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**SUBSTITUTE SENATE BILL 6871**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Hargrove and Regala)

READ FIRST TIME 03/04/10.

1       AN ACT Relating to judicial branch and criminal justice funding;  
2 amending RCW 3.62.020, 12.40.020, 36.18.018, 43.79.505, and 46.63.110;  
3 reenacting and amending RCW 3.62.060 and 36.18.020; adding a new  
4 section to chapter 48.22 RCW; creating a new section; and providing an  
5 effective date.

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

7       NEW SECTION. **Sec. 1.** The legislature recognizes the importance of  
8 a robust judicial system to Washington's citizens. The legislature  
9 finds that the court system is an essential component of public safety  
10 in Washington state. During the economic crisis of the 2009-2011  
11 fiscal biennium, the legislature concluded that additional resources  
12 are necessary to support the state and local courts and judicial branch  
13 agencies. The legislature finds that civil and criminal traffic  
14 infractions are the majority of cases in local courts. The legislature  
15 finds that it is imperative the state continues to prevent auto theft  
16 and that the insurance companies in Washington also benefit from  
17 preventing auto theft. Therefore, a surcharge shall be levied on all  
18 auto insurance policies in Washington. This surcharge will be used to

1 combat auto theft and ultimately lower insurance costs for the citizens  
2 of Washington state.

3 **Sec. 2.** RCW 3.62.020 and 2009 c 479 s 5 are each amended to read  
4 as follows:

5 (1) Except as provided in subsection (4) of this section, all  
6 costs, fees, fines, forfeitures and penalties assessed and collected in  
7 whole or in part by district courts, except costs, fines, forfeitures  
8 and penalties assessed and collected, in whole or in part, because of  
9 the violation of city ordinances, shall be remitted by the clerk of the  
10 district court to the county treasurer at least monthly, together with  
11 a financial statement as required by the state auditor, noting the  
12 information necessary for crediting of such funds as required by law.

13 (2) Except as provided in RCW 10.99.080 and this section, the  
14 county treasurer shall remit thirty-two percent of the noninterest  
15 money received under subsection (1) of this section except certain  
16 costs to the state treasurer. "Certain costs" as used in this  
17 subsection, means those costs awarded to prevailing parties in civil  
18 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
19 convicted defendants in criminal actions under RCW 10.01.160,  
20 10.46.190, or 36.18.040, or other similar statutes if such costs are  
21 specifically designated as costs by the court and are awarded for the  
22 specific reimbursement of costs incurred by the state or county in the  
23 prosecution of the case, including the fees of defense counsel.  
24 (~~Money remitted under this subsection to the state treasurer~~) Of the  
25 funds to be transferred to the state treasurer from each filing fee  
26 paid pursuant to RCW 3.62.060(1), the county treasurer shall remit six  
27 dollars and forty cents to the state treasurer for deposit into the  
28 judicial stabilization trust account established in RCW 43.79.505. The  
29 balance of such funds shall be deposited in the state general fund.

30 (3) The balance of the noninterest money received by the county  
31 treasurer under subsection (1) of this section shall be deposited in  
32 the county current expense fund.

33 (4) All money collected for county parking infractions shall be  
34 remitted by the clerk of the district court at least monthly, with the  
35 information required under subsection (1) of this section, to the  
36 county treasurer for deposit in the county current expense fund.

1 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
2 interest at the rate of twelve percent per annum, upon assignment to a  
3 collection agency. Interest may accrue only while the case is in  
4 collection status.

5 (6) Interest retained by the court on penalties, fines, bail  
6 forfeitures, fees, and costs shall be split twenty-five percent to the  
7 state treasurer for deposit in the state general fund, twenty-five  
8 percent to the state treasurer for deposit in the judicial information  
9 system account as provided in RCW 2.68.020, twenty-five percent to the  
10 county current expense fund, and twenty-five percent to the county  
11 current expense fund to fund local courts.

12 **Sec. 3.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are  
13 each reenacted and amended to read as follows:

14 Clerks of the district courts shall collect the following fees for  
15 their official services:

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

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

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

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

31 (5) For preparing a transcript of a judgment a fee of twenty  
32 dollars.

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

35 (7) At the option of the district court:

36 (a) For preparing a certified copy of an instrument on file or of

1 record in the clerk's office, for the first page or portion of the  
2 first page, a fee of five dollars, and for each additional page or  
3 portion of a page, a fee of one dollar;

4 (b) For authenticating or exemplifying an instrument, a fee of two  
5 dollars for each additional seal affixed;

6 (c) For preparing a copy of an instrument on file or of record in  
7 the clerk's office without a seal, a fee of fifty cents per page;

8 (d) When copying a document without a seal or file that is in an  
9 electronic format, a fee of twenty-five cents per page;

10 (e) For copies made on a compact disc, an additional fee of twenty  
11 dollars for each compact disc.

12 (8) 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 (9) At the option of the district court, for clerk's services such  
17 as processing ex parte orders, performing historical searches,  
18 compiling statistical reports, and conducting exceptional record  
19 searches, a fee not to exceed twenty dollars per hour or portion of an  
20 hour.

21 (10) For duplication of part or all of the electronic recording of  
22 a proceeding ten dollars per tape or other electronic storage medium.

23 (11) For filing any abstract of judgment or transcript of judgment  
24 from a municipal court or municipal department of a district court  
25 organized under the laws of this state a fee of forty-three dollars.

26 (12) At the option of the district court, a service fee of up to  
27 three dollars for the first page and one dollar for each additional  
28 page for receiving faxed documents, pursuant to Washington state rules  
29 of court, general rule 17.

30 ~~((13) Until July 1, 2011, in addition to the fees required by  
31 subsection (1) of this section, clerks of the district courts shall  
32 collect a surcharge of twenty dollars on all fees required by  
33 subsection (1) of this section, which shall be remitted to the state  
34 treasurer for deposit in the judicial stabilization trust account.  
35 This surcharge is not subject to the division and remittance  
36 requirements of RCW 3.62.020.))~~

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

1       **Sec. 4.** RCW 12.40.020 and 2009 c 572 s 2 are each amended to read  
2 as follows:

3       A small claims action shall be commenced by the plaintiff filing a  
4 claim, in the form prescribed by RCW 12.40.050, in the small claims  
5 department. A filing fee of fourteen dollars plus any surcharge  
6 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any  
7 party filing a counterclaim, cross-claim, or third-party claim in such  
8 action shall pay to the court a filing fee of fourteen dollars plus any  
9 surcharge authorized by RCW 7.75.035. ~~((Until July 1, 2011, in  
10 addition to the fees required by this section,))~~ An additional  
11 surcharge of ten dollars shall be charged on the filing fees required  
12 by this section, of which thirty-two percent shall be remitted to the  
13 state treasurer for deposit in the judicial stabilization trust account  
14 established in RCW 43.79.505. The balance of the surcharge received by  
15 the county treasurer shall be deposited in the county current expense  
16 fund.

17       **Sec. 5.** RCW 36.18.018 and 2009 c 572 s 3 are each amended to read  
18 as follows:

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

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

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

28       (4) ~~((Until July 1, 2011,))~~ In addition to the fee established  
29 under subsection (2) of this section, a surcharge of thirty dollars is  
30 established for appellate review. The county clerk shall transmit this  
31 surcharge to the state treasurer for deposit in the judicial  
32 stabilization trust account.

33       **Sec. 6.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and  
34 2009 c 417 s 3 are each reenacted and amended to read as follows:

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

1 with the state under RCW 36.18.025 and with the county or regional law  
2 library fund under RCW 27.24.070, except as provided in subsection (5)  
3 of this section.

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

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

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

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

26 (d) For filing of a petition for unlawful harassment under RCW  
27 10.14.040 a filing fee of fifty-three dollars.

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

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

33 (g) For filing any petition to contest a will admitted to probate  
34 or a petition to admit a will which has been rejected, or a petition  
35 objecting to a written agreement or memorandum as provided in RCW  
36 11.96A.220, there shall be paid a fee of two hundred dollars.

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

1 affirmance of a conviction by a court of limited jurisdiction, a  
2 defendant in a criminal case shall be liable for a fee of two hundred  
3 dollars.

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

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

13 (4) No fee shall be collected when an abstract of judgment is filed  
14 by the county clerk of another county for the purposes of collection of  
15 legal financial obligations.

16 (5) (~~Until July 1, 2011,~~) In addition to the fees required by  
17 this section, clerks of superior courts shall collect the surcharges  
18 required by this subsection, forty-six percent of which shall be  
19 remitted to the state treasurer for deposit in the judicial  
20 stabilization trust account and the balance of which shall be retained  
21 by the county:

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

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

27 **Sec. 7.** RCW 43.79.505 and 2009 c 572 s 5 are each amended to read  
28 as follows:

29 The judicial stabilization trust account is created within the  
30 state treasury, subject to appropriation. (~~All receipts from the~~  
31 ~~surcharges authorized by sections 1 through 4, chapter 572, Laws of~~  
32 ~~2009 shall be deposited in this account.)) Moneys in the account may  
33 be spent only after appropriation.~~

34 Expenditures from the account may be used only for the support of  
35 judicial branch agencies.

1           **Sec. 8.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read  
2 as follows:

3           (1) A person found to have committed a traffic infraction shall be  
4 assessed a monetary penalty. No penalty may exceed two hundred and  
5 fifty dollars for each offense unless authorized by this chapter or  
6 title.

7           (2) The monetary penalty for a violation of (a) RCW 46.55.105(2) is  
8 two hundred fifty dollars for each offense; (b) RCW 46.61.210(1) is  
9 five hundred dollars for each offense. No penalty assessed under this  
10 subsection (2) may be reduced.

11           (3) The supreme court shall prescribe by rule a schedule of  
12 monetary penalties for designated traffic infractions. This rule shall  
13 also specify the conditions under which local courts may exercise  
14 discretion in assessing fines and penalties for traffic infractions.  
15 The legislature respectfully requests the supreme court to adjust this  
16 schedule every two years for inflation.

17           (4) There shall be a penalty of twenty-five dollars for failure to  
18 respond to a notice of traffic infraction except where the infraction  
19 relates to parking as defined by local law, ordinance, regulation, or  
20 resolution or failure to pay a monetary penalty imposed pursuant to  
21 this chapter. A local legislative body may set a monetary penalty not  
22 to exceed twenty-five dollars for failure to respond to a notice of  
23 traffic infraction relating to parking as defined by local law,  
24 ordinance, regulation, or resolution. The local court, whether a  
25 municipal, police, or district court, shall impose the monetary penalty  
26 set by the local legislative body.

27           (5) Monetary penalties provided for in chapter 46.70 RCW which are  
28 civil in nature and penalties which may be assessed for violations of  
29 chapter 46.44 RCW relating to size, weight, and load of motor vehicles  
30 are not subject to the limitation on the amount of monetary penalties  
31 which may be imposed pursuant to this chapter.

32           (6) Whenever a monetary penalty, fee, cost, assessment, or other  
33 monetary obligation is imposed by a court under this chapter it is  
34 immediately payable. If the court determines, in its discretion, that  
35 a person is not able to pay a monetary obligation in full, and not more  
36 than one year has passed since the later of July 1, 2005, or the date  
37 the monetary obligation initially became due and payable, the court  
38 shall enter into a payment plan with the person, unless the person has



1 previously been granted a payment plan with respect to the same  
2 monetary obligation, or unless the person is in noncompliance of any  
3 existing or prior payment plan, in which case the court may, at its  
4 discretion, implement a payment plan. If the court has notified the  
5 department that the person has failed to pay or comply and the person  
6 has subsequently entered into a payment plan and made an initial  
7 payment, the court shall notify the department that the infraction has  
8 been adjudicated, and the department shall rescind any suspension of  
9 the person's driver's license or driver's privilege based on failure to  
10 respond to that infraction. "Payment plan," as used in this section,  
11 means a plan that requires reasonable payments based on the financial  
12 ability of the person to pay. The person may voluntarily pay an amount  
13 at any time in addition to the payments required under the payment  
14 plan.

15 (a) If a payment required to be made under the payment plan is  
16 delinquent or the person fails to complete a community restitution  
17 program on or before the time established under the payment plan,  
18 unless the court determines good cause therefor and adjusts the payment  
19 plan or the community restitution plan accordingly, the court shall  
20 notify the department of the person's failure to meet the conditions of  
21 the plan, and the department shall suspend the person's driver's  
22 license or driving privilege until all monetary obligations, including  
23 those imposed under subsections (3) and (4) of this section, have been  
24 paid, and court authorized community restitution has been completed, or  
25 until the department has been notified that the court has entered into  
26 a new time payment or community restitution agreement with the person.

27 (b) If a person has not entered into a payment plan with the court  
28 and has not paid the monetary obligation in full on or before the time  
29 established for payment, the court shall notify the department of the  
30 delinquency. The department shall suspend the person's driver's  
31 license or driving privilege until all monetary obligations have been  
32 paid, including those imposed under subsections (3) and (4) of this  
33 section, or until the person has entered into a payment plan under this  
34 section.

35 (c) If the payment plan is to be administered by the court, the  
36 court may assess the person a reasonable administrative fee to be  
37 wholly retained by the city or county with jurisdiction. The

1 administrative fee shall not exceed ten dollars per infraction or  
2 twenty-five dollars per payment plan, whichever is less.

3 (d) Nothing in this section precludes a court from contracting with  
4 outside entities to administer its payment plan system. When outside  
5 entities are used for the administration of a payment plan, the court  
6 may assess the person a reasonable fee for such administrative  
7 services, which fee may be calculated on a periodic, percentage, or  
8 other basis.

9 (e) If a court authorized community restitution program for  
10 offenders is available in the jurisdiction, the court may allow  
11 conversion of all or part of the monetary obligations due under this  
12 section to court authorized community restitution in lieu of time  
13 payments if the person is unable to make reasonable time payments.

14 (7) In addition to any other penalties imposed under this section  
15 and not subject to the limitation of subsection (1) of this section, a  
16 person found to have committed a traffic infraction shall be assessed:

17 (a) A fee of five dollars per infraction. Under no circumstances  
18 shall this fee be reduced or waived. Revenue from this fee shall be  
19 forwarded to the state treasurer for deposit in the emergency medical  
20 services and trauma care system trust account under RCW 70.168.040;

21 (b) A fee of ten dollars per infraction. Under no circumstances  
22 shall this fee be reduced or waived. Revenue from this fee shall be  
23 forwarded to the state treasurer for deposit in the (~~Washington auto~~  
24 ~~theft prevention authority~~) judicial stabilization trust account; and

25 (c) A fee of two dollars per infraction. Revenue from this fee  
26 shall be forwarded to the state treasurer for deposit in the traumatic  
27 brain injury account established in RCW 74.31.060.

28 (8)(a) In addition to any other penalties imposed under this  
29 section and not subject to the limitation of subsection (1) of this  
30 section, a person found to have committed a traffic infraction other  
31 than of RCW 46.61.527 shall be assessed an additional penalty of twenty  
32 dollars. The court may not reduce, waive, or suspend the additional  
33 penalty unless the court finds the offender to be indigent. If a court  
34 authorized community restitution program for offenders is available in  
35 the jurisdiction, the court shall allow offenders to offset all or a  
36 part of the penalty due under this subsection (8) by participation in  
37 the court authorized community restitution program.

1 (b) Eight dollars and fifty cents of the additional penalty under  
2 (a) of this subsection shall be remitted to the state treasurer. The  
3 remaining revenue from the additional penalty must be remitted under  
4 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted  
5 under this subsection to the state treasurer must be deposited in the  
6 state general fund. The balance of the revenue received by the county  
7 or city treasurer under this subsection must be deposited into the  
8 county or city current expense fund. Moneys retained by the city or  
9 county under this subsection shall constitute reimbursement for any  
10 liabilities under RCW 43.135.060.

11 (9) If a legal proceeding, such as garnishment, has commenced to  
12 collect any delinquent amount owed by the person for any penalty  
13 imposed by the court under this section, the court may, at its  
14 discretion, enter into a payment plan.

15 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two  
16 hundred fifty dollars for the first violation; (b) five hundred dollars  
17 for the second violation; and (c) seven hundred fifty dollars for each  
18 violation thereafter.

19 NEW SECTION. **Sec. 9.** A new section is added to chapter 48.22 RCW  
20 to read as follows:

21 (1) A surcharge of one dollar every six months per insured  
22 automobile must be charged by each insurer to each person purchasing an  
23 automobile liability insurance policy, which will be in addition to any  
24 other charge authorized by law. Insurers must collect the surcharge at  
25 the beginning of every policy term, whether new or renewing. Insurers  
26 with annual terms may collect the surcharge for two six-month periods  
27 at the beginning of the annual term. The surcharge is nonrefundable.

28 (2) Each insurer must transmit the surcharge to the office of the  
29 insurance commissioner on or before February 15th and on or before  
30 August 15th of each year. The insurer must calculate the surcharge  
31 remittance amount based on the policies issued from July 1st through  
32 December 31st of the prior year for the February 15th transmittal, and  
33 based on policies issued from January 1st through June 30th of the same  
34 year for the August 15th transmittal.

35 (3) The insurance commissioner may retain and deposit to the  
36 insurance commissioner's regulatory account up to two percent of the  
37 funds collected to administer collection. The remaining funds must be

1 deposited into the Washington auto theft prevention authority account.  
2 The funds will be used to carry out the Washington auto theft  
3 prevention authority program duties and functions as set forth in  
4 chapter 46.66 RCW.

5 (4) The insurance commissioner's authority to impose penalties, and  
6 the penalties, for failure to pay the surcharge are the same as the  
7 authority to impose penalties, and the penalties, pursuant to RCW  
8 48.14.060.

9 NEW SECTION. **Sec. 10.** This act takes effect July 1, 2010.

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