
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5454

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Hargrove, Kline, Delvin, Thibaudeau, Johnson, Shin, Stevens, Rockefeller and Kohl-Welles; by request of Board For Judicial Administration)

READ FIRST TIME 03/08/05.

1 AN ACT Relating to court operations; amending RCW 2.14.010,
2 2.14.030, 3.58.030, 3.34.025, 3.46.090, 3.50.080, 3.58.010, 35.20.160,
3 3.62.050, 3.62.060, 4.12.090, 10.46.190, 12.12.030, 12.40.020,
4 26.12.240, 27.24.070, 36.18.012, 36.18.016, and 36.18.020; adding a new
5 section to chapter 3.46 RCW; adding a new section to chapter 3.50 RCW;
6 adding a new section to chapter 3.58 RCW; adding a new section to
7 chapter 35.20 RCW; adding a new section to chapter 3.62 RCW; creating
8 new sections; and providing an effective date.

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

10 NEW SECTION. **Sec. 1.** The legislature recognizes that trial courts
11 are critical to maintaining the rule of law in a free society and that
12 they are essential to the protection of the rights and enforcement of
13 obligations for all. The legislature finds that the responsibility of
14 funding trial courts in Washington state should not rest primarily upon
15 local government. The legislature therefore finds that a more
16 equitable balance of funding responsibility between state and local
17 government must be achieved and that increased funding must be provided
18 for the trial courts. The legislature intends to increase state

1 funding responsibility and provide trial courts with additional
2 resources to provide justice equally to the citizens of Washington
3 state.

4 NEW SECTION. **Sec. 2.** This act shall be known and cited as the
5 trial court funding act of 2005.

6 **PART I - PAYMENT OF DISTRICT AND MUNICIPAL COURT JUDGE SALARY**

7 **Sec. 101.** RCW 2.14.010 and 1988 c 109 s 12 are each amended to
8 read as follows:

9 (1) The purpose of this chapter is to provide a supplemental
10 retirement benefit to judges who are elected or appointed under chapter
11 2.04, 2.06, or 2.08 RCW or who are elected and qualify for state
12 payment of one-half of their salary under chapter 3.46, 3.50, 3.58, or
13 35.20 RCW and who are members of the public employees' retirement
14 system for their service as a judge.

15 (2) This chapter may be known and cited as the judicial retirement
16 account act.

17 **Sec. 102.** RCW 2.14.030 and 1988 c 109 s 14 are each amended to
18 read as follows:

19 The judicial retirement account plan is established for judges
20 appointed or elected under chapter 2.04, 2.06, or 2.08 RCW or who are
21 elected and qualify for state payment of one-half of their salary under
22 chapter 3.46, 3.50, 3.58, or 35.20 RCW, and who are members of the
23 public employees' retirement system for their service as a judge.

24 **Sec. 103.** RCW 3.58.030 and 1984 c 258 s 36 are each amended to
25 read as follows:

26 (1) One-half of the salary of each district court judge shall be
27 paid by the state, and the other one-half by the county for which the
28 judge is elected. The county auditor of each county shall pay district
29 court judges in the same manner provided for other elected officials.
30 For the purpose of this section, "salary" means the compensation
31 established by the Washington citizens' commission on salaries for
32 elected officials pursuant to RCW 3.58.010.

1 (2) The compensation of (~~judges,~~) clerks, judges pro tempore,
2 deputy clerks, and court commissioners payable by the county shall be
3 paid monthly out of the county treasury from the same funds out of
4 which other salaried county officers are paid.

5 **Sec. 104.** RCW 3.34.025 and 1991 c 313 s 3 are each amended to read
6 as follows:

7 Any additional district judge positions created under RCW 3.34.020
8 shall be effective only if the legislative authority of the affected
9 county documents its approval of any additional positions and its
10 agreement that it will pay out of county funds, without reimbursement
11 from the state other than for the state's share of judicial
12 compensation as specified under state law, the expenses of such
13 additional judicial positions as provided by statute. The additional
14 expenses include, but are not limited to, expenses incurred for court
15 facilities. The legislative authority of any such county may, at its
16 discretion, phase in any judicial positions over a period of time not
17 to exceed two years from the effective date of the additional district
18 judge positions.

19 **Sec. 105.** RCW 3.46.090 and 1984 c 258 s 78 are each amended to
20 read as follows:

21 (~~The salary of a full-time municipal judge shall be paid wholly by~~
22 ~~the city.~~) (1) The ((salary)) one-half of a district court judge
23 salary for which the county is responsible of a district judge serving
24 a municipal department part time shall be paid jointly by the county
25 and the city in the same proportion as the time of the judge has been
26 allocated to each.

27 (2) The salary of a full-time municipal judge shall be paid in the
28 same manner as provided for in RCW 3.50.080.

29 (3) Salaries of court commissioners serving the municipal
30 department shall be paid by the city.

31 **Sec. 106.** RCW 3.50.080 and 1984 c 258 s 111 are each amended to
32 read as follows:

33 (1) Salaries of municipal court judges shall be fixed by ordinance.
34 (2) The salary of a municipal court judge shall be paid wholly by

1 the city except where a city qualifies for state payment of one-half of
2 the municipal court judge salary as provided for in subsection (3) of
3 this section.

4 (3) One-half of the salary of each municipal court judge up to one
5 hundred percent of a district court judge's salary shall be paid by the
6 state, and the remainder by the city or cities for which the judge is
7 elected if:

8 (a) The judge is serving in an elected position; and

9 (b) The city has established by ordinance that a full-time judge is
10 compensated at a rate equivalent to at least ninety-five percent, but
11 not more than one hundred percent, of a district court judge salary or
12 for a part-time judge on a pro-rate basis the same equivalent; and

13 (c) The city has certified to the office of the administrator for
14 the courts that the conditions in (a) and (b) of this subsection have
15 been met; and

16 (d) The city is responsible for all other compensation, benefits,
17 and expenses related to municipal court judges not specifically assumed
18 under this subsection.

19 (4) All other costs of operating the municipal court, including but
20 not limited to salaries of (~~judges and~~) court employees, dockets,
21 books of records, forms, furnishings, and supplies, shall be paid
22 wholly out of the funds of the city or town. The city shall provide a
23 suitable place for holding court and pay all expenses of maintaining
24 it.

25 (5) All employees of the municipal court shall, for all purposes,
26 be deemed employees of the city or town. They shall be appointed by
27 and serve at the pleasure of the court.

28 **Sec. 107.** RCW 3.58.010 and 1986 c 155 s 7 are each amended to read
29 as follows:

30 The annual salary of each full time district court judge shall be
31 established by the Washington citizens' commission on salaries for
32 elected officials. A member of the legislature whose term of office is
33 partly coextensive with or extends beyond the present term of office of
34 any of the officials whose salary is increased by virtue of the
35 provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010
36 shall be eligible to be appointed or elected to any of the offices the
37 salary of which is increased hereby but he or she shall not be entitled

1 to receive such increased salary until after the expiration of his or
2 her present term of office and his or her subsequent election or
3 reelection to the office to which he or she was appointed or elected
4 respectively during his or her term of office as legislator.

5 **Sec. 108.** RCW 35.20.160 and 1965 c 147 s 3 are each amended to
6 read as follows:

7 (1) The total of the salaries of each municipal judge under this
8 chapter shall be fixed by the legislative body of the city at not less
9 than nine thousand dollars per annum, to be paid in monthly or
10 semimonthly installments as for other officials of the city, and such
11 total salaries shall not be more than the salaries paid the superior
12 court judges in the county in which the court is located.

13 (2) The salary of a municipal court judge shall be paid wholly by
14 the city except where a city qualifies for state payment of one-half of
15 the municipal court judge salary as provided for in subsection (3) of
16 this section.

17 (3) One-half of the salary of each municipal court judge shall be
18 paid by the state, and the other one-half by the city or cities for
19 which the judge is elected if:

20 (a) The judge is serving in an elected position; and

21 (b) The city has established by ordinance that a full-time judge is
22 compensated at a rate equivalent to at least ninety-five percent, but
23 not more than one hundred percent, of a district court judge salary or
24 for a part-time judge on a pro-rate basis the same equivalent; and

25 (c) The city has certified to the office of the administrator for
26 the courts that the conditions in (a) and (b) of this subsection have
27 been met; and

28 (d) The city is responsible for all other compensation, benefits,
29 and expenses related to municipal court judges not specifically assumed
30 under this subsection.

31 **PART II - TRIAL COURT IMPROVEMENT ACCOUNTS**

32 NEW SECTION. **Sec. 201.** A new section is added to chapter 3.46 RCW
33 to read as follows:

34 Any city operating a municipal department under this chapter for
35 which the state contributes one-half of district or municipal court

1 judge salaries under RCW 3.46.090(1) or 3.50.080(3) shall create a city
2 trial court improvement account. An amount equal to one-half of the
3 city's contribution for the payment of district or municipal judge
4 salaries under RCW 3.46.090(1) or 3.50.080(3) shall be deposited into
5 the account. Money in the account shall be used to fund improvements
6 to the municipal department's staffing, programs, facilities, or
7 services, as appropriated by the city legislative authority.

8 NEW SECTION. **Sec. 202.** A new section is added to chapter 3.50 RCW
9 to read as follows:

10 Any city or town operating a municipal court under this chapter
11 that qualifies for state payment of one-half of municipal court judge
12 salaries under RCW 3.50.080(3) shall create a city or town trial court
13 improvement account. An amount equal to one-half of the state's
14 contribution for the payment of municipal court judge salaries under
15 RCW 3.50.080(3) shall be deposited into the account. Money in the
16 account shall be used to fund improvements to the municipal court's
17 staffing, programs, facilities, or services, as appropriated by the
18 city or town legislative authority.

19 NEW SECTION. **Sec. 203.** A new section is added to chapter 3.58 RCW
20 to read as follows:

21 Any county with a district court created under this title shall
22 create a county trial court improvement account. An amount equal to
23 one-half of the state's contribution for the payment of district court
24 judge salaries under RCW 3.58.030(1) shall be deposited into the
25 account. Money in the account shall be used to fund improvements to
26 superior and district court staffing, programs, facilities, or
27 services, as appropriated by the county legislative authority.

28 NEW SECTION. **Sec. 204.** A new section is added to chapter 35.20
29 RCW to read as follows:

30 Any city operating a municipal court under this chapter that
31 qualifies for state payment of one-half of municipal court judge
32 salaries under RCW 35.20.160(3) shall create a city trial court
33 improvement account. An amount equal to the state's contribution for
34 the payment of municipal judge salaries under RCW 35.20.160(3) shall be

1 deposited into the account. Money in the account shall be used to fund
2 improvements to the municipal court's staffing, programs, facilities,
3 or services, as appropriated by the city legislative authority.

4 **Sec. 205.** RCW 3.62.050 and 1987 c 202 s 114 are each amended to
5 read as follows:

6 The total expenditures of the district courts, including the cost
7 of providing courtroom and office space, the cost of probation and
8 parole services and any personnel employment therefor, and the cost of
9 providing services necessary for the preparation and presentation of a
10 defense at public expense, except costs of defense to be paid by a city
11 pursuant to RCW 3.62.070 and the one-half of district court judge
12 salaries paid by the state pursuant to RCW 3.58.030, shall be paid from
13 the county current expense fund.

14 **PART III - COURT FILING FEES**

15 **Sec. 301.** RCW 3.62.060 and 2003 c 222 s 15 are each amended to
16 read as follows:

17 Clerks of the district courts shall collect the following fees for
18 their official services:

19 (1) In any civil action commenced before or transferred to a
20 district court, the plaintiff shall, at the time of such commencement
21 or transfer, pay to such court a filing fee of (~~thirty-one~~) forty-
22 three dollars plus any surcharge authorized by RCW 7.75.035. Any party
23 filing a counterclaim, cross-claim, or third-party claim in such action
24 shall pay to the court a filing fee of forty-three dollars plus any
25 surcharge authorized by RCW 7.75.035. No party shall be compelled to
26 pay to the court any other fees or charges up to and including the
27 rendition of judgment in the action other than those listed.

28 (2) For issuing a writ of garnishment or other writ, or for filing
29 an attorney issued writ of garnishment, a fee of (~~six~~) twelve
30 dollars.

31 (3) For filing a supplemental proceeding a fee of (~~twelve~~) twenty
32 dollars.

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

1 (5) For preparing a transcript of a judgment a fee of ((~~six~~))
2 twenty dollars.

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

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

9 (8) For duplication of part or all of the electronic ((~~tape or~~
10 ~~tapes~~)) recording of a proceeding ten dollars per tape or other
11 electronic storage medium.

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

14 NEW SECTION. Sec. 302. A new section is added to chapter 3.62 RCW
15 to read as follows:

16 Upon conviction or a plea of guilty in any court organized under
17 this title or Title 35 RCW, a defendant in a criminal case is liable
18 for a fee of forty-three dollars. This fee shall be subject to
19 division with the state under RCW 3.62.020(2) and 3.62.040(2).

20 Sec. 303. RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended
21 to read as follows:

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

35 (2) In acting on any motion for dismissal without prejudice in a
36 case where a motion for change of venue under subsection (1) of this

1 section has been made, the court shall, if it determines the motion for
2 change of venue proper, determine the amount of attorney's fee properly
3 to be awarded to defendant and, if the action be dismissed, the
4 attorney's fee shall be a setoff against any claim subsequently brought
5 on the same cause of action.

6 **Sec. 304.** RCW 10.46.190 and 1977 ex.s. c 248 s 1 are each amended
7 to read as follows:

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

18 **Sec. 305.** RCW 12.12.030 and 1981 c 260 s 3 are each amended to
19 read as follows:

20 After the appearance of the defendant, and before the (~~justice~~)
21 judge shall proceed to enquire into the merits of the cause, either
22 party may demand a jury to try the action, which jury shall be composed
23 of six good and lawful persons having the qualifications of jurors in
24 the superior court of the same county, unless the parties shall agree
25 upon a lesser number: PROVIDED, That the party demanding the jury
26 shall first pay to the (~~justice~~) clerk of the court the sum of one
27 hundred twenty-five dollars, which shall be paid over by the
28 (~~justice~~) clerk of the court to the county, and (~~said~~) such amount
29 shall be taxed as costs against the losing party.

30 **Sec. 306.** RCW 12.40.020 and 1990 c 172 s 3 are each amended to
31 read as follows:

32 A small claims action shall be commenced by the plaintiff filing a
33 claim, in the form prescribed by RCW 12.40.050, in the small claims
34 department. A filing fee of (~~ten~~) fourteen dollars plus any
35 surcharge authorized by RCW 7.75.035 shall be paid when the claim is

1 filed. Any party filing a counterclaim, cross-claim, or third-party
2 claim in such action shall pay to the court a filing fee of fourteen
3 dollars plus any surcharge authorized by RCW 7.75.035.

4 **Sec. 307.** RCW 26.12.240 and 1993 c 435 s 2 are each amended to
5 read as follows:

6 A county may create a courthouse facilitator program to provide
7 basic services to pro se litigants in family law cases. The
8 legislative authority of any county may impose user fees or may impose
9 a surcharge of up to (~~ten~~) twenty dollars on only those superior
10 court cases filed under Title 26 RCW, or both, to pay for the expenses
11 of the courthouse facilitator program. Fees collected under this
12 section shall be collected and deposited in the same manner as other
13 county funds are collected and deposited, and shall be maintained in a
14 separate account to be used as provided in this section.

15 **Sec. 308.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read
16 as follows:

17 In each county pursuant to this chapter, the county treasurer shall
18 deposit in the county or regional law library fund a sum equal to
19 (~~twelve~~) seventeen dollars for every new probate or civil filing fee,
20 including appeals and for every fee for filing a counterclaim, cross-
21 claim, or third-party claim in any civil action, collected by the clerk
22 of the superior court and (~~six~~) seven dollars for every fee collected
23 for the commencement of a civil action and for the filing of a
24 counterclaim, cross-claim, or third-party claim in any civil action in
25 district court for the support of the law library in that county or the
26 regional law library to which the county belongs: PROVIDED, That upon
27 a showing of need the (~~twelve~~) seventeen dollar contribution may be
28 increased up to (~~fifteen~~) twenty dollars or in counties with multiple
29 library sites up to thirty dollars upon the request of the law library
30 board of trustees and with the approval of the county legislative body
31 or bodies.

32 **Sec. 309.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to
33 read as follows:

34 (1) Revenue collected under this section is subject to division

1 with the state for deposit in the public safety and education account
2 under RCW 36.18.025.

3 (2) The party filing a transcript or abstract of judgment or
4 verdict from a United States court held in this state, or from the
5 superior court of another county or from a district court in the county
6 of issuance, shall pay at the time of filing a fee of (~~fifteen~~)
7 twenty dollars.

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

12 (4) If the defendant serves or files an answer to an unlawful
13 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
14 shall pay before proceeding with the unlawful detainer action
15 (~~eighty~~) one hundred twelve dollars.

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

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

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

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

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

29 (10) For the filing of a tax warrant for unpaid taxes or
30 overpayment of benefits by any agency of the state of Washington, a fee
31 of five dollars on or after July 22, 2001, and for the filing of such
32 a tax warrant or overpayment of benefits on or after July 1, 2003, a
33 fee of twenty dollars, of which forty-six percent of the first five
34 dollars is directed to the public safety and education account
35 established under RCW 43.08.250.

36 **Sec. 310.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to
37 read 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~~) thirty-six 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
14 (~~fifty~~) one hundred twenty-five dollars for a jury of six, or (~~one~~)
15 two hundred fifty dollars for a jury of twelve may be imposed as costs
16 under RCW 10.46.190.

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

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

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

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

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

1 ~~((+8))~~ (9) For the issuance of a certificate of qualification and
2 a certified copy of letters of administration, letters testamentary, or
3 letters of guardianship, there must be a fee of two dollars.

4 ~~((+9))~~ (10) For the preparation of a passport application, the
5 clerk may collect an execution fee as authorized by the federal
6 government.

7 ~~((+10))~~ (11) For clerk's services such as processing ex parte
8 orders, performing historical searches, compiling statistical reports,
9 and conducting exceptional record searches, the clerk may collect a fee
10 not to exceed twenty dollars per hour or portion of an hour.

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

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

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

18 ~~(+14))~~ For registration of land titles, Torrens Act, under RCW
19 65.12.780, a fee of ~~((five))~~ twenty dollars must be charged.

20 ~~((+15))~~ (14) For the issuance of extension of judgment under RCW
21 6.17.020 and chapter 9.94A RCW, a fee of ~~((one))~~ two hundred ~~((ten))~~
22 dollars must be charged.

23 ~~((+16))~~ (15) A facilitator surcharge of ~~((ten))~~ up to twenty
24 dollars must be charged as authorized under RCW 26.12.240.

25 ~~((+17))~~ (16) For filing a water rights statement under RCW
26 90.03.180, a fee of twenty-five dollars must be charged.

27 ~~((+18))~~ (17) For filing a claim of frivolous lien under RCW
28 60.04.081, a fee of thirty-five dollars must be charged.

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

32 (19) A service fee of three dollars for the first page and one
33 dollar for each additional page must be charged for receiving faxed
34 documents, pursuant to Washington state rules of court, general rule
35 17.

36 ~~((+19))~~ (20) For preparation of clerk's papers under RAP 9.7, a
37 fee of fifty cents per page must be charged.

1 ~~((+20))~~ (21) For copies and reports produced at the local level as
2 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
3 be charged.

4 ~~((+21))~~ (22) Investment service charge and earnings under RCW
5 36.48.090 must be charged.

6 ~~((+22))~~ (23) Costs for nonstatutory services rendered by clerk by
7 authority of local ordinance or policy must be charged.

8 ~~((+23))~~ (24) For filing a request for mandatory arbitration, a
9 filing fee may be assessed against the party filing a statement of
10 arbitrability not to exceed two hundred twenty dollars as established
11 by authority of local ordinance. This charge shall be used solely to
12 offset the cost of the mandatory arbitration program.

13 ~~((+24))~~ (25) For filing a request for trial de novo of an
14 arbitration award, a fee not to exceed two hundred fifty dollars as
15 established by authority of local ordinance must be charged.

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

18 The revenue to counties from the fees established in this section
19 shall be deemed to be complete reimbursement from the state for the
20 state's share of benefits paid to the superior court judges of the
21 state prior to the effective date of this section, and no claim shall
22 lie against the state for such benefits.

23 **Sec. 311.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read
24 as follows:

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

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

30 (a) The party filing the first or initial paper in any civil
31 action, including, but not limited to an action for restitution,
32 adoption, or change of name, and any party filing a counterclaim,
33 cross-claim, or third-party claim in any such civil action, shall pay,
34 at the time the paper is filed, a fee of ~~((one))~~ two hundred ~~((ten))~~
35 dollars except, in an unlawful detainer action under chapter 59.18 or
36 59.20 RCW for which the plaintiff shall pay a case initiating filing
37 fee of ~~((thirty))~~ forty-five dollars, or in proceedings filed under RCW

1 28A.225.030 alleging a violation of the compulsory attendance laws
2 where the petitioner shall not pay a filing fee. The (~~thirty~~)
3 forty-five dollar filing fee under this subsection for an unlawful
4 detainer action shall not include an order to show cause or any other
5 order or judgment except a default order or default judgment in an
6 unlawful detainer action.

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

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

13 (d) For filing of a petition for unlawful harassment under RCW
14 10.14.040 a filing fee of (~~forty-one~~) fifty-three dollars.

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

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

21 (g) For filing any petition to contest a will admitted to probate
22 or a petition to admit a will which has been rejected, or a petition
23 objecting to a written agreement or memorandum as provided in RCW
24 11.96A.220, there shall be paid a fee of (~~one~~) two hundred (~~ten~~)
25 dollars.

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

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

37 (3) No fee shall be collected when a petition for relinquishment of

1 parental rights is filed pursuant to RCW 26.33.080 or for forms and
2 instructional brochures provided under RCW 26.50.030.

3 **PART IV - MISCELLANEOUS**

4 NEW SECTION. **Sec. 401.** Part headings used in this act are not
5 part of the law.

6 NEW SECTION. **Sec. 402.** Sections 101 through 108 and 201 through
7 205 of this act take effect July 1, 2006.

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