

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5013

61st Legislature
2009 Regular Session

Passed by the Senate April 26, 2009
YEAS 44 NAYS 4

President of the Senate

Passed by the House April 25, 2009
YEAS 60 NAYS 36

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5013** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5013

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senators Hargrove, Brandland, Fraser, Hatfield, and Parlette

Read first time 01/12/09. Referred to Committee on Judiciary.

1 AN ACT Relating to fees collected by county clerks; amending RCW
2 36.18.012 and 36.18.016; and reenacting and amending RCW 36.18.020.

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

4 **Sec. 1.** RCW 36.18.012 and 2006 c 192 s 1 are each amended to read
5 as follows:

6 (1) Revenue collected under this section is subject to division
7 with the state for deposit in the public safety and education account
8 under RCW 36.18.025.

9 (2) The party filing a transcript or abstract of judgment or
10 verdict from a United States court held in this state, or from the
11 superior court of another county or from a district court in the county
12 of issuance, shall pay at the time of filing a fee of twenty dollars.

13 (3) The clerk shall collect a fee of twenty dollars for: Filing a
14 (~~paper~~) document not related to or a part of a proceeding, civil or
15 criminal, or a probate matter, required or permitted to be filed in the
16 clerk's office for which no other charge is provided by law.

17 (4) If the defendant serves or files an answer to an unlawful
18 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff

1 shall pay before proceeding with the unlawful detainer action one
2 hundred twelve dollars.

3 (5) Any party filing a counterclaim, cross-claim, or third-party
4 claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW
5 shall pay the equivalent to the total filing fee of an unlawful
6 detainer action pursuant to RCW 36.18.020, including the fee for an
7 unlawful detainer answer pursuant to subsection (4) of this section.

8 (6) For a restrictive covenant for filing a petition to strike
9 discriminatory provisions in real estate under RCW 49.60.227 a fee of
10 twenty dollars must be charged.

11 (7) A fee of twenty dollars must be charged for filing a will only,
12 when no probate of the will is contemplated.

13 (8) A fee of twenty dollars must be charged for filing a petition,
14 written agreement, or written memorandum in a nonjudicial probate
15 dispute under RCW 11.96A.220, if it is filed within an existing case in
16 the same court.

17 (9) A fee of thirty-five dollars must be charged for filing a
18 petition regarding a common law lien under RCW 60.70.060.

19 (10) For the filing of a tax warrant for unpaid taxes or
20 overpayment of benefits by any agency of the state of Washington, a fee
21 of five dollars on or after July 22, 2001, and for the filing of such
22 a tax warrant or overpayment of benefits on or after July 1, 2003, a
23 fee of twenty dollars, of which forty-six percent of the first five
24 dollars is directed to the public safety and education account
25 established under RCW 43.08.250.

26 **Sec. 2.** RCW 36.18.016 and 2007 c 496 s 204 are each amended to
27 read as follows:

28 (1) Revenue collected under this section is not subject to division
29 under RCW 36.18.025 or 27.24.070.

30 (2)(a) For the filing of a petition for modification of a decree of
31 dissolution or paternity, within the same case as the original action,
32 and any party filing a counterclaim, cross-claim, or third-party claim
33 in any such action, a fee of thirty-six dollars must be paid.

34 (b) The party filing the first or initial petition for dissolution,
35 legal separation, or declaration concerning the validity of marriage
36 shall pay, at the time and in addition to the filing fee required under
37 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior

1 court shall transmit monthly twenty-four dollars of the thirty-dollar
2 fee collected under this subsection to the state treasury for deposit
3 in the domestic violence prevention account. The remaining six dollars
4 shall be retained by the county for the purpose of supporting
5 community-based services within the county for victims of domestic
6 violence, except for five percent of the six dollars, which may be
7 retained by the court for administrative purposes.

8 (3)(a) The party making a demand for a jury of six in a civil
9 action shall pay, at the time, a fee of one hundred twenty-five
10 dollars; if the demand is for a jury of twelve, a fee of two hundred
11 fifty dollars. If, after the party demands a jury of six and pays the
12 required fee, any other party to the action requests a jury of twelve,
13 an additional one hundred twenty-five dollar fee will be required of
14 the party demanding the increased number of jurors.

15 (b) Upon conviction in criminal cases a jury demand charge of one
16 hundred twenty-five dollars for a jury of six, or two hundred fifty
17 dollars for a jury of twelve may be imposed as costs under RCW
18 10.46.190.

19 (4) For preparing a certified copy of an instrument on file or of
20 record in the clerk's office, for the first page or portion of the
21 first page, a fee of five dollars, and for each additional page or
22 portion of a page, a fee of one dollar must be charged. For
23 authenticating or exemplifying an instrument, a fee of two dollars for
24 each additional seal affixed must be charged. For preparing a copy of
25 an instrument on file or of record in the clerk's office without a
26 seal, a fee of fifty cents per page must be charged. When copying a
27 document without a seal or file that is in an electronic format, a fee
28 of twenty-five cents per page must be charged. For copies made on a
29 compact disc, an additional fee of twenty dollars for each compact disc
30 must be charged.

31 (5) For executing a certificate, with or without a seal, a fee of
32 two dollars must be charged.

33 (6) For a garnishee defendant named in an affidavit for garnishment
34 and for a writ of attachment, a fee of twenty dollars must be charged.

35 (7) For filing a supplemental proceeding, a fee of twenty dollars
36 must be charged.

37 (8) For approving a bond, including justification on the bond, in

1 other than civil actions and probate proceedings, a fee of two dollars
2 must be charged.

3 (9) For the issuance of a certificate of qualification and a
4 certified copy of letters of administration, letters testamentary, or
5 letters of guardianship, there must be a fee of ~~((two))~~ five dollars.

6 (10) For the preparation of a passport application, the clerk may
7 collect an execution fee as authorized by the federal government.

8 (11) For clerk's services such as ~~((processing ex parte orders,))~~
9 performing historical searches, compiling statistical reports, and
10 conducting exceptional record searches, the clerk may collect a fee not
11 to exceed ~~((twenty))~~ thirty dollars per hour ~~((or portion of an hour))~~.

12 (12) For processing ex parte orders, the clerk may collect a fee of
13 thirty dollars.

14 (13) For duplicated recordings of court's proceedings there must be
15 a fee of ten dollars for each audio tape and twenty-five dollars for
16 each video tape or other electronic storage medium.

17 ~~((+13))~~ (14) For registration of land titles, Torrens Act, under
18 RCW 65.12.780, a fee of twenty dollars must be charged.

19 ~~((+14))~~ (15) For the issuance of extension of judgment under RCW
20 6.17.020 and chapter 9.94A RCW, a fee of two hundred dollars must be
21 charged. When the extension of judgment is at the request of the
22 clerk, the two hundred dollar charge may be imposed as court costs
23 under RCW 10.46.190.

24 ~~((+15))~~ (16) A facilitator surcharge of up to twenty dollars must
25 be charged as authorized under RCW 26.12.240.

26 ~~((+16))~~ (17) For filing a water rights statement under RCW
27 90.03.180, a fee of twenty-five dollars must be charged.

28 ~~((+17))~~ (18) For filing a claim of frivolous lien under RCW
29 60.04.081, a fee of thirty-five dollars must be charged.

30 ~~((+18))~~ (19) For preparation of a change of venue, a fee of twenty
31 dollars must be charged by the originating court in addition to the per
32 page charges in subsection (4) of this section.

33 ~~((+19))~~ (20) A service fee of ~~((three))~~ five dollars for the first
34 page and one dollar for each additional page must be charged for
35 receiving faxed documents, pursuant to Washington state rules of court,
36 general rule 17.

37 ~~((+20))~~ (21) For preparation of clerk's papers under RAP 9.7, a
38 fee of fifty cents per page must be charged.

1 ~~((+21))~~ (22) For copies and reports produced at the local level as
2 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
3 be charged.

4 ~~((+22))~~ (23) Investment service charge and earnings under RCW
5 36.48.090 must be charged.

6 ~~((+23))~~ (24) Costs for nonstatutory services rendered by clerk by
7 authority of local ordinance or policy must be charged.

8 ~~((+24))~~ (25) For filing a request for mandatory arbitration, a
9 filing fee may be assessed against the party filing a statement of
10 arbitrability not to exceed two hundred twenty dollars as established
11 by authority of local ordinance. This charge shall be used solely to
12 offset the cost of the mandatory arbitration program.

13 ~~((+25))~~ (26) For filing a request for trial de novo of an
14 arbitration award, a fee not to exceed two hundred fifty dollars as
15 established by authority of local ordinance must be charged.

16 ~~((+26))~~ (27) A public agency may not charge a fee to a law
17 enforcement agency, for preparation, copying, or mailing of certified
18 copies of the judgment and sentence, information, affidavit of probable
19 cause, and/or the notice of requirement to register, of a sex offender
20 convicted in a Washington court, when such records are necessary for
21 risk assessment, preparation of a case for failure to register, or
22 maintenance of a sex offender's registration file.

23 ~~((+27))~~ (28) For the filing of a will or codicil under the
24 provisions of chapter 11.12 RCW, a fee of twenty dollars must be
25 charged.

26 ~~((+28))~~ (29) For the collection of unpaid legal financial
27 obligations, the clerk may impose an annual fee of up to one hundred
28 dollars, pursuant to RCW 9.94A.780.

29 (30) A surcharge of up to twenty dollars may be charged in
30 dissolution and legal separation actions as authorized by RCW
31 26.12.260.

32 The revenue to counties from the fees established in this section
33 shall be deemed to be complete reimbursement from the state for the
34 state's share of benefits paid to the superior court judges of the
35 state prior to July 24, 2005, and no claim shall lie against the state
36 for such benefits.

1 **Sec. 3.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are
2 each reenacted and amended to read as follows:

3 (1) Revenue collected under this section is subject to division
4 with the state public safety and education account under RCW 36.18.025
5 and with the county or regional law library fund under RCW 27.24.070.

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

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

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

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

28 (d) For filing of a petition for unlawful harassment under RCW
29 10.14.040 a filing fee of fifty-three dollars.

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

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

35 (g) For filing any petition to contest a will admitted to probate
36 or a petition to admit a will which has been rejected, or a petition
37 objecting to a written agreement or memorandum as provided in RCW
38 11.96A.220, there shall be paid a fee of two hundred dollars.

1 (h) Upon conviction or plea of guilty, upon failure to prosecute an
2 appeal from a court of limited jurisdiction as provided by law, or upon
3 affirmance of a conviction by a court of limited jurisdiction, a
4 defendant in a criminal case shall be liable for a fee of two hundred
5 dollars.

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

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

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

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