

SHB 1248 - H AMD 592  
By Representative Shea

ADOPTED 02/03/2016

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

3 "Sec. 1. RCW 7.06.020 and 2005 c 472 s 2 are each amended to  
4 read as follows:

5 (1) All civil actions, except for appeals from municipal or  
6 district courts, which are at issue in the superior court in counties  
7 which have authorized arbitration, where the sole relief sought is a  
8 money judgment, and where no party asserts a claim in excess of  
9 fifteen thousand dollars, or if approved by the superior court of a  
10 county by two-thirds or greater vote of the judges thereof, up to  
11 (~~fifty~~) seventy-five thousand dollars, exclusive of interest and  
12 costs, are subject to mandatory arbitration.

13 (2) If approved by majority vote of the superior court judges of  
14 a county which has authorized arbitration, all civil actions which  
15 are at issue in the superior court in which the sole relief sought is  
16 the establishment, termination or modification of maintenance or  
17 child support payments are subject to mandatory arbitration. The  
18 arbitrability of any such action shall not be affected by the amount  
19 or number of payments involved.

20 NEW SECTION. Sec. 2. A new section is added to chapter 7.06 RCW  
21 to read as follows:

22 The arbitrator shall set the time, date, and place of the hearing  
23 and shall give reasonable notice of the hearing date to the parties.  
24 Except by stipulation or for good cause shown, the hearing shall be  
25 scheduled to take place not sooner than twenty-one days, nor later  
26 than seventy-five days, from the date of the assignment of the case  
27 to the arbitrator. The hearing shall take place in appropriate  
28 facilities provided or authorized by the court.

29 NEW SECTION. Sec. 3. A new section is added to chapter 7.06 RCW  
30 to read as follows:

1 After the assignment of a case to the arbitrator, a party may  
2 conduct discovery as follows: (1) Demand a specification of damages  
3 under RCW 4.28.360; (2) request from the arbitrator an examination  
4 under CR 35; (3) request admissions from a party under CR 36; and (4)  
5 take the deposition of another party. A party may request additional  
6 discovery from the arbitrator, including interrogatories, and the  
7 arbitrator will allow additional discovery only as reasonably  
8 necessary.

9 **Sec. 4.** RCW 7.06.040 and 1987 c 212 s 102 are each amended to  
10 read as follows:

11 (1) The appointment of arbitrators shall be prescribed by rules  
12 adopted by the supreme court. An arbitrator must be a member of the  
13 state bar association who has been admitted to the bar for a minimum  
14 of five years or who is a retired judge.

15 (2) A person may not serve as an arbitrator unless the person has  
16 completed a minimum of three credits of Washington state bar  
17 association approved continuing legal education credits on the  
18 professional and ethical consideration for serving as an arbitrator.  
19 Upon being selected and appointed as an arbitrator for a specific  
20 case, the appointed arbitrator shall within ten working days file a  
21 declaration or affidavit stating or certifying to the appointing  
22 court that the appointed arbitrator is in compliance with the  
23 continuing legal education requirements of this section.

24 (3) The parties may stipulate to a nonlawyer arbitrator. The  
25 supreme court may prescribe by rule additional qualifications of  
26 arbitrators.

27 (4) Arbitrators shall be compensated in the same amount and  
28 manner as judges pro tempore of the superior court.

29 **Sec. 5.** RCW 7.06.050 and 2011 c 336 s 164 are each amended to  
30 read as follows:

31 (1) Following a hearing as prescribed by court rule, the  
32 arbitrator shall file his or her decision and award with the clerk of  
33 the superior court, together with proof of service thereof on the  
34 parties. Within twenty days after such filing, any aggrieved party  
35 may file with the clerk a written notice of appeal and request for a  
36 trial de novo in the superior court on all issues of law and fact.  
37 The notice must be signed by the party. Such trial de novo shall  
38 thereupon be held, including a right to jury, if demanded.

1 (a) Up to thirty days prior to the actual date of a trial de  
2 novo, a nonappealing party may serve upon the appealing party a  
3 written offer of compromise.

4 (b) In any case in which an offer of compromise is not accepted  
5 by the appealing party within ten calendar days after service  
6 thereof, for purposes of MAR 7.3, the amount of the offer of  
7 compromise shall replace the amount of the arbitrator's award for  
8 determining whether the party appealing the arbitrator's award has  
9 failed to improve that party's position on the trial de novo.

10 (c) A postarbitration offer of compromise shall not be filed or  
11 communicated to the court or the trier of fact until after judgment  
12 on the trial de novo, at which time a copy of the offer of compromise  
13 shall be filed for purposes of determining whether the party who  
14 appealed the arbitrator's award has failed to improve that party's  
15 position on the trial de novo, pursuant to MAR 7.3.

16 (2) If no appeal has been filed at the expiration of twenty days  
17 following filing of the arbitrator's decision and award, a judgment  
18 shall be entered and may be presented to the court by any party, on  
19 notice, which judgment when entered shall have the same force and  
20 effect as judgments in civil actions.

21 **Sec. 6.** RCW 36.18.016 and 2015 c 275 s 11 and 2015 c 265 s 27  
22 are each reenacted and amended to read as follows:

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

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

30 (b) The party filing the first or initial petition for  
31 dissolution, legal separation, or declaration concerning the validity  
32 of marriage shall pay, at the time and in addition to the filing fee  
33 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk  
34 of the superior court shall transmit monthly forty-eight dollars of  
35 the fifty-four dollar fee collected under this subsection to the  
36 state treasury for deposit in the domestic violence prevention  
37 account. The remaining six dollars shall be retained by the county  
38 for the purpose of supporting community-based domestic violence  
39 services within the county, except for five percent of the six

1 dollars, which may be retained by the court for administrative  
2 purposes. On or before December 15th of each year, the county shall  
3 report to the department of social and health services revenues  
4 associated with this section and community-based domestic violence  
5 services expenditures. The department of social and health services  
6 shall develop a reporting form to be utilized by counties for uniform  
7 reporting 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  
13 twelve, an additional one hundred twenty-five dollar fee will be  
14 required of 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  
24 for each additional seal affixed must be charged. For preparing a  
25 copy of an instrument on file or of record in the clerk's office  
26 without a seal, a fee of fifty cents per page must be charged. When  
27 copying a document without a seal or file that is in an electronic  
28 format, a fee of twenty-five cents per page must be charged. For  
29 copies made on a compact disc, an additional fee of twenty dollars  
30 for each compact disc 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  
34 garnishment and for a writ of attachment, a fee of twenty dollars  
35 must be charged.

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

38 (8) For approving a bond, including justification on the bond, in  
39 other than civil actions and probate proceedings, a fee of two  
40 dollars must be charged.

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

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

6 (11) For clerk's services such as performing historical searches,  
7 compiling statistical reports, and conducting exceptional record  
8 searches, the clerk may collect a fee not to exceed thirty dollars  
9 per hour.

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

12 (13) For duplicated recordings of court's proceedings there must  
13 be a fee of ten dollars for each audiotape and twenty-five dollars  
14 for each videotape or other electronic storage medium.

15 (14) For registration of land titles, Torrens Act, under RCW  
16 65.12.780, a fee of twenty dollars must be charged.

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

22 (16) A facilitator surcharge of up to twenty dollars must be  
23 charged as authorized under RCW 26.12.240.

24 (17) For filing an adjudication claim under RCW 90.03.180, a fee  
25 of twenty-five dollars must be charged.

26 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
27 fee of thirty-five dollars must be charged.

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

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

35 (21) For preparation of clerk's papers under RAP 9.7, a fee of  
36 fifty cents per page must be charged.

37 (22) For copies and reports produced at the local level as  
38 permitted by RCW 2.68.020 and supreme court policy, a variable fee  
39 must be charged.

1 (23) Investment service charge and earnings under RCW 36.48.090  
2 must be charged.

3 (24) Costs for nonstatutory services rendered by clerk by  
4 authority of local ordinance or policy must be charged.

5 (25) For filing a request for mandatory arbitration, a filing fee  
6 may be assessed against the party filing a statement of arbitrability  
7 not to exceed two hundred (~~twenty~~) fifty dollars as established by  
8 authority of local ordinance. Two hundred twenty dollars of this  
9 charge shall be used (~~solely~~) to offset the cost of the mandatory  
10 arbitration program. Thirty dollars of each fee collected under this  
11 subsection must be used for indigent defense services.

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

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

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

24 (29) For the collection of an adult offender's unpaid legal  
25 financial obligations, the clerk may impose an annual fee of up to  
26 one hundred dollars, pursuant to RCW 9.94A.780.

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

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

35 NEW SECTION. **Sec. 7.** This act applies to all cases filed on or  
36 after January 1, 2017, and takes effect January 1, 2017."

37 Correct the title.

EFFECT: The striking amendment makes the following changes:

(1) Removes the provision that increased the jurisdictional limit for district courts to \$100,000 per claimant.

(2) Changes the mandatory arbitration dollar amount that can be established by a superior court to \$75,000, rather than tying it to the jurisdictional limit for district courts.

(3) Provides that a person may not serve as an arbitrator unless the person has completed three hours of Washington State Bar Association approved continuing legal education (CLE) credits on the professional and ethical considerations of serving as an arbitrator. Requires a person within 10 days of being appointed as an arbitrator to provide the court with a declaration that the person is in compliance with the CLE requirement.

(4) Raises the filing fee for a request for a trial de novo of an arbitration award to \$350, rather than \$275.

(5) Provides that the act takes effect on January 1, 2017, and applies to all cases filed on or after that date.

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