

SENATE BILL REPORT

SB 5277

As Amended by House, April 7, 2009

Title: An act relating to district court clerk fees.

Brief Description: Regarding fees allowed as court costs in district courts.

Sponsors: Senators Hatfield, Kline and Delvin.

Brief History:

Committee Activity: Judiciary: 1/14/09, 1/21/09 [DP].

Passed Senate: 3/03/09, 34-15.

Passed House: 4/07/09, 59-39.

SENATE COMMITTEE ON JUDICIARY

Majority Report: Do pass.

Signed by Senators Kline, Chair; Regala, Vice Chair; McCaslin, Ranking Minority Member; Hargrove and Tom.

Staff: Lidia Mori (786-7755)

Background: The district courts in Washington State are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases under \$75,000. District courts have exclusive jurisdiction over small claims and infractions. Washington State has 49 district courts established in the 39 counties.

District court clerks are required by statute to collect certain fees for their official services. Some of the official services for which district court clerks collect a fee include issuance of a writ, filing a supplemental proceeding, preparation of a transcript of a judgment, certification of any document on file or of record, and preparation of the record of a case for appeal to superior court.

Summary of Bill: Clerks of the district courts may collect a fee of \$5 for preparation of the first page of a certified copy of an instrument on file or of record in the clerk's office and a fee of \$1 for each additional page. For authenticating or exemplifying an instrument, a fee of \$2 may be charged for each additional seal affixed. The clerk may charge 50 cents per page for making a copy of an instrument on file or of record without a seal and if the document is

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in an electronic format, a fee of 25 cents per page may be charged. A fee of \$20 may be charged for copies made on a compact disc. District court clerks may collect up to \$20 per hour or portion thereof for performing services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches. In accordance with Washington State rules of court, a fee of up to \$3 for the first page and \$1 for every additional page may be charged for receiving faxed documents.

Appropriation: None.

Fiscal Note: Requested on January 19, 2009.
[OFM requested ten-year cost projection pursuant to I-960.]

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Superior court clerks charge fees for doing the same things that district court clerks do. It is the hope of this bill to make the practices consistent. It allows local government to generate some funds at a time of great need and the funds would be for performing services in the court. The clerks activities demonstrate that there is no favor shown to either side; each side is treated equally.

CON: There is a lot in this bill that we are not opposed to, but it is the ex parte fees that are problematic. Agencies use the ex parte process as the most efficient way to dispose of a case. For example, it doesn't involve the use of a courtroom, no jury needs to be seated, etc. We hope to be able to resolve our concern and be able to support this bill.

Persons Testifying: PRO: Judge Douglas Goelz, District and Municipal Court Judges Association.

CON: Kevin Underwood, Washington Collectors Association.

House Amendment(s): Clarifies that the district court has the discretion to charge the newly created fees.