
HOUSE BILL 2798

State of Washington 62nd Legislature 2012 Regular Session

By Representatives Hudgins, Pedersen, and Darneille

Read first time 02/24/12. Referred to Committee on Ways & Means.

1 AN ACT Relating to judicial stabilization trust account surcharges;
2 and amending RCW 3.62.060, 12.40.020, 36.18.018, and 36.18.020.

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

4 **Sec. 1.** RCW 3.62.060 and 2011 1st sp.s. c 44 s 4 are each amended
5 to read as follows:

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

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

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

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

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

3 (e) For preparing a transcript of a judgment a fee of twenty
4 dollars.

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

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

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

12 (ii) For authenticating or exemplifying an instrument, a fee of two
13 dollars for each additional seal affixed;

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

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

18 (v) For copies made on a compact disc, an additional fee of twenty
19 dollars for each compact disc.

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

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

29 (j) For duplication of part or all of the electronic recording of
30 a proceeding ten dollars per tape or other electronic storage medium.

31 (k) For filing any abstract of judgment or transcript of judgment
32 from a municipal court or municipal department of a district court
33 organized under the laws of this state a fee of forty-three dollars.

34 (l) At the option of the district court, a service fee of up to
35 three dollars for the first page and one dollar for each additional
36 page for receiving faxed documents, pursuant to Washington state rules
37 of court, general rule 17.

1 (2)(a) Until July 1, 2013, in addition to the fees required to be
2 collected under this section, clerks of the district courts must
3 collect a surcharge of (~~twenty~~) thirty dollars on all fees required
4 to be collected under subsection (1)(a) of this section.

5 (b) Seventy-five percent of each surcharge collected under this
6 subsection (2) must be remitted to the state treasurer for deposit in
7 the judicial stabilization trust account.

8 (c) Twenty-five percent of each surcharge collected under this
9 subsection (2) must be retained by the county.

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

12 **Sec. 2.** RCW 12.40.020 and 2011 1st sp.s. c 44 s 2 are each amended
13 to read as follows:

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

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

27 **Sec. 3.** RCW 36.18.018 and 2011 1st sp.s. c 44 s 3 are each amended
28 to read 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, 2013, in addition to the fee established under
4 subsection (2) of this section, a surcharge of (~~thirty~~) forty dollars
5 is established for appellate review. The county clerk shall transmit
6 seventy-five percent of this surcharge to the state treasurer for
7 deposit in the judicial stabilization trust account and twenty-five
8 percent must be retained by the county.

9 **Sec. 4.** RCW 36.18.020 and 2011 1st sp.s. c 44 s 5 are each amended
10 to read as follows:

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

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

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

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

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

1 (d) For filing of a petition for unlawful harassment under RCW
2 10.14.040 a filing fee of fifty-three dollars.

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

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

8 (g) For filing any petition to contest a will admitted to probate
9 or a petition to admit a will which has been rejected, or a petition
10 objecting to a written agreement or memorandum as provided in RCW
11 11.96A.220, there shall be paid a fee of two hundred dollars.

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

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

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

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

29 (5)(a) Until July 1, 2013, in addition to the fees required to be
30 collected under this section, clerks of the superior courts must
31 collect surcharges as provided in this subsection (5) of which seventy-
32 five percent must be remitted to the state treasurer for deposit in the
33 judicial stabilization trust account and twenty-five percent must be
34 retained by the county.

35 (b) On filing fees required to be collected under subsection (2)(b)
36 of this section, a surcharge of (~~twenty~~) thirty dollars must be
37 collected.

1 (c) On all filing fees required to be collected under this section,
2 except for fees required under subsection (2)(b), (d), and (h) of this
3 section, a surcharge of (~~thirty~~) forty dollars must be collected.

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