
HOUSE BILL 1248

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By Representatives Shea, Sawyer, Rodne, Jinkins, Walkinshaw,
Fitzgibbon, Kilduff, and Pollet

Read first time 01/16/15. Referred to Committee on Judiciary.

1 AN ACT Relating to court proceedings; amending RCW 3.66.020,
2 7.06.020, 7.06.050, and 36.18.016; and adding new sections to chapter
3 7.06 RCW.

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

5 **Sec. 1.** RCW 3.66.020 and 2008 c 227 s 1 are each amended to read
6 as follows:

7 If the value of the claim or the amount at issue does not exceed
8 (~~seventy-five~~) one hundred thousand dollars, exclusive of interest,
9 costs, and attorneys' fees, the district court shall have
10 jurisdiction and cognizance of the following civil actions and
11 proceedings:

12 (1) Actions arising on contract for the recovery of money;

13 (2) Actions for damages for injuries to the person, or for taking
14 or detaining personal property, or for injuring personal property, or
15 for an injury to real property when no issue raised by the answer
16 involves the plaintiff's title to or possession of the same and
17 actions to recover the possession of personal property;

18 (3) Actions for a penalty;

19 (4) Actions upon a bond conditioned for the payment of money,
20 when the amount claimed does not exceed fifty thousand dollars,
21 though the penalty of the bond exceeds that sum, the judgment to be

1 given for the sum actually due, not exceeding the amount claimed in
2 the complaint;

3 (5) Actions on an undertaking or surety bond taken by the court;

4 (6) Actions for damages for fraud in the sale, purchase, or
5 exchange of personal property;

6 (7) Proceedings to take and enter judgment on confession of a
7 defendant;

8 (8) Proceedings to issue writs of attachment, garnishment and
9 replevin upon goods, chattels, moneys, and effects;

10 (9) Actions arising under the provisions of chapter 19.190 RCW;

11 (10) Proceedings to civilly enforce any money judgment entered in
12 any municipal court or municipal department of a district court
13 organized under the laws of this state; and

14 (11) All other actions and proceedings of which jurisdiction is
15 specially conferred by statute, when the title to, or right of
16 possession of, real property is not involved.

17 **Sec. 2.** RCW 7.06.020 and 2005 c 472 s 2 are each amended to read
18 as follows:

19 (1) All civil actions, except for appeals from municipal or
20 district courts, which are at issue in the superior court in counties
21 which have authorized arbitration, where the sole relief sought is a
22 money judgment, and where no party asserts a claim in excess of
23 fifteen thousand dollars, or if approved by the superior court of a
24 county by two-thirds or greater vote of the judges thereof, up to
25 ~~((fifty thousand dollars))~~ the jurisdictional limit of district
26 courts as provided in RCW 3.66.020, exclusive of interest and costs,
27 are subject to mandatory arbitration.

28 (2) If approved by majority vote of the superior court judges of
29 a county which has authorized arbitration, all civil actions which
30 are at issue in the superior court in which the sole relief sought is
31 the establishment, termination or modification of maintenance or
32 child support payments are subject to mandatory arbitration. The
33 arbitrability of any such action shall not be affected by the amount
34 or number of payments involved.

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

37 The arbitrator shall set the time, date, and place of the hearing
38 and shall give reasonable notice of the hearing date to the parties.

1 Except by stipulation or for good cause shown, the hearing shall be
2 scheduled to take place not sooner than twenty-one days, nor later
3 than seventy-five days, from the date of the assignment of the case
4 to the arbitrator. The hearing shall take place in appropriate
5 facilities provided or authorized by the court.

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

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

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

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

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

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

35 (c) A postarbitration offer of compromise shall not be filed or
36 communicated to the court or the trier of fact until after judgment
37 on the trial de novo, at which time a copy of the offer of compromise
38 shall be filed for purposes of determining whether the party who

1 appealed the arbitrator's award has failed to improve that party's
2 position on the trial de novo, pursuant to MAR 7.3.

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

8 **Sec. 6.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to
9 read as follows:

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

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

17 (b) The party filing the first or initial petition for
18 dissolution, legal separation, or declaration concerning the validity
19 of marriage shall pay, at the time and in addition to the filing fee
20 required under RCW 36.18.020, a fee of thirty dollars. The clerk of
21 the superior court shall transmit monthly twenty-four dollars of the
22 thirty dollar fee collected under this subsection to the state
23 treasury for deposit in the domestic violence prevention account. The
24 remaining six dollars shall be retained by the county for the purpose
25 of supporting community-based services within the county for victims
26 of domestic violence, except for five percent of the six dollars,
27 which may be retained by the court for administrative purposes.

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

35 (b) Upon conviction in criminal cases a jury demand charge of one
36 hundred twenty-five dollars for a jury of six, or two hundred fifty
37 dollars for a jury of twelve may be imposed as costs under RCW
38 10.46.190.

1 (4) For preparing a certified copy of an instrument on file or of
2 record in the clerk's office, for the first page or portion of the
3 first page, a fee of five dollars, and for each additional page or
4 portion of a page, a fee of one dollar must be charged. For
5 authenticating or exemplifying an instrument, a fee of two dollars
6 for each additional seal affixed must be charged. For preparing a
7 copy of an instrument on file or of record in the clerk's office
8 without a seal, a fee of fifty cents per page must be charged. When
9 copying a document without a seal or file that is in an electronic
10 format, a fee of twenty-five cents per page must be charged. For
11 copies made on a compact disc, an additional fee of twenty dollars
12 for each compact disc must be charged.

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

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

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

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

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

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

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

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

34 (13) For duplicated recordings of court's proceedings there must
35 be a fee of ten dollars for each audio tape and twenty-five dollars
36 for each video tape or other electronic storage medium.

37 (14) For registration of land titles, Torrens Act, under RCW
38 65.12.780, a fee of twenty dollars must be charged.

39 (15) For the issuance of extension of judgment under RCW 6.17.020
40 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.

1 When the extension of judgment is at the request of the clerk, the
2 two hundred dollar charge may be imposed as court costs under RCW
3 10.46.190.

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

6 (17) For filing (~~(a water rights statement)~~) an adjudication
7 claim under RCW 90.03.180, a fee of twenty-five dollars must be
8 charged.

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

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

14 (20) A service fee of five 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 (21) For preparation of clerk's papers under RAP 9.7, a fee of
19 fifty cents per page must be charged.

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

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

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

27 (25) For filing a request for mandatory arbitration, a filing fee
28 may be assessed against the party filing a statement of arbitrability
29 not to exceed two hundred (~~(twenty)~~) fifty dollars as established by
30 authority of local ordinance. This charge shall be used solely to
31 offset the cost of the mandatory arbitration program.

32 (26) For filing a request for trial de novo of an arbitration
33 award, a fee not to exceed two hundred (~~(fifty)~~) seventy-five dollars
34 as established by authority of local ordinance must be charged.

35 (27) A public agency may not charge a fee to a law enforcement
36 agency, for preparation, copying, or mailing of certified copies of
37 the judgment and sentence, information, affidavit of probable cause,
38 and/or the notice of requirement to register, of a sex offender
39 convicted in a Washington court, when such records are necessary for

1 risk assessment, preparation of a case for failure to register, or
2 maintenance of a sex offender's registration file.

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

5 (29) For the collection of unpaid legal financial obligations,
6 the clerk may impose an annual fee of up to one hundred dollars,
7 pursuant to RCW 9.94A.780.

8 (30) A surcharge of up to twenty dollars may be charged in
9 dissolution and legal separation actions as authorized by RCW
10 26.12.260.

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

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