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**SUBSTITUTE HOUSE BILL 1680**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Law & Justice (originally sponsored by Representatives Hickel, Appelwick and Padden; by request of Administrator for the Courts)

Read first time 03/01/95.

1 AN ACT Relating to interest on court fines; and amending RCW  
2 3.02.045, 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, 10.82.090,  
3 and 36.18.190.

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

5 **Sec. 1.** RCW 3.02.045 and 1994 c 301 s 1 are each amended to read  
6 as follows:

7 (1) Courts of limited jurisdiction may use collection agencies  
8 under chapter 19.16 RCW for purposes of collecting unpaid penalties on  
9 infractions, criminal fines, costs, assessments, civil judgments, or  
10 forfeitures that have been imposed by the courts. Courts of limited  
11 jurisdiction may enter into agreements with one or more attorneys or  
12 collection agencies for collection of outstanding penalties, fines,  
13 costs, assessments, and forfeitures. These agreements may specify the  
14 scope of work, remuneration for services, and other charges deemed  
15 appropriate. Such agreements may authorize collection agencies to  
16 retain all or any portion of the interest collected on these accounts.

17 (2) Courts of limited jurisdiction may use credit cards or debit  
18 cards for purposes of billing and collecting unpaid penalties, fines,  
19 costs, assessments, and forfeitures so imposed. Courts of limited

1 jurisdiction may enter into agreements with one or more financial  
2 institutions for the purpose of the collection of penalties, fines,  
3 costs, assessments, and forfeitures. The agreements may specify  
4 conditions, remuneration for services, and other charges deemed  
5 appropriate.

6 (3) Servicing of delinquencies by collection agencies or by  
7 collecting attorneys in which the court retains control of its  
8 delinquencies shall not constitute assignment of debt.

9 (4) For purposes of this section, the term debt shall include  
10 penalties, fines, costs, assessments, or forfeitures imposed by the  
11 courts.

12 (5) The court may assess as court costs the moneys paid for  
13 remuneration for services or charges paid to collecting attorneys, to  
14 collection agencies, or, in the case of credit cards, to financial  
15 institutions.

16 **Sec. 2.** RCW 3.46.120 and 1988 c 169 s 1 are each amended to read  
17 as follows:

18 (1) All money received by the clerk of a municipal department  
19 including penalties, fines, bail forfeitures, fees and costs shall be  
20 paid by the clerk to the city treasurer.

21 (2) The city treasurer shall remit monthly thirty-two percent of  
22 the noninterest money received under this section, other than for  
23 parking infractions, and certain costs to the state treasurer.  
24 "Certain costs" as used in this subsection, means those costs awarded  
25 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
26 or those costs awarded against convicted defendants in criminal actions  
27 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
28 if such costs are specifically designated as costs by the court and are  
29 awarded for the specific reimbursement of costs incurred by the state,  
30 county, city, or town in the prosecution of the case, including the  
31 fees of defense counsel. Money remitted under this subsection to the  
32 state treasurer shall be deposited as provided in RCW 43.08.250.

33 (3) The balance of the noninterest money received under this  
34 section shall be retained by the city and deposited as provided by law.

35 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
36 interest at the rate of twelve percent per annum, upon commencement of  
37 collection activity. Interest may accrue only while the case is in  
38 collection status.

1       (5) Interest retained by the court on penalties, fines, bail  
2 forfeitures, fees, and costs shall be split twenty-five percent to the  
3 state treasurer for deposit in the public safety and education account  
4 as provided in RCW 43.08.250, twenty-five percent to the state  
5 treasurer for deposit in the judicial information system account as  
6 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
7 and twenty-five percent to the city general fund to fund local courts.

8       **Sec. 3.** RCW 3.50.100 and 1988 c 169 s 2 are each amended to read  
9 as follows:

10       (1) Costs in civil and criminal actions may be imposed as provided  
11 in district court. All fees, costs, fines, forfeitures and other money  
12 imposed by any municipal court for the violation of any municipal or  
13 town ordinances shall be collected by the court clerk and, together  
14 with any other noninterest revenues received by the clerk, shall be  
15 deposited with the city or town treasurer as a part of the general fund  
16 of the city or town, or deposited in such other fund of the city or  
17 town, or deposited in such other funds as may be designated by the laws  
18 of the state of Washington.

19       (2) The city treasurer shall remit monthly thirty-two percent of  
20 the noninterest money received under this section, other than for  
21 parking infractions, and certain costs to the state treasurer.  
22 "Certain costs" as used in this subsection, means those costs awarded  
23 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
24 or those costs awarded against convicted defendants in criminal actions  
25 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
26 if such costs are specifically designated as costs by the court and are  
27 awarded for the specific reimbursement of costs incurred by the state,  
28 county, city, or town in the prosecution of the case, including the  
29 fees of defense counsel. Money remitted under this subsection to the  
30 state treasurer shall be deposited as provided in RCW 43.08.250.

31       (3) The balance of the noninterest money received under this  
32 section shall be retained by the city and deposited as provided by law.

33       (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
34 interest at the rate of twelve percent per annum, upon commencement of  
35 collection activity. Interest may accrue only while the case is in  
36 collection status.

37       (5) Interest retained by the court on penalties, fines, bail  
38 forfeitures, fees, and costs shall be split twenty-five percent to the

1 state treasurer for deposit in the public safety and education account  
2 as provided in RCW 43.08.250, twenty-five percent to the state  
3 treasurer for deposit in the judicial information system account as  
4 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
5 and twenty-five percent to the city general fund to fund local courts.

6 **Sec. 4.** RCW 35.20.220 and 1988 c 169 s 6 are each amended to read  
7 as follows:

8 (1) The chief clerk, under the supervision and direction of the  
9 court administrator of the municipal court, shall have the custody and  
10 care of the books, papers and records of said court; he shall be  
11 present by himself or deputy during the session of said court, and  
12 shall have the power to swear all witnesses and jurors, and administer  
13 oaths and affidavits, and take acknowledgments. He shall keep the  
14 records of said court, and shall issue all process under his hand and  
15 the seal of said court, and shall do and perform all things and have  
16 the same powers pertaining to his office as the clerks of the superior  
17 courts have in their office. He shall receive all fines, penalties and  
18 fees of every kind, and keep a full, accurate and detailed account of  
19 the same; and shall on each day pay into the city treasury all money  
20 received for said city during the day previous, with a detailed account  
21 of the same, and taking the treasurer's receipt therefor.

22 (2) The city treasurer shall remit monthly thirty-two percent of  
23 the noninterest money received under this section, other than for  
24 parking infractions and certain costs to the state treasurer. "Certain  
25 costs" as used in this subsection, means those costs awarded to  
26 prevailing parties in civil actions under RCW 4.84.010 or 36.18.040, or  
27 those costs awarded against convicted defendants in criminal actions  
28 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
29 if such costs are specifically designated as costs by the court and are  
30 awarded for the specific reimbursement of costs incurred by the state,  
31 county, city, or town in the prosecution of the case, including the  
32 fees of defense counsel. Money remitted under this subsection to the  
33 state treasurer shall be deposited as provided in RCW 43.08.250.

34 (3) The balance of the noninterest money received under this  
35 section shall be retained by the city and deposited as provided by law.

36 (4) Penalties, fines, bail forfeitures, fees, and costs may accrue  
37 interest at the rate of twelve percent per annum, upon commencement of

1 collection activity. Interest may accrue only while the case is in  
2 collection status.

3 (5) Interest retained by the court on penalties, fines, bail  
4 forfeitures, fees, and costs shall be split twenty-five percent to the  
5 state treasurer for deposit in the public safety and education account  
6 as provided in RCW 43.08.250, twenty-five percent to the state  
7 treasurer for deposit in the judicial information system account as  
8 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
9 and twenty-five percent to the city general fund to fund local courts.

10 **Sec. 5.** RCW 3.62.020 and 1988 c 169 s 3 are each amended to read  
11 as follows:

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

21 (2) The county treasurer shall remit thirty-two percent of the  
22 noninterest money received under subsection (1) of this section except  
23 certain costs to the state treasurer. "Certain costs" as used in this  
24 subsection, means those costs awarded to prevailing parties in civil  
25 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against  
26 convicted defendants in criminal actions under RCW 10.01.160,  
27 10.46.190, or 36.18.040, or other similar statutes if such costs are  
28 specifically designated as costs by the court and are awarded for the  
29 specific reimbursement of costs incurred by the state or county in the  
30 prosecution of the case, including the fees of defense counsel. Money  
31 remitted under this subsection to the state treasurer shall be  
32 deposited as provided in RCW 43.08.250.

33 (3) The balance of the noninterest money received by the county  
34 treasurer under subsection (1) of this section shall be deposited in  
35 the county current expense fund.

36 (4) All money collected for county parking infractions shall be  
37 remitted by the clerk of the district court at least monthly, with the

1 information required under subsection (1) of this section, to the  
2 county treasurer for deposit in the county current expense fund.

3 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
4 interest at the rate of twelve percent per annum, upon commencement of  
5 collection activity. Interest may accrue only while the case is in  
6 collection status.

7 (6) Interest retained by the court on penalties, fines, bail  
8 forfeitures, fees, and costs shall be split twenty-five percent to the  
9 state treasurer for deposit in the public safety and education account  
10 as provided in RCW 43.08.250, twenty-five percent to the state  
11 treasurer for deposit in the judicial information system account as  
12 provided in RCW 2.68.020, twenty-five percent to the county current  
13 expense fund, and twenty-five percent to the county current expense  
14 fund to fund local courts.

15 **Sec. 6.** RCW 3.62.040 and 1988 c 169 s 4 are each amended to read  
16 as follows:

17 (1) Except as provided in subsection (4) of this section, all  
18 costs, fines, forfeitures and penalties assessed and collected, in  
19 whole or in part, by district courts because of violations of city  
20 ordinances shall be remitted by the clerk of the district court at  
21 least monthly directly to the treasurer of the city wherein the  
22 violation occurred.

23 (2) The city treasurer shall remit monthly thirty-two percent of  
24 the noninterest money received under this section, other than for  
25 parking infractions and certain costs, to the state treasurer.  
26 "Certain costs" as used in this subsection, means those costs awarded  
27 to prevailing parties in civil actions under RCW 4.84.010 or 36.18.040,  
28 or those costs awarded against convicted defendants in criminal actions  
29 under RCW 10.01.160, 10.46.190, or 36.18.040, or other similar statutes  
30 if such costs are specifically designated as costs by the court and are  
31 awarded for the specific reimbursement of costs incurred by the state,  
32 county, city, or town in the prosecution of the case, including the  
33 fees of defense counsel. Money remitted under this subsection to the  
34 state treasurer shall be deposited as provided in RCW 43.08.250.

35 (3) The balance of the noninterest money received under this  
36 section shall be retained by the city and deposited as provided by law.

1 (4) All money collected for city parking infractions shall be  
2 remitted by the clerk of the district court at least monthly to the  
3 city treasurer for deposit in the city's general fund.

4 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue  
5 interest at the rate of twelve percent per annum, upon commencement of  
6 collection activity. Interest may accrue only while the case is in  
7 collection status.

8 (6) Interest retained by the court on penalties, fines, bail  
9 forfeitures, fees, and costs shall be split twenty-five percent to the  
10 state treasurer for deposit in the public safety and education account  
11 as provided in RCW 43.08.250, twenty-five percent to the state  
12 treasurer for deposit in the judicial information system account as  
13 provided in RCW 2.68.020, twenty-five percent to the city general fund,  
14 and twenty-five percent to the city general fund to fund local courts.

15 **Sec. 7.** RCW 10.82.090 and 1989 c 276 s 3 are each amended to read  
16 as follows:

17 Financial obligations imposed in a judgment shall bear interest  
18 from the date of the judgment until payment, at the rate applicable to  
19 civil judgments. All nonrestitution interest retained by the court  
20 shall be split twenty-five percent to the state treasurer for deposit  
21 in the public safety and education account as provided in RCW  
22 43.08.250, twenty-five percent to the state treasurer for deposit in  
23 the judicial information system account as provided in RCW 2.68.020,  
24 twenty-five percent to the county current expense fund, and twenty-five  
25 percent to the county current expense fund to fund local courts.

26 **Sec. 8.** RCW 36.18.190 and 1994 c 185 s 9 are each amended to read  
27 as follows:

28 Superior court clerks may contract with collection agencies or may  
29 use county collection services for the collection of unpaid court  
30 obligations. The costs for the agencies or county services shall be  
31 paid by the debtor. By agreement, clerks may authorize collection  
32 agencies to retain all or any portion of the interest collected on  
33 these accounts. Collection may not be initiated with respect to a  
34 criminal offender who is under the supervision of the department of  
35 corrections without the prior agreement of the department.

36 Any contract with a collection agency shall be awarded only after  
37 competitive bidding. Factors that a court clerk shall consider in

1 awarding a collection contract include but are not limited to: (1) A  
2 collection agency's history and reputation in the community; and (2)  
3 the agency's access to a local data base that may increase the  
4 efficiency of its collections.

5 The servicing of an unpaid court obligation does not constitute  
6 assignment of a debt, and no contract with a collection agency may  
7 remove the court's control over unpaid obligations owed to the court.

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