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**SUBSTITUTE HOUSE BILL 1692**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Padden, Costa, Scott and Appelwick)

Read first time 02/22/95.

1 AN ACT Relating to the clarification of clerks' fees; amending RCW  
2 5.28.010, 9.94A.142, 10.14.040, 10.82.070, 11.86.031, 12.40.105,  
3 12.40.110, 13.64.020, 26.50.030, 34.05.514, 36.18.020, 36.18.022,  
4 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; adding new  
5 sections to chapter 36.18 RCW; and repealing RCW 2.32.075.

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

7 **Sec. 1.** RCW 5.28.010 and 1987 c 202 s 124 are each amended to read  
8 as follows:

9 ((That)) Every court, judge, clerk of a court, or notary public, is  
10 authorized to take testimony in any action, suit or proceeding, and  
11 such other persons in particular cases as authorized by law. Every  
12 such court or officer is authorized to collect fees established under  
13 RCW 36.18.020 and sections 12 through 15 of this act and to administer  
14 oaths and affirmations generally(( )) and to every such other person in  
15 such particular case as authorized.

16 **Sec. 2.** RCW 9.94A.142 and 1994 c 271 s 602 are each amended to  
17 read as follows:

1 (1) When restitution is ordered, the court shall determine the  
2 amount of restitution due at the sentencing hearing or within sixty  
3 days. The court shall then set a minimum monthly payment that the  
4 offender is required to make towards the restitution that is ordered.  
5 The court should take into consideration the total amount of the  
6 restitution owed, the offender's present, past, and future ability to  
7 pay, as well as any assets that the offender may have. During the  
8 period of supervision, the community corrections officer may examine  
9 the offender to determine if there has been a change in circumstances  
10 that warrants an amendment of the monthly payment schedule. The  
11 community corrections officer may recommend a change to the schedule of  
12 payment and shall inform the court of the recommended change and the  
13 reasons for the change. The sentencing court may then reset the  
14 monthly minimum payments based on the report from the community  
15 corrections officer of the change in circumstances. Restitution  
16 ordered by a court pursuant to a criminal conviction shall be based on  
17 easily ascertainable damages for injury to or loss of property, actual  
18 expenses incurred for treatment for injury to persons, and lost wages  
19 resulting from injury. Restitution shall not include reimbursement for  
20 damages for mental anguish, pain and suffering, or other intangible  
21 losses, but may include the costs of counseling reasonably related to  
22 the offense. The amount of restitution shall not exceed double the  
23 amount of the offender's gain or the victim's loss from the commission  
24 of the crime. For the purposes of this section, the offender shall  
25 remain under the court's jurisdiction for a maximum term of ten years  
26 following the offender's release from total confinement or ten years  
27 subsequent to the entry of the judgment and sentence, whichever period  
28 is longer, but for the purposes of collection of fines, fees, penalty  
29 assessments, and costs, the enforcement period may be extended for an  
30 additional ten years in a like manner as provided for civil cases under  
31 RCW 6.17.020(3). The portion of the sentence concerning restitution  
32 may be modified as to amount, terms and conditions during the ten-year  
33 period, regardless of the expiration of the offender's term of  
34 community supervision and regardless of the statutory maximum for the  
35 crime. The offender's compliance with the restitution shall be  
36 supervised by the department.

37 (2) Restitution shall be ordered whenever the offender is convicted  
38 of an offense which results in injury to any person or damage to or  
39 loss of property unless extraordinary circumstances exist which make

1 restitution inappropriate in the court's judgment and the court sets  
2 forth such circumstances in the record. In addition, restitution shall  
3 be ordered to pay for an injury, loss, or damage if the offender pleads  
4 guilty to a lesser offense or fewer offenses and agrees with the  
5 prosecutor's recommendation that the offender be required to pay  
6 restitution to a victim of an offense or offenses which are not  
7 prosecuted pursuant to a plea agreement.

8 (3) In addition to any sentence that may be imposed, a defendant  
9 who has been found guilty of an offense involving fraud or other  
10 deceptive practice or an organization which has been found guilty of  
11 any such offense may be ordered by the sentencing court to give notice  
12 of the conviction to the class of persons or to the sector of the  
13 public affected by the conviction or financially interested in the  
14 subject matter of the offense by mail, by advertising in designated  
15 areas or through designated media, or by other appropriate means.

16 (4) This section does not limit civil remedies or defenses  
17 available to the victim, survivors of the victim, or defendant.

18 (5) This section shall apply to offenses committed after July 1,  
19 1985.

20 **Sec. 3.** RCW 10.14.040 and 1987 c 280 s 4 are each amended to read  
21 as follows:

22 There shall exist an action known as a petition for an order for  
23 protection in cases of unlawful harassment.

24 (1) A petition for relief shall allege the existence of harassment  
25 and shall be accompanied by an affidavit made under oath stating the  
26 specific facts and circumstances from which relief is sought.

27 (2) A petition for relief may be made regardless of whether or not  
28 there is a pending lawsuit, complaint, petition, or other action  
29 between the parties.

30 (3) All court clerks' offices shall make available simplified forms  
31 and instructional brochures. Any assistance or information provided by  
32 clerks under this section does not constitute the practice of law and  
33 clerks are not responsible for incorrect information contained in a  
34 petition.

35 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be  
36 charged for a petition filed in an existing action or under an existing  
37 cause number brought under this chapter in the jurisdiction where the

1 relief is sought. Forms and instructional brochures shall be provided  
2 free of charge.

3 (5) A person is not required to post a bond to obtain relief in any  
4 proceeding under this section.

5 **Sec. 4.** RCW 10.82.070 and 1988 c 169 s 5 are each amended to read  
6 as follows:

7 (1) All sums of money derived from costs, fines, penalties, and  
8 forfeitures imposed or collected, in whole or in part, by a superior  
9 court for violation of orders of injunction, mandamus and other like  
10 writs, for contempt of court, or for breach of the penal laws shall be  
11 paid in cash by the person collecting the same, within twenty days  
12 after the collection, to the county treasurer of the county in which  
13 the same have accrued.

14 (2) The county treasurer shall remit monthly thirty-two percent of  
15 the money received under this section except for certain costs to the  
16 state treasurer for deposit as provided under RCW 43.08.250 and shall  
17 deposit the remainder as provided by law. "Certain costs" as used in  
18 this subsection, means those costs awarded to prevailing parties in  
19 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded  
20 against convicted defendants in criminal actions under RCW 10.01.160,  
21 10.46.190, or 36.18.040, or other similar statutes if such costs are  
22 specifically designated as costs by the court and are awarded for the  
23 specific reimbursement of costs incurred by the state or county in the  
24 prosecution of the case, including the fees of defense counsel. Costs  
25 or assessments awarded to dedicated accounts, state or local, are not  
26 subject to this state allocation or to RCW 7.68.035.

27 (3) All fees, fines, forfeitures and penalties collected or  
28 assessed by a district court because of the violation of a state law  
29 shall be remitted as provided in chapter 3.62 RCW as now exists or is  
30 later amended. All fees, fines, forfeitures, and penalties collected  
31 or assessed by a superior court in cases on appeal from a lower court  
32 shall be remitted to the municipal or district court from which the  
33 cases were appealed.

34 **Sec. 5.** RCW 11.86.031 and 1989 c 34 s 3 are each amended to read  
35 as follows:

36 (1) The disclaimer shall:

37 (a) Be in writing;

1 (b) Be signed by the disclaimant;

2 (c) Identify the interest to be disclaimed; and

3 (d) State the disclaimer and the extent thereof.

4 (2) The disclaimer shall be delivered or mailed as provided in  
5 subsection (3) of this section at any time after the creation of the  
6 interest, but in all events by nine months after the latest of:

7 (a) The date the beneficiary attains the age of twenty-one years;

8 (b) The date of the transfer; or

9 (c) The date that the beneficiary is finally ascertained and the  
10 beneficiary's interest is indefeasibly vested.

11 (3) The disclaimer shall be mailed by first-class mail, or  
12 otherwise delivered, to the creator of the interest, the creator's  
13 legal representative, or the holder of the legal title to the property  
14 to which the interest relates or, if the creator is dead and there is  
15 no legal representative or holder of legal title, to the person having  
16 possession of the property.

17 (4) If the date of the transfer is the date of the death of the  
18 creator of the interest, a copy of the disclaimer may be filed with the  
19 clerk of the probate court in which the estate of the creator is, or  
20 has been, administered, or, if no probate administration has been  
21 commenced, then with the clerk of the court of any county provided by  
22 law as the place for probate administration of such person, where it  
23 shall be indexed under the name of the decedent in the probate index  
24 upon the payment of a fee (~~(of two dollars)~~) established under section  
25 14 of this act.

26 (5) The disclaimer of an interest in real property may be recorded,  
27 but shall constitute notice to all persons only from and after the date  
28 of recording. If recorded, a copy of the disclaimer shall be recorded  
29 in the office of the auditor in the county or counties where the real  
30 property is situated.

31 **Sec. 6.** RCW 12.40.105 and 1983 c 254 s 2 are each amended to read  
32 as follows:

33 If the losing party fails to pay the judgment within twenty days or  
34 within the period otherwise ordered by the court, the judgment shall be  
35 increased by: (1) An amount sufficient to cover costs of certification  
36 of the judgment under RCW 12.40.110; and (2) the amount specified in  
37 (~~(RCW 36.18.020(3))~~) section 12(2) of this act, without regard to the  
38 jurisdictional limits on the small claims department.



1       **Sec. 8.** RCW 13.64.020 and 1993 c 294 s 2 are each amended to read  
2 as follows:

3       (1) A petition for emancipation shall be signed and verified by the  
4 petitioner, and shall include the following information: (a) The full  
5 name of the petitioner, the petitioner's birthdate, and the state and  
6 county of birth; (b) a certified copy of the petitioner's birth  
7 certificate; (c) the name and last known address of the petitioner's  
8 parent or parents, guardian, or custodian; (d) the petitioner's present  
9 address, and length of residence at that address; (e) a declaration by  
10 the petitioner indicating that he or she has the ability to manage his  
11 or her financial affairs, including any supporting information; and (f)  
12 a declaration by the petitioner indicating that he or she has the  
13 ability to manage his or her personal, social, educational, and  
14 nonfinancial affairs, including any supporting information.

15       (2) (~~A reasonable filing fee not to exceed fifty dollars shall be~~  
16 ~~set by the court.~~) Fees for this section are set under section 13 of  
17 this act.

18       **Sec. 9.** RCW 26.50.030 and 1992 c 111 s 2 are each amended to read  
19 as follows:

20       There shall exist an action known as a petition for an order for  
21 protection in cases of domestic violence.

22       (1) A petition for relief shall allege the existence of domestic  
23 violence, and shall be accompanied by an affidavit made under oath  
24 stating the specific facts and circumstances from which relief is  
25 sought.

26       (2) A petition for relief may be made regardless of whether or not  
27 there is a pending lawsuit, complaint, petition, or other action  
28 between the parties except in cases where the court realigns petitioner  
29 and respondent in accordance with RCW 26.50.060(~~(+3)~~) (4).

30       (3) Within ninety days of receipt of the master copy from the  
31 administrator for the courts, all court clerk's offices shall make  
32 available the standardized forms, instructions, and informational  
33 brochures required by RCW 26.50.035 and shall fill in and keep current  
34 specific program names and telephone numbers for community resources.  
35 Any assistance or information provided by clerks under this section  
36 does not constitute the practice of law and clerks are not responsible  
37 for incorrect information contained in a petition.

1 (4) A filing fee (~~(of twenty dollars)~~), set under RCW 36.18.020,  
2 shall be charged for proceedings under this section. No filing fee may  
3 be charged for: (a) A petition filed in an existing action or under an  
4 existing cause number brought under this chapter in the jurisdiction  
5 where the relief is sought; or (b) the transfer of a case from district  
6 or municipal court to superior court under RCW 26.50.020(~~(+2)~~) (5).  
7 Forms and instructional brochures shall be provided free of charge.

8 (5) A person is not required to post a bond to obtain relief in any  
9 proceeding under this section.

10 **Sec. 10.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to  
11 read as follows:

12 (1) Except as provided in subsection (2) of this section (~~(and RCW~~  
13 ~~36.70A.300(3))~~), proceedings for review under this chapter shall be  
14 instituted by paying the fee required under RCW 36.18.020 and filing a  
15 petition in the superior court, at the petitioner's option, for (a)  
16 Thurston county, (b) the county of the petitioner's residence or  
17 principal place of business, or (c) in any county where the property  
18 owned by the petitioner and affected by the contested decision is  
19 located.

20 (2) For proceedings involving institutions of higher education, the  
21 petition shall be filed either in the county in which the principal  
22 office of the institution involved is located or in the county of a  
23 branch campus if the action involves such branch.

24 **Sec. 11.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read  
25 as follows:

26 (1) Revenue collected under this section is subject to division  
27 with the state public safety and education account under RCW 36.18.025  
28 and with the county or regional law library fund under RCW 27.24.070.

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

31 (~~(+1)~~) (a) The party filing the first or initial paper in any  
32 civil action, including, but not limited to an action for restitution,  
33 (~~or~~) adoption, or change of name, shall pay, at the time (~~said~~) the  
34 paper is filed, a fee of one hundred ten dollars except, in  
35 (~~proceedings filed under RCW 26.50.030 or 49.60.227 where the~~  
36 petitioner shall pay a filing fee of twenty dollars, or) an unlawful  
37 detainer action under chapter 59.18 or 59.20 RCW (~~where~~) for which

1 the plaintiff shall pay a case initiating filing fee of thirty dollars.  
2 (~~If the defendant serves or files an answer to an unlawful detainer~~  
3 ~~complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,~~  
4 ~~prior to proceeding with the unlawful detainer action, an additional~~  
5 ~~eighty dollars which shall be considered part of the filing fee.)) The  
6 thirty dollar filing fee under this subsection for an unlawful detainer  
7 action shall not include an order to show cause or any other order or  
8 judgment except a default order or default judgment in an unlawful  
9 detainer action.~~

10 ((~~2~~)) (b) Any party, except a defendant in a criminal case,  
11 filing the first or initial paper on an appeal from a court of limited  
12 jurisdiction or any party on any civil appeal, shall pay, when said  
13 paper is filed, a fee of one hundred ten dollars.

14 (~~3~~) The party filing a transcript or abstract of judgment or  
15 verdict from a United States court held in this state, or from the  
16 superior court of another county or from a district court in the county  
17 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

18 (4) For the filing of a tax warrant by the department of revenue of  
19 the state of Washington, a fee of five dollars shall be paid.

20 (5) For the filing of a petition for modification of a decree of  
21 dissolution, a fee of twenty dollars shall be paid.

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

29 (7) For filing any paper, not related to or a part of any  
30 proceeding, civil or criminal, or any probate matter, required or  
31 permitted to be filed in the clerk's office for which no other charge  
32 is provided by law, or for filing a petition, written agreement, or  
33 memorandum as provided in RCW 11.96.170, the clerk shall collect twenty  
34 dollars.

35 (8) For preparing, transcribing or certifying any instrument on  
36 file or of record in the clerk's office, with or without seal, for the  
37 first page or portion thereof, a fee of two dollars, and for each  
38 additional page or portion thereof, a fee of one dollar. For

1 authenticating or exemplifying any instrument, a fee of one dollar for  
2 each additional seal affixed.

3 ~~(9) For executing a certificate, with or without a seal, a fee of~~  
4 ~~two dollars shall be charged.~~

5 ~~(10) For each garnishee defendant named in an affidavit for~~  
6 ~~garnishment and for each writ of attachment, a fee of twenty dollars~~  
7 ~~shall be charged.~~

8 ~~(11) For approving a bond, including justification thereon, in~~  
9 ~~other than civil actions and probate proceedings, a fee of two dollars~~  
10 ~~shall be charged.~~

11 ~~(12)) (c) For filing of a petition for judicial review as required~~  
12 ~~under RCW 34.05.514 a filing fee of one hundred ten dollars.~~

13 ~~(d) For filing of a petition for unlawful harassment under RCW~~  
14 ~~10.14.040 a filing fee of one hundred ten dollars.~~

15 ~~(e) For filing of a petition for determination of water rights~~  
16 ~~under RCW 90.03.180 a filing fee of twenty-five dollars.~~

17 ~~(f) In probate proceedings, the party instituting such proceedings,~~  
18 ~~shall pay at the time of filing the first paper therein, a fee of one~~  
19 ~~hundred ten dollars( (:— PROVIDED, HOWEVER, A fee of twenty dollars~~  
20 ~~shall be charged for filing a will only, when no probate of the will is~~  
21 ~~contemplated. Except as provided for in subsection (13) of this~~  
22 ~~section a fee of two dollars shall be charged for filing a petition,~~  
23 ~~written agreement, or memorandum as provided in RCW 11.96.170)).~~

24 ~~((13)) (g) For filing any petition to contest a will admitted to~~  
25 ~~probate or a petition to admit a will which has been rejected, or a~~  
26 ~~petition objecting to a written agreement or memorandum as provided in~~  
27 ~~RCW 11.96.170, there shall be paid a fee of one hundred ten dollars.~~

28 ~~((14) For the issuance of each certificate of qualification and~~  
29 ~~each certified copy of letters of administration, letters testamentary~~  
30 ~~or letters of guardianship there shall be a fee of two dollars.~~

31 ~~(15) For the preparation of a passport application the clerk may~~  
32 ~~collect an execution fee as authorized by the federal government.~~

33 ~~(16) For clerks' special services such as processing ex parte~~  
34 ~~orders by mail, performing historical searches, compiling statistical~~  
35 ~~reports, and conducting exceptional record searches the clerk may~~  
36 ~~collect a fee not to exceed twenty dollars per hour or portion of an~~  
37 ~~hour.~~

1       ~~(17) For duplicated recordings of court's proceedings there shall~~  
2 ~~be a fee of ten dollars for each audio tape and twenty five dollars for~~  
3 ~~each video tape.~~

4       ~~(18))~~ (h) Upon conviction or plea of guilty, upon failure to  
5 prosecute an appeal from a court of limited jurisdiction as provided by  
6 law, or upon affirmance of a conviction by a court of limited  
7 jurisdiction, a defendant in a criminal case shall be liable for a fee  
8 of one hundred ten dollars.

9       ~~((19))~~ (i) With the exception of demands for jury hereafter made  
10 and garnishments hereafter issued, civil actions and probate  
11 proceedings filed prior to midnight, July 1, 1972, shall be completed  
12 and governed by the fee schedule in effect as of January 1, 1972:  
13 PROVIDED, That no fee shall be assessed if an order of dismissal on the  
14 clerk's record be filed as provided by rule of the supreme court.

15       ~~((20))~~ (j) For a domestic violence protection petition under RCW  
16 26.50.030, a fee of twenty dollars.

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

20       NEW SECTION. Sec. 12. A new section is added to chapter 36.18 RCW  
21 to read as follows:

22       (1) Revenue collected under this section is subject to division  
23 with the state for deposit in the public safety and education account  
24 under RCW 36.18.025.

25       (2) The party filing a transcript or abstract of judgment or  
26 verdict from a United States court held in this state, or from the  
27 superior court of another county or from a district court in the county  
28 of issuance, shall pay at the time of filing a fee of fifteen dollars.

29       (3) For the filing of a tax warrant by the department of revenue of  
30 the state of Washington, a fee of five dollars must be paid.

31       (4) The clerk shall collect a fee of twenty dollars for: Filing a  
32 paper not related to or a part of a proceeding, civil or criminal, or  
33 a probate matter, required or permitted to be filed in the clerk's  
34 office for which no other charge is provided by law; or filing a  
35 petition, written agreement, or memorandum as provided in RCW  
36 11.96.170.

37       (5) If the defendant serves or files an answer to an unlawful  
38 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff

1 shall pay before proceeding with the unlawful detainer action eighty  
2 dollars.

3 (6) For a restrictive covenant for filing a petition to strike  
4 discriminatory provisions in real estate under RCW 49.60.227 a fee of  
5 twenty dollars must be charged.

6 (7) A fee of twenty dollars must be charged for filing a will only,  
7 when no probate of the will is contemplated.

8 (8) A fee of two dollars must be charged for filing a petition,  
9 written agreement, or written memorandum in a nonjudicial probate  
10 dispute under RCW 11.96.170.

11 (9) For certification of delinquent taxes by a county treasurer  
12 under RCW 84.64.190, a fee of five dollars must be charged.

13 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.18 RCW  
14 to read as follows:

15 (1) Revenue collected under this section is subject to division  
16 with the county law library under RCW 27.24.070.

17 (2) For filing a petition for emancipation for minors as required  
18 under RCW 13.64.020 a fee up to fifty dollars must be collected.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 36.18 RCW  
20 to read as follows:

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

23 (2) For the filing of a petition for modification of a decree of  
24 dissolution or paternity, within the same case as the original action,  
25 a fee of twenty dollars must be paid.

26 (3) The party making a demand for jury of six in a civil action  
27 shall pay, at the time, a fee of fifty dollars; if the demand is for a  
28 jury of twelve, a fee of one hundred dollars. If, after the party  
29 demands a jury of six and pays the required fee, any other party to the  
30 action requests a jury of twelve, an additional fifty-dollar fee will  
31 be required of the party demanding the increased number of jurors.  
32 Upon conviction in criminal cases a jury demand charge may be imposed  
33 as costs under RCW 10.46.190.

34 (4) For preparing, transcribing, or certifying an instrument on  
35 file or of record in the clerk's office, with or without seal, for the  
36 first page or portion of the first page, a fee of two dollars, and for  
37 each additional page or portion of a page, a fee of one dollar must be

1 charged. For authenticating or exemplifying an instrument, a fee of  
2 one dollar for each additional seal affixed must be charged.

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

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

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

10 (8) For the issuance of a certificate of qualification and a  
11 certified copy of letters of administration, letters testamentary, or  
12 letters of guardianship, there must be a fee of two dollars.

13 (9) For the preparation of a passport application, the clerk may  
14 collect an execution fee as authorized by the federal government.

15 (10) For clerk's special services such as processing ex parte  
16 orders by mail, performing historical searches, compiling statistical  
17 reports, and conducting exceptional record searches, the clerk may  
18 collect a fee not to exceed twenty dollars per hour or portion of an  
19 hour.

20 (11) For duplicated recordings of court's proceedings there must be  
21 a fee of ten dollars for each audio tape and twenty-five dollars for  
22 each video tape.

23 (12) For the filing of oaths and affirmations under chapter 5.28  
24 RCW, a fee of twenty dollars must be charged.

25 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a  
26 fee of two dollars must be charged.

27 (14) For registration of land titles, Torrens Act, under RCW  
28 65.12.780, a fee of five dollars must be charged.

29 (15) For the issuance of extension of judgment under RCW 6.17.020  
30 and chapter 9.94A RCW, a fee of one hundred ten dollars must be  
31 charged.

32 (16) A facilitator surcharge of ten dollars must be charged as  
33 authorized under RCW 26.12.240.

34 (17) For filing a water rights statement under RCW 90.03.180, a fee  
35 of twenty-five dollars must be charged.

36 (18) A service fee of three dollars for the first page and one  
37 dollar for each additional page must be charged for receiving faxed  
38 documents, pursuant to Washington state rules of court, general rule  
39 17.

1 (19) For preparation of clerk's papers under RAP 9.7, a fee of  
2 fifty cents per page must be charged.

3 (20) For copies and reports produced at the local level as  
4 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
5 be charged.

6 (21) Investment service charge and earnings under RCW 36.48.090  
7 must be charged.

8 (22) Costs for nonstatutory services rendered by clerk by authority  
9 of local ordinance or policy must be charged.

10 NEW SECTION. Sec. 15. A new section is added to chapter 36.18 RCW  
11 to read as follows:

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

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

18 (3) For all copies and reports produced by the administrator for  
19 the courts as permitted under RCW 2.68.020 and supreme court policy, a  
20 variable fee must be charged.

21 **Sec. 16.** RCW 36.18.022 and 1992 c 54 s 5 are each amended to read  
22 as follows:

23 The court may waive the filing fees provided for under RCW  
24 36.18.020 (~~((1) and~~)) (2) (a) and (b) upon affidavit by a party that  
25 the party is unable to pay the fee due to financial hardship.

26 **Sec. 17.** RCW 40.14.027 and 1994 c 193 s 2 are each amended to read  
27 as follows:

28 State agencies shall collect a surcharge of twenty dollars from the  
29 judgment debtor upon the satisfaction of a warrant filed in superior  
30 court for unpaid taxes or liabilities. The surcharge is imposed on the  
31 judgment debtor in the form of a penalty in addition to the filing fee  
32 provided in (~~(RCW 36.18.020(4))~~) section 12(3) of this act. The  
33 surcharge revenue shall be transmitted to the state treasurer for  
34 deposit in the archives and records management account, or procedures  
35 for the collection and transmittal of surcharge revenue to the archives

1 and records management account shall be established cooperatively  
2 between the filing agencies and clerks of superior court.

3 Surcharge revenue deposited in the archives and records management  
4 account shall be expended by the secretary of state exclusively for the  
5 payment of costs and expenses incurred in the provision of public  
6 archives and records management services to local government agencies  
7 by the division of archives and records management. The secretary of  
8 state shall work with local government representatives to establish a  
9 committee to advise the state archivist on the local government  
10 archives and records management program. Surcharge revenue shall be  
11 allocated exclusively to:

12 (1) Appraise, process, store, preserve, and provide public research  
13 access to original records designated by the state archivist as  
14 archival which are no longer required to be kept by the agencies which  
15 originally made or filed them;

16 (2) Protect essential records, as provided by chapters 40.10 and  
17 40.20 RCW. Permanent facsimiles of essential records shall be produced  
18 and placed in security storage with the state archivist;

19 (3) Coordinate records retention and disposition management and  
20 provide support for the following functions under RCW 40.14.070:

21 (a) Advise and assist individual agencies on public records  
22 management requirements and practices; and

23 (b) Compile, maintain, and regularly update general records  
24 retention schedules and destruction authorizations; and

25 (4) Develop and maintain standards for the application of recording  
26 media and records storage technologies.

27 **Sec. 18.** RCW 49.60.227 and 1993 c 69 s 10 are each amended to read  
28 as follows:

29 If a written instrument contains a provision that is void by reason  
30 of RCW 49.60.224, the owner, occupant, or tenant of the property which  
31 is subject to the provision may cause the provision to be stricken from  
32 the public records by bringing an action in the superior court in the  
33 county in which the property is located. The action shall be an in  
34 rem, declaratory judgment action whose title shall be the description  
35 of the property. The necessary party to the action shall be the owner,  
36 occupant, or tenant of the property or any portion thereof. The person  
37 bringing the action shall pay a fee set under section 12 of this act.

1 If the court finds that any provisions of the written instrument  
2 are void under RCW 49.60.224, it shall enter an order striking the void  
3 provisions from the public records and eliminating the void provisions  
4 from the title or lease of the property described in the complaint.

5 **Sec. 19.** RCW 65.12.780 and 1907 c 250 s 94 are each amended to  
6 read as follows:

7 On the filing of any application for registration, the applicant  
8 shall pay to the clerk of the court(~~(, in counties having more than  
9 forty thousand population, the sum of three dollars; and in all other  
10 counties, the sum of five dollars, which shall be in full of all  
11 clerk's fees and charges in such proceeding in behalf of the applicant.  
12 Any defendant, on entering his appearance, shall pay to the clerk of  
13 the court, the sum of three dollars, which shall be in full of all  
14 clerk's fees in behalf of such defendant)) filing fees as set in  
15 section 14 of this act. When any number of defendants enter their  
16 appearance at the same time, before default, but one fee shall be paid.  
17 Every publication in a newspaper required by this chapter shall be paid  
18 for by the party on whose application the order of publication is made,  
19 in addition to the fees above prescribed. The party at whose request  
20 any notice is issued, shall pay for the service of the same, except  
21 when sent by mail by the clerk of court, or the registrar of titles.~~

22 **Sec. 20.** RCW 70.02.070 and 1991 c 335 s 206 are each amended to  
23 read as follows:

24 Upon the request of the person requesting the record, the health  
25 care provider or facility shall certify the record furnished and may  
26 charge for such certification in accordance with (~~(RCW 36.18.020(9))~~)  
27 section 14(5) of this act. No record need be certified until the fee  
28 is paid. The certification shall be affixed to the record and  
29 disclose:

- 30 (1) The identity of the patient;  
31 (2) The kind of health care information involved;  
32 (3) The identity of the person to whom the information is being  
33 furnished;  
34 (4) The identity of the health care provider or facility furnishing  
35 the information;  
36 (5) The number of pages of the health care information;  
37 (6) The date on which the health care information is furnished; and

1 (7) That the certification is to fulfill and meet the requirements  
2 of this section.

3 **Sec. 21.** RCW 90.03.180 and 1982 c 15 s 2 are each amended to read  
4 as follows:

5 At the time of filing the statement as provided in RCW 90.03.140,  
6 each defendant shall pay to the clerk of the superior court a fee ((of  
7 ~~twenty-five dollars~~)) as set under RCW 36.18.020.

8 NEW SECTION. **Sec. 22.** RCW 2.32.075 and 1961 c 304 s 5 are each  
9 repealed.

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