
HOUSE BILL 2997

State of Washington 52nd Legislature 1992 Regular Session

By Representative Appelwick

Read first time 03/02/92. Referred to Committee on RULES REVIEW.

1 AN ACT Relating to court fees for legal services and law libraries;
2 amending RCW 36.18.020, 36.18.025, 27.24.070, 2.32.070, 27.24.010,
3 27.24.020, 27.24.040, 27.24.062, 27.24.066, 27.24.067, and 3.62.060;
4 reenacting and amending RCW 43.08.250; adding a new section to chapter
5 43.08 RCW; adding a new section to chapter 36.18 RCW; adding a new
6 section to chapter 3.62 RCW; creating a new section; and repealing RCW
7 27.24.050, 27.24.060, 27.24.063, 27.24.064, and 27.24.065.

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

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

11 Clerks of superior courts shall collect the following fees for
12 their official services:

13 (1) The party filing the first or initial paper in any civil
14 action, including an action for restitution, or change of name, shall

1 pay, at the time said paper is filed, a fee of (~~seventy-eight~~) one
2 hundred ten dollars except in proceedings filed under RCW 26.50.030 or
3 49.60.227 where the petitioner shall pay a filing fee of twenty
4 dollars, or an unlawful detainer action under chapter 59.18 or 59.20
5 RCW where the plaintiff shall pay a filing fee of thirty dollars. If
6 the defendant serves or files an answer to an unlawful detainer
7 complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,
8 prior to proceeding with the unlawful detainer action, an additional
9 (~~forty-eight~~) eighty dollars which shall be considered part of the
10 filing fee. The thirty dollar filing fee under this subsection for an
11 unlawful detainer action shall not include an order to show cause or
12 any other order or judgment except a default order or default judgment
13 in an unlawful detainer action.

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

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

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

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

26 (6) The party filing a demand for jury of six in a civil action,
27 shall pay, at the time of filing, a fee of (~~twenty-five~~) fifty
28 dollars; if the demand is for a jury of twelve the fee shall be
29 (~~fifty~~) one hundred dollars. If, after the party files a demand for
30 a jury of six and pays the required fee, any other party to the action

1 requests a jury of twelve, an additional (~~twenty-five~~) fifty-dollar
2 fee will be required of the party demanding the increased number of
3 jurors.

4 (7) For filing any paper, not related to or a part of any
5 proceeding, civil or criminal, or any probate matter, required or
6 permitted to be filed in the clerk's office for which no other charge
7 is provided by law, or for filing a petition, written agreement, or
8 memorandum as provided in RCW 11.96.170, the clerk shall collect two
9 dollars.

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

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

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

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

24 (12) In probate proceedings, the party instituting such
25 proceedings, shall pay at the time of filing the first paper therein,
26 a fee of (~~seventy-eight~~) one hundred ten dollars: PROVIDED, HOWEVER,
27 A fee of two dollars shall be charged for filing a will only, when no
28 probate of the will is contemplated. Except as provided for in
29 subsection (13) of this section a fee of two dollars shall be charged

1 for filing a petition, written agreement, or memorandum as provided in
2 RCW 11.96.170.

3 (13) For filing any petition to contest a will admitted to probate
4 or a petition to admit a will which has been rejected, or a petition
5 objecting to a written agreement or memorandum as provided in RCW
6 11.96.170, there shall be paid a fee of (~~seventy-eight~~) one hundred
7 ten dollars.

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

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

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

15 (17) Upon conviction or plea of guilty, upon failure to prosecute
16 an appeal from a court of limited jurisdiction as provided by law, or
17 upon affirmance of a conviction by a court of limited jurisdiction, a
18 defendant in a criminal case shall be liable for a fee of (~~seventy~~)
19 one hundred ten dollars.

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

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

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

3 (~~Thirty-two~~) Forty-six percent of the money received from filing
4 fees paid pursuant to RCW 36.18.020(~~(, as now or hereafter amended,)~~)
5 shall be transmitted by the county treasurer each month to the state
6 treasurer for deposit in the public safety and education account
7 established under RCW 43.08.250.

8 **Sec. 3.** RCW 43.08.250 and 1991 sp.s. c 16 s 919 and 1991 sp.s. c
9 13 s 25 are each reenacted and amended to read as follows:

10 The money received by the state treasurer from fees, fines,
11 forfeitures, penalties, reimbursements or assessments by any court
12 organized under Title 3 or 35 RCW, or chapter 2.08 RCW, shall be
13 deposited in the public safety and education account which is hereby
14 created in the state treasury. The legislature shall appropriate the
15 funds in the account to promote traffic safety education, highway
16 safety, criminal justice training, crime victims' compensation,
17 judicial education, the judicial information system, civil
18 representation of indigent persons, winter recreation parking, and
19 state game programs. During the fiscal biennium ending June 30, 1993,
20 the legislature may appropriate moneys from the public safety and
21 education account for the purposes of local jail population data
22 collection under RCW 10.98.130, the department of corrections' county
23 partnership program under RCW 72.09.300, the treatment alternatives to
24 street crimes program, the criminal litigation unit of the attorney
25 general's office, and contracts with county officials to provide
26 support enforcement services.

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

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

9 (2) Funds distributed to qualified legal aid programs under this
10 section shall be distributed on a basis proportionate to the number of
11 individuals with incomes below the official federal poverty income
12 guidelines who reside within the counties in the geographic service
13 areas of such programs. The department of community development shall
14 use the same formula for determining this distribution as is used by
15 the legal services corporation in allocating funds for basic field
16 services in the state of Washington.

17 (3)(a) Funds distributed to qualified legal aid programs under this
18 section may not be used directly or indirectly for lobbying or in class
19 action suits. Further, these funds are subject to all limitations and
20 conditions imposed on use of funds made available to legal aid programs
21 under the legal services corporation act of 1974 (P.L. 93-355; P.L. 95-
22 222) as currently in effect or hereafter amended.

23 (b)(i) For purposes of this section, "lobbying" means any personal
24 service, advertisement, telegram, telephone communication, letter,
25 printed or written matter, or other device directly or indirectly
26 intended to influence any member of congress or any other federal,
27 state, or local nonjudicial official, whether elected or appointed:

28 (A) In connection with any act, bill, resolution, or similar
29 legislation by the congress of the United States or by any state or

1 local legislative body, or any administrative rule, standard, rate, or
2 other enactment by any federal, state, or local administrative agency;

3 (B) In connection with any referendum, initiative, constitutional
4 amendment, or any similar procedure of the congress, any state
5 legislature, any local council, or any similar governing body acting in
6 a legislative capacity; or

7 (C) In connection with inclusion of any provision in a legislative
8 measure appropriating funds to, or defining or limiting the functions
9 or authority of, the recipient of funds pursuant to this act.

10 (ii) "Lobbying" does not include the response of an employee of a
11 legal aid program to a written request from a governmental agency, an
12 elected or appointed official, or committee on a specific matter. This
13 exception does not authorize communication with anyone other than the
14 requesting party, or agent or employee of such agency, official, or
15 committee.

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

18 The court may waive the filing fees provided for under RCW
19 36.18.020 (1) and (2) upon affidavit by a party that the party is
20 unable to pay the fee due to financial hardship.

21 **Sec. 6.** RCW 27.24.070 and 1985 c 389 s 2 are each amended to read
22 as follows:

23 In each county pursuant to this chapter, the county treasurer shall
24 deposit in the county or regional law library fund a sum equal to
25 (~~seven~~) twelve dollars for every new probate or civil filing fee,
26 including appeals, collected by the clerk of the superior court and
27 (~~three~~) six dollars for every fee collected for the commencement of
28 a civil action in district court for the support of the law library in

1 that county or the regional law library to which the county belongs:
2 PROVIDED, That upon a showing of need the ((seven)) twelve dollar
3 contribution may be increased up to ((nine)) fourteen dollars upon the
4 request of the law library board of trustees and with the approval of
5 the county legislative body or bodies.

6 **Sec. 7.** RCW 2.32.070 and 1987 c 382 s 1 are each amended to read
7 as follows:

8 The clerk of the supreme court and the clerks of the court of
9 appeals shall collect the following fees for their official services:

10 Upon filing his or her first paper or record and making an
11 appearance, the appellant or petitioner shall pay to the clerk of said
12 court a docket fee of ((one)) two hundred ((twenty-five)) fifty
13 dollars.

14 For copies of opinions, twenty cents per folio: PROVIDED, That
15 counsel of record and criminal defendants shall be supplied a copy
16 without charge.

17 For certificates showing admission of an attorney to practice law
18 five dollars, except that there shall be no fee for an original
19 certificate to be issued at the time of his or her admission.

20 For filing a petition for review of a court of appeals decision
21 terminating review, ((one)) two hundred dollars.

22 The foregoing fees shall be all the fees connected with the appeal
23 or special proceeding.

24 No fees shall be required to be advanced by the state or any
25 municipal corporation, or any public officer prosecuting or defending
26 on behalf of such state or municipal corporation.

27 **Sec. 8.** RCW 27.24.010 and 1919 c 84 s 1 are each amended to read
28 as follows:

1 (~~In~~) Each county (~~having~~) with a population of (~~three~~
2 ~~hundred~~) eight thousand or more (~~there~~) shall (~~be~~) have a county
3 law library, which shall be governed and maintained as hereinafter
4 provided.

5 **Sec. 9.** RCW 27.24.020 and 1919 c 84 s 2 are each amended to read
6 as follows:

7 (~~There shall be in~~) (1) Every (~~such~~) county with a population
8 of three hundred thousand or more must have a board of law library
9 trustees consisting of five members to be constituted as follows: The
10 chairman of the (~~board of~~) county (~~commissioners shall be~~)
11 legislative authority is an ex officio (~~a~~) trustee, (~~and~~) the
12 judges of the superior court of the county shall choose two of their
13 number to be trustees, and the members of the county bar association
14 shall choose two members of the bar of the county to be trustees.

15 (2) Every county with a population of eight thousand or more but
16 less than three hundred thousand must have a board of law library
17 trustees consisting of five members to be constituted as follows: The
18 chairman of the county legislative authority is an ex officio trustee,
19 the judges of the superior court of the county shall choose one of
20 their number to be a trustee, and the members of the county bar
21 association shall choose three members of the county to be trustees.
22 If there is no county bar association, then the lawyers of the county
23 shall choose three of their number to be trustees.

24 (3) If a county has a population of less than eight thousand, then
25 the provisions contained in RCW 27.24.068 shall apply to the
26 establishment and operation of the county law library.

27 (4) If a regional law library is created pursuant to RCW 27.24.062,
28 then it shall be governed by one board of trustees. The board shall
29 consist of the following representatives from each county: The judges

1 of the superior court of the county shall choose one of their number to
2 be a trustee, the county legislative authority shall choose one of
3 their number to be a trustee, and the members of the county bar
4 association shall choose one member of the bar of the county to be a
5 trustee. If there is no county bar association, then the lawyers of
6 the county shall choose one of their number to be a trustee.

7 (5) The term of office of a member of the board who is a judge
8 (~~shall be~~) is for as long as he or she continues to be a judge, and
9 the term of a member who is from the bar (~~shall be~~) is four years.
10 Vacancies shall be filled as they occur and in the manner (~~above~~)
11 directed in this section. The office of trustee shall be without
12 salary or other compensation. The board shall elect one of their
13 number president and the librarian shall act as secretary, except that
14 in counties with a population of eight thousand or more but less than
15 three hundred thousand, the board shall elect one of their number to
16 act as secretary if no librarian is appointed. Meetings shall be held
17 at least (~~quarterly and as much oftener and~~) once per year, and if
18 more often, then at such times as may be prescribed by rule.

19 **Sec. 10.** RCW 27.24.040 and 1919 c 84 s 4 are each amended to read
20 as follows:

21 The board of law library trustees shall, on or before the first
22 Monday in September of each year, make a report to the (~~board of~~)
23 county (~~commissioners~~) legislative authority of their county giving
24 the condition of their trust, with a full statement of all property
25 received and how used, the number of books and other publications on
26 hand, the number added by purchase, gift or otherwise during the
27 preceding year, the number lost or missing, and such other information
28 as may be of public interest, together with a financial report showing
29 all receipts and disbursements of money.

1 **Sec. 11.** RCW 27.24.062 and 1991 c 363 s 18 are each amended to
2 read as follows:

3 (~~In each county with a population of from eight thousand to less~~
4 ~~than one hundred twenty five thousand, there shall be a county law~~
5 ~~library which shall be governed and maintained as hereinafter~~
6 ~~provided.))~~)

7 Two or more (~~of such~~) counties each with a population of from
8 eight thousand to less than one hundred twenty-five thousand may, by
9 agreement of the respective law library boards of trustees, create a
10 regional law library and establish and maintain one principal law
11 library at such location as the regional board of trustees may
12 determine will best suit the needs of the users: PROVIDED, HOWEVER,
13 That there shall be at all times a law library in such size as the
14 board of trustees may determine necessary to be located at the
15 courthouse where each superior court is located.

16 **Sec. 12.** RCW 27.24.066 and 1933 c 167 s 3 are each amended to read
17 as follows:

18 The (~~board of~~) county (~~commissioners~~) legislative authority of
19 each county (~~to which this act is applicable,~~) that is required to
20 maintain a county law library shall upon demand by the board of law
21 library trustees, provide a room suitable for the law library,
22 (~~adequately heated, lighted~~) with adequate heat, light, and janitor
23 service.

24 **Sec. 13.** RCW 27.24.067 and 1933 c 167 s 3 are each amended to read
25 as follows:

26 The use of the county law library shall be free to the judges of
27 the state, to state and county officials, and to members of the bar,
28 and to such others as the board of trustees may by rule provide.

1 Residents of counties with a population of three hundred thousand or
2 more shall have free use of the law library.

3 NEW SECTION. Sec. 14. A new section is added to chapter 3.62 RCW
4 to read as follows:

5 All courts organized under Title 3 or 35 RCW may charge fees as
6 prescribed in RCW 3.62.060. The fees or charges imposed under this
7 section shall be allowed as court costs whenever a judgment for costs
8 is awarded.

9 **Sec. 15.** RCW 3.62.060 and 1990 c 172 s 2 are each amended to read
10 as follows:

11 Clerks of the district courts shall collect the following fees for
12 their official services;

13 (1) In any civil action commenced before or transferred to a
14 district court, the plaintiff shall, at the time of such commencement
15 or transfer, pay to such court a filing fee of ((twenty-five)) thirty-
16 one dollars plus any surcharge authorized by RCW 7.75.035. No party
17 shall be compelled to pay to the court any other fees or charges up to
18 and including the rendition of judgment in the action other than those
19 listed.

20 (2) For issuing a writ of garnishment or other writ a fee of six
21 dollars.

22 (3) For filing a supplemental proceeding a fee of twelve dollars.

23 (4) For demanding a jury in a civil case a fee of fifty dollars to
24 be paid by the person demanding a jury.

25 (5) For preparing a transcript of a judgment a fee of six dollars.

26 (6) For certifying any document on file or of record in the clerk's
27 office a fee of five dollars.

1 (7) For preparing the record of a case for appeal to superior court
2 a fee of forty dollars including any costs of tape duplication as
3 governed by the rules of appeal for courts of limited jurisdiction
4 (RALJ).

5 (8) For duplication of part or all of the electronic tape or tapes
6 of a proceeding ten dollars per tape.

7 The fees or charges imposed under this section shall be allowed as
8 court costs whenever a judgment for costs is awarded.

9 NEW SECTION. Sec. 16. The following acts or parts of acts are
10 each repealed:

11 (1) RCW 27.24.050 and 1919 c 84 s 5;

12 (2) RCW 27.24.060 and 1919 c 84 s 6;

13 (3) RCW 27.24.063 and 1971 ex.s. c 141 s 2 & 1933 c 167 s 3;

14 (4) RCW 27.24.064 and 1933 c 167 s 3; and

15 (5) RCW 27.24.065 and 1933 c 167 s 3.

16 NEW SECTION. Sec. 17. If by June 30, 1992, the supplemental
17 omnibus operating budget appropriations act does not provide a specific
18 appropriation for section 4 of this act of at least two million four
19 hundred thousand dollars, referencing this act by bill number, this act
20 is null and void.

21 NEW SECTION. Sec. 18. This act is necessary for the immediate
22 preservation of the public peace, health, or safety, or support of the
23 state government and its existing public institutions, and shall take
24 effect April 1, 1992.