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HOUSE BILL 1961

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State of Washington

63rd Legislature

2013 Regular Session

By Representatives Pedersen, Rodne, Hudgins, Hunter, and Ryu; by request of Board For Judicial Administration

Read first time 02/22/13. Referred to Committee on Appropriations.

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

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

5 **Sec. 1.** RCW 3.62.060 and 2012 c 199 s 1 are each amended to read  
6 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) Until July 1, (~~2013~~) 2015, in addition to the fees  
2 required to be collected under this section, clerks of the district  
3 courts must collect a surcharge of 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 36.18.018 and 2012 c 199 s 2 are each amended to read  
13 as follows:

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

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

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

23 (4) Until July 1, (~~2013~~) 2015, in addition to the fee established  
24 under subsection (2) of this section, a surcharge of forty dollars is  
25 established for appellate review. The county clerk shall transmit  
26 seventy-five percent of this surcharge to the state treasurer for  
27 deposit in the judicial stabilization trust account and twenty-five  
28 percent must be retained by the county.

29 **Sec. 3.** RCW 36.18.020 and 2012 c 199 s 3 are each amended to read  
30 as follows:

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

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

1 (a) In addition to any other fee required by law, the party filing  
2 the first or initial document in any civil action, including, but not  
3 limited to an action for restitution, adoption, or change of name, and  
4 any party filing a counterclaim, cross-claim, or third-party claim in  
5 any such civil action, shall pay, at the time the document is filed, a  
6 fee of two hundred dollars except, in an unlawful detainer action under  
7 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case  
8 initiating filing fee of forty-five dollars, or in proceedings filed  
9 under RCW 28A.225.030 alleging a violation of the compulsory attendance  
10 laws where the petitioner shall not pay a filing fee. The forty-five  
11 dollar filing fee under this subsection for an unlawful detainer action  
12 shall not include an order to show cause or any other order or judgment  
13 except a default order or default judgment in an unlawful detainer  
14 action.

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

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

21 (d) For filing of a petition for unlawful harassment under RCW  
22 10.14.040 a filing fee of fifty-three dollars.

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

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

28 (g) For filing any petition to contest a will admitted to probate  
29 or a petition to admit a will which has been rejected, or a petition  
30 objecting to a written agreement or memorandum as provided in RCW  
31 11.96A.220, there shall be paid a fee of two hundred dollars.

32 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
33 appeal from a court of limited jurisdiction as provided by law, or upon  
34 affirmance of a conviction by a court of limited jurisdiction, a  
35 defendant in a criminal case shall be liable for a fee of two hundred  
36 dollars.

37 (i) With the exception of demands for jury hereafter made and  
38 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and governed  
2 by the fee schedule in effect as of January 1, 1972. However, no fee  
3 shall be assessed if an order of dismissal on the clerk's record be  
4 filed as provided by rule of the supreme court.

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

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

11 (5)(a) Until July 1, (~~2013~~) 2015, in addition to the fees  
12 required to be collected under this section, clerks of the superior  
13 courts must collect surcharges as provided in this subsection (5) of  
14 which seventy-five percent must be remitted to the state treasurer for  
15 deposit in the judicial stabilization trust account and twenty-five  
16 percent must be retained by the county.

17 (b) On filing fees required to be collected under subsection (2)(b)  
18 of this section, a surcharge of thirty dollars must be collected.

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

22 NEW SECTION. **Sec. 4.** This act is necessary for the immediate  
23 preservation of the public peace, health, or safety, or support of the  
24 state government and its existing public institutions, and takes effect  
25 July 1, 2013.

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