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SENATE BILL 6458

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State of Washington 57th Legislature

2002 Regular Session

By Senators Long and Costa

Read first time 01/17/2002. Referred to Committee on Judiciary.

1 AN ACT Relating to jury fees; and amending RCW 3.50.135, 3.62.060,  
2 10.46.190, 12.12.030, 35.20.090, and 36.18.016.

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

4 **Sec. 1.** RCW 3.50.135 and 1984 c 258 s 126 are each amended to read  
5 as follows:

6 In all civil cases, the plaintiff or defendant may demand a jury,  
7 which shall consist of six citizens of the state who shall be impaneled  
8 and sworn as in cases before district courts, or the trial may be by a  
9 judge of the municipal court: PROVIDED, That no jury trial may be held  
10 on a proceeding involving a traffic infraction. A party requesting a  
11 jury shall pay to the court a fee (~~which shall be the same as that for~~  
12 ~~a jury in district court~~) equal to the fee specified in RCW  
13 36.18.016(3)(a). If more than one party requests a jury, only one jury  
14 fee shall be collected by the court. The fee shall be apportioned  
15 among the requesting parties. Each juror may receive up to twenty-five  
16 dollars but in no case less than ten dollars for each day in attendance  
17 upon the municipal court, and in addition thereto shall receive mileage  
18 at the rate determined under RCW 43.03.060: PROVIDED, That the  
19 compensation paid jurors shall be determined by the legislative

1 authority of the city and shall be uniformly applied. Jury trials  
2 shall be allowed in all criminal cases unless waived by the defendant.

3 **Sec. 2.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as  
4 follows:

5 Clerks of the district courts shall collect the following fees for  
6 their official services:

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

13 (2) For issuing a writ of garnishment or other writ a fee of six  
14 dollars.

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

16 (4) For demanding a jury in a civil case a fee (~~(of fifty dollars)~~)  
17 equal to the fee specified in RCW 36.18.016(3)(a) to be paid by the  
18 person demanding a jury.

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

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

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

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

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

30 **Sec. 3.** RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended to  
31 read as follows:

32 Every person convicted of a crime or held to bail to keep the peace  
33 shall be liable to all the costs of the proceedings against him or her,  
34 including, when tried by a jury in the superior court (~~(, a jury fee as~~  
35 ~~provided for in civil actions, and when))~~ or tried by a jury before a  
36 committing magistrate, (~~(twenty-five dollars for))~~ a jury fee equal to  
37 the fee specified in RCW 36.18.016(3)(b), for which judgment shall be

1 rendered and collection had as in cases of fines. The jury fee, when  
2 collected for a case tried by the superior court, shall be paid to the  
3 clerk, to be (~~by him~~) applied by the clerk as the jury fee in civil  
4 cases is applied.

5 **Sec. 4.** RCW 12.12.030 and 1981 c 260 s 3 are each amended to read  
6 as follows:

7 After the appearance of the defendant, and before the justice shall  
8 proceed to enquire into the merits of the cause, either party may  
9 demand a jury to try the action, which jury shall be composed of six  
10 good and lawful persons having the qualifications of jurors in the  
11 superior court of the same county, unless the parties shall agree upon  
12 a lesser number: PROVIDED, That the party demanding the jury shall  
13 first pay to the justice the sum (~~of twenty five dollars~~) equal to  
14 the fee specified in RCW 36.18.016(3)(a), which shall be paid over by  
15 the justice to the county, and (~~said~~) such amount shall be taxed as  
16 costs against the losing party.

17 **Sec. 5.** RCW 35.20.090 and 1987 c 202 s 195 are each amended to  
18 read as follows:

19 In all civil cases and criminal cases where jurisdiction is  
20 concurrent with district courts as provided in RCW 35.20.250, within  
21 the jurisdiction of the municipal court, the plaintiff or defendant may  
22 demand a jury, which shall consist of six citizens of the state who  
23 shall be impaneled and sworn as in cases before district courts, or the  
24 trial may be by a judge of the municipal court: PROVIDED, That no jury  
25 trial may be held on a proceeding involving a traffic infraction. A  
26 defendant requesting a jury shall pay to the court a fee (~~which shall~~  
27 ~~be the same as that for a jury in district court~~) equal to the fee  
28 specified in RCW 36.18.016(3). Where there is more than one defendant  
29 in an action and one or more of them requests a jury, only one jury fee  
30 shall be collected by the court. Each juror may receive up to twenty-  
31 five dollars but in no case less than ten dollars for each day in  
32 attendance upon the municipal court, and in addition thereto shall  
33 receive mileage at the rate determined under RCW 43.03.060: PROVIDED,  
34 That the compensation paid jurors shall be determined by the  
35 legislative authority of the city and shall be uniformly applied.  
36 Trial by jury shall be allowed in criminal cases involving violations  
37 of city ordinances commencing January 1, 1972, unless such incorporated

1 city affected by this chapter has made provision therefor prior to  
2 January 1, 1972.

3 **Sec. 6.** RCW 36.18.016 and 2001 c 146 s 2 are each amended to read  
4 as follows:

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

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

10 (3)(a) The party making a demand for a jury of six in a civil  
11 action shall pay, at the time, a fee of one hundred twenty-five  
12 dollars; if the demand is for a jury of twelve, a fee of two hundred  
13 fifty dollars. If, after the party demands a jury of six and pays the  
14 required fee, any other party to the action requests a jury of twelve,  
15 an additional one hundred twenty-five dollar fee will be required of  
16 the party demanding the increased number of jurors.

17 (b) Upon conviction in criminal cases a jury demand charge of  
18 (~~(fifty)~~) one hundred twenty-five dollars for a jury of six, or (~~(one)~~)  
19 two hundred fifty dollars for a jury of twelve may be imposed as costs  
20 under RCW 10.46.190.

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

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

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

31 (7) For approving a bond, including justification on the bond, in  
32 other than civil actions and probate proceedings, a fee of two dollars  
33 must be charged.

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

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

1 (10) For clerk's services such as processing ex parte orders,  
2 performing historical searches, compiling statistical reports, and  
3 conducting exceptional record searches, the clerk may collect a fee not  
4 to exceed twenty dollars per hour or portion of an hour.

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

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

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

12 (14) For registration of land titles, Torrens Act, under RCW  
13 65.12.780, a fee of five dollars must be charged.

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

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

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

21 (18) A service fee of three dollars for the first page and one  
22 dollar for each additional page must be charged for receiving faxed  
23 documents, pursuant to Washington state rules of court, general rule  
24 17.

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

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

30 (21) Investment service charge and earnings under RCW 36.48.090  
31 must be charged.

32 (22) Costs for nonstatutory services rendered by clerk by authority  
33 of local ordinance or policy must be charged.

34 (23) For filing a request for mandatory arbitration, a fee may be  
35 assessed against the party filing a statement of arbitrability not to  
36 exceed one hundred twenty dollars as established by authority of local  
37 ordinance and approved by a vote of the people if it is determined by  
38 a court of competent jurisdiction that such a vote is required by  
39 chapter 1, Laws of 2000 (Initiative Measure No. 695). This charge

1 shall be used solely to offset the cost of the mandatory arbitration  
2 program.

3 (24) For filing a request for trial de novo of an arbitration  
4 award, a fee not to exceed two hundred fifty dollars as established by  
5 authority of local ordinance must be charged.

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