
HOUSE BILL 1513

State of Washington 59th Legislature 2005 Regular Session

By Representatives Lovick, Campbell and Moeller

Read first time 01/26/2005. Referred to Committee on Judiciary.

1 AN ACT Relating to filing fees; amending RCW 3.62.060, 4.12.090,
2 10.46.190, 12.40.020, 26.12.240, 36.18.012, 36.18.016, and 36.18.020;
3 and adding a new section to chapter 3.62 RCW.

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

5 **Sec. 1.** RCW 3.62.060 and 2003 c 222 s 15 are each amended to read
6 as follows:

7 Clerks of the district courts shall collect the following fees for
8 their official services:

9 (1) In any civil action commenced before or transferred to a
10 district court, the plaintiff shall, at the time of such commencement
11 or transfer, pay to such court a filing fee of (~~thirty-one~~) fifty-
12 five dollars plus any surcharge authorized by RCW 7.75.035. Any party
13 filing a counterclaim, cross-claim, or third-party claim in such action
14 shall pay to the court a filing fee of fifty-five dollars plus any
15 surcharge authorized by RCW 7.75.035. No party shall be compelled to
16 pay to the court any other fees or charges up to and including the
17 rendition of judgment in the action other than those listed.

18 (2) For issuing a writ of garnishment or other writ, or for filing

1 an attorney issued writ of garnishment, a fee of (~~six~~) twenty
2 dollars.

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

4 (4) For demanding a jury in a civil case a fee of (~~fifty~~) one
5 hundred twenty-five dollars to be paid by the person demanding a jury.

6 (5) For preparing a transcript of a judgment a fee of (~~six~~)
7 twenty dollars.

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

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

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

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

18 NEW SECTION. **Sec. 2.** A new section is added to chapter 3.62 RCW
19 to read as follows:

20 Upon conviction or a plea of guilty in any court organized under
21 this title or Title 35 RCW, a defendant in a criminal case shall be
22 liable for a fee of fifty-five dollars.

23 **Sec. 3.** RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended to
24 read as follows:

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

1 action or proceeding is transferred has and exercises over the same the
2 like jurisdiction as if it had been originally commenced therein.

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

10 **Sec. 4.** RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended to
11 read as follows:

12 Every person convicted of a crime or held to bail to keep the peace
13 shall be liable to all the costs of the proceedings against him or her,
14 including, when tried by a jury in the superior court or before a
15 committing magistrate, a jury fee as provided for in civil actions(~~(,~~
16 ~~and when tried by a jury before a committing magistrate, twenty five~~
17 ~~dollars for jury fee,~~) for which judgment shall be rendered and
18 (~~collection had as in cases of fines~~) collected. The jury fee, when
19 collected for a case tried by the superior court, shall be paid to the
20 clerk(~~(, to be by him)~~) and applied as the jury fee in civil cases is
21 applied.

22 **Sec. 5.** RCW 12.40.020 and 1990 c 172 s 3 are each amended to read
23 as follows:

24 A small claims action shall be commenced by the plaintiff filing a
25 claim, in the form prescribed by RCW 12.40.050, in the small claims
26 department. A filing fee of (~~ten~~) eighteen dollars plus any
27 surcharge authorized by RCW 7.75.035 shall be paid when the claim is
28 filed.

29 **Sec. 6.** RCW 26.12.240 and 1993 c 435 s 2 are each amended to read
30 as follows:

31 A county may create a courthouse facilitator program to provide
32 basic services to pro se litigants in family law cases. The
33 legislative authority of any county may impose user fees or may impose
34 a surcharge of up to (~~ten~~) twenty dollars on only those superior
35 court cases filed under Title 26 RCW, or both, to pay for the expenses

1 of the courthouse facilitator program. Fees collected under this
2 section shall be collected and deposited in the same manner as other
3 county funds are collected and deposited, and shall be maintained in a
4 separate account to be used as provided in this section.

5 **Sec. 7.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to read
6 as follows:

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

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

15 (3) The clerk shall collect a fee of twenty dollars for: Filing a
16 paper not related to or a part of a proceeding, civil or criminal, or
17 a probate matter, required or permitted to be filed in the clerk's
18 office for which no other charge is provided by law.

19 (4) If the defendant serves or files an answer to an unlawful
20 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
21 shall pay before proceeding with the unlawful detainer action
22 (~~eighty~~) one hundred twenty dollars.

23 (5) For a restrictive covenant for filing a petition to strike
24 discriminatory provisions in real estate under RCW 49.60.227 a fee of
25 twenty dollars must be charged.

26 (6) A fee of twenty dollars must be charged for filing a will only,
27 when no probate of the will is contemplated.

28 (7) A fee of (~~two~~) twenty dollars must be charged for filing a
29 petition, written agreement, or written memorandum in a nonjudicial
30 probate dispute under RCW 11.96A.220, if it is filed within an existing
31 case in the same court.

32 (8) A fee of thirty-five dollars must be charged for filing a
33 petition regarding a common law lien under RCW 60.70.060.

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

36 (10) For the filing of a tax warrant for unpaid taxes or
37 overpayment of benefits by any agency of the state of Washington, a fee

1 of five dollars on or after July 22, 2001, and for the filing of such
2 a tax warrant or overpayment of benefits on or after July 1, 2003, a
3 fee of twenty dollars, of which forty-six percent of the first five
4 dollars is directed to the public safety and education account
5 established under RCW 43.08.250.

6 **Sec. 8.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read
7 as follows:

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

10 (2) For the filing of a petition for modification of a decree of
11 dissolution or paternity, within the same case as the original action,
12 a fee of (~~twenty~~) thirty-six dollars must be paid.

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

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

24 (4) For preparing(~~(, transcribing, or certifying)~~) a certified copy
25 of an instrument on file or of record in the clerk's office, (~~with or~~
26 ~~without seal,~~) for the first page or portion of the first page, a fee
27 of (~~two~~) five dollars, and for each additional page or portion of a
28 page, a fee of one dollar must be charged. For authenticating or
29 exemplifying an instrument, a fee of (~~one~~) two dollars for each
30 additional seal affixed must be charged. For preparing a copy of an
31 instrument on file or of record in the clerk's office without a seal,
32 a fee of fifty cents per page must be charged. When copying a document
33 without a seal or file that is in an electronic format, a fee of
34 twenty-five cents per page must be charged. For copies made on a
35 compact disc, an additional fee of twenty dollars for each compact disc
36 must be charged.

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

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

5 (7) For filing a supplemental proceeding, a fee of twenty dollars
6 must be charged.

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

10 ~~((+8))~~ (9) For the issuance of a certificate of qualification and
11 a certified copy of letters of administration, letters testamentary, or
12 letters of guardianship, there must be a fee of two dollars.

13 ~~((+9))~~ (10) For the preparation of a passport application, the
14 clerk may collect an execution fee as authorized by the federal
15 government.

16 ~~((+10))~~ (11) For clerk's services such as processing ex parte
17 orders, performing historical searches, compiling statistical reports,
18 and conducting exceptional record searches, the clerk may collect a fee
19 not to exceed twenty dollars per hour or portion of an hour.

20 ~~((+11))~~ (12) For duplicated recordings of court's proceedings
21 there must be a fee of ten dollars for each audio tape and twenty-five
22 dollars for each video tape or other electronic storage medium.

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

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

27 ~~(+14))~~ For registration of land titles, Torrens Act, under RCW
28 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

29 ~~((+15))~~ (14) For the issuance of extension of judgment under RCW
30 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred ~~((ten))~~
31 dollars must be charged.

32 ~~((+16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty
33 dollars must be charged as authorized under RCW 26.12.240.

34 ~~((+17))~~ (16) For filing a water rights statement under RCW
35 90.03.180, a fee of twenty-five dollars must be charged.

36 ~~((+18))~~ (17) For filing a claim of frivolous lien under RCW
37 60.04.081, a fee of thirty-five dollars must be charged.

1 (18) For preparation of a change of venue, a fee of twenty dollars
2 must be charged by the originating court in addition to the per page
3 charges in subsection (4) of this section.

4 (19) A service fee of three dollars for the first page and one
5 dollar for each additional page must be charged for receiving faxed
6 documents, pursuant to Washington state rules of court, general rule
7 17.

8 ~~((19))~~ (20) For preparation of clerk's papers under RAP 9.7, a
9 fee of fifty cents per page must be charged.

10 ~~((20))~~ (21) For copies and reports produced at the local level as
11 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
12 be charged.

13 ~~((21))~~ (22) Investment service charge and earnings under RCW
14 36.48.090 must be charged.

15 ~~((22))~~ (23) Costs for nonstatutory services rendered by clerk by
16 authority of local ordinance or policy must be charged.

17 ~~((23))~~ (24) For filing a request for mandatory arbitration, a
18 filing fee may be assessed against the party filing a statement of
19 arbitrability not to exceed two hundred twenty dollars as established
20 by authority of local ordinance. This charge shall be used solely to
21 offset the cost of the mandatory arbitration program.

22 ~~((24))~~ (25) For filing a request for trial de novo of an
23 arbitration award, a fee not to exceed two hundred fifty dollars as
24 established by authority of local ordinance must be charged.

25 (26) For the filing of a will or codicil under the provisions of
26 chapter 11.12 RCW, a fee of twenty dollars must be charged.

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

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

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

34 (a) The party filing the first or initial paper in any civil
35 action, including, but not limited to an action for restitution,
36 adoption, or change of name, and any party filing a counterclaim,
37 cross-claim, or third-party claim in any such civil action, shall pay,

1 at the time the paper is filed, a fee of (~~one~~) two hundred (~~ten~~)
2 dollars except, in an unlawful detainer action under chapter 59.18 or
3 59.20 RCW for which the plaintiff shall pay a case initiating filing
4 fee of (~~thirty~~) eighty dollars, or in proceedings filed under RCW
5 28A.225.030 alleging a violation of the compulsory attendance laws
6 where the petitioner shall not pay a filing fee. The (~~thirty~~) eighty
7 dollar filing fee under this subsection for an unlawful detainer action
8 shall not include an order to show cause or any other order or judgment
9 except a default order or default judgment in an unlawful detainer
10 action.

11 (b) Any party, except a defendant in a criminal case, filing the
12 first or initial paper on an appeal from a court of limited
13 jurisdiction or any party on any civil appeal, shall pay, when the
14 paper is filed, a fee of one hundred ten dollars.

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

17 (d) For filing of a petition for unlawful harassment under RCW
18 10.14.040 a filing fee of (~~forty-one~~) fifty-five dollars.

19 (e) For filing the notice of debt due for the compensation of a
20 crime victim under RCW 7.68.120(2)(a) a fee of (~~one~~) two hundred
21 (~~ten~~) dollars.

22 (f) In probate proceedings, the party instituting such proceedings,
23 shall pay at the time of filing the first paper therein, a fee of one
24 hundred ten dollars.

25 (g) For filing any petition to contest a will admitted to probate
26 or a petition to admit a will which has been rejected, or a petition
27 objecting to a written agreement or memorandum as provided in RCW
28 11.96A.220, there shall be paid a fee of (~~one~~) two hundred (~~ten~~)
29 dollars.

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

35 (i) With the exception of demands for jury hereafter made and
36 garnishments hereafter issued, civil actions and probate proceedings
37 filed prior to midnight, July 1, 1972, shall be completed and governed

1 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
2 fee shall be assessed if an order of dismissal on the clerk's record be
3 filed as provided by rule of the supreme court.

4 (3) No fee shall be collected when a petition for relinquishment of
5 parental rights is filed pursuant to RCW 26.33.080 or for forms and
6 instructional brochures provided under RCW 26.50.030.

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