

HOUSE BILL REPORT

SSB 6670

As Reported by House Committee On:
Judiciary

Title: An act relating to court filing fees.

Brief Description: Changing court filing fee provisions.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Shin, Delvin, Fraser, Hargrove and Johnson).

Brief History:

Committee Activity:

Judiciary: 2/20/06 [DP].

Brief Summary of Substitute Bill

- Specifies the fee for counterclaims, cross-claims, and third-party claims in unlawful detainer actions and actions to modify dissolution or paternity decrees.
- Provides that the filing fee for extending a judgment on an offender's legal financial obligation may be charged as costs to the offender.
- Makes other technical changes.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Rodne, Assistant Ranking Minority Member; Campbell, Kirby, Springer and Wood.

Staff: Trudes Tango (786-7384).

Background:

Court clerks collect civil filing fees and other fees for court services. Some of the fees are split with the state. Last year, the Legislature passed E2SSB 5454, which, among other things, added fees for counterclaims, cross-claims, and third-party claims in civil actions and small claims actions. However, E2SSB 5454 did not specify a filing fee for a counterclaim, cross-claim, or third-party claim in an unlawful detainer action or in an action to modify a dissolution or paternity decree.

A party filing an unlawful detainer action must pay an initial filing fee of \$45. If the defendant files an answer, the plaintiff must pay an additional \$112 to proceed with the action. A person filing a petition for modification of a dissolution or paternity decree, within the same cause as the original action, must pay a fee of \$36.

The filing fee statute provides that a \$5 fee be charged for a certification of delinquent taxes by the county auditor. However, the statutes governing certificates of delinquency provide that the county treasurer shall file certificates of delinquency with the court clerk at no cost to the treasurer.

When a person is convicted of a crime, the court may order the payment of legal financial obligations as part of the offender's sentence. Legal financial obligations may include restitution, costs, fines, and other assessments required by law. Legal financial obligations are civil judgements enforceable for up to 10 years following the offender's release from total confinement or within 10 years of entry of the judgment and sentence, whichever period ends later. If the legal financial obligation is not paid off, the court may extend the judgment an additional 10 years. The fee to extend a judgment is \$200.

Summary of Bill:

Fees are specifically authorized for filing counterclaims, cross-claims, and third-party claims in unlawful detainer actions and modifications of dissolution and paternity decrees. A party filing a counterclaim, cross-claim, or third-party claim in an unlawful detainer action must pay a filing fee of \$157, which is equal to the initial filing fee for an unlawful detainer action plus the additional fee if the defendant answers the unlawful detainer action. The fee for a counterclaim, cross-claim, or third-party claim in an action to modify a dissolution or paternity decree is \$36.

When the court clerk requests extension of a judgment on an offender's legal financial obligation, the \$200 fee may be imposed as court costs to the offender.

The \$5 filing fee for certification of delinquent taxes by a county treasurer is removed. Technical changes (cross-references to statutes) are made to the lien statutes.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: There are no new fees created in this bill. This bill just clarifies what the filing fee is for counterclaims because last year's bill left some confusion. This bill makes last year's bill workable.

Testimony Against: None.

Persons Testifying: Senator Shin, prime sponsor; Barbara Miner, King County Clerk; and Debbie Wilke, Washington Association of County Officials.

Persons Signed In To Testify But Not Testifying: None.