
SENATE BILL 6670

State of Washington 59th Legislature 2006 Regular Session

By Senators Shin, Delvin, Fraser, Hargrove and Johnson

Read first time 01/18/2006. Referred to Committee on Judiciary.

1 AN ACT Relating to court filing fees; amending RCW 36.18.012,
2 60.04.081, and 60.70.060; and reenacting and amending RCW 36.18.016 and
3 36.18.020.

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

5 **Sec. 1.** RCW 36.18.012 and 2005 c 457 s 17 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 twenty dollars.

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

18 (4) If the defendant serves or files an answer to an unlawful

1 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
2 shall pay before proceeding with the unlawful detainer action one
3 hundred twelve dollars.

4 (5) Any party filing a counterclaim, cross-claim, or third-party
5 claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW
6 shall pay the equivalent to the total filing fee of an unlawful
7 detainer action pursuant to RCW 36.18.020, including the fee for an
8 unlawful detainer answer pursuant to subsection (4) of this section.

9 (6) For a restrictive covenant for filing a petition to strike
10 discriminatory provisions in real estate under RCW 49.60.227 a fee of
11 twenty dollars must be charged.

12 ~~((+6+))~~ (7) A fee of twenty dollars must be charged for filing a
13 will only, when no probate of the will is contemplated.

14 ~~((+7+))~~ (8) A fee of twenty dollars must be charged for filing a
15 petition, written agreement, or written memorandum in a nonjudicial
16 probate dispute under RCW 11.96A.220, if it is filed within an existing
17 case in the same court.

18 ~~((+8+))~~ (9) A fee of thirty-five dollars must be charged for filing
19 a petition regarding a common law lien under RCW 60.70.060.

20 ~~((+9) For certification of delinquent taxes by a county treasurer~~
21 ~~under RCW 84.64.190, a fee of five dollars must be charged.))~~

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

29 **Sec. 2.** RCW 36.18.016 and 2005 c 457 s 18, 2005 c 374 s 2, and
30 2005 c 202 s 1 are each reenacted and amended to read as follows:

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

33 (2)(a) For the filing of a petition for modification of a decree of
34 dissolution or paternity, within the same case as the original action,
35 and any party filing a counterclaim, cross-claim, or third-party claim
36 in any such action, a fee of thirty-six dollars must be paid.

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

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

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

23 (4) For preparing a certified copy of an instrument on file or of
24 record in the clerk's office, for the first page or portion of the
25 first page, a fee of five dollars, and for each additional page or
26 portion of a page, a fee of one dollar must be charged. For
27 authenticating or exemplifying an instrument, a fee of two dollars for
28 each additional seal affixed must be charged. For preparing a copy of
29 an instrument on file or of record in the clerk's office without a
30 seal, a fee of fifty cents per page must be charged. When copying a
31 document without a seal or file that is in an electronic format, a fee
32 of twenty-five cents per page must be charged. For copies made on a
33 compact disc, an additional fee of twenty dollars for each compact disc
34 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 filing a supplemental proceeding, a fee of twenty dollars
2 must be charged.
- 3 (8) For approving a bond, including justification on the bond, in
4 other than civil actions and probate proceedings, a fee of two dollars
5 must be charged.
- 6 (9) For the issuance of a certificate of qualification and a
7 certified copy of letters of administration, letters testamentary, or
8 letters of guardianship, there must be a fee of two dollars.
- 9 (10) For the preparation of a passport application, the clerk may
10 collect an execution fee as authorized by the federal government.
- 11 (11) For clerk's services such as processing ex parte orders,
12 performing historical searches, compiling statistical reports, and
13 conducting exceptional record searches, the clerk may collect a fee not
14 to exceed twenty dollars per hour or portion of an hour.
- 15 (12) For duplicated recordings of court's proceedings there must be
16 a fee of ten dollars for each audio tape and twenty-five dollars for
17 each video tape or other electronic storage medium.
- 18 (13) For registration of land titles, Torrens Act, under RCW
19 65.12.780, a fee of twenty dollars must be charged.
- 20 (14) For the issuance of extension of judgment under RCW 6.17.020
21 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
22 When the extension of judgment is at the request of the clerk, the two
23 hundred dollar charge may be imposed as court costs under RCW
24 10.46.190.
- 25 (15) A facilitator surcharge of up to twenty dollars must be
26 charged as authorized under RCW 26.12.240.
- 27 (16) For filing a water rights statement under RCW 90.03.180, a fee
28 of twenty-five dollars must be charged.
- 29 (17) For filing a claim of frivolous lien under RCW 60.04.081, a
30 fee of thirty-five dollars must be charged.
- 31 (18) For preparation of a change of venue, a fee of twenty dollars
32 must be charged by the originating court in addition to the per page
33 charges in subsection (4) of this section.
- 34 (19) A service fee of three dollars for the first page and one
35 dollar for each additional page must be charged for receiving faxed
36 documents, pursuant to Washington state rules of court, general rule
37 17.

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

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

6 (22) Investment service charge and earnings under RCW 36.48.090
7 must be charged.

8 (23) Costs for nonstatutory services rendered by clerk by authority
9 of local ordinance or policy must be charged.

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

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

18 (26) A public agency may not charge a fee to a law enforcement
19 agency, for preparation, copying, or mailing of certified copies of the
20 judgment and sentence, information, affidavit of probable cause, and/or
21 the notice of requirement to register, of a sex offender convicted in
22 a Washington court, when such records are necessary for risk
23 assessment, preparation of a case for failure to register, or
24 maintenance of a sex offender's registration file.

25 (27) 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 The revenue to counties from the fees established in this section
28 shall be deemed to be complete reimbursement from the state for the
29 state's share of benefits paid to the superior court judges of the
30 state prior to July 24, 2005, and no claim shall lie against the state
31 for such benefits.

32 **Sec. 3.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are
33 each reenacted and amended to read as follows:

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

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

3 (a) In addition to any other fee required by law, the party filing
4 the first or initial paper in any civil action, including, but not
5 limited to an action for restitution, adoption, or change of name, and
6 any party filing a counterclaim, cross-claim, or third-party claim in
7 any such civil action, shall pay, at the time the paper is filed, a fee
8 of two hundred dollars except, in an unlawful detainer action under
9 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
10 initiating filing fee of forty-five dollars, or in proceedings filed
11 under RCW 28A.225.030 alleging a violation of the compulsory attendance
12 laws where the petitioner shall not pay a filing fee. The forty-five
13 dollar filing fee under this subsection for an unlawful detainer action
14 shall not include an order to show cause or any other order or judgment
15 except a default order or default judgment in an unlawful detainer
16 action.

17 (b) Any party, except a defendant in a criminal case, filing the
18 first or initial paper on an appeal from a court of limited
19 jurisdiction or any party on any civil appeal, shall pay, when the
20 paper is filed, a fee of two hundred dollars.

21 (c) For filing of a petition for judicial review as required under
22 RCW 34.05.514 a filing fee of two hundred dollars.

23 (d) For filing of a petition for unlawful harassment under RCW
24 10.14.040, and any party filing a counterclaim, cross-claim, or third-
25 party claim in any such action, a filing fee of fifty-three dollars.

26 (e) For filing the notice of debt due for the compensation of a
27 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

28 (f) In probate proceedings, the party instituting such proceedings,
29 shall pay at the time of filing the first paper therein, a fee of two
30 hundred dollars.

31 (g) For filing any petition to contest a will admitted to probate
32 or a petition to admit a will which has been rejected, or a petition
33 objecting to a written agreement or memorandum as provided in RCW
34 11.96A.220, there shall be paid a fee of two hundred dollars.

35 (h) Upon conviction or plea of guilty, upon failure to prosecute an
36 appeal from a court of limited jurisdiction as provided by law, or upon
37 affirmance of a conviction by a court of limited jurisdiction, a

1 defendant in a criminal case shall be liable for a fee of two hundred
2 dollars.

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

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

12 **Sec. 4.** RCW 60.04.081 and 1992 c 126 s 6 are each amended to read
13 as follows:

14 (1) Any owner of real property subject to a recorded claim of lien
15 under this chapter, or contractor, subcontractor, lender, or lien
16 claimant who believes the claim of lien to be frivolous and made
17 without reasonable cause, or clearly excessive may apply by motion to
18 the superior court for the county where the property, or some part
19 thereof is located, for an order directing the lien claimant to appear
20 before the court at a time no earlier than six nor later than fifteen
21 days following the date of service of the application and order on the
22 lien claimant, and show cause, if any he or she has, why the relief
23 requested should not be granted. The motion shall state the grounds
24 upon which relief is asked, and shall be supported by the affidavit of
25 the applicant or his or her attorney setting forth a concise statement
26 of the facts upon which the motion is based.

27 (2) The order shall clearly state that if the lien claimant fails
28 to appear at the time and place noted the lien shall be released, with
29 prejudice, and that the lien claimant shall be ordered to pay the costs
30 requested by the applicant including reasonable attorneys' fees.

31 (3) If no action to foreclose the lien claim has been filed, the
32 clerk of the court shall assign a cause number to the application and
33 obtain from the applicant a filing fee (~~of thirty five dollars~~)
34 pursuant to RCW 36.18.016. If an action has been filed to foreclose
35 the lien claim, the application shall be made a part of that action.

36 (4) If, following a hearing on the matter, the court determines
37 that the lien is frivolous and made without reasonable cause, or

1 clearly excessive, the court shall issue an order releasing the lien if
2 frivolous and made without reasonable cause, or reducing the lien if
3 clearly excessive, and awarding costs and reasonable attorneys' fees to
4 the applicant to be paid by the lien claimant. If the court determines
5 that the lien is not frivolous and was made with reasonable cause, and
6 is not clearly excessive, the court shall issue an order so stating and
7 awarding costs and reasonable attorneys' fees to the lien claimant to
8 be paid by the applicant.

9 (5) Proceedings under this section shall not affect other rights
10 and remedies available to the parties under this chapter or otherwise.

11 **Sec. 5.** RCW 60.70.060 and 1995 c 19 s 2 are each amended to read
12 as follows:

13 (1) Any person whose real or personal property is subject to a
14 recorded claim of common law lien who believes the claim of lien is
15 invalid, may petition the superior court of the county in which the
16 claim of lien has been recorded for an order, which may be granted ex
17 parte, directing the lien claimant to appear before the court at a time
18 no earlier than six nor later than twenty-one days following the date
19 of service of the petition and order on the lien claimant, and show
20 cause, if any, why the claim of lien should not be stricken and other
21 relief provided for by this section should not be granted. The
22 petition shall state the grounds upon which relief is requested, and
23 shall be supported by the affidavit of the petitioner or his or her
24 attorney setting forth a concise statement of the facts upon which the
25 motion is based. The order shall be served upon the lien claimant by
26 personal service, or, where the court determines that service by mail
27 is likely to give actual notice, the court may order that service be
28 made by any person over eighteen years of age, who is competent to be
29 a witness, other than a party, by mailing copies of the petition and
30 order to the lien claimant at his or her last known address or any
31 other address determined by the court to be appropriate. Two copies
32 shall be mailed, postage prepaid, one by ordinary first class mail and
33 the other by a form of mail requiring a signed receipt showing when and
34 to whom it was delivered. The envelopes must bear the return address
35 of the sender.

36 (2) The order shall clearly state that if the lien claimant fails
37 to appear at the time and place noted, the claim of lien shall be

1 stricken and released and that the lien claimant shall be ordered to
2 pay the costs incurred by the petitioner, including reasonable
3 attorneys' fees.

4 (3) The clerk of the court shall assign a cause number to the
5 petition and obtain from the petitioner a filing fee (~~(of thirty-five~~
6 ~~dollars)~~) pursuant to RCW 36.18.012.

7 (4) If, following a hearing on the matter, the court determines
8 that the claim of lien is invalid, the court shall issue an order
9 striking and releasing the claim of lien and awarding costs and
10 reasonable attorneys' fees to the petitioner to be paid by the lien
11 claimant. If the court determines that the claim of lien is valid, the
12 court shall issue an order so stating and may award costs and
13 reasonable attorneys' fees to the lien claimant to be paid by the
14 petitioner.

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