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SENATE BILL 5391

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State of Washington

57th Legislature

2001 Regular Session

By Senators Long, Constantine, Kline and Carlson; by request of  
Administrator for the Courts

Read first time 01/22/2001. Referred to Committee on Judiciary.

1 AN ACT Relating to optional authorization of mandatory arbitration  
2 for civil actions; amending RCW 7.06.010, 7.06.040, 7.06.050, and  
3 3.62.060; and reenacting and amending RCW 7.06.020.

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

5 **Sec. 1.** RCW 7.06.010 and 1991 c 363 s 7 are each amended to read  
6 as follows:

7 (~~In counties with a population of seventy thousand or more,~~) The  
8 superior court of the county, by majority vote of the judges thereof,  
9 or the county legislative authority may authorize mandatory arbitration  
10 of civil actions under this chapter. In all other counties, the  
11 superior court of the county, by a majority vote of the judges thereof,  
12 may authorize mandatory arbitration of civil actions under this  
13 chapter. The district court of the county, by a majority vote of the  
14 judges thereof, may authorize mandatory arbitration of civil actions  
15 under this chapter.

16 **Sec. 2.** RCW 7.06.020 and 1987 c 212 s 101 and 1987 c 202 s 127 are  
17 each reenacted and amended to read as follows:

1 (1) All civil actions, except for appeals from municipal or  
2 district courts, which are at issue in the superior court in counties  
3 which have authorized arbitration, where the sole relief sought is a  
4 money judgment, and where no party asserts a claim in excess of fifteen  
5 thousand dollars, or if approved by the superior court of a county by  
6 two-thirds or greater vote of the judges thereof, up to (~~thirty-five~~)  
7 fifty thousand dollars, exclusive of interest and costs, are subject to  
8 mandatory arbitration.

9 (2) If approved by majority vote of the superior court judges of a  
10 county which has authorized arbitration, all civil actions which are at  
11 issue in the superior court in which the sole relief sought is the  
12 establishment, termination or modification of maintenance or child  
13 support payments are subject to mandatory arbitration. The  
14 arbitrability of any such action shall not be affected by the amount or  
15 number of payments involved.

16 (3) All civil actions which are at issue in the district court in  
17 counties which have authorized arbitration, where the sole relief  
18 sought is a money judgment, and where no party asserts a claim in  
19 excess of fifteen thousand dollars, or if approved by the district  
20 court of a county by two-thirds or greater vote of the judges thereof,  
21 up to fifty thousand dollars, exclusive of interest and costs, are  
22 subject to mandatory arbitration.

23 **Sec. 3.** RCW 7.06.040 and 1987 c 212 s 102 are each amended to read  
24 as follows:

25 The appointment of arbitrators shall be prescribed by rules adopted  
26 by the supreme court. An arbitrator must be a member of the state bar  
27 association who has been admitted to the bar for a minimum of five  
28 years or who is a retired judge. The parties may stipulate to a  
29 nonlawyer arbitrator. The supreme court may prescribe by rule  
30 additional qualifications of arbitrators.

31 Arbitrators of cases originating in the superior court shall be  
32 compensated in the same amount and manner as judges pro tempore of the  
33 superior court. Arbitrators of cases originating in the district court  
34 shall be compensated in the same amount and manner as judges pro  
35 tempore of the superior court.

36 **Sec. 4.** RCW 7.06.050 and 1982 c 188 s 2 are each amended to read  
37 as follows:

1 Following a hearing as prescribed by court rule, the arbitrator  
2 shall file his or her decision and award with the clerk of the  
3 (~~superior~~) court, together with proof of service thereof on the  
4 parties. Within twenty days after such filing, any aggrieved party may  
5 file with the clerk a written notice of appeal and request for a trial  
6 de novo in the superior court on all issues of law and fact. Such  
7 trial de novo shall thereupon be held, including a right to jury, if  
8 demanded.

9 If no appeal has been filed at the expiration of twenty days  
10 following filing of the arbitrator's decision and award, a judgment  
11 shall be entered and may be presented to the court by any party, on  
12 notice, which judgment when entered shall have the same force and  
13 effect as judgments in civil actions.

14 **Sec. 5.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as  
15 follows:

16 Clerks of the district courts shall collect the following fees for  
17 their official services:

18 (1) In any civil action commenced before or transferred to a  
19 district court, the plaintiff shall, at the time of such commencement  
20 or transfer, pay to such court a filing fee of thirty-one dollars plus  
21 any surcharge authorized by RCW 7.75.035. No party shall be compelled  
22 to pay to the court any other fees or charges up to and including the  
23 rendition of judgment in the action other than those listed.

24 (2) For issuing a writ of garnishment or other writ a fee of six  
25 dollars.

26 (3) For filing a supplemental proceeding a fee of twelve dollars.

27 (4) For demanding a jury in a civil case a fee of fifty dollars to  
28 be paid by the person demanding a jury.

29 (5) For preparing a transcript of a judgment a fee of six dollars.

30 (6) For certifying any document on file or of record in the clerk's  
31 office a fee of five dollars.

32 (7) For preparing the record of a case for appeal to superior court  
33 a fee of forty dollars including any costs of tape duplication as  
34 governed by the rules of appeal for courts of limited jurisdiction  
35 (RALJ).

36 (8) For duplication of part or all of the electronic tape or tapes  
37 of a proceeding ten dollars per tape.

1       (9) For filing a request for mandatory arbitration, a fee may be  
2 assessed against the party filing a statement of arbitrability not to  
3 exceed thirty-one dollars as established by authority of local  
4 ordinance. This charge shall be used solely to offset the cost of the  
5 mandatory arbitration program.

6       The fees or charges imposed under this section shall be allowed as  
7 court costs whenever a judgment for costs is awarded.

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