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ENGROSSED SUBSTITUTE HOUSE BILL 1378

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State of Washington

52nd Legislature

1991 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Appelwick, Miller, Belcher, Locke, H. Myers, Prentice, Fraser, Leonard, Anderson and Scott).

Read first time February 28, 1991.

1 AN ACT Relating to superior court fees; amending RCW 36.18.020,  
2 36.18.025, and 43.08.250; adding a new section to chapter 43.08 RCW;  
3 adding a new section to chapter 36.18 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 36.18.020 and 1989 c 342 s 1 are each amended to read  
6 as follows:

7 Clerks of superior courts shall collect the following fees for  
8 their official services:

9 (1) The party filing the first or initial paper in any civil  
10 action, including an action for restitution, or change of name, shall  
11 pay, at the time said paper is filed, a fee of (~~seventy-eight~~) one  
12 hundred dollars except in proceedings filed under RCW 26.50.030 or  
13 49.60.227 where the petitioner shall pay a filing fee of twenty  
14 dollars, or an unlawful detainer action under chapter 59.18 or 59.20  
15 RCW where the plaintiff shall pay a filing fee of thirty dollars. If

1 the defendant serves or files an answer to an unlawful detainer  
2 complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,  
3 prior to proceeding with the unlawful detainer action, an additional  
4 forty-eight dollars which shall be considered part of the filing fee.  
5 The thirty dollar filing fee under this subsection for an unlawful  
6 detainer action shall not include an order to show cause or any other  
7 order or judgment except a default order or default judgment in an  
8 unlawful detainer action.

9 (2) Any party, except a defendant in a criminal case, filing the  
10 first or initial paper on an appeal from a court of limited  
11 jurisdiction or any party on any civil appeal, shall pay, when said  
12 paper is filed, a fee of (~~seventy-eight~~) one hundred dollars.

13 (3) The party filing a transcript or abstract of judgment or  
14 verdict from a United States court held in this state, or from the  
15 superior court of another county or from a district court in the county  
16 of issuance, shall pay at the time of filing, a fee of fifteen dollars.

17 (4) For the filing of a tax warrant by the department of revenue of  
18 the state of Washington, a fee of five dollars shall be paid.

19 (5) For the filing of a petition for modification of a decree of  
20 dissolution, a fee of twenty dollars shall be paid.

21 (6) The party filing a demand for jury of six in a civil action,  
22 shall pay, at the time of filing, a fee of (~~twenty-five~~) fifty  
23 dollars; if the demand is for a jury of twelve the fee shall be  
24 (~~fifty~~) one hundred dollars. If, after the party files a demand for  
25 a jury of six and pays the required fee, any other party to the action  
26 requests a jury of twelve, an additional (~~twenty-five~~) fifty-dollar  
27 fee will be required of the party demanding the increased number of  
28 jurors.

29 (7) For filing any paper, not related to or a part of any  
30 proceeding, civil or criminal, or any probate matter, required or

1 permitted to be filed in the clerk's office for which no other charge  
2 is provided by law, or for filing a petition, written agreement, or  
3 memorandum as provided in RCW 11.96.170, the clerk shall collect two  
4 dollars.

5 (8) For preparing, transcribing or certifying any instrument on  
6 file or of record in the clerk's office, with or without seal, for the  
7 first page or portion thereof, a fee of two dollars, and for each  
8 additional page or portion thereof, a fee of one dollar. For  
9 authenticating or exemplifying any instrument, a fee of one dollar for  
10 each additional seal affixed.

11 (9) For executing a certificate, with or without a seal, a fee of  
12 two dollars shall be charged.

13 (10) For each garnishee defendant named in an affidavit for  
14 garnishment and for each writ of attachment, a fee of five dollars  
15 shall be charged.

16 (11) For approving a bond, including justification thereon, in  
17 other than civil actions and probate proceedings, a fee of two dollars  
18 shall be charged.

19 (12) In probate proceedings, the party instituting such  
20 proceedings, shall pay at the time of filing the first paper therein,  
21 a fee of (~~seventy-eight~~) one hundred dollars: PROVIDED, HOWEVER, A  
22 fee of two dollars shall be charged for filing a will only, when no  
23 probate of the will is contemplated. Except as provided for in  
24 subsection (13) of this section a fee of two dollars shall be charged  
25 for filing a petition, written agreement, or memorandum as provided in  
26 RCW 11.96.170.

27 (13) For filing any petition to contest a will admitted to probate  
28 or a petition to admit a will which has been rejected, or a petition  
29 objecting to a written agreement or memorandum as provided in RCW

1 11.96.170, there shall be paid a fee of (~~seventy-eight~~) one hundred  
2 dollars.

3 (14) For the issuance of each certificate of qualification and each  
4 certified copy of letters of administration, letters testamentary or  
5 letters of guardianship there shall be a fee of two dollars.

6 (15) For the preparation of a passport application there shall be  
7 a fee of four dollars.

8 (16) For searching records for which a written report is issued  
9 there shall be a fee of eight dollars per hour.

10 (17) Upon conviction or plea of guilty, upon failure to prosecute  
11 an appeal from a court of limited jurisdiction as provided by law, or  
12 upon affirmance of a conviction by a court of limited jurisdiction, a  
13 defendant in a criminal case shall be liable for a fee of seventy  
14 dollars.

15 (18) With the exception of demands for jury hereafter made and  
16 garnishments hereafter issued, civil actions and probate proceedings  
17 filed prior to midnight, July 1, 1972, shall be completed and governed  
18 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
19 fee shall be assessed if an order of dismissal on the clerk's record be  
20 filed as provided by rule of the supreme court.

21 (19) No fee shall be collected when a petition for relinquishment  
22 of parental rights is filed pursuant to RCW 26.33.080 or for forms and  
23 instructional brochures provided under RCW 26.50.030.

24 **Sec. 2.** RCW 36.18.025 and 1985 c 389 s 9 are each amended to read  
25 as follows:

26 Thirty-two percent of the money received from filing fees paid  
27 pursuant to RCW 36.18.020(~~(, as now or hereafter amended,)~~) shall be  
28 transmitted by the county treasurer each month to the state treasurer

1 for deposit in the public safety and education account established  
2 under RCW 43.08.250.

3 **Sec. 3.** RCW 43.08.250 and 1985 c 57 s 27 are each amended to read  
4 as follows:

5 The money received by the state treasurer from fees, fines,  
6 forfeitures, penalties, reimbursements or assessments by any court  
7 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be  
8 deposited in the public safety and education account which is hereby  
9 created in the state treasury. The legislature shall appropriate the  
10 funds in the account to promote traffic safety education, highway  
11 safety, criminal justice training, crime victims' compensation,  
12 judicial education, the judicial information system, civil  
13 representation of indigent persons, winter recreation parking, and  
14 state game programs. All earnings of investments of balances in the  
15 public safety and education account shall be credited to the general  
16 fund.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 43.08 RCW  
18 to read as follows:

19 (1) Any money appropriated from the public safety and education  
20 account pursuant to RCW 43.08.250 in order to promote civil  
21 representation of indigent persons shall be used solely for the purpose  
22 of contracting with qualified legal aid programs. For purposes of this  
23 section, a "qualified legal aid program" means a not-for-profit  
24 corporation incorporated and operating exclusively in Washington which  
25 has received basic field funding for the provision of civil legal  
26 services to indigents under Public Law 101-515.

27 (2) Funds distributed to qualified legal aid programs under this  
28 section shall be distributed on a basis proportionate to the number of

1 individuals with incomes below the official federal poverty income  
2 guidelines who reside within the counties in the geographic service  
3 areas of such programs. The department of community development shall  
4 use the same formula for determining this distribution as is used by  
5 the legal services corporation in allocating funds for basic field  
6 services in the state of Washington.

7 (3) No funds distributed to qualified legal aid programs pursuant  
8 to this act may be used to bring a class action lawsuit.

9 NEW SECTION. **Sec. 5.** A new section is added to chapter 36.18 RCW  
10 to read as follows:

11 The court may waive the filing fees provided for under RCW  
12 36.18.020 (1) and (2) upon affidavit by a party that the party is  
13 unable to pay the fee due to financial hardship.

14 NEW SECTION. **Sec. 6.** If by June 30, 1991, the omnibus  
15 operating budget appropriations act for the 1991-93 biennium does not  
16 provide a specific appropriation for this act of at least four million  
17 dollars, referencing this act by bill number, this act is null and  
18 void.