

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2362

61st Legislature
2009 Regular Session

Passed by the House April 26, 2009
Yeas 51 Nays 42

Speaker of the House of Representatives

Passed by the Senate April 25, 2009
Yeas 25 Nays 18

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2362** 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**

SUBSTITUTE HOUSE BILL 2362

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington **61st Legislature** **2009 Regular Session**

By House Ways & Means (originally sponsored by Representative Kessler)

READ FIRST TIME 04/20/09.

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 3.62.060, 12.40.020, and 36.18.018; reenacting and amending RCW
5 36.18.020; adding a new section to chapter 43.79 RCW; providing an
6 effective date; and declaring an emergency.

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

8 **Sec. 1.** RCW 3.62.060 and 2007 c 46 s 3 are each amended to read as
9 follows:

10 Clerks of the district courts shall collect the following fees for
11 their official services:

12 (1) In any civil action commenced before or transferred to a
13 district court, the plaintiff shall, at the time of such commencement
14 or transfer, pay to such court a filing fee of forty-three dollars plus
15 any surcharge authorized by RCW 7.75.035. Any party filing a
16 counterclaim, cross-claim, or third-party claim in such action shall
17 pay to the court a filing fee of forty-three dollars plus any surcharge
18 authorized by RCW 7.75.035. No party shall be compelled to pay to the

1 court any other fees or charges up to and including the rendition of
2 judgment in the action other than those listed.

3 (2) For issuing a writ of garnishment or other writ, or for filing
4 an attorney issued writ of garnishment, a fee of twelve dollars.

5 (3) For filing a supplemental proceeding a fee of twenty dollars.

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

8 (5) For preparing a transcript of a judgment a fee of twenty
9 dollars.

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

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

16 (8) For duplication of part or all of the electronic recording of
17 a proceeding ten dollars per tape or other electronic storage medium.

18 (9) For filing any abstract of judgment or transcript of judgment
19 from a municipal court or municipal department of a district court
20 organized under the laws of this state a fee of forty-three dollars.

21 (10) Until July 1, 2011, in addition to the fees required by
22 subsection (1) of this section, clerks of the district courts shall
23 collect a surcharge of twenty dollars on all fees required by
24 subsection (1) of this section, which shall be remitted to the state
25 treasurer for deposit in the judicial stabilization trust account.
26 This surcharge is not subject to the division and remittance
27 requirements of RCW 3.62.020.

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

30 **Sec. 2.** RCW 12.40.020 and 2005 c 457 s 14 are each amended to read
31 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 fourteen dollars plus any surcharge
35 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any
36 party filing a counterclaim, cross-claim, or third-party claim in such
37 action shall pay to the court a filing fee of fourteen dollars plus any

1 surcharge authorized by RCW 7.75.035. Until July 1, 2011, in addition
2 to the fees required by this section, an additional surcharge of ten
3 dollars shall be charged on the filing fees required by this section,
4 which shall be remitted to the state treasurer for deposit in the
5 judicial stabilization trust account.

6 **Sec. 3.** RCW 36.18.018 and 2005 c 282 s 43 are each amended to read
7 as follows:

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

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

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

17 (4) Until July 1, 2011, in addition to the fee established under
18 subsection (2) of this section, a surcharge of thirty dollars is
19 established for appellate review. The county clerk shall transmit this
20 surcharge to the state treasurer for deposit in the judicial
21 stabilization trust account.

22 **Sec. 4.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are
23 each reenacted and amended to read as follows:

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

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

30 (a) In addition to any other fee required by law, the party filing
31 the first or initial paper in any civil action, including, but not
32 limited to an action for restitution, adoption, or change of name, and
33 any party filing a counterclaim, cross-claim, or third-party claim in
34 any such civil action, shall pay, at the time the paper is filed, a fee
35 of two hundred dollars except, in an unlawful detainer action under
36 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case

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

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

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

14 (d) For filing of a petition for unlawful harassment under RCW
15 10.14.040 a filing fee of fifty-three dollars.

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

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

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

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

1 (4) Until July 1, 2011, in addition to the fees required by this
2 section, clerks of superior courts shall collect the surcharges
3 required by this subsection, which shall be remitted to the state
4 treasurer for deposit in the judicial stabilization trust account:

5 (a) On filing fees under subsection (2)(b) of this section, a
6 surcharge of twenty dollars; and

7 (b) On all other filing fees required by this section except for
8 filing fees in subsection (2)(d) and (h) of this section, a surcharge
9 of thirty dollars.

10 NEW SECTION. Sec. 5. A new section is added to chapter 43.79 RCW
11 to read as follows:

12 The judicial stabilization trust account is created within the
13 state treasury, subject to appropriation. All receipts from the
14 surcharges authorized by sections 1 through 4, chapter . . ., Laws of
15 2009 (sections 1 through 4 of this act) shall be deposited in this
16 account. Moneys in the account may be spent only after appropriation.

17 Expenditures from the account may be used only for the support of
18 judicial branch agencies.

19 NEW SECTION. Sec. 6. This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and takes effect
22 July 1, 2009.

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