
SENATE BILL 5823

State of Washington 62nd Legislature 2011 Regular Session

By Senators Regala and Kline; by request of Board For Judicial Administration

Read first time 02/17/11. Referred to Committee on Judiciary.

1 AN ACT Relating to the disposition and collection of court income;
2 amending RCW 3.62.020, 12.40.020, and 36.18.018; reenacting and
3 amending RCW 3.62.060 and 36.18.020; providing an effective date; and
4 declaring an emergency.

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

6 **Sec. 1.** RCW 3.62.020 and 2009 c 479 s 5 are each amended to read
7 as follows:

8 (1) Except as provided in subsection (4) of this section, all
9 costs, fees, fines, forfeitures and penalties assessed and collected in
10 whole or in part by district courts, except costs, fines, forfeitures
11 and penalties assessed and collected, in whole or in part, because of
12 the violation of city ordinances, shall be remitted by the clerk of the
13 district court to the county treasurer at least monthly, together with
14 a financial statement as required by the state auditor, noting the
15 information necessary for crediting of such funds as required by law.

16 (2) Except as provided in RCW 10.99.080 and this section, the
17 county treasurer shall remit thirty-two percent of the noninterest
18 money received under subsection (1) of this section except certain
19 costs to the state treasurer. "Certain costs" as used in this

1 subsection, means those costs awarded to prevailing parties in civil
2 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
3 convicted defendants in criminal actions under RCW 10.01.160,
4 10.46.190, or 36.18.040, or other similar statutes if such costs are
5 specifically designated as costs by the court and are awarded for the
6 specific reimbursement of costs incurred by the state or county in the
7 prosecution of the case, including the fees of defense counsel. With
8 the exception of funds to be transferred to the judicial stabilization
9 trust account under RCW 3.62.060(1)(m), money remitted under this
10 subsection to the state treasurer shall be deposited in the state
11 general fund.

12 (3) The balance of the noninterest money received by the county
13 treasurer under subsection (1) of this section shall be deposited in
14 the county current expense fund. Funds deposited under this subsection
15 that are attributable to the county's portion of a surcharge imposed
16 under RCW 3.62.060(1)(m) must be used to support local trial court and
17 court-related functions.

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

22 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
23 interest at the rate of twelve percent per annum, upon assignment to a
24 collection agency. Interest may accrue only while the case is in
25 collection status.

26 (6) Interest retained by the court on penalties, fines, bail
27 forfeitures, fees, and costs shall be split twenty-five percent to the
28 state treasurer for deposit in the state general fund, twenty-five
29 percent to the state treasurer for deposit in the judicial information
30 system account as provided in RCW 2.68.020, twenty-five percent to the
31 county current expense fund, and twenty-five percent to the county
32 current expense fund to fund local courts.

33 **Sec. 2.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are
34 each reenacted and amended to read as follows:

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

1 ~~((1))~~ (a) In any civil action commenced before or transferred to
2 a district court, the plaintiff shall, at the time of such commencement
3 or transfer, pay to such court a filing fee of forty-three dollars plus
4 any surcharge authorized by RCW 7.75.035. Any party filing a
5 counterclaim, cross-claim, or third-party claim in such action shall
6 pay to the court a filing fee of forty-three dollars plus any surcharge
7 authorized by RCW 7.75.035. No party shall be compelled to pay to the
8 court any other fees or charges up to and including the rendition of
9 judgment in the action other than those listed.

10 ~~((2))~~ (b) For issuing a writ of garnishment or other writ, or for
11 filing an attorney issued writ of garnishment, a fee of twelve dollars.

12 ~~((3))~~ (c) For filing a supplemental proceeding a fee of twenty
13 dollars.

14 ~~((4))~~ (d) For demanding a jury in a civil case a fee of one
15 hundred twenty-five dollars to be paid by the person demanding a jury.

16 ~~((5))~~ (e) For preparing a transcript of a judgment a fee of
17 twenty dollars.

18 ~~((6))~~ (f) For certifying any document on file or of record in the
19 clerk's office a fee of five dollars.

20 ~~((7))~~ (g) At the option of the district court:

21 ~~((a))~~ (i) For preparing a certified copy of an instrument on file
22 or of record in the clerk's office, for the first page or portion of
23 the first page, a fee of five dollars, and for each additional page or
24 portion of a page, a fee of one dollar;

25 ~~((b))~~ (ii) For authenticating or exemplifying an instrument, a
26 fee of two dollars for each additional seal affixed;

27 ~~((c))~~ (iii) For preparing a copy of an instrument on file or of
28 record in the clerk's office without a seal, a fee of fifty cents per
29 page;

30 ~~((d))~~ (iv) When copying a document without a seal or file that is
31 in an electronic format, a fee of twenty-five cents per page;

32 ~~((e))~~ (v) For copies made on a compact disc, an additional fee of
33 twenty dollars for each compact disc.

34 ~~((8))~~ (h) For preparing the record of a case for appeal to
35 superior court a fee of forty dollars including any costs of tape
36 duplication as governed by the rules of appeal for courts of limited
37 jurisdiction (RALJ).

1 ((+9)) (i) At the option of the district court, for clerk's
2 services such as processing ex parte orders, performing historical
3 searches, compiling statistical reports, and conducting exceptional
4 record searches, a fee not to exceed twenty dollars per hour or portion
5 of an hour.

6 ((+10)) (j) For duplication of part or all of the electronic
7 recording of a proceeding ten dollars per tape or other electronic
8 storage medium.

9 ((+11)) (k) For filing any abstract of judgment or transcript of
10 judgment from a municipal court or municipal department of a district
11 court organized under the laws of this state a fee of forty-three
12 dollars.

13 ((+12)) (l) At the option of the district court, a service fee of
14 up to three dollars for the first page and one dollar for each
15 additional page for receiving faxed documents, pursuant to Washington
16 state rules of court, general rule 17.

17 ((+13)) (m)(i) Until July 1, ((2011)) 2013, in addition to the
18 fees required ~~((by subsection (1) of this section, clerks of the
19 district courts shall collect a surcharge of twenty dollars on all fees
20 required by subsection (1) of this section, which shall be remitted to
21 the state treasurer for deposit in the judicial stabilization trust
22 account. This surcharge is not subject to the division and remittance
23 requirements of RCW 3.62.020))~~ to be collected under this section,
24 clerks of the district courts must collect a surcharge of twenty
25 dollars on all fees required to be collected under (a) of this
26 subsection.

27 (ii) Six dollars and forty cents of each surcharge collected under
28 this subsection (m) must be remitted to the state treasurer for deposit
29 in the judicial stabilization trust account and the balance of each
30 surcharge must be retained by the county.

31 (2) The fees or charges imposed under this section shall be allowed
32 as court costs whenever a judgment for costs is awarded.

33 **Sec. 3.** RCW 12.40.020 and 2009 c 572 s 2 are each amended to read
34 as follows:

35 A small claims action shall be commenced by the plaintiff filing a
36 claim, in the form prescribed by RCW 12.40.050, in the small claims
37 department. A filing fee of fourteen dollars plus any surcharge

1 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any
2 party filing a counterclaim, cross-claim, or third-party claim in such
3 action shall pay to the court a filing fee of fourteen dollars plus any
4 surcharge authorized by RCW 7.75.035. Until July 1, (~~2011~~) 2013, in
5 addition to the fees required by this section, an additional surcharge
6 of ten dollars shall be charged on the filing fees required by this
7 section, of which (~~shall~~) three dollars and eighty-four cents must be
8 remitted to the state treasurer for deposit in the judicial
9 stabilization trust account. The balance must be retained by the
10 county and must be used to support local trial court and court-related
11 functions.

12 **Sec. 4.** RCW 36.18.018 and 2009 c 572 s 3 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, (~~2011~~) 2013, in addition to the fee established
24 under subsection (2) of this section, a surcharge of thirty dollars is
25 established for appellate review. The county clerk shall transmit this
26 surcharge to the state treasurer for deposit in the judicial
27 stabilization trust account.

28 **Sec. 5.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
29 2009 c 417 s 3 are each reenacted and amended to read as follows:

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

34 (2) Clerks of superior courts shall collect the following fees for
35 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: PROVIDED, That no
3 fee 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, ((2011)) 2013, in addition to the fees
12 required ((by this section, clerks of superior courts shall collect the
13 surcharges required by this subsection, which shall be remitted to the
14 state treasurer for deposit in the judicial stabilization trust
15 account:

16 ~~(a) On filing fees under subsection (2)(b) of this section, a~~
17 ~~surcharge of twenty dollars; and~~

18 ~~(b) On all other filing fees required by this section except for~~
19 ~~filing fees in subsection (2)(d) and (h) of this section, a surcharge~~
20 ~~of thirty dollars)) to be collected under this section, clerks of the~~
21 ~~superior courts must collect and deposit surcharges as provided in this~~
22 ~~subsection (5).~~

23 (i) On filing fees required to be collected under subsection (2)(b)
24 of this section, a surcharge of twenty dollars must be collected.

25 (ii) On all filing fees required to be collected under this
26 section, except for fees required under subsection (2)(b), (d), and (h)
27 of this section, a surcharge of thirty dollars must be collected.

28 (b)(i) Forty-six percent of any surcharge collected under this
29 section must be remitted to the state treasurer for deposit in the
30 judicial stabilization trust account and the balance of such surcharge
31 must be retained by the county.

32 (ii) The portion of the surcharge collected under this subsection
33 (5) that is retained by the county must be used to support trial court
34 and court-related operations.

35 NEW SECTION. Sec. 6. This act is necessary for the immediate
36 preservation of the public peace, health, or safety, or support of the

1 state government and its existing public institutions, and takes effect
2 July 1, 2011.

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