

CERTIFICATION OF ENROLLMENT

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1378

52nd Legislature
1992 Regular Session

Passed by the House March 12, 1992
Yeas 96 Nays 0

**Speaker of the
House of Representatives**

Passed by the Senate March 12, 1992
Yeas 26 Nays 22

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Alan Thompson, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1378** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND ENGROSSED SUBSTITUTE HOUSE BILL 1378

AS AMENDED BY THE SENATE

Passed Legislature - 1992 Regular Session

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 27.24.070; reenacting and amending RCW 43.08.250; adding
3 a new section to chapter 43.08 RCW; adding a new section to chapter
4 36.18 RCW; providing an effective date; and declaring an emergency.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (13) For filing any petition to contest a will admitted to probate
30 or a petition to admit a will which has been rejected, or a petition

1 objecting to a written agreement or memorandum as provided in RCW
2 11.96.170, there shall be paid a fee of (~~seventy-eight~~) one hundred
3 ten dollars.

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

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

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

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

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

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

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

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

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

3 **Sec. 3.** RCW 43.08.250 and 1991 sp.s. c 16 s 919 and 1991 sp.s. c
4 13 s 25 are each reenacted and amended to read 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. During the fiscal biennium ending June 30, 1993,
15 the legislature may appropriate moneys from the public safety and
16 education account for the purposes of local jail population data
17 collection under RCW 10.98.130, the department of corrections' county
18 partnership program under RCW 72.09.300, the treatment alternatives to
19 street crimes program, the criminal litigation unit of the attorney
20 general's office, and contracts with county officials to provide
21 support enforcement services.

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

24 (1) Any money appropriated from the public safety and education
25 account pursuant to RCW 43.08.250 for civil representation of indigent
26 persons shall be used solely for the purpose of contracting with
27 qualified legal aid programs for legal representation of indigent
28 persons in matters relating to: (a) Domestic relations and family law

1 matters, (b) public assistance, health care, and entitlement programs,
2 (c) public housing and utilities, and (d) unemployment compensation.
3 For purposes of this section, a "qualified legal aid program" means a
4 not-for-profit corporation incorporated and operating exclusively in
5 Washington which has received basic field funding for the provision of
6 civil legal services to indigents under Public Law 101-515.

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

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

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

26 (A) In connection with any act, bill, resolution, or similar
27 legislation by the congress of the United States or by any state or
28 local legislative body, or any administrative rule, standard, rate, or
29 other enactment by any federal, state, or local administrative agency;

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

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

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

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

16 The court may waive the filing fees provided for under RCW
17 36.18.020 (1) and (2) upon affidavit by a party that the party is
18 unable to pay the fee due to financial hardship.

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

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

1 contribution may be increased up to ((~~nine~~)) fifteen dollars upon the
2 request of the law library board of trustees and with the approval of
3 the county legislative body or bodies.

4 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
5 preservation of the public peace, health, or safety, or support of the
6 state government and its existing public institutions, and shall take
7 effect April 1, 1992.