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HOUSE BILL 1744

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State of Washington                      58th Legislature                      2003 Regular Session

By Representatives Lovick and Campbell

Read first time 02/06/2003. Referred to Committee on Judiciary.

1            AN ACT Relating to court fees; and amending RCW 27.24.070,  
2 36.18.016, 36.18.020, and 4.12.090.

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

4            **Sec. 1.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read  
5 as follows:

6            In each county pursuant to this chapter, the county treasurer shall  
7 deposit in the county or regional law library fund a sum equal to  
8 ((~~twelve~~)) seventeen dollars for every new probate or civil filing fee,  
9 including appeals, collected by the clerk of the superior court and six  
10 dollars for every fee collected for the commencement of a civil action  
11 in district court for the support of the law library in that county or  
12 the regional law library to which the county belongs: PROVIDED, That  
13 upon a showing of need the ((~~twelve~~)) seventeen dollar contribution may  
14 be increased up to ((~~fifteen~~)) twenty dollars upon the request of the  
15 law library board of trustees and with the approval of the county  
16 legislative body or bodies.

17            **Sec. 2.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read  
18 as follows:

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

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

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

13 (b) Upon conviction in criminal cases a jury demand charge of fifty  
14 dollars for a jury of six, or one hundred dollars for a jury of twelve  
15 may be imposed as costs under RCW 10.46.190.

16 (4) For preparing(~~(, transcribing, or certifying)~~) a certified copy  
17 of an instrument on file or of record in the clerk's office, ((with or  
18 without seal,)) for the first page or portion of the first page, a fee  
19 of two dollars, and for each additional page or portion of a page, a  
20 fee of one dollar must be charged. For authenticating or exemplifying  
21 an instrument, a fee of ((one)) two dollars for each additional seal  
22 affixed must be charged. For preparing a copy of an instrument on file  
23 or of record in the clerk's office without a seal, a fee of up to fifty  
24 cents per page shall be charged. When copying a document or file that  
25 is in an electronic format, a fee of twenty-five cents per page shall  
26 be charged. For copies made on a compact disk, an additional fee of  
27 twenty dollars for each compact disk shall be charged.

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

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

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

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

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

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

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

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

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

14 ~~(14))~~ For registration of land titles, Torrens Act, under RCW  
15 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

16 ~~((15))~~ (13) For the issuance of extension of judgment under RCW  
17 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must  
18 be charged.

19 ~~((16))~~ (14) A facilitator surcharge of ten dollars must be  
20 charged as authorized under RCW 26.12.240.

21 ~~((17))~~ (15) For filing a water rights statement under RCW  
22 90.03.180, a fee of twenty-five dollars must be charged.

23 ~~((18))~~ (16) For preparation of a change of venue, a fee of twenty  
24 dollars must be filed.

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

29 ~~((19))~~ (18) For preparation of clerk's papers under RAP 9.7, a  
30 fee of fifty cents per page must be charged.

31 ~~((20))~~ (19) For copies and reports produced at the local level as  
32 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
33 be charged.

34 ~~((21))~~ (20) Investment service charge and earnings under RCW  
35 36.48.090 must be charged.

36 ~~((22))~~ (21) Costs for nonstatutory services rendered by clerk by  
37 authority of local ordinance or policy must be charged.

1       (~~(23)~~) (22) For filing a request for mandatory arbitration, a  
2 filing fee may be assessed against the party filing a statement of  
3 arbitrability not to exceed two hundred twenty dollars as established  
4 by authority of local ordinance. This charge shall be used solely to  
5 offset the cost of the mandatory arbitration program.

6       (~~(24)~~) (23) For filing a request for trial de novo of an  
7 arbitration award, a fee not to exceed two hundred fifty dollars as  
8 established by authority of local ordinance must be charged.

9       **Sec. 3.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as  
10 follows:

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

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

16       (a) The party filing the first or initial paper in any civil  
17 action, including, but not limited to an action for restitution,  
18 adoption, or change of name, shall pay, at the time the paper is filed,  
19 a fee of (~~one~~) two hundred (~~ten~~) dollars except, in an unlawful  
20 detainer action under chapter 59.18 or 59.20 RCW for which the  
21 plaintiff shall pay a case initiating filing fee of thirty dollars, or  
22 in proceedings filed under RCW 28A.225.030 alleging a violation of the  
23 compulsory attendance laws where the petitioner shall not pay a filing  
24 fee. The thirty dollar filing fee under this subsection for an  
25 unlawful detainer action shall not include an order to show cause or  
26 any other order or judgment except a default order or default judgment  
27 in an unlawful detainer action.

28       (b) Any party, except a defendant in a criminal case, filing the  
29 first or initial paper on an appeal from a court of limited  
30 jurisdiction or any party on any civil appeal, shall pay, when the  
31 paper is filed, a fee of (~~one~~) two hundred (~~ten~~) dollars.

32       (c) For filing of a petition for judicial review as required under  
33 RCW 34.05.514 a filing fee of (~~one~~) two hundred (~~ten~~) dollars.

34       (d) For filing of a petition for unlawful harassment under RCW  
35 10.14.040 a filing fee of forty-one dollars.

36       (e) For filing the notice of debt due for the compensation of a

1 crime victim under RCW 7.68.120(2)(a) a fee of (~~one~~) two hundred  
2 (~~ten~~) dollars.

3 (f) In probate proceedings, the party instituting such proceedings,  
4 shall pay at the time of filing the first paper therein, a fee of  
5 (~~one~~) two hundred (~~ten~~) dollars.

6 (g) For filing any petition to contest a will admitted to probate  
7 or a petition to admit a will which has been rejected, or a petition  
8 objecting to a written agreement or memorandum as provided in RCW  
9 11.96A.220, there shall be paid a fee of (~~one~~) two hundred (~~ten~~)  
10 dollars.

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

16 (i) 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 (3) No fee shall be collected when a petition for relinquishment of  
23 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. 4.** RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended to  
26 read as follows:

27 (1) When an order is made, prior to a trial or judgment being  
28 entered, transferring (~~an~~) the action or proceeding for trial, the  
29 clerk of the court must transmit the pleadings and papers therein to  
30 the court to which it is transferred, and charge a fee as determined in  
31 RCW 36.18.016. The costs and fees thereof and of filing the papers  
32 anew must be paid by the party at whose instance the order was made,  
33 except in the cases mentioned in RCW 4.12.030(1), in which case the  
34 plaintiff shall pay costs of transfer and, in addition thereto, if the  
35 court finds that the plaintiff could have determined the county of  
36 proper venue with reasonable diligence, it shall order the plaintiff to  
37 pay the reasonable attorney's fee of the defendant for the changing of

1 venue to the proper county. The court to which an action or proceeding  
2 is transferred has and exercises over the same the like jurisdiction as  
3 if it had been originally commenced therein.

4 (2) In acting on any motion for dismissal without prejudice in a  
5 case where a motion for change of venue under subsection (1) of this  
6 section has been made, the court shall, if it determines the motion for  
7 change of venue proper, determine the amount of attorney's fee properly  
8 to be awarded to defendant and, if the action be dismissed, the  
9 attorney's fee shall be a setoff against any claim subsequently brought  
10 on the same cause of action.

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