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HOUSE BILL 2754

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State of Washington                      57th Legislature                      2002 Regular Session

By Representatives Lantz, Esser, Dickerson, Jarrett, Lysen and Kagi

Read first time 01/28/2002. Referred to Committee on Judiciary.

1            AN ACT Relating to mandatory arbitration; and amending RCW  
2 7.06.010, 36.18.016, and 4.84.185.

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

4            **Sec. 1.** RCW 7.06.010 and 1991 c 363 s 7 are each amended to read  
5 as follows:

6            In counties with a population of more than one hundred fifty  
7 thousand, mandatory arbitration of civil actions under this chapter  
8 shall be required. In counties with a population of ((~~seventy thousand~~  
9 ~~or more~~)) less than one hundred fifty thousand, the superior court of  
10 the county, by majority vote of the judges thereof, or the county  
11 legislative authority may authorize mandatory arbitration of civil  
12 actions under this chapter. ((~~In all other counties, the superior~~  
13 ~~court of the county, by a majority vote of the judges thereof, may~~  
14 ~~authorize mandatory arbitration of civil actions under this chapter.~~))

15            **Sec. 2.** RCW 36.18.016 and 2001 c 146 s 2 are each amended to read  
16 as follows:

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

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

4 (3)(a) The party making a demand for a jury of six in a civil  
5 action shall pay, at the time, a fee of one hundred twenty-five  
6 dollars; if the demand is for a jury of twelve, a fee of two hundred  
7 fifty dollars. If, after the party demands a jury of six and pays the  
8 required fee, any other party to the action requests a jury of twelve,  
9 an additional one hundred twenty-five dollar fee will be required of  
10 the party demanding the increased number of jurors.

11 (b) Upon conviction in criminal cases a jury demand charge of fifty  
12 dollars for a jury of six, or one hundred dollars for a jury of twelve  
13 may be imposed as costs under RCW 10.46.190.

14 (4) For preparing, transcribing, or certifying an instrument on  
15 file or of record in the clerk's office, with or without seal, for the  
16 first page or portion of the first page, a fee of two dollars, and for  
17 each additional page or portion of a page, a fee of one dollar must be  
18 charged. For authenticating or exemplifying an instrument, a fee of  
19 one dollar for each additional seal affixed must be charged.

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

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

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

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

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

32 (10) For clerk's services such as processing ex parte orders,  
33 performing historical searches, compiling statistical reports, and  
34 conducting exceptional record searches, the clerk may collect a fee not  
35 to exceed twenty dollars per hour or portion of an hour.

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

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

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

5 (14) For registration of land titles, Torrens Act, under RCW  
6 65.12.780, a fee of five dollars must be charged.

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

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

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

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

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

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

23 (21) Investment service charge and earnings under RCW 36.48.090  
24 must be charged.

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

27 (23) For filing a request for mandatory arbitration, a fee may be  
28 assessed against the party filing a statement of arbitrability not to  
29 exceed ~~((one))~~ two hundred twenty dollars as established by authority  
30 of local ordinance ~~((and approved by a vote of the people if it is  
31 determined by a court of competent jurisdiction that such a vote is  
32 required by chapter 1, Laws of 2000 (Initiative Measure No. 695)))~~.  
33 This charge shall be used solely to offset the cost of the mandatory  
34 arbitration program.

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

1       **Sec. 3.** RCW 4.84.185 and 1991 c 70 s 1 are each amended to read as  
2 follows:

3       In any civil action, the court having jurisdiction may, upon  
4 written findings by the judge that the action, counterclaim, cross-  
5 claim, third party claim, or defense was frivolous and advanced without  
6 reasonable cause, require the nonprevailing party to pay the prevailing  
7 party the reasonable expenses, including mandatory arbitration fees  
8 under RCW 36.18.016 and fees of attorneys, incurred in opposing such  
9 action, counterclaim, cross-claim, third party claim, or defense. This  
10 determination shall be made upon motion by the prevailing party after  
11 a voluntary or involuntary order of dismissal, order on summary  
12 judgment, final judgment after trial, or other final order terminating  
13 the action as to the prevailing party. The judge shall consider all  
14 evidence presented at the time of the motion to determine whether the  
15 position of the nonprevailing party was frivolous and advanced without  
16 reasonable cause. In no event may such motion be filed more than  
17 thirty days after entry of the order.

18       The provisions of this section apply unless otherwise specifically  
19 provided by statute.

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