CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5492

Chapter 269, Laws of 1993

53rd Legislature
1993 Regular Session

SECRETARY OF STATE--ESTABLISHMENT OF FEES PAID TO OFFICE BY RULE

EFFECTIVE DATE: 7/1/93

Passed by the Senate April 20, 1993
YEAS 47  NAYS 0

__________________________________________
JOEL PRITCHARD
President of the Senate

Passed by the House April 8, 1993
YEAS 98  NAYS 0

__________________________________________
MARTY BROWN
Secretary

CERTIFICATE
I, Marty Brown, Secretary of the Senate of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5492 as passed by the Senate and the House of Representatives on the dates hereon set forth.

__________________________________________
MIKE LOWRY
Governor of the State of Washington

CERTIFICATE
I, Marty Brown, Secretary of the State of Washington, do hereby certify that the attached is SUBSTITUTE SENATE BILL 5492 as passed by the Senate and the House of Representatives on the dates hereon set forth.

__________________________________________
BRIAN EBERSOLE
Speaker of the House of Representatives

FILLED
May 7, 1993 - 11:54 a.m.

__________________________________________
MIKE LOWRY
Governor of the State of Washington

SECRETARY OF STATE
State of Washington
AN ACT Relating to fees paid to the secretary of state’s office; amending RCW 23.86.070, 23B.01.220, 28B.01.530, 23B.01.560, 24.03.405, 24.03.410, 24.06.450, 24.06.455, 24.06.520, 24.20.020, 24.24.100, 31.12.085, 33.28.010, 43.07.120, and 46.64.040; adding a new section to chapter 43.07 RCW; providing an effective date; and declaring an emergency.

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

Sec. 1. RCW 23.86.070 and 1991 c 72 s 15 are each amended to read as follows:

For filing articles of incorporation of an association organized under this chapter or filing application for a certificate of authority by a foreign corporation, there shall be paid to the secretary of state the sum of twenty-five dollars ((and for filing of an amendment the sum of twenty dollars)). Fees for filing an amendment to articles of incorporation shall be established by the secretary of state by rule. For filing other documents with the secretary of state and issuing certificates, fees shall be as prescribed in RCW 23B.01.220. Associations subject to this chapter shall not be subject to any corporation license fees excepting the fees hereinabove enumerated.
Sec. 2. RCW 23B.01.220 and 1992 c 107 s 7 are each amended to read as follows:

(1) The secretary of state shall collect in accordance with the provisions of this title:
   (a) Fees for filing documents and issuing certificates;
   (b) Miscellaneous charges;
   (c) License fees as provided in RCW 23B.01.500 through 23B.01.550;
   (d) Penalty fees; and
   (e) Other fees as the secretary of state may establish by rule adopted under chapter 34.05 RCW.

(2) The secretary of state shall collect the following fees when the documents described in this subsection are delivered for filing:
   ((a)) One hundred seventy-five dollars, pursuant to RCW 23B.01.520 and 23B.01.540, for:
   ((i))) (a) Articles of incorporation; and
   ((ii))) (b) Application for certificate of authority;
   ((b) Fifty dollars for an)

(3) The secretary of state shall establish by rule, fees for the following:
   (a) Application for reinstatement;
   ((c) Twenty-five dollars for:
   (i))) (b) Articles of correction;
   ((iii)) (c) Amendment of articles of incorporation;
   ((iii)) (d) Restatement of articles of incorporation, with or without amendment;
   ((iv)) (e) Articles of merger or share exchange;
   ((v)) (f) Articles of revocation of dissolution; ((and
   (vi)) (g) Application for amended certificate of authority;
   ((d) Twenty dollars for an)) (h) Application for reservation, registration, or assignment of reserved name;
   ((c) Ten dollars for+)
   (i) Corporation’s statement of change of registered agent or registered office, or both, except where this information is provided in conjunction with and on an initial report or an annual report form filed under RCW 23B.01.530, 23B.01.550, 23B.02.050, or 23B.16.220;
   ((j)) (j) Agent’s resignation, or statement of change of registered office, or both, for each affected corporation;
   ((iiii)) (k) Initial report; and
((iv))) (1) Any document not listed in this subsection that is
required or permitted to be filed under this title((r)).

((f) No fee)) (4) Fees shall be adjusted by rule only in an amount
that does not exceed the average biennial increase in the cost of
providing service. This shall be determined in a biennial cost study
performed by the secretary.

(5) The secretary of state shall not collect fees for:
  (a) Agent’s consent to act as agent;
  (b) Agent’s resignation, if appointed without consent;
  (c) Articles of dissolution;
  (d) Certificate of judicial dissolution;
  (e) Application for certificate of withdrawal; and
  (f) Annual report when filed concurrently with the payment
  of annual license fees.

((3)) (6) The secretary of state shall collect a fee ((of twenty-
five dollars)) in an amount established by the secretary of state by
rule per defendant served, upon being served process under this title.
The party to a proceeding causing service of process is entitled to
recover this fee as costs if such party prevails in the proceeding.

((4)) (7) The secretary of state shall establish by rule and
collect a fee from every person or organization:
  (a) For furnishing a certified copy of any document, instrument, or
  paper relating to a corporation((, ten dollars for the certificate,
  plus twenty cents for each page copied));
  (b) For furnishing a certificate, under seal, attesting to the
  existence of a corporation, or any other certificate((, ten dollars));
  and
  (c) For furnishing copies of any document, instrument, or paper
  relating to a corporation, other than of an initial report or an annual
  report((, one dollar for the first page and twenty cents for each page
  copied thereafter. The fee for furnishing a copy of the most recent
  annual report of a corporation (or of the initial report if no annual
  report has been filed) is one dollar, and the fee for furnishing a copy
  of any other annual report of a corporation is five dollars)).

((5)) (8) For annual license fees for domestic and foreign
corporations, see RCW 23B.01.500, 23B.01.510, 23B.01.530, and
23B.01.550. For penalties for nonpayment of annual license fees and
failure to complete annual report, see RCW 23B.01.570.
Sec. 3. RCW 23B.01.530 and 1989 c 165 s 19 are each amended to read as follows:
For the privilege of doing business, every corporation organized under the laws of this state, except the corporations for which existing law provides a different fee schedule, shall make and file a statement in the form prescribed by the secretary of state and shall pay an annual license fee each year following incorporation, on or before the expiration date of its corporate license, to the secretary of state. The secretary of state shall collect an annual license fee of ten dollars for each inactive corporation and fifty dollars for other corporations. As used in this section, "inactive corporation" means a corporation that certifies at the time of filing under this section that it did not engage in any business activities during the year ending on the expiration date of its corporate license.

Sec. 4. RCW 23B.01.560 and 1989 c 165 s 22 are each amended to read as follows:
(1) A corporation seeking reinstatement shall pay the full amount of all annual corporation license fees which would have been assessed for the license years of the period of administrative dissolution had the corporation been in active status, plus a surcharge (of twenty-five percent) established by the secretary of state by rule, and the license fee for the year of reinstatement.
(2) The penalties herein established shall be in lieu of any other penalties or interest which could have been assessed by the secretary of state under the corporation laws or which, under those laws, would have accrued during any period of delinquency, dissolution, or expiration of corporate duration.

Sec. 5. RCW 24.03.405 and 1991 c 223 s 1 are each amended to read as follows:
(1) The secretary of state shall charge and collect for:
((1))) (a) Filing articles of incorporation ((or)), thirty dollars.
(b) Filing an annual report of a domestic or foreign corporation, ten dollars.
(c) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.
(2) The secretary of state shall establish by rule, fees for the
following:

(a) An application for reinstatement under RCW 24.03.386((, thirty
dollars)).

(b) Filing articles of amendment or restatement or an
amendment or supplement to an application for reinstatement((, twenty
dollars)).

(c) Filing articles of merger or consolidation((, twenty
dollars)).

(d) Filing a statement of change of address of registered
office or change of registered agent, or revocation, resignation, or
any combination of these((, ten dollars)). A separate fee for filing
such statement shall not be charged if the statement appears in an
amendment to articles of incorporation or in conjunction with the
filing of the annual report.

(e) Filing articles of dissolution, no fee.

(f) Filing an application of a foreign corporation for a
certificate of authority to conduct affairs in this state, thirty
dollars.

(g) Filing an application of a foreign corporation for an
amended certificate of authority to conduct affairs in this state((, twenty
dollars)).

(h) Filing an application for withdrawal of a foreign
corporation and issuing a certificate of withdrawal, no fee.

(i) Filing a certificate by a foreign corporation of the
appointment of a registered agent((, ten dollars)). A separate fee for
filing such certificate shall not be charged if the statement appears
in conjunction with the filing of the annual report.

(j) Filing a certificate of election adopting the
provisions of chapter 24.03 RCW((, twenty dollars)).

(k) Filing an application to reserve a corporate name((, twenty
dollars)).

(l) Filing a notice of transfer of a reserved corporate
name((, twenty dollars)).

(m) Filing a name registration((, twenty dollars per year,
or part thereof)).

(n) Filing an annual report of a domestic or foreign
corporation, ten dollars.
(15)) (m) Filing any other statement or report authorized for filing under this chapter((, ten dollars)).

(3) Fees shall be adjusted by rule only in an amount that does not exceed the average biennial increase in the cost of providing service. This shall be determined in a biannual cost study performed by the secretary.

Sec. 6. RCW 24.03.410 and 1982 c 35 s 111 are each amended to read as follows:

The secretary of state shall ((charge)) establish fees by rule and collect:

(1) For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation((, five dollars for the certificate, plus twenty cents for each page copied)).

(2) For furnishing a certificate, under seal, attesting to the status of a corporation((;)) or any other certificate((, five dollars)).

(3) For furnishing copies of any document, instrument or paper relating to a corporation((, one dollar for the first page and twenty cents for each page copied thereafter)).

(4) At the time of any service of process on him or her as registered agent of a corporation((, twenty-five dollars, which)) an amount that may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 7. RCW 24.06.450 and 1991 c 223 s 2 are each amended to read as follows:

(1) The secretary of state shall charge and collect for:

((1))) (a) Filing articles of incorporation, thirty dollars.

((2) Filing articles of amendment or restatement, twenty dollars.

((3))) (b) Filing an annual report, ten dollars.

(c) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(2) The secretary of state shall establish by rule, fees for the following:

(a) Filing articles of amendment or restatement.

(b) Filing articles of merger or consolidation((, twenty dollars)).
(c) Filing a statement of change of address of registered office or change of registered agent, or revocation, resignation, or any combination of these, ten dollars. A separate fee for filing such statement shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(d) Filing articles of dissolution, no fee.

(e) Filing an application of a foreign corporation for a certificate of authority to conduct affairs in this state, thirty dollars.

(f) Filing an application of a foreign corporation for an amended certificate of authority to conduct affairs in this state, twenty dollars.

(g) Filing a copy of an amendment to the articles of incorporation of a foreign corporation holding a certificate of authority to conduct affairs in this state, twenty dollars.

(h) Filing a copy of articles of merger of a foreign corporation holding a certificate of authority to conduct affairs in this state, twenty dollars.

(i) Filing an application for withdrawal of a foreign corporation and issuing a certificate of withdrawal, no fee.

(j) Filing a certificate by a foreign corporation of the appointment of a registered agent, ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(k) Filing a certificate by a foreign corporation of the revocation of the appointment of a registered agent, ten dollars. A separate fee for filing such certificate shall not be charged if the statement appears in an amendment to the articles of incorporation or in conjunction with the annual report.

(l) Filing an application to reserve a corporate name, twenty dollars.

(m) Filing a notice of transfer of a reserved corporate name, twenty dollars.

(n) Filing any other statement or report, including an annual report, of a domestic or foreign corporation, ten dollars.

(3) Fees shall be adjusted by rule in an amount that does not exceed the average biennial increase in the cost of providing service.
This shall be determined in a biennial cost study performed by the secretary.

Sec. 8. RCW 24.06.455 and 1982 c 35 s 155 are each amended to read as follows:

The secretary of state shall ((charge and collect in advance)) establish by rule, fees for the following:

1. For furnishing a certified copy of any charter document or any other document, instrument, or paper relating to a corporation((, five dollars for the certificate, plus twenty cents for each page copied.));

2. For furnishing a certificate, under seal, attesting to the status of a corporation; or any other certificate((, five dollars.));

3. For furnishing copies of any document, instrument, or paper relating to a corporation((, one dollar for the first page and twenty cents for each page copied thereafter.)); and

4. At the time of any service of process on ((him)) the secretary of state as resident agent of any corporation((, twenty-five dollars, which)). This amount may be recovered as taxable costs by the party to the suit or action causing such service to be made if such party prevails in the suit or action.

Sec. 9. RCW 24.06.520 and 1982 c 35 s 162 are each amended to read as follows:

If the term of existence of a corporation which was organized under this chapter, or which has availed itself of the privileges thereby provided expires, such corporation shall have the right to renew within two years of the expiration of its term of existence. The corporation may renew the term of its existence for a definite period or perpetually and be reinstated under any name not then in use by or reserved for a domestic corporation organized under any act of this state or a foreign corporation authorized under any act of this state to transact business or conduct affairs in this state. To do so the directors, members and officers shall adopt amended articles of incorporation containing a certification that the purpose thereof is a reinstatement and renewal of the corporate existence. They shall proceed in accordance with the provisions of this chapter for the adoption and filing of amendments to articles of incorporation. Thereupon such corporation shall be reinstated and its corporate existence renewed as of the date on which its previous term of
existence expired and all things done or omitted by it or by its
officers, directors, agents and members before such reinstatement shall
be as valid and have the same legal effect as if its previous term of
existence had not expired.

A corporation reinstating under this section shall pay to the state
all fees and penalties which would have been due if the corporate
charter had not expired, plus a reinstatement fee ((of twenty-five
dollars)) established by the secretary of state by rule.

Sec. 10. RCW 24.20.020 and 1982 c 35 s 165 are each amended to
read as follows:

The secretary of state shall file such articles of incorporation in
((his)) the secretary of state’s office and issue a certificate of
incorporation to any such lodge or other society upon the payment of
the sum of twenty dollars.

Sec. 11. RCW 24.24.100 and 1982 c 35 s 167 are each amended to
read as follows:

The secretary of state shall file such articles of incorporation or
amendment thereto in ((his)) the secretary of state’s office and issue
a certificate of incorporation or amendment, as the case may be, to
such fraternal association upon the payment of a fee in the sum of
twenty dollars.

Sec. 12. RCW 31.12.085 and 1984 c 31 s 10 are each amended to read
as follows:

(1) Upon the approval of the supervisor under RCW 31.12.075(2), the
applicants shall file a copy of the articles of incorporation with the
secretary of state. Upon receipt of the approved articles of
incorporation and a ((five)) twenty dollar filing fee to be provided by
the applicants, the secretary of state shall file and record the
articles of incorporation. The applicants shall in writing promptly
notify the supervisor of the exact date of the filing.

(2) Upon the filing and recording of the approved articles of
incorporation with the secretary of state, the persons named in the
articles of incorporation and their successors may operate as a credit
union, which shall have the powers and be subject to the duties and
obligations of this chapter. A credit union shall not conduct business
until the articles have been recorded by the secretary of state.
(3) A credit union shall organize and begin business within six months of the date that its articles of incorporation are filed and recorded with the secretary of state or its charter shall become void, unless the supervisor for cause grants an extension of the six-month period. The supervisor shall not grant a single extension exceeding three months, but may grant as many extensions to a credit union as circumstances require.

Sec. 13. RCW 33.28.010 and 1981 c 302 s 33 are each amended to read as follows:

The secretary of state shall collect fees of twenty dollars in advance ((the following fees from each association:)) for filing articles of incorporation((, or amendments thereof, or)). The secretary of state shall establish by rule, fees for amendments to articles of incorporation, other certificates required to be filed in his or her office, ((ten dollars;)) and for furnishing copies of papers filed in his or her office((, per folio, twenty cents)).

Every association shall also pay to the secretary of state, for filing any instrument with him or her, the same fees as are required of general corporations for filing similar papers.

NEW SECTION. Sec. 14. A new section is added to chapter 43.07 RCW to read as follows:

The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under chapter 11.110 or 19.09 RCW:

(1) Any service rendered in-person at the secretary of state’s office;
(2) Any expedited service;
(3) The electronic transmittal of documents;
(4) The providing of information by microfiche or other reduced-format compilation;
(5) The handling of checks or drafts for which sufficient funds are not on deposit;
(6) The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submitter to make such documents conform to the requirements of the applicable statute;
(7) The handling of telephone requests for information; and
Sec. 15. RCW 43.07.120 and 1991 c 72 û 53 are each amended to read as follows:

(1) The secretary of state shall establish by rule and collect the fees ((herein prescribed for the secretary of state's official services) in this subsection:

(a) For a copy of any law, resolution, record, or other document or paper on file in the secretary's office ((for which no other fee is provided, fifty cents per page for the first ten pages and twenty-five cents per page for each additional page));

(b) For any certificate under seal((, five dollars));

(c) For filing and recording trademark((, fifty dollars));

(d) For each deed or patent of land issued by the governor((, if for one hundred and sixty acres of land, or less, one dollar, and for each additional one hundred and sixty acres, or fraction thereof, one dollar));

(e) For recording miscellaneous records, papers, or other documents((, five dollars for filing each case)).

(2) The secretary of state may adopt rules under chapter 34.05 RCW establishing reasonable fees for the following services rendered under Title 23B RCW, chapter 18.100, 23.86, 23.90, 24.03, 24.06, 24.12, 24.20, 24.24, 24.28, 24.36, or 25.10 RCW:

(a) Any service rendered in-person at the secretary of state’s office;

(b) Any expedited service;

(c) The electronic or facsimile transmittal of information from corporation records or copies of documents;

(d) The providing of information by ((microfiche)) micrographic or other reduced-format compilation;

(e) The handling of checks ((de)), drafts, or credit or debit cards upon adoption of rules authorizing their use for which sufficient funds are not on deposit; and

(f) ((The resubmission of documents previously submitted to the secretary of state where the documents have been returned to the submittor to make such documents conform to the requirements of the applicable statute;

(g) The handling of telephone requests for information; and

(h))) Special search charges.
(3) To facilitate the collection of fees, the secretary of state may establish accounts for deposits by persons who may frequently be assessed such fees to pay the fees as they are assessed. The secretary of state may make whatever arrangements with those persons as may be necessary to carry out this section.

(4) The secretary of state may adopt rules for the use of credit or debit cards for payment of fees.

(5) No member of the legislature, state officer, justice of the supreme court, judge of the court of appeals, or judge of the superior court shall be charged for any search relative to matters pertaining to the duties of his or her office; nor may such official be charged for a certified copy of any law or resolution passed by the legislature relative to his or her official duties, if such law has not been published as a state law.

Sec. 16. RCW 46.64.040 and 1982 c 35 s 197 are each amended to read as follows:

The acceptance by a nonresident of the rights and privileges conferred by law in the use of the public highways of this state, as evidenced by his or her operation of a vehicle thereon, or the operation thereon of his or her vehicle with his or her consent, express or implied, shall be deemed equivalent to and construed to be an appointment by such nonresident of the secretary of state of the state of Washington to be his or her true and lawful attorney upon whom may be served all lawful summons and processes against him or her growing out of any accident, collision, or liability in which such nonresident may be involved while operating a vehicle upon the public highways, or while his or her vehicle is being operated thereon with his or her consent, express or implied, and such operation and acceptance shall be a signification of ((his)) the nonresident’s agreement that any summons or process against him or her which is so served shall be of the same legal force and validity as if served on ((him)) the nonresident personally within the state of Washington. Likewise each resident of this state who, while operating a motor vehicle on the public highways of this state, is involved in any accident, collision or liability and thereafter within three years departs from this state appoints the secretary of state of the state of Washington as his or her lawful attorney for service of summons as provided in this section for nonresidents. Service of such summons or
process shall be made by leaving two copies thereof with a fee ((of twenty-five dollars)) established by the secretary of state by rule with the secretary of state of the state of Washington, or at ((his)) the secretary of state’s office, and such service shall be sufficient and valid personal service upon said resident or nonresident: PROVIDED, That notice of such service and a copy of the summons or process is forthwith sent by registered mail with return receipt requested, by plaintiff to the defendant at the last known address of the said defendant, and the plaintiff’s affidavit of compliance herewith are appended to the process, together with the affidavit of the plaintiff’s attorney that ((he)) the attorney has with due diligence attempted to serve personal process upon the defendant at all addresses known to him or her of defendant and further listing in his or her affidavit the addresses at which he or she attempted to have process served. However, if process is forwarded by registered mail and defendant’s endorsed receipt is received and entered as a part of the return of process then the foregoing affidavit of plaintiff’s attorney need only show that the defendant received personal delivery by mail: PROVIDED FURTHER, That personal service outside of this state in accordance with the provisions of law relating to personal service of summons outside of this state shall relieve the plaintiff from mailing a copy of the summons or process by registered mail as hereinbefore provided. The secretary of state shall forthwith send one of such copies by mail, postage prepaid, addressed to the defendant at ((his)) the defendant’s address, if known to the secretary of state. The court in which the action is brought may order such continuances as may be necessary to afford the defendant reasonable opportunity to defend the action. The fee ((of twenty-five dollars)) paid by the plaintiff to the secretary of state shall be taxed as part of his or her costs if he or she prevails in the action. The secretary of state shall keep a record of all such summons and processes, which shall show the day of service.

NEW SECTION. Sec. 17. This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993.
Passed the Senate April 20, 1993.
Passed the House April 8, 1993.
Approved by the Governor May 7, 1993.
Filed in Office of Secretary of State May 7, 1993.