

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1314

59th Legislature
2005 Regular Session

Passed by the House April 19, 2005
Yeas 80 Nays 18

Speaker of the House of Representatives

Passed by the Senate April 14, 2005
Yeas 38 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1314** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1314

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to filing fees to fund the domestic violence
2 prevention account; amending RCW 36.18.010, 36.18.016, 70.123.030,
3 36.18.020, and 36.18.022; and adding a new section to chapter 70.123
4 RCW.

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

6 **Sec. 1.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read
7 as follows:

8 County auditors or recording officers shall collect the following
9 fees for their official services:

10 (1) For recording instruments, for the first page eight and one-
11 half by fourteen inches or less, five dollars; for each additional page
12 eight and one-half by fourteen inches or less, one dollar. The fee for
13 recording multiple transactions contained in one instrument will be
14 calculated for each transaction requiring separate indexing as required
15 under RCW 65.04.050 as follows: The fee for each title or transaction
16 is the same fee as the first page of any additional recorded document;
17 the fee for additional pages is the same fee as for any additional
18 pages for any recorded document; the fee for the additional pages may

1 be collected only once and may not be collected for each title or
2 transaction;

3 (2) For preparing and certifying copies, for the first page eight
4 and one-half by fourteen inches or less, three dollars; for each
5 additional page eight and one-half by fourteen inches or less, one
6 dollar;

7 (3) For preparing noncertified copies, for each page eight and one-
8 half by fourteen inches or less, one dollar;

9 (4) For administering an oath or taking an affidavit, with or
10 without seal, two dollars;

11 (5) For issuing a marriage license, eight dollars, (this fee
12 includes taking necessary affidavits, filing returns, indexing, and
13 transmittal of a record of the marriage to the state registrar of vital
14 statistics) plus an additional five-dollar fee for use and support of
15 the prevention of child abuse and neglect activities to be transmitted
16 monthly to the state treasurer and deposited in the state general fund
17 plus an additional ten-dollar fee to be transmitted monthly to the
18 state treasurer and deposited in the state general fund. The
19 legislature intends to appropriate an amount at least equal to the
20 revenue generated by this fee for the purposes of the displaced
21 homemaker act, chapter 28B.04 RCW;

22 (6) For searching records per hour, eight dollars;

23 (7) For recording plats, fifty cents for each lot except cemetery
24 plats for which the charge shall be twenty-five cents per lot; also one
25 dollar for each acknowledgment, dedication, and description: PROVIDED,
26 That there shall be a minimum fee of twenty-five dollars per plat;

27 (8) For recording of miscellaneous records not listed above, for
28 the first page eight and one-half by fourteen inches or less, five
29 dollars; for each additional page eight and one-half by fourteen inches
30 or less, one dollar;

31 (9) For modernization and improvement of the recording and indexing
32 system, a surcharge as provided in RCW 36.22.170((-));

33 (10) For recording an emergency nonstandard document as provided in
34 RCW 65.04.047, fifty dollars, in addition to all other applicable
35 recording fees((-));

36 (11) For recording instruments, a surcharge as provided in RCW
37 36.22.178.

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

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

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

8 (b) The party filing the first or initial petition for dissolution,
9 legal separation, or declaration concerning the validity of marriage
10 shall pay, at the time and in addition to the filing fee required under
11 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior
12 court shall transmit monthly twenty-four dollars of the thirty-dollar
13 fee collected under this subsection to the state treasury for deposit
14 in the domestic violence prevention account. The remaining six dollars
15 shall be retained by the county for the purpose of supporting
16 community-based services within the county for victims of domestic
17 violence, except for five percent of the six dollars, which may be
18 retained by the court for administrative purposes.

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

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

29 (4) For preparing, transcribing, or certifying an instrument on
30 file or of record in the clerk's office, with or without seal, for the
31 first page or portion of the first page, a fee of two dollars, and for
32 each additional page or portion of a page, a fee of one dollar must be
33 charged. For authenticating or exemplifying an instrument, a fee of
34 one dollar for each additional seal affixed must be charged.

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

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

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

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

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

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

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

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

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

20 (14) For registration of land titles, Torrens Act, under RCW
21 65.12.780, a fee of five dollars must be charged.

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

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

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

29 (18) A service fee of three dollars for the first page and one
30 dollar for each additional page must be charged for receiving faxed
31 documents, pursuant to Washington state rules of court, general rule
32 17.

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

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

1 (21) Investment service charge and earnings under RCW 36.48.090
2 must be charged.

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

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

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.123 RCW
14 to read as follows:

15 The domestic violence prevention account is created in the state
16 treasury. All receipts from fees imposed for deposit in the domestic
17 violence prevention account under RCW 36.18.016 must be deposited into
18 the account. Moneys in the account may be spent only after
19 appropriation. Expenditures from the account may be used only for
20 funding nonshelter community-based services for victims of domestic
21 violence.

22 **Sec. 4.** RCW 70.123.030 and 1989 1st ex.s. c 9 s 235 are each
23 amended to read as follows:

24 The department of social and health services, in consultation with
25 the state department of health, and individuals or groups having
26 experience and knowledge of the problems of victims of domestic
27 violence, shall:

28 (1) Establish minimum standards for shelters applying for grants
29 from the department under this chapter. Classifications may be made
30 dependent upon size, geographic location, and population needs;

31 (2) Receive grant applications for the development and
32 establishment of shelters for victims of domestic violence;

33 (3) Distribute funds, within forty-five days after approval, to
34 those shelters meeting departmental standards;

35 (4) Evaluate biennially each shelter receiving departmental funds
36 for compliance with the established minimum standards; (~~and~~)

1 (5) Review the minimum standards each biennium to ensure
2 applicability to community and client needs; and

3 (6) Administer funds available from the domestic violence
4 prevention account under section 3 of this act and establish minimum
5 standards for preventive, nonshelter community-based services receiving
6 funds administered by the department. Preventive, nonshelter
7 community-based services include services for victims of domestic
8 violence from communities that have been traditionally underserved or
9 unserved and services for children who have witnessed domestic
10 violence.

11 **Sec. 5.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as
12 follows:

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

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

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

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

34 (c) For filing of a petition for judicial review as required under
35 RCW 34.05.514 a filing fee of one hundred ten dollars.

36 (d) For filing of a petition for unlawful harassment under RCW
37 10.14.040 a filing fee of forty-one dollars.

1 (e) For filing the notice of debt due for the compensation of a
2 crime victim under RCW 7.68.120(2)(a) a fee of one hundred 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 one
5 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 hundred ten dollars.

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

15 (i) With the exception of demands for jury hereafter made and
16 garnishments hereafter issued, civil actions and probate proceedings
17 filed prior to midnight, July 1, 1972, shall be completed and governed
18 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no
19 fee shall be assessed if an order of dismissal on the clerk's record be
20 filed as provided by rule of the supreme court.

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

24 **Sec. 6.** RCW 36.18.022 and 1995 c 292 s 16 are each amended to read
25 as follows:

26 The court may waive the filing fees provided for under RCW
27 36.18.016(2)(b) and 36.18.020(2) (a) and (b) upon affidavit by a party
28 that the party is unable to pay the fee due to financial hardship.

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