmations under chapter 5.28
16 RCW, a fee of twenty dollars must be charged.

17 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a
18 fee of two dollars must be charged.

19 (14) For registration of land titles, Torrens Act, under RCW
20 65.12.780, a fee of five dollars must be charged.

21 (15) For the issuance of extension of judgment under RCW 6.17.020
22 and chapter 9.94A RCW, a fee of one hundred ten dollars must be
23 charged.

24 (16) A facilitator surcharge of ten dollars must be charged as
25 authorized under RCW 26.12.240.

26 (17) For filing a water rights statement under RCW 90.03.180, a fee
27 of twenty-five dollars must be charged.

28 (18) A service fee of three dollars for the first page and one
29 dollar for each additional page must be charged for receiving faxed
30 documents, pursuant to Washington state rules of court, general rule
31 17.

32 (19) For preparation of clerk's papers under RAP 9.7, a fee of
33 fifty cents per page must be charged.

34 (20) For copies and reports produced at the local level as
35 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
36 be charged.

37 (21) Investment service charge and earnings under RCW 36.48.090
38 must be charged.

39 (22) Costs for nonstatutory services rendered by clerk by authority

1 of local ordinance or policy must be charged.

2 NEW SECTION. Sec. 15. A new section is added to chapter 36.18 RCW
3 to read as follows:

4 (1) State revenue collected by county clerks under subsection (2)
5 of this section must be transmitted to the appropriate state court.
6 The office of the state administrator for the courts shall retain fees
7 collected under subsection (3) of this section.

8 (2) For appellate review under RAP 5.1(b), two hundred fifty
9 dollars must be charged.

10 (3) For all copies and reports produced by the administrator for
11 the courts as permitted under RCW 2.68.020 and supreme court policy, a
12 variable fee must be charged.

13 **Sec. 16.** RCW 36.18.022 and 1992 c 54 s 5 are each amended to read
14 as follows:

15 The court may waive the filing fees provided for under RCW
16 36.18.020 (~~((+1) and~~)) (2) (a) and (b) upon affidavit by a party that
17 the party is unable to pay the fee due to financial hardship.

18 **Sec. 17.** RCW 40.14.027 and 1994 c 193 s 2 are each amended to read
19 as follows:

20 State agencies shall collect a surcharge of twenty dollars from the
21 judgment debtor upon the satisfaction of a warrant filed in superior
22 court for unpaid taxes or liabilities. The surcharge is imposed on the
23 judgment debtor in the form of a penalty in addition to the filing fee
24 provided in (~~(RCW 36.18.020(4))~~) section 12(3) of this act. The
25 surcharge revenue shall be transmitted to the state treasurer for
26 deposit in the archives and records management account, or procedures
27 for the collection and transmittal of surcharge revenue to the archives
28 and records management account shall be established cooperatively
29 between the filing agencies and clerks of superior court.

30 Surcharge revenue deposited in the archives and records management
31 account shall be expended by the secretary of state exclusively for the
32 payment of costs and expenses incurred in the provision of public
33 archives and records management services to local government agencies
34 by the division of archives and records management. The secretary of
35 state shall work with local government representatives to establish a
36 committee to advise the state archivist on the local government

1 archives and records management program. Surcharge revenue shall be
2 allocated exclusively to:

3 (1) Appraise, process, store, preserve, and provide public research
4 access to original records designated by the state archivist as
5 archival which are no longer required to be kept by the agencies which
6 originally made or filed them;

7 (2) Protect essential records, as provided by chapters 40.10 and
8 40.20 RCW. Permanent facsimiles of essential records shall be produced
9 and placed in security storage with the state archivist;

10 (3) Coordinate records retention and disposition management and
11 provide support for the following functions under RCW 40.14.070:

12 (a) Advise and assist individual agencies on public records
13 management requirements and practices; and

14 (b) Compile, maintain, and regularly update general records
15 retention schedules and destruction authorizations; and

16 (4) Develop and maintain standards for the application of recording
17 media and records storage technologies.

18 **Sec. 18.** RCW 49.60.227 and 1993 c 69 s 10 are each amended to read
19 as follows:

20 If a written instrument contains a provision that is void by reason
21 of RCW 49.60.224, the owner, occupant, or tenant of the property which
22 is subject to the provision may cause the provision to be stricken from
23 the public records by bringing an action in the superior court in the
24 county in which the property is located. The action shall be an in
25 rem, declaratory judgment action whose title shall be the description
26 of the property. The necessary party to the action shall be the owner,
27 occupant, or tenant of the property or any portion thereof. The person
28 bringing the action shall pay a fee set under section 12 of this act.

29 If the court finds that any provisions of the written instrument
30 are void under RCW 49.60.224, it shall enter an order striking the void
31 provisions from the public records and eliminating the void provisions
32 from the title or lease of the property described in the complaint.

33 **Sec. 19.** RCW 65.12.780 and 1907 c 250 s 94 are each amended to
34 read as follows:

35 On the filing of any application for registration, the applicant
36 shall pay to the clerk of the court(~~(, in counties having more than~~
37 ~~forty thousand population, the sum of three dollars; and in all other~~

1 ~~counties, the sum of five dollars, which shall be in full of all~~
2 ~~clerk's fees and charges in such proceeding in behalf of the applicant.~~
3 ~~Any defendant, on entering his appearance, shall pay to the clerk of~~
4 ~~the court, the sum of three dollars, which shall be in full of all~~
5 ~~clerk's fees in behalf of such defendant)) filing fees as set in~~
6 section 14 of this act. When any number of defendants enter their
7 appearance at the same time, before default, but one fee shall be paid.
8 Every publication in a newspaper required by this chapter shall be paid
9 for by the party on whose application the order of publication is made,
10 in addition to the fees above prescribed. The party at whose request
11 any notice is issued, shall pay for the service of the same, except
12 when sent by mail by the clerk of court, or the registrar of titles.

13 **Sec. 20.** RCW 70.02.070 and 1991 c 335 s 206 are each amended to
14 read as follows:

15 Upon the request of the person requesting the record, the health
16 care provider or facility shall certify the record furnished and may
17 charge for such certification in accordance with ((RCW 36.18.020(9)))
18 section 14(5) of this act. No record need be certified until the fee
19 is paid. The certification shall be affixed to the record and
20 disclose:

- 21 (1) The identity of the patient;
- 22 (2) The kind of health care information involved;
- 23 (3) The identity of the person to whom the information is being
24 furnished;
- 25 (4) The identity of the health care provider or facility furnishing
26 the information;
- 27 (5) The number of pages of the health care information;
- 28 (6) The date on which the health care information is furnished; and
- 29 (7) That the certification is to fulfill and meet the requirements
30 of this section.

31 **Sec. 21.** RCW 90.03.180 and 1982 c 15 s 2 are each amended to read
32 as follows:

33 At the time of filing the statement as provided in RCW 90.03.140,
34 each defendant shall pay to the clerk of the superior court a fee ((of
35 ~~twenty-five dollars~~)) as set under RCW 36.18.020.

36 NEW SECTION. **Sec. 22.** RCW 2.32.075 and 1961 c 304 s 5 are each

1 repealed."

2 **SHB 1692** - S COMM AMD

3 By Committee on Law & Justice

4 ADOPTED AS AMENDED 4/11/95

5 On page 1, line 1 of the title, after "fees;" strike the remainder
6 of the title and insert "amending RCW 5.28.010, 10.14.040, 10.82.070,
7 11.86.031, 12.40.105, 12.40.110, 13.64.020, 26.50.030, 34.05.514,
8 36.18.010, 36.18.020, 36.18.022, 40.14.027, 49.60.227, 65.12.780,
9 70.02.070, and 90.03.180; adding new sections to chapter 36.18 RCW; and
10 repealing RCW 2.32.075."

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