
HOUSE BILL 2081

State of Washington 62nd Legislature 2011 Regular Session

By Representatives Pedersen and Hudgins

Read first time 04/13/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to providing support for judicial branch agencies
2 by extending surcharges on court fees; amending RCW 12.40.020,
3 36.18.018, and 43.79.505; reenacting and amending RCW 3.62.060 and
4 36.18.020; providing an effective date; and declaring an emergency.

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

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

8 Clerks of the district courts shall collect the following fees for
9 their official services:

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

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

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

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

6 (5) For preparing a transcript of a judgment a fee of twenty
7 dollars.

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

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

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

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

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

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

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

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

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

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

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

37 (12) At the option of the district court, a service fee of up to

1 three dollars for the first page and one dollar for each additional
2 page for receiving faxed documents, pursuant to Washington state rules
3 of court, general rule 17.

4 (13) Until July 1, (~~2011~~) 2013, in addition to the fees required
5 by subsection (1) of this section, clerks of the district courts shall
6 collect a surcharge of twenty dollars on all fees required by
7 subsection (1) of this section, which shall be remitted to the state
8 treasurer for deposit in the judicial stabilization trust account.
9 This surcharge is not subject to the division and remittance
10 requirements of RCW 3.62.020.

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

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

15 (1) A small claims action shall be commenced by the plaintiff
16 filing a claim, in the form prescribed by RCW 12.40.050, in the small
17 claims department. A filing fee of fourteen dollars plus any surcharge
18 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any
19 party filing a counterclaim, cross-claim, or third-party claim in such
20 action shall pay to the court a filing fee of fourteen dollars plus any
21 surcharge authorized by RCW 7.75.035.

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

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

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

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

35 (3) For all copies and reports produced by the administrative

1 office of the courts as permitted under RCW 2.68.020 and supreme court
2 policy, a variable fee must be charged.

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

8 **Sec. 4.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
9 2009 c 417 s 3 are each reenacted and amended to read as follows:

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

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

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

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

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

36 (d) For filing of a petition for unlawful harassment under RCW
37 10.14.040 a filing fee of fifty-three dollars.

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

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

6 (g) For filing any petition to contest a will admitted to probate
7 or a petition to admit a will which has been rejected, or a petition
8 objecting to a written agreement or memorandum as provided in RCW
9 11.96A.220, there shall be paid a fee of two hundred dollars.

10 (h) Upon conviction or plea of guilty, upon failure to prosecute an
11 appeal from a court of limited jurisdiction as provided by law, or upon
12 affirmance of a conviction by a court of limited jurisdiction, a
13 defendant in a criminal case shall be liable for a fee of two hundred
14 dollars.

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

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

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

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

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

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

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

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

7 Expenditures from the account may be used only for the support of
8 judicial branch agencies.

9 NEW SECTION. **Sec. 6.** This act is necessary for the immediate
10 preservation of the public peace, health, or safety, or support of the
11 state government and its existing public institutions, and takes effect
12 July 1, 2011.

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