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ENGROSSED SUBSTITUTE HOUSE BILL 1248

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State of Washington

64th Legislature

2015 Regular Session

By House Judiciary (originally sponsored by Representatives Shea, Sawyer, Rodne, Jinkins, Walkinshaw, Fitzgibbon, Kilduff, and Pollet)

READ FIRST TIME 02/03/15.

1 AN ACT Relating to court proceedings; amending RCW 7.06.020,  
2 7.06.040, and 7.06.050; reenacting and amending RCW 36.18.016; adding  
3 new sections to chapter 7.06 RCW; creating a new section; and  
4 providing an effective date.

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

6 **Sec. 1.** RCW 7.06.020 and 2005 c 472 s 2 are each amended to read  
7 as follows:

8 (1) All civil actions, except for appeals from municipal or  
9 district courts, which are at issue in the superior court in counties  
10 which have authorized arbitration, where the sole relief sought is a  
11 money judgment, and where no party asserts a claim in excess of  
12 fifteen thousand dollars, or if approved by the superior court of a  
13 county by two-thirds or greater vote of the judges thereof, up to  
14 (~~fifty~~) seventy-five thousand dollars, exclusive of interest and  
15 costs, are subject to mandatory arbitration.

16 (2) If approved by majority vote of the superior court judges of  
17 a county which has authorized arbitration, all civil actions which  
18 are at issue in the superior court in which the sole relief sought is  
19 the establishment, termination or modification of maintenance or  
20 child support payments are subject to mandatory arbitration. The

1 arbitrability of any such action shall not be affected by the amount  
2 or number of payments involved.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 7.06 RCW  
4 to read as follows:

5 The arbitrator shall set the time, date, and place of the hearing  
6 and shall give reasonable notice of the hearing date to the parties.  
7 Except by stipulation or for good cause shown, the hearing shall be  
8 scheduled to take place not sooner than twenty-one days, nor later  
9 than seventy-five days, from the date of the assignment of the case  
10 to the arbitrator. The hearing shall take place in appropriate  
11 facilities provided or authorized by the court.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 7.06 RCW  
13 to read as follows:

14 After the assignment of a case to the arbitrator, a party may  
15 conduct discovery as follows: (1) Demand a specification of damages  
16 under RCW 4.28.360; (2) request from the arbitrator an examination  
17 under CR 35; (3) request admissions from a party under CR 36; and (4)  
18 take the deposition of another party. A party may request additional  
19 discovery from the arbitrator, including interrogatories, and the  
20 arbitrator will allow additional discovery only as reasonably  
21 necessary.

22 **Sec. 4.** RCW 7.06.040 and 1987 c 212 s 102 are each amended to  
23 read as follows:

24 (1) The appointment of arbitrators shall be prescribed by rules  
25 adopted by the supreme court. An arbitrator must be a member of the  
26 state bar association who has been admitted to the bar for a minimum  
27 of five years or who is a retired judge.

28 (2) A person may not serve as an arbitrator unless the person has  
29 completed a minimum of three credits of Washington state bar  
30 association approved continuing legal education credits on the  
31 professional and ethical consideration for serving as an arbitrator.  
32 Upon being selected and appointed as an arbitrator for a specific  
33 case, the appointed arbitrator shall within ten working days file a  
34 declaration or affidavit stating or certifying to the appointing  
35 court that the appointed arbitrator is in compliance with the  
36 continuing legal education requirements of this section.

1       (3) The parties may stipulate to a nonlawyer arbitrator. The  
2 supreme court may prescribe by rule additional qualifications of  
3 arbitrators.

4       (4) Arbitrators shall be compensated in the same amount and  
5 manner as judges pro tempore of the superior court.

6       **Sec. 5.** RCW 7.06.050 and 2011 c 336 s 164 are each amended to  
7 read as follows:

8       (1) Following a hearing as prescribed by court rule, the  
9 arbitrator shall file his or her decision and award with the clerk of  
10 the superior court, together with proof of service thereof on the  
11 parties. Within twenty days after such filing, any aggrieved party  
12 may file with the clerk a written notice of appeal and request for a  
13 trial de novo in the superior court on all issues of law and fact.  
14 The notice must be signed by the party. Such trial de novo shall  
15 thereupon be held, including a right to jury, if demanded.

16       (a) Up to thirty days prior to the actual date of a trial de  
17 novo, a nonappealing party may serve upon the appealing party a  
18 written offer of compromise.

19       (b) In any case in which an offer of compromise is not accepted  
20 by the appealing party within ten calendar days after service  
21 thereof, for purposes of MAR 7.3, the amount of the offer of  
22 compromise shall replace the amount of the arbitrator's award for  
23 determining whether the party appealing the arbitrator's award has  
24 failed to improve that party's position on the trial de novo.

25       (c) A postarbitration offer of compromise shall not be filed or  
26 communicated to the court or the trier of fact until after judgment  
27 on the trial de novo, at which time a copy of the offer of compromise  
28 shall be filed for purposes of determining whether the party who  
29 appealed the arbitrator's award has failed to improve that party's  
30 position on the trial de novo, pursuant to MAR 7.3.

31       (2) If no appeal has been filed at the expiration of twenty days  
32 following filing of the arbitrator's decision and award, a judgment  
33 shall be entered and may be presented to the court by any party, on  
34 notice, which judgment when entered shall have the same force and  
35 effect as judgments in civil actions.

36       **Sec. 6.** RCW 36.18.016 and 2015 c 275 s 11 and 2015 c 265 s 27  
37 are each reenacted and amended to read as follows:

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

3 (2)(a) For the filing of a petition for modification of a decree  
4 of dissolution or paternity, within the same case as the original  
5 action, and any party filing a counterclaim, cross-claim, or third-  
6 party claim in any such action, a fee of thirty-six dollars must be  
7 paid.

8 (b) The party filing the first or initial petition for  
9 dissolution, legal separation, or declaration concerning the validity  
10 of marriage shall pay, at the time and in addition to the filing fee  
11 required under RCW 36.18.020, a fee of fifty-four dollars. The clerk  
12 of the superior court shall transmit monthly forty-eight dollars of  
13 the fifty-four dollar fee collected under this subsection to the  
14 state treasury for deposit in the domestic violence prevention  
15 account. The remaining six dollars shall be retained by the county  
16 for the purpose of supporting community-based domestic violence  
17 services within the county, except for five percent of the six  
18 dollars, which may be retained by the court for administrative  
19 purposes. On or before December 15th of each year, the county shall  
20 report to the department of social and health services revenues  
21 associated with this section and community-based domestic violence  
22 services expenditures. The department of social and health services  
23 shall develop a reporting form to be utilized by counties for uniform  
24 reporting purposes.

25 (3)(a) The party making a demand for a jury of six in a civil  
26 action shall pay, at the time, a fee of one hundred twenty-five  
27 dollars; if the demand is for a jury of twelve, a fee of two hundred  
28 fifty dollars. If, after the party demands a jury of six and pays the  
29 required fee, any other party to the action requests a jury of  
30 twelve, an additional one hundred twenty-five dollar fee will be  
31 required of the party demanding the increased number of jurors.

32 (b) Upon conviction in criminal cases a jury demand charge of one  
33 hundred twenty-five dollars for a jury of six, or two hundred fifty  
34 dollars for a jury of twelve may be imposed as costs under RCW  
35 10.46.190.

36 (4) For preparing a certified copy of an instrument on file or of  
37 record in the clerk's office, for the first page or portion of the  
38 first page, a fee of five dollars, and for each additional page or  
39 portion of a page, a fee of one dollar must be charged. For  
40 authenticating or exemplifying an instrument, a fee of two dollars

1 for each additional seal affixed must be charged. For preparing a  
2 copy of an instrument on file or of record in the clerk's office  
3 without a seal, a fee of fifty cents per page must be charged. When  
4 copying a document without a seal or file that is in an electronic  
5 format, a fee of twenty-five cents per page must be charged. For  
6 copies made on a compact disc, an additional fee of twenty dollars  
7 for each compact disc must be charged.

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

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

13 (7) For filing a supplemental proceeding, a fee of twenty dollars  
14 must be charged.

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

18 (9) For the issuance of a certificate of qualification and a  
19 certified copy of letters of administration, letters testamentary, or  
20 letters of guardianship, there must be a fee of five dollars.

21 (10) For the preparation of a passport application, the clerk may  
22 collect an execution fee as authorized by the federal government.

23 (11) For clerk's services such as performing historical searches,  
24 compiling statistical reports, and conducting exceptional record  
25 searches, the clerk may collect a fee not to exceed thirty dollars  
26 per hour.

27 (12) For processing ex parte orders, the clerk may collect a fee  
28 of thirty dollars.

29 (13) For duplicated recordings of court's proceedings there must  
30 be a fee of ten dollars for each audiotape and twenty-five dollars  
31 for each videotape or other electronic storage medium.

32 (14) For registration of land titles, Torrens Act, under RCW  
33 65.12.780, a fee of twenty dollars must be charged.

34 (15) For the issuance of extension of judgment under RCW 6.17.020  
35 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
36 When the extension of judgment is at the request of the clerk, the  
37 two hundred dollar charge may be imposed as court costs under RCW  
38 10.46.190.

39 (16) A facilitator surcharge of up to twenty dollars must be  
40 charged as authorized under RCW 26.12.240.

1 (17) For filing an adjudication claim under RCW 90.03.180, a fee  
2 of twenty-five dollars must be charged.

3 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
4 fee of thirty-five dollars must be charged.

5 (19) For preparation of a change of venue, a fee of twenty  
6 dollars must be charged by the originating court in addition to the  
7 per page charges in subsection (4) of this section.

8 (20) A service fee of five dollars for the first page and one  
9 dollar for each additional page must be charged for receiving faxed  
10 documents, pursuant to Washington state rules of court, general rule  
11 17.

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

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

17 (23) Investment service charge and earnings under RCW 36.48.090  
18 must be charged.

19 (24) Costs for nonstatutory services rendered by clerk by  
20 authority of local ordinance or policy must be charged.

21 (25) For filing a request for mandatory arbitration, a filing fee  
22 may be assessed against the party filing a statement of arbitrability  
23 not to exceed two hundred (~~(twenty)~~) fifty dollars as established by  
24 authority of local ordinance. Two hundred twenty dollars of this  
25 charge shall be used (~~(solely)~~) to offset the cost of the mandatory  
26 arbitration program. Thirty dollars of each fee collected under this  
27 subsection must be used for indigent defense services.

28 (26) For filing a request for trial de novo of an arbitration  
29 award, a fee not to exceed (~~(two)~~) three hundred fifty dollars as  
30 established by authority of local ordinance must be charged.

31 (27) A public agency may not charge a fee to a law enforcement  
32 agency, for preparation, copying, or mailing of certified copies of  
33 the judgment and sentence, information, affidavit of probable cause,  
34 and/or the notice of requirement to register, of a sex offender  
35 convicted in a Washington court, when such records are necessary for  
36 risk assessment, preparation of a case for failure to register, or  
37 maintenance of a sex offender's registration file.

38 (28) For the filing of a will or codicil under the provisions of  
39 chapter 11.12 RCW, a fee of twenty dollars must be charged.

1 (29) For the collection of an adult offender's unpaid legal  
2 financial obligations, the clerk may impose an annual fee of up to  
3 one hundred dollars, pursuant to RCW 9.94A.780.

4 (30) A surcharge of up to twenty dollars may be charged in  
5 dissolution and legal separation actions as authorized by RCW  
6 26.12.260.

7 The revenue to counties from the fees established in this section  
8 shall be deemed to be complete reimbursement from the state for the  
9 state's share of benefits paid to the superior court judges of the  
10 state prior to July 24, 2005, and no claim shall lie against the  
11 state for such benefits.

12 NEW SECTION. **Sec. 7.** This act applies to all cases filed on or  
13 after January 1, 2017, and takes effect January 1, 2017.

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