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HOUSE BILL 2362

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State of Washington

61st Legislature

2009 Regular Session

By Representative Kessler

1 AN ACT Relating to providing support for judicial branch agencies  
2 by imposing surcharges on court fees and requesting the supreme court  
3 to consider increases to attorney licensing fees; amending RCW  
4 36.18.018; reenacting and amending RCW 36.18.020; adding a new section  
5 to chapter 43.79 RCW; providing an effective date; and declaring an  
6 emergency.

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

8 **Sec. 1.** RCW 36.18.018 and 2005 c 282 s 43 are each amended to read  
9 as follows:

10 (1) State revenue collected by county clerks under subsection (2)  
11 of this section must be transmitted to the appropriate state court.  
12 The administrative office of the courts shall retain fees collected  
13 under subsection (3) of this section.

14 (2) For appellate review under RAP 5.1(b), two hundred fifty  
15 dollars must be charged.

16 (3) For all copies and reports produced by the administrative  
17 office of the courts as permitted under RCW 2.68.020 and supreme court  
18 policy, a variable fee must be charged.

1       (4) In addition to the fees established under subsection (2) of  
2 this section, a surcharge of two hundred dollars is established for  
3 appellate review. The county clerk shall transmit this fee to the  
4 state treasurer for deposit in the judicial stabilization trust  
5 account.

6       **Sec. 2.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are  
7 each reenacted and amended to read as follows:

8       (1) Revenue collected under this section is subject to division  
9 with the state public safety and education account under RCW 36.18.025  
10 and with the county or regional law library fund under RCW 27.24.070,  
11 except as provided in subsection (4) of this section.

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

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

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

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

34       (d) For filing of a petition for unlawful harassment under RCW  
35 10.14.040 a filing fee of fifty-three dollars.

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

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

4 (g) For filing any petition to contest a will admitted to probate  
5 or a petition to admit a will which has been rejected, or a petition  
6 objecting to a written agreement or memorandum as provided in RCW  
7 11.96A.220, there shall be paid a fee of two hundred dollars.

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

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

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

22 (4) In addition to the fees required by this section, clerks of  
23 superior courts shall collect the surcharges required by this  
24 subsection, which must be remitted to the state treasurer for deposit  
25 in the judicial stabilization trust account:

26 (a) On unlawful detainer actions filed under chapter 59.18 or 59.20  
27 RCW, a surcharge of ninety-three dollars.

28 (b) On all other filing fees required by this section except for  
29 filings in subsection (2)(d) of this section, a surcharge of fifty  
30 dollars.

31 NEW SECTION. Sec. 3. A new section is added to chapter 43.79 RCW  
32 to read as follows:

33 The judicial stabilization trust account is established in the  
34 custody of the state treasurer. All receipts from the fee increases  
35 authorized by sections 1 and 2, chapter . . ., Laws of 2009 (sections  
36 1 and 2 of this act), shall be deposited in this account. Moneys in

1 the account may be spent only after appropriation, except as otherwise  
2 provided by this section.

3 Expenditures from the account may be used only for the support of  
4 judicial branch agencies.

5 It is the intent of the legislature that the state supreme court  
6 consider authorizing increases in attorneys' licensing fees in order to  
7 support the operation of the state law library. Revenue from these  
8 increases may be deposited in the judicial stabilization trust account  
9 and may be expended by the administrator for the courts at the  
10 direction of the state supreme court for the operation of the state law  
11 library.

12 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
13 preservation of the public peace, health, or safety, or support of the  
14 state government and its existing public institutions, and takes effect  
15 July 1, 2009.

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