
SENATE BILL 6871

State of Washington

61st Legislature

2010 Regular Session

By Senators Hargrove and Regala

Read first time 02/22/10. Referred to Committee on Ways & Means.

1 AN ACT Relating to judicial branch and criminal justice funding;
2 amending RCW 3.62.020, 12.40.020, 36.18.018, and 46.63.110; reenacting
3 and amending RCW 3.62.060 and 36.18.020; adding a new section to
4 chapter 48.22 RCW; creating a new section; and providing an effective
5 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 filing fees paid
26 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, which shall be remitted to the state treasurer for
13 deposit in the judicial stabilization trust account.

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

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

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

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

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

30 **Sec. 6.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
31 2009 c 417 s 3 are each reenacted and amended to read as follows:

32 (1) Revenue collected under this section is subject to division
33 with the state under RCW 36.18.025 and with the county or regional law
34 library fund under RCW 27.24.070, except as provided in subsection (5)
35 of this section.

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 document 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 document is filed, a
8 fee 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 document on an appeal from a court of limited
19 jurisdiction or any party on any civil appeal, shall pay, when the
20 document 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 a filing fee of fifty-three dollars.

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

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

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

34 (h) Upon conviction or plea of guilty, upon failure to prosecute an
35 appeal from a court of limited jurisdiction as provided by law, or upon
36 affirmance of a conviction by a court of limited jurisdiction, a
37 defendant in a criminal case shall be liable for a fee of two hundred
38 dollars.

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

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

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

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

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

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

24 **Sec. 7.** RCW 46.63.110 and 2009 c 479 s 39 are each amended to read
25 as follows:

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

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

34 (3) The supreme court shall prescribe by rule a schedule of
35 monetary penalties for designated traffic infractions. This rule shall
36 also specify the conditions under which local courts may exercise

1 discretion in assessing fines and penalties for traffic infractions.
2 The legislature respectfully requests the supreme court to adjust this
3 schedule every two years for inflation.

4 (4) There shall be a penalty of twenty-five dollars for failure to
5 respond to a notice of traffic infraction except where the infraction
6 relates to parking as defined by local law, ordinance, regulation, or
7 resolution or failure to pay a monetary penalty imposed pursuant to
8 this chapter. A local legislative body may set a monetary penalty not
9 to exceed twenty-five dollars for failure to respond to a notice of
10 traffic infraction relating to parking as defined by local law,
11 ordinance, regulation, or resolution. The local court, whether a
12 municipal, police, or district court, shall impose the monetary penalty
13 set by the local legislative body.

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

19 (6) Whenever a monetary penalty, fee, cost, assessment, or other
20 monetary obligation is imposed by a court under this chapter it is
21 immediately payable. If the court determines, in its discretion, that
22 a person is not able to pay a monetary obligation in full, and not more
23 than one year has passed since the later of July 1, 2005, or the date
24 the monetary obligation initially became due and payable, the court
25 shall enter into a payment plan with the person, unless the person has
26 previously been granted a payment plan with respect to the same
27 monetary obligation, or unless the person is in noncompliance of any
28 existing or prior payment plan, in which case the court may, at its
29 discretion, implement a payment plan. If the court has notified the
30 department that the person has failed to pay or comply and the person
31 has subsequently entered into a payment plan and made an initial
32 payment, the court shall notify the department that the infraction has
33 been adjudicated, and the department shall rescind any suspension of
34 the person's driver's license or driver's privilege based on failure to
35 respond to that infraction. "Payment plan," as used in this section,
36 means a plan that requires reasonable payments based on the financial
37 ability of the person to pay. The person may voluntarily pay an amount

1 at any time in addition to the payments required under the payment
2 plan.

3 (a) If a payment required to be made under the payment plan is
4 delinquent or the person fails to complete a community restitution
5 program on or before the time established under the payment plan,
6 unless the court determines good cause therefor and adjusts the payment
7 plan or the community restitution plan accordingly, the court shall
8 notify the department of the person's failure to meet the conditions of
9 the plan, and the department shall suspend the person's driver's
10 license or driving privilege until all monetary obligations, including
11 those imposed under subsections (3) and (4) of this section, have been
12 paid, and court authorized community restitution has been completed, or
13 until the department has been notified that the court has entered into
14 a new time payment or community restitution agreement with the person.

15 (b) If a person has not entered into a payment plan with the court
16 and has not paid the monetary obligation in full on or before the time
17 established for payment, the court shall notify the department of the
18 delinquency. The department shall suspend the person's driver's
19 license or driving privilege until all monetary obligations have been
20 paid, including those imposed under subsections (3) and (4) of this
21 section, or until the person has entered into a payment plan under this
22 section.

23 (c) If the payment plan is to be administered by the court, the
24 court may assess the person a reasonable administrative fee to be
25 wholly retained by the city or county with jurisdiction. The
26 administrative fee shall not exceed ten dollars per infraction or
27 twenty-five dollars per payment plan, whichever is less.

28 (d) Nothing in this section precludes a court from contracting with
29 outside entities to administer its payment plan system. When outside
30 entities are used for the administration of a payment plan, the court
31 may assess the person a reasonable fee for such administrative
32 services, which fee may be calculated on a periodic, percentage, or
33 other basis.

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

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

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

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

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

15 (8)(a) In addition to any other penalties imposed under this
16 section and not subject to the limitation of subsection (1) of this
17 section, a person found to have committed a traffic infraction other
18 than of RCW 46.61.527 shall be assessed an additional penalty of twenty
19 dollars. The court may not reduce, waive, or suspend the additional
20 penalty unless the court finds the offender to be indigent. If a court
21 authorized community restitution program for offenders is available in
22 the jurisdiction, the court shall allow offenders to offset all or a
23 part of the penalty due under this subsection (8) by participation in
24 the court authorized community restitution program.

25 (b) Eight dollars and fifty cents of the additional penalty under
26 (a) of this subsection shall be remitted to the state treasurer. The
27 remaining revenue from the additional penalty must be remitted under
28 chapters 2.08, 3.46, 3.50, 3.62, 10.82, and 35.20 RCW. Money remitted
29 under this subsection to the state treasurer must be deposited in the
30 state general fund. The balance of the revenue received by the county
31 or city treasurer under this subsection must be deposited into the
32 county or city current expense fund. Moneys retained by the city or
33 county under this subsection shall constitute reimbursement for any
34 liabilities under RCW 43.135.060.

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

1 (10) The monetary penalty for violating RCW 46.37.395 is: (a) Two
2 hundred fifty dollars for the first violation; (b) five hundred dollars
3 for the second violation; and (c) seven hundred fifty dollars for each
4 violation thereafter.

5 NEW SECTION. **Sec. 8.** A new section is added to chapter 48.22 RCW
6 to read as follows:

7 A surcharge of one dollar every six months per insured automobile
8 shall be charged by each insurer to each person purchasing automobile
9 insurance, which will be in addition to any other charge authorized by
10 law. The insurance commissioner may retain up to two percent of the
11 funds collected to administer collection. The remaining funds shall be
12 transmitted monthly to the state treasurer who will deposit the funds
13 into the Washington auto theft prevention authority account. The funds
14 will be used to carry out the Washington auto theft prevention
15 authority program duties and functions as set forth in chapter 46.66
16 RCW.

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

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