

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1111

64th Legislature
2016 Regular Session

Passed by the House February 17, 2016
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 1, 2016
Yeas 45 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1111** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1111

Passed Legislature - 2016 Regular Session

State of Washington

64th Legislature

2016 Regular Session

By House Judiciary (originally sponsored by Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne, and Moeller; by request of Board For Judicial Administration)

READ FIRST TIME 01/18/16.

1 AN ACT Relating to court transcripts; amending RCW 2.32.240,
2 2.32.250, and 3.02.040; and reenacting and amending RCW 36.18.016.

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

4 **Sec. 1.** RCW 2.32.240 and 2011 c 336 s 54 are each amended to
5 read as follows:

6 When a record has been taken in any cause as provided in RCW
7 2.32.180 through 2.32.310, if the court, or either party to the suit
8 or action, or his or her attorney, request a transcript, the official
9 reporter (~~((and clerk of the court))~~) employed by the court or other
10 certified court reporter, or an authorized transcriptionist, shall
11 make, or cause to be made, with reasonable diligence, full and
12 accurate transcript of the testimony and other proceedings, which
13 shall, when certified to as hereinafter provided, be filed with the
14 clerk of the court where such trial is had for the use of the court
15 or parties to the action, except for transcripts requested for an
16 appellate case. The fees of the official reporter (~~((and clerk of~~
17 ~~the))~~) employed by the court or other certified court reporter, or
18 authorized transcriptionist, as defined by supreme court rule, for
19 making such transcript shall be fixed in accordance with costs as
20 allowed in cost bills in civil cases by the supreme court of the
21 state of Washington, and when such transcript is ordered by any party

1 to any suit or action, said fee shall be paid forthwith by the party
2 ordering the same, and in all cases where a transcript is made as
3 provided for under the provisions of RCW 2.32.180 through 2.32.310
4 the cost thereof shall be taxable as costs in the case, and shall be
5 so taxed as other costs in the case are taxed: PROVIDED, That when(~~7~~
6 ~~from and after December 20, 1973,~~) a party has been judicially
7 determined to have a constitutional right to a transcript and to be
8 unable by reason of poverty to pay for such transcript, the court may
9 order said transcript to be made by the official reporter employed by
10 the court or other certified court reporter, or an authorized
11 transcriptionist, which transcript fee therefor shall be paid by the
12 state upon submission of appropriate vouchers to the clerk of the
13 supreme court.

14 **Sec. 2.** RCW 2.32.250 and 1913 c 126 s 6 are each amended to read
15 as follows:

16 The report of the official reporter employed by the court or
17 other certified court reporter, or authorized transcriptionist, when
18 transcribed and certified as being a correct transcript of the
19 stenographic notes (~~of the~~) or electronically recorded testimony,
20 or other oral proceedings had in the matter, shall be prima facie a
21 correct statement of such testimony or other oral proceedings had,
22 and the same may thereafter, in any civil cause, be read in evidence
23 as competent testimony, when satisfactory proof is offered to the
24 judge presiding that the witness originally giving such testimony is
25 then dead or without the jurisdiction of the court, subject, however,
26 to all objections the same as though such witness were present and
27 giving such testimony in person.

28 **Sec. 3.** RCW 3.02.040 and 1980 c 162 s 4 are each amended to read
29 as follows:

30 The administrator for the courts (~~shall supervise~~) may be
31 consulted for advice on the selection, installation, and operation of
32 any electronic recording equipment in courts of limited jurisdiction.

33 **Sec. 4.** RCW 36.18.016 and 2015 c 275 s 11 and 2015 c 265 s 27
34 are each reenacted and amended to read as follows:

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

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

6 (b) The party filing the first or initial petition for
7 dissolution, legal separation, or declaration concerning the validity
8 of marriage shall pay, at the time and in addition to the filing fee
9 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk
10 of the superior court shall transmit monthly forty-eight dollars of
11 the fifty-four dollar fee collected under this subsection to the
12 state treasury for deposit in the domestic violence prevention
13 account. The remaining six dollars shall be retained by the county
14 for the purpose of supporting community-based domestic violence
15 services within the county, except for five percent of the six
16 dollars, which may be retained by the court for administrative
17 purposes. On or before December 15th of each year, the county shall
18 report to the department of social and health services revenues
19 associated with this section and community-based domestic violence
20 services expenditures. The department of social and health services
21 shall develop a reporting form to be utilized by counties for uniform
22 reporting purposes.

23 (3)(a) The party making a demand for a jury of six in a civil
24 action shall pay, at the time, a fee of one hundred twenty-five
25 dollars; if the demand is for a jury of twelve, a fee of two hundred
26 fifty dollars. If, after the party demands a jury of six and pays the
27 required fee, any other party to the action requests a jury of
28 twelve, an additional one hundred twenty-five dollar fee will be
29 required of the party demanding the increased number of jurors.

30 (b) Upon conviction in criminal cases a jury demand charge of one
31 hundred twenty-five dollars for a jury of six, or two hundred fifty
32 dollars for a jury of twelve may be imposed as costs under RCW
33 10.46.190.

34 (4) For preparing a certified copy of an instrument on file or of
35 record in the clerk's office, for the first page or portion of the
36 first page, a fee of five dollars, and for each additional page or
37 portion of a page, a fee of one dollar must be charged. For
38 authenticating or exemplifying an instrument, a fee of two dollars
39 for each additional seal affixed must be charged. For preparing a
40 copy of an instrument on file or of record in the clerk's office

1 without a seal, a fee of fifty cents per page must be charged. When
2 copying a document without a seal or file that is in an electronic
3 format, a fee of twenty-five cents per page must be charged. For
4 copies made on a compact disc, an additional fee of twenty dollars
5 for each compact disc must be charged.

6 (5) For executing a certificate, with or without a seal, a fee of
7 two dollars must be charged.

8 (6) For a garnishee defendant named in an affidavit for
9 garnishment and for a writ of attachment, a fee of twenty dollars
10 must be charged.

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

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

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

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

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

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

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

30 (14) For registration of land titles, Torrens Act, under RCW
31 65.12.780, a fee of twenty dollars must be charged.

32 (15) For the issuance of extension of judgment under RCW 6.17.020
33 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.
34 When the extension of judgment is at the request of the clerk, the
35 two hundred dollar charge may be imposed as court costs under RCW
36 10.46.190.

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

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

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

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

6 (20) A service fee of five dollars for the first page and one
7 dollar for each additional page must be charged for receiving faxed
8 documents, pursuant to Washington state rules of court, general rule
9 17.

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

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

15 (23) Investment service charge and earnings under RCW 36.48.090
16 must be charged.

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

19 (25) For filing a request for mandatory arbitration, a filing fee
20 may be assessed against the party filing a statement of arbitrability
21 not to exceed two hundred twenty dollars as established by authority
22 of local ordinance. This charge shall be used solely to offset the
23 cost of the mandatory arbitration program.

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

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

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

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

1 (30) A surcharge of up to twenty dollars may be charged in
2 dissolution and legal separation actions as authorized by RCW
3 26.12.260.

4 The revenue to counties from the fees established in this section
5 shall be deemed to be complete reimbursement from the state for the
6 state's share of benefits paid to the superior court judges of the
7 state prior to July 24, 2005, and no claim shall lie against the
8 state for such benefits.

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