
SUBSTITUTE SENATE BILL 6608

State of Washington

62nd Legislature

2012 Regular Session

By Senate Ways & Means (originally sponsored by Senators Harper, Pflug, Frockt, Kline, and Eide)

READ FIRST TIME 02/27/12.

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

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

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

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

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

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

- 1 (c) For filing a supplemental proceeding a fee of twenty dollars.
- 2 (d) For demanding a jury in a civil case a fee of one hundred
3 twenty-five dollars to be paid by the person demanding a jury.
- 4 (e) For preparing a transcript of a judgment a fee of twenty
5 dollars.
- 6 (f) For certifying any document on file or of record in the clerk's
7 office a fee of five dollars.
- 8 (g) At the option of the district court:
- 9 (i) For preparing a certified copy of an instrument on file or of
10 record in the clerk's office, for the first page or portion of the
11 first page, a fee of five dollars, and for each additional page or
12 portion of a page, a fee of one dollar;
- 13 (ii) For authenticating or exemplifying an instrument, a fee of two
14 dollars for each additional seal affixed;
- 15 (iii) For preparing a copy of an instrument on file or of record in
16 the clerk's office without a seal, a fee of fifty cents per page;
- 17 (iv) When copying a document without a seal or file that is in an
18 electronic format, a fee of twenty-five cents per page;
- 19 (v) For copies made on a compact disc, an additional fee of twenty
20 dollars for each compact disc.
- 21 (h) For preparing the record of a case for appeal to superior court
22 a fee of forty dollars including any costs of tape duplication as
23 governed by the rules of appeal for courts of limited jurisdiction
24 (RALJ).
- 25 (i) At the option of the district court, for clerk's services such
26 as processing ex parte orders, performing historical searches,
27 compiling statistical reports, and conducting exceptional record
28 searches, a fee not to exceed twenty dollars per hour or portion of an
29 hour.
- 30 (j) For duplication of part or all of the electronic recording of
31 a proceeding ten dollars per tape or other electronic storage medium.
- 32 (k) For filing any abstract of judgment or transcript of judgment
33 from a municipal court or municipal department of a district court
34 organized under the laws of this state a fee of forty-three dollars.
- 35 (l) At the option of the district court, a service fee of up to
36 three dollars for the first page and one dollar for each additional
37 page for receiving faxed documents, pursuant to Washington state rules
38 of court, general rule 17.

1 (2)(a)(i) Until July 1, 2013, in addition to the fees required to
2 be 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 (ii) Beginning July 1, 2013, until July 1, 2015, in addition to the
6 fees required to be collected under this section, clerks of the
7 district courts must collect a surcharge of fifteen dollars on all fees
8 required to be collected under subsection (1)(a) of this section.

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

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

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

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

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

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

31 (b) Beginning July 1, 2013, until July 1, 2015, in addition to the
32 fees required by this section, an additional surcharge of ten dollars
33 shall be charged on the filing fees required by this section, of which
34 seventy-five percent must be remitted to the state treasurer for
35 deposit in the judicial stabilization trust account and twenty-five
36 percent must be retained by the county.

1 **Sec. 3.** RCW 36.18.018 and 2011 1st sp.s. c 44 s 3 are each amended
2 to read as follows:

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

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

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

12 (4)(a) Until July 1, 2013, in addition to the fee established under
13 subsection (2) of this section, a surcharge of (~~thirty~~) forty dollars
14 is established for appellate review. The county clerk shall transmit
15 seventy-five percent of this surcharge to the state treasurer for
16 deposit in the judicial stabilization trust account and twenty-five
17 percent must be retained by the county.

18 (b) Beginning July 1, 2013, until July 1, 2015, in addition to the
19 fee established under subsection (2) of this section, a surcharge of
20 twenty dollars is established for appellate review. The county clerk
21 shall transmit seventy-five percent of this surcharge to the state
22 treasurer for deposit in the judicial stabilization trust account and
23 twenty-five percent must be retained by the county.

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

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

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

32 (a) In addition to any other fee required by law, the party filing
33 the first or initial document in any civil action, including, but not
34 limited to an action for restitution, adoption, or change of name, and
35 any party filing a counterclaim, cross-claim, or third-party claim in
36 any such civil action, shall pay, at the time the document is filed, a
37 fee of two hundred dollars except, in an unlawful detainer action under

1 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
2 initiating filing fee of forty-five dollars, or in proceedings filed
3 under RCW 28A.225.030 alleging a violation of the compulsory attendance
4 laws where the petitioner shall not pay a filing fee. The forty-five
5 dollar filing fee under this subsection for an unlawful detainer action
6 shall not include an order to show cause or any other order or judgment
7 except a default order or default judgment in an unlawful detainer
8 action.

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

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

15 (d) For filing of a petition for unlawful harassment under RCW
16 10.14.040 a filing fee of fifty-three dollars.

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

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

22 (g) For filing any petition to contest a will admitted to probate
23 or a petition to admit a will which has been rejected, or a petition
24 objecting to a written agreement or memorandum as provided in RCW
25 11.96A.220, there shall be paid a fee of two hundred dollars.

26 (h) Upon conviction or plea of guilty, upon failure to prosecute an
27 appeal from a court of limited jurisdiction as provided by law, or upon
28 affirmance of a conviction by a court of limited jurisdiction, a
29 defendant in a criminal case shall be liable for a fee of two hundred
30 dollars.

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

37 (3) No fee shall be collected when a petition for relinquishment of

1 parental rights is filed pursuant to RCW 26.33.080 or for forms and
2 instructional brochures provided under RCW 26.50.030.

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

6 (5)(a)(i) Until July 1, 2013, in addition to the fees required to
7 be collected under this section, clerks of the superior courts must
8 collect surcharges as provided in this subsection (5) of which seventy-
9 five percent must be remitted to the state treasurer for deposit in the
10 judicial stabilization trust account and twenty-five percent must be
11 retained by the county.

12 (~~(b)~~) (ii) On filing fees required to be collected under
13 subsection (2)(b) of this section, a surcharge of (~~twenty~~) thirty
14 dollars must be collected.

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

19 (b)(i) Beginning July 1, 2013, until July 1, 2015, in addition to
20 the fees required to be collected under this section, clerks of the
21 superior courts must collect surcharges as provided in this subsection
22 (5) of which seventy-five percent must be remitted to the state
23 treasurer for deposit in the judicial stabilization trust account and
24 twenty-five percent must be retained by the county.

25 (ii) On filing fees required to be collected under subsection
26 (2)(b) of this section, a surcharge of fifteen dollars must be
27 collected.

28 (iii) On all filing fees required to be collected under this
29 section, except for fees required under subsection (2)(b), (d), and (h)
30 of this section, a surcharge of twenty dollars must be collected.

31 NEW SECTION. Sec. 5. This act takes effect July 1, 2012.

--- END ---