

SB 5941 - H COMM AMD

By Committee on Ways & Means

NOT ADOPTED 05/21/2011

1 Strike everything after the enacting clause and insert the  
2 following:

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

5 Clerks of the district courts shall collect the following fees for  
6 their official services:

7 (1) In any civil action commenced before or transferred to a  
8 district court, the plaintiff shall, at the time of such commencement  
9 or transfer, pay to such court a filing fee of forty-three dollars plus  
10 any surcharge authorized by RCW 7.75.035. Any party filing a  
11 counterclaim, cross-claim, or third-party claim in such action shall  
12 pay to the court a filing fee of forty-three dollars plus any surcharge  
13 authorized by RCW 7.75.035. No party shall be compelled to pay to the  
14 court any other fees or charges up to and including the rendition of  
15 judgment in the action other than those listed.

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

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

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

21 (5) For preparing a transcript of a judgment a fee of twenty  
22 dollars.

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

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

26 (a) For preparing a certified copy of an instrument on file or of  
27 record in the clerk's office, for the first page or portion of the  
28 first page, a fee of five dollars, and for each additional page or  
29 portion of a page, a fee of one dollar;

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

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

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

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

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

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

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

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

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

27 (13) Until July 1, (~~2011~~) 2013, in addition to the fees required  
28 by subsection (1) of this section, clerks of the district courts shall  
29 collect a surcharge of twenty dollars on all fees required by  
30 subsection (1) of this section, which shall be remitted to the state  
31 treasurer for deposit in the judicial stabilization trust account.  
32 This surcharge is not subject to the division and remittance  
33 requirements of RCW 3.62.020.

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

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

1       (1) A small claims action shall be commenced by the plaintiff  
2 filing a claim, in the form prescribed by RCW 12.40.050, in the small  
3 claims department. A filing fee of fourteen dollars plus any surcharge  
4 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any  
5 party filing a counterclaim, cross-claim, or third-party claim in such  
6 action shall pay to the court a filing fee of fourteen dollars plus any  
7 surcharge authorized by RCW 7.75.035.

8       (2) Until July 1, (~~2011~~) 2013, in addition to the fees required  
9 by this section, an additional surcharge of ten dollars shall be  
10 charged on the filing fees required by this section, which shall be  
11 remitted to the state treasurer for deposit in the judicial  
12 stabilization trust account.

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

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

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

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

24       (4) Until July 1, (~~2011~~) 2013, in addition to the fee established  
25 under subsection (2) of this section, a surcharge of thirty dollars is  
26 established for appellate review. The county clerk shall transmit this  
27 surcharge to the state treasurer for deposit in the judicial  
28 stabilization trust account.

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

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

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

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

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

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

21 (d) For filing of a petition for unlawful harassment under RCW  
22 10.14.040 a filing fee of fifty-three dollars.

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

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

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

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

37 (i) With the exception of demands for jury hereafter made and  
38 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and governed  
2 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
3 fee shall be assessed if an order of dismissal on the clerk's record be  
4 filed as provided by rule of the supreme court.

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

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

11 (5) Until July 1, (~~2011~~) 2013, in addition to the fees required  
12 by this section, clerks of superior courts shall collect the surcharges  
13 required by this subsection, which shall be remitted to the state  
14 treasurer for deposit in the judicial stabilization trust account:

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

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

20 **Sec. 5.** RCW 43.79.505 and 2009 c 572 s 5 are each amended to read  
21 as follows:

22 The judicial stabilization trust account is created within the  
23 state treasury, subject to appropriation. All receipts from the  
24 surcharges authorized by (~~sections 1 through 4, chapter 572, Laws of~~  
25 ~~2009~~) RCW 3.62.060(13), 12.40.020(2), 36.18.018(4), and 36.18.020(5)  
26 shall be deposited in this account. Moneys in the account may be spent  
27 only after appropriation.

28 Expenditures from the account may be used only for the support of  
29 judicial branch agencies.

30 NEW SECTION. **Sec. 6.** This act is necessary for the immediate  
31 preservation of the public peace, health, or safety, or support of the  
32 state government and its existing public institutions, and takes effect  
33 July 1, 2011."

34 Correct the title.

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