

HOUSE BILL REPORT

HB 2766

*As Reported By House Committee on:
Local Government*

Title: An act relating to sheriff's fees and costs.

Brief Description: Increasing official fees for a sheriff's services.

Sponsor(s): Representatives Rayburn, Nealey, Riley, Edmondson, Paris and Basich.

Brief History:

Reported by House Committee on:
Local Government, February 7, 1992, DPS.

**HOUSE COMMITTEE ON
LOCAL GOVERNMENT**

Majority Report: *The substitute bill be substituted therefor and the substitute bill do pass.* Signed by 15 members: Representatives Haugen, Chair; Cooper, Vice Chair; Ferguson, Ranking Minority Member; Mitchell, Assistant Ranking Minority Member; Bray; Edmondson; Franklin; Horn; Nealey; Nelson; Rayburn; Roland; Wood; Wynne; and Zellinsky.

Staff: Bill Lynch (786-7092).

Background: The county sheriff, like other county officers, is required to collect fees for official services. The sheriff may allow payment to be made after the official services have been performed. Fees collected by the sheriff may be recovered by the prevailing party in a lawsuit as a part of court costs.

A fee schedule must be posted in the sheriff's office. The sheriff must make out a bill for the fees upon request. The bill must specify each particular item and a receipt must be provided upon payment of the fees. The sheriff must submit a statement of the fees to the county auditor by the first Monday of each month. All fees are paid into the county treasury on the first Monday in each month.

A county officer may charge a fee for performing a service even though no fee for such service is provided in statute. The county officer may charge fees similar and equal to those allowed for services of the same kind. It is

suggested that the amount that the sheriff may charge for various services should be raised, and that fees for performing other services not currently established in statute be expressly authorized.

Summary of Substitute Bill: The fees that a sheriff is required to collect for performing official services are raised as follows:

- Service of summons or complaint, raised from \$6 to \$10 for one defendant at one resident, and \$12 for two or more defendants at one residence;
- Making a return trip, raised from \$5 to \$7;
- Levying a writ of attachment or execution, raised from \$15 to \$30 per hour;
- Filing a copy of a writ of attachment or execution with the county auditor, raised from \$5 to \$10;
- Serving a writ of possession or restitution, raised from \$15 to \$25;
- Serving an arrest warrant, raised from \$15 to \$30;
- Executing any other writ or process in a civil proceeding, raised from \$15 to \$30 per hour;
- For each mile traveled going to or returning from any place of service or attempted service, raised from 25 cents up to 35 cents;
- Making a deed to lands sold upon execution or order of sale or other decree of court, payable by the purchaser, raised from \$20 to \$30;
- Serving any other document for which no other fee is provided, raised from \$6 to \$12;
- Posting a notice of sale or postponement, raised from \$5 to \$10;
- Certificate or bill of sale of property, or certificate of redemption, raised from \$20 to \$30; and
- Conducting a sale of property, raised from \$15 to \$30 per hour spent at a sheriff's sale.

The following fees are newly authorized to be imposed by a sheriff:

- \$5 for notarizing each document;
- \$10 for fingerprinting for noncriminal purposes for up to two sets, \$3 for each additional set;
- Actual cost of postage for mailings required by statute;
- \$10 for internal criminal history record checks;
- \$10 for copies of incident or case reports; and
- Actual cost of reproducing audio, visual, or photographic material, or magnetic microfilming, including personnel time.

Language is added to clarify that public funds may not be spent to pay for the costs of private litigation. Costs are to be paid by the party seeking action by the sheriff, and may be recovered from the proceeds of any subsequent judicial sale, or may be added to any judgment.

Substitute Bill Compared to Original Bill: The amount that may be charged for making a return trip is reduced from \$10 to \$7. The amount that may be charged for serving a summons or complaint is reduced from \$12 to \$10 for one defendant at one residence, and \$12 for two or more defendants at one residence. The amount of mileage that may be charged is reduced from 50 cents to 35 cents.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The fees were last raised in 1981. An increase in fees is needed to help cover increased costs.

Testimony Against: None.

Witnesses: Doug Blair, Yakima County Sheriff; William Logan, Lewis County Sheriff; Gary Edwards, Thurston County Sheriff; Walt Corneille, Washington State Process Servers Association; and Benita McCormick, Washington Collectors Association.