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HOUSE BILL 1680

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State of Washington

54th Legislature

1995 Regular Session

By Representatives Hickel, Appelwick and Padden; by request of Administrator for the Courts

Read first time 02/03/95. Referred to Committee on Law & Justice.

1 AN ACT Relating to interest on court fines; and amending RCW  
2 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090,  
3 and 36.18.190.

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

5 **Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each amended to read  
6 as follows:

7 (1) Courts of limited jurisdiction may use collection agencies  
8 under chapter 19.16 RCW for purposes of collecting unpaid penalties on  
9 infractions, criminal fines, costs, assessments, civil judgments, or  
10 forfeitures that have been imposed by the courts. Courts of limited  
11 jurisdiction may enter into agreements with one or more attorneys or  
12 collection agencies for collection of outstanding penalties, fines,  
13 costs, assessments, and forfeitures. These agreements may specify the  
14 scope of work, remuneration for services, and other charges deemed  
15 appropriate. Such agreements may authorize collection agencies to  
16 retain all or any portion of the interest collected on these accounts.

17 (2) Courts of limited jurisdiction may use credit cards or debit  
18 cards for purposes of billing and collecting unpaid penalties, fines,  
19 costs, assessments, and forfeitures so imposed. Courts of limited

1 jurisdiction may enter into agreements with one or more financial  
2 institutions for the purpose of the collection of penalties, fines,  
3 costs, assessments, and forfeitures. The agreements may specify  
4 conditions, remuneration for services, and other charges deemed  
5 appropriate.

6 (3) Servicing of delinquencies by collection agencies or by  
7 collecting attorneys in which the court retains control of its  
8 delinquencies shall not constitute assignment of debt.

9 (4) For purposes of this section, the term debt shall include  
10 penalties, fines, costs, assessments, or forfeitures imposed by the  
11 courts.

12 (5) The court may assess as court costs the moneys paid for  
13 remuneration for services or charges paid to collecting attorneys, to  
14 collection agencies, or, in the case of credit cards, to financial  
15 institutions.

16 **Sec. 2.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read  
17 as follows:

18 (1) All money received by the clerk of a municipal department  
19 including penalties, fines, bail forfeitures, fees and costs shall be  
20 paid by the clerk to the city treasurer.

21 (2) The city treasurer shall remit monthly thirty-two percent of  
22 the noninterest money received under this section, other than for  
23 parking infractions, and certain costs to the state treasurer.  
24 "Certain costs" as used in this subsection, means those costs awarded  
25 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
26 or those costs awarded against convicted defendants in criminal actions  
27 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
28 if such costs are specifically designated as costs by the court and are  
29 awarded for the specific reimbursement of costs incurred by the state,  
30 county, city, or town in the prosecution of the case, including the  
31 fees of defense counsel. Money remitted under this subsection to the  
32 state treasurer shall be deposited as provided in RCW 43.08.250.

33 (3) The balance of the noninterest money received under this  
34 section shall be retained by the city and deposited as provided by law.

35 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
36 interest at the rate of twelve percent per annum, upon commencement of  
37 collection activity. Interest may accrue only while the case is in  
38 collection status.

1       (5) The due date for the payment of all penalties, fines, bail  
2 forfeitures, fees, and costs is the date on which the court establishes  
3 the obligation.

4       (6) Interest collected on penalties, fines, bail forfeitures, fees,  
5 and costs shall be split twenty-five percent to the state treasurer for  
6 deposit in the public safety and education account as provided in RCW  
7 43.08.250, twenty-five percent to the state treasurer for deposit in  
8 the judicial information system account as provided in RCW 2.68.020,  
9 twenty-five percent to the city general fund, and twenty-five percent  
10 to the city general fund for local court technology projects.

11       **Sec. 3.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read  
12 as follows:

13       (1) Costs in civil and criminal actions may be imposed as provided  
14 in district court. All fees, costs, fines, forfeitures and other money  
15 imposed by any municipal court for the violation of any municipal or  
16 town ordinances shall be collected by the court clerk and, together  
17 with any other noninterest revenues received by the clerk, shall be  
18 deposited with the city or town treasurer as a part of the general fund  
19 of the city or town, or deposited in such other fund of the city or  
20 town, or deposited in such other funds as may be designated by the laws  
21 of the state of Washington.

22       (2) The city treasurer shall remit monthly thirty-two percent of  
23 the noninterest money received under this section, other than for  
24 parking infractions, and certain costs to the state treasurer.  
25 "Certain costs" as used in this subsection, means those costs awarded  
26 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
27 or those costs awarded against convicted defendants in criminal actions  
28 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
29 if such costs are specifically designated as costs by the court and are  
30 awarded for the specific reimbursement of costs incurred by the state,  
31 county, city, or town in the prosecution of the case, including the  
32 fees of defense counsel. Money remitted under this subsection to the  
33 state treasurer shall be deposited as provided in RCW 43.08.250.

34       (3) The balance of the noninterest money received under this  
35 section shall be retained by the city and deposited as provided by law.

36       (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
37 interest at the rate of twelve percent per annum, upon commencement of

1 collection activity. Interest may accrue only while the case is in  
2 collection status.

3 (5) The due date for the payment of all penalties, fines, bail  
4 forfeitures, fees, and costs is the date on which the court establishes  
5 the obligation.

6 (6) Interest collected on penalties, fines, bail forfeitures, fees,  
7 and costs shall be split twenty-five percent to the state treasurer for  
8 deposit in the public safety and education account as provided in RCW  
9 43.08.250, twenty-five percent to the state treasurer for deposit in  
10 the judicial information system account as provided in RCW 2.68.020,  
11 twenty-five percent to the city general fund, and twenty-five percent  
12 to the city general fund for local court technology projects.

13 **Sec. 4.** RCW 35.20.220 and 1988 c 169 s 6 are each amended to read  
14 as follows:

15 (1) The chief clerk, under the supervision and direction of the  
16 court administrator of the municipal court, shall have the custody and  
17 care of the books, papers and records of said court; he shall be  
18 present by himself or deputy during the session of said court, and  
19 shall have the power to swear all witnesses and jurors, and administer  
20 oaths and affidavits, and take acknowledgments. He shall keep the  
21 records of said court, and shall issue all process under his hand and  
22 the seal of said court, and shall do and perform all things and have  
23 the same powers pertaining to his office as the clerks of the superior  
24 courts have in their office. He shall receive all fines, penalties and  
25 fees of every kind, and keep a full, accurate and detailed account of  
26 the same; and shall on each day pay into the city treasury all money  
27 received for said city during the day previous, with a detailed account  
28 of the same, and taking the treasurer's receipt therefor.

29 (2) The city treasurer shall remit monthly thirty-two percent of  
30 the noninterest money received under this section, other than for  
31 parking infractions and certain costs to the state treasurer. "Certain  
32 costs" as used in this subsection, means those costs awarded to  
33 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or  
34 those costs awarded against convicted defendants in criminal actions  
35 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
36 if such costs are specifically designated as costs by the court and are  
37 awarded for the specific reimbursement of costs incurred by the state,  
38 county, city, or town in the prosecution of the case, including the

1 fees of defense counsel. Money remitted under this subsection to the  
2 state treasurer shall be deposited as provided in RCW 43.08.250.

3 (3) The balance of the noninterest money received under this  
4 section shall be retained by the city and deposited as provided by law.

5 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
6 interest at the rate of twelve percent per annum, upon commencement of  
7 collection activity. Interest may accrue only while the case is in  
8 collection status.

9 (5) The due date for the payment of all penalties, fines, bail  
10 forfeitures, fees, and costs is the date on which the court establishes  
11 the obligation.

12 (6) Interest collected on penalties, fines, bail forfeitures, fees,  
13 and costs shall be split twenty-five percent to the state treasurer for  
14 deposit in the public safety and education account as provided in RCW  
15 43.08.250, twenty-five percent to the state treasurer for deposit in  
16 the judicial information system account as provided in RCW 2.68.020,  
17 twenty-five percent to the city general fund, and twenty-five percent  
18 to the city general fund for local court technology projects.

19 **Sec. 5.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read  
20 as follows:

21 (1) Except as provided in subsection (4) of this section, all  
22 costs, fees, fines, forfeitures and penalties assessed and collected in  
23 whole or in part by district courts, except costs, fines, forfeitures  
24 and penalties assessed and collected, in whole or in part, because of  
25 the violation of city ordinances, shall be remitted by the clerk of the  
26 district court to the county treasurer at least monthly, together with  
27 a financial statement as required by the division of municipal  
28 corporations, noting the information necessary for crediting of such  
29 funds as required by law.

30 (2) The county treasurer shall remit thirty-two percent of the  
31 noninterest money received under subsection (1) of this section except  
32 certain costs to the state treasurer. "Certain costs" as used in this  
33 subsection, means those costs awarded to prevailing parties in civil  
34 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
35 convicted defendants in criminal actions under RCW 10.01.160,  
36 10.46.190, or 36.18.040, or other similar statutes if such costs are  
37 specifically designated as costs by the court and are awarded for the  
38 specific reimbursement of costs incurred by the state or county in the

1 prosecution of the case, including the fees of defense counsel. Money  
2 remitted under this subsection to the state treasurer shall be  
3 deposited as provided in RCW 43.08.250.

4 (3) The balance of the noninterest money received by the county  
5 treasurer under subsection (1) of this section shall be deposited in  
6 the county current expense fund.

7 (4) All money collected for county parking infractions shall be  
8 remitted by the clerk of the district court at least monthly, with the  
9 information required under subsection (1) of this section, to the  
10 county treasurer for deposit in the county current expense fund.

11 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
12 interest at the rate of twelve percent per annum, upon commencement of  
13 collection activity. Interest may accrue only while the case is in  
14 collection status.

15 (6) The due date for the payment of all penalties, fines, bail  
16 forfeitures, fees, and costs is the date on which the court establishes  
17 the obligation.

18 (7) Interest collected on penalties, fines, bail forfeitures, fees,  
19 and costs shall be split twenty-five percent to the state treasurer for  
20 deposit in the public safety and education account as provided in RCW  
21 43.08.250, twenty-five percent to the state treasurer for deposit in  
22 the judicial information system account as provided in RCW 2.68.020,  
23 twenty-five percent to the county current expense fund, and twenty-five  
24 percent to the county current expense fund for local court technology  
25 projects.

26 **Sec. 6.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read  
27 as follows:

28 (1) Except as provided in subsection (4) of this section, all  
29 costs, fines, forfeitures and penalties assessed and collected, in  
30 whole or in part, by district courts because of violations of city  
31 ordinances shall be remitted by the clerk of the district court at  
32 least monthly directly to the treasurer of the city wherein the  
33 violation occurred.

34 (2) The city treasurer shall remit monthly thirty-two percent of  
35 the noninterest money received under this section, other than for  
36 parking infractions and certain costs, to the state treasurer.  
37 "Certain costs" as used in this subsection, means those costs awarded  
38 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,

1 or those costs awarded against convicted defendants in criminal actions  
2 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
3 if such costs are specifically designated as costs by the court and are  
4 awarded for the specific reimbursement of costs incurred by the state,  
5 county, city, or town in the prosecution of the case, including the  
6 fees of defense counsel. Money remitted under this subsection to the  
7 state treasurer shall be deposited as provided in RCW 43.08.250.

8 (3) The balance of the noninterest money received under this  
9 section shall be retained by the city and deposited as provided by law.

10 (4) All money collected for city parking infractions shall be  
11 remitted by the clerk of the district court at least monthly to the  
12 city treasurer for deposit in the city's general fund.

13 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
14 interest at the rate of twelve percent per annum, upon commencement of  
15 collection activity. Interest may accrue only while the case is in  
16 collection status.

17 (6) The due date for the payment of all penalties, fines, bail  
18 forfeitures, fees, and costs is the date on which the court establishes  
19 the obligation.

20 (7) Interest collected on penalties, fines, bail forfeitures, fees,  
21 and costs shall be split twenty-five percent to the state treasurer for  
22 deposit in the public safety and education account as provided in RCW  
23 43.08.250, twenty-five percent to the state treasurer for deposit in  
24 the judicial information system account as provided in RCW 2.68.020,  
25 twenty-five percent to the city general fund, and twenty-five percent  
26 to the city general fund for local court technology projects.

27 **Sec. 7.** RCW 10.82.090 and 1989 c 276 s 3 are each amended to read  
28 as follows:

29 Financial obligations imposed in a judgment shall bear interest  
30 from the date of the judgment until payment, at the rate applicable to  
31 civil judgments. All nonrestitution interest shall be split twenty-  
32 five percent to the state treasurer for deposit in the public safety  
33 and education account as provided in RCW 43.08.250, twenty-five percent  
34 to the state treasurer for deposit in the judicial information system  
35 account as provided in RCW 2.68.020, twenty-five percent to the county  
36 current expense fund, and twenty-five percent to the county current  
37 expense fund for local court technology projects.

1       **Sec. 8.** RCW 36.18.190 and 1994 c 185 s 9 are each amended to read  
2 as follows:

3       Superior court clerks may contract with collection agencies or may  
4 use county collection services for the collection of unpaid court  
5 obligations. The costs for the agencies or county services shall be  
6 paid by the debtor. Collection may not be initiated with respect to a  
7 criminal offender who is under the supervision of the department of  
8 corrections without the prior agreement of the department. Such  
9 agreements may authorize collection agencies to retain all or any  
10 portion of the interest collected on these accounts.

11       Any contract with a collection agency shall be awarded only after  
12 competitive bidding. Factors that a court clerk shall consider in  
13 awarding a collection contract include but are not limited to: (1) A  
14 collection agency's history and reputation in the community; and (2)  
15 the agency's access to a local data base that may increase the  
16 efficiency of its collections.

17       The servicing of an unpaid court obligation does not constitute  
18 assignment of a debt, and no contract with a collection agency may  
19 remove the court's control over unpaid obligations owed to the court.

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