

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1692

Chapter 292, Laws of 1995

(partial veto)

54th Legislature
1995 Regular Session

COURT CLERKS' FEES

EFFECTIVE DATE: 7/23/95

Passed by the House April 19, 1995
Yeas 93 Nays 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 11, 1995
Yeas 44 Nays 0

JOEL PRITCHARD

President of the Senate

Approved May 9, 1995, with the
exception of sections 8 and 11, which
are vetoed.

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of
the House of Representatives of the
State of Washington, do hereby certify
that the attached is **SUBSTITUTE HOUSE
BILL 1692** as passed by the House of
Representatives and the Senate on the
dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 9, 1995 - 3:54 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1692

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Law & Justice (originally sponsored by Representatives Padden, Costa, Scott and Appelwick)

Read first time 02/22/95.

1 AN ACT Relating to the clarification of clerks' fees; amending RCW
2 5.28.010, 10.14.040, 10.82.070, 11.86.031, 12.40.105, 12.40.110,
3 13.64.020, 26.50.030, 34.05.514, 36.18.020, 36.18.010, 36.18.022,
4 40.14.027, 49.60.227, 65.12.780, 70.02.070, and 90.03.180; adding new
5 sections to chapter 36.18 RCW; and repealing RCW 2.32.075.

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

7 **Sec. 1.** RCW 5.28.010 and 1987 c 202 s 124 are each amended to read
8 as follows:

9 ((That)) Every court, judge, clerk of a court, or notary public, is
10 authorized to take testimony in any action, suit or proceeding, and
11 such other persons in particular cases as authorized by law. Every
12 such court or officer is authorized to collect fees established under
13 RCW 36.18.020 and sections 12 through 15 of this act and to administer
14 oaths and affirmations generally((~~7~~)) and to every such other person in
15 such particular case as authorized.

16 **Sec. 2.** RCW 10.14.040 and 1987 c 280 s 4 are each amended to read
17 as follows:

1 There shall exist an action known as a petition for an order for
2 protection in cases of unlawful harassment.

3 (1) A petition for relief shall allege the existence of harassment
4 and shall be accompanied by an affidavit made under oath stating the
5 specific facts and circumstances from which relief is sought.

6 (2) A petition for relief may be made regardless of whether or not
7 there is a pending lawsuit, complaint, petition, or other action
8 between the parties.

9 (3) All court clerks' offices shall make available simplified forms
10 and instructional brochures. Any assistance or information provided by
11 clerks under this section does not constitute the practice of law and
12 clerks are not responsible for incorrect information contained in a
13 petition.

14 (4) Filing fees are set in RCW 36.18.020, but no filing fee may be
15 charged for a petition filed in an existing action or under an existing
16 cause number brought under this chapter in the jurisdiction where the
17 relief is sought. Forms and instructional brochures shall be provided
18 free of charge.

19 (5) A person is not required to post a bond to obtain relief in any
20 proceeding under this section.

21 **Sec. 3.** RCW 10.82.070 and 1988 c 169 s 5 are each amended to read
22 as follows:

23 (1) All sums of money derived from costs, fines, penalties, and
24 forfeitures imposed or collected, in whole or in part, by a superior
25 court for violation of orders of injunction, mandamus and other like
26 writs, for contempt of court, or for breach of the penal laws shall be
27 paid in cash by the person collecting the same, within twenty days
28 after the collection, to the county treasurer of the county in which
29 the same have accrued.

30 (2) The county treasurer shall remit monthly thirty-two percent of
31 the money received under this section except for certain costs to the
32 state treasurer for deposit as provided under RCW 43.08.250 and shall
33 deposit the remainder as provided by law. "Certain costs" as used in
34 this subsection, means those costs awarded to prevailing parties in
35 civil actions under RCW 4.84.010 or 36.18.040, or those costs awarded
36 against convicted defendants in criminal actions under RCW 10.01.160,
37 10.46.190, or 36.18.040, or other similar statutes if such costs are
38 specifically designated as costs by the court and are awarded for the

1 specific reimbursement of costs incurred by the state or county in the
2 prosecution of the case, including the fees of defense counsel. Costs
3 or assessments awarded to dedicated accounts, state or local, are not
4 subject to this state allocation or to RCW 7.68.035.

5 (3) All fees, fines, forfeitures and penalties collected or
6 assessed by a district court because of the violation of a state law
7 shall be remitted as provided in chapter 3.62 RCW as now exists or is
8 later amended. All fees, fines, forfeitures, and penalties collected
9 or assessed by a superior court in cases on appeal from a lower court
10 shall be remitted to the municipal or district court from which the
11 cases were appealed.

12 **Sec. 4.** RCW 11.86.031 and 1989 c 34 s 3 are each amended to read
13 as follows:

14 (1) The disclaimer shall:

15 (a) Be in writing;

16 (b) Be signed by the disclaimant;

17 (c) Identify the interest to be disclaimed; and

18 (d) State the disclaimer and the extent thereof.

19 (2) The disclaimer shall be delivered or mailed as provided in
20 subsection (3) of this section at any time after the creation of the
21 interest, but in all events by nine months after the latest of:

22 (a) The date the beneficiary attains the age of twenty-one years;

23 (b) The date of the transfer; or

24 (c) The date that the beneficiary is finally ascertained and the
25 beneficiary's interest is indefeasibly vested.

26 (3) The disclaimer shall be mailed by first-class mail, or
27 otherwise delivered, to the creator of the interest, the creator's
28 legal representative, or the holder of the legal title to the property
29 to which the interest relates or, if the creator is dead and there is
30 no legal representative or holder of legal title, to the person having
31 possession of the property.

32 (4) If the date of the transfer is the date of the death of the
33 creator of the interest, a copy of the disclaimer may be filed with the
34 clerk of the probate court in which the estate of the creator is, or
35 has been, administered, or, if no probate administration has been
36 commenced, then with the clerk of the court of any county provided by
37 law as the place for probate administration of such person, where it
38 shall be indexed under the name of the decedent in the probate index

1 upon the payment of a fee (~~(of two dollars)~~) established under section
2 14 of this act.

3 (5) The disclaimer of an interest in real property may be recorded,
4 but shall constitute notice to all persons only from and after the date
5 of recording. If recorded, a copy of the disclaimer shall be recorded
6 in the office of the auditor in the county or counties where the real
7 property is situated.

8 **Sec. 5.** RCW 12.40.105 and 1983 c 254 s 2 are each amended to read
9 as follows:

10 If the losing party fails to pay the judgment within twenty days or
11 within the period otherwise ordered by the court, the judgment shall be
12 increased by: (1) An amount sufficient to cover costs of certification
13 of the judgment under RCW 12.40.110; and (2) the amount specified in
14 (~~(RCW 36.18.020(3))~~) section 12(2) of this act, without regard to the
15 jurisdictional limits on the small claims department.

16 **Sec. 6.** RCW 12.40.110 and 1984 c 258 s 68 are each amended to read
17 as follows:

18 (1) If the losing party fails to pay the judgment according to the
19 terms and conditions thereof within twenty days or is in arrears on any
20 payment plan, and the prevailing party so notifies the court, the judge
21 before whom such hearing was had shall certify the judgment in
22 substantially the following form:

23 Washington.
24 In the District Court of County.
25 Plaintiff,
26 vs.
27 Defendant.

28 In the Small Claims Department.

29 This is to certify that: (1) In a certain action before me, the
30 undersigned, had on this the day of 19. . . ,
31 wherein was plaintiff and
32 defendant, jurisdiction of said defendant having been had by personal
33 service (or otherwise) as provided by law, I then and there entered
34 judgment against in the sum of Dollars; (2) the
35 judgment has not been paid within twenty days or the period otherwise

1 (1) A petition for relief shall allege the existence of domestic
2 violence, and shall be accompanied by an affidavit made under oath
3 stating the specific facts and circumstances from which relief is
4 sought.

5 (2) A petition for relief may be made regardless of whether or not
6 there is a pending lawsuit, complaint, petition, or other action
7 between the parties except in cases where the court realigns petitioner
8 and respondent in accordance with RCW 26.50.060(~~(+3)~~) (4).

9 (3) Within ninety days of receipt of the master copy from the
10 administrator for the courts, all court clerk's offices shall make
11 available the standardized forms, instructions, and informational
12 brochures required by RCW 26.50.035 and shall fill in and keep current
13 specific program names and telephone numbers for community resources.
14 Any assistance or information provided by clerks under this section
15 does not constitute the practice of law and clerks are not responsible
16 for incorrect information contained in a petition.

17 (4) ~~((A)) No filing fee ((of twenty dollars shall)) may be charged~~
18 ~~for proceedings under this section. ((No filing fee may be charged~~
19 ~~for: (a) A petition filed in an existing action or under an existing~~
20 ~~cause number brought under this chapter in the jurisdiction where the~~
21 ~~relief is sought; or (b) the transfer of a case from district or~~
22 ~~municipal court to superior court under RCW 26.50.020(2).))~~ Forms and
23 instructional brochures shall be provided free of charge.

24 (5) A person is not required to post a bond to obtain relief in any
25 proceeding under this section.

26 *Sec. 8 was vetoed. See message at end of chapter.

27 **Sec. 9.** RCW 34.05.514 and 1994 c 257 s 23 are each amended to read
28 as follows:

29 (1) Except as provided in subsection (2) of this section (~~and RCW~~
30 ~~36.70A.300(3)~~), proceedings for review under this chapter shall be
31 instituted by paying the fee required under RCW 36.18.020 and filing a
32 petition in the superior court, at the petitioner's option, for (a)
33 Thurston county, (b) the county of the petitioner's residence or
34 principal place of business, or (c) in any county where the property
35 owned by the petitioner and affected by the contested decision is
36 located.

37 (2) For proceedings involving institutions of higher education, the
38 petition shall be filed either in the county in which the principal

1 office of the institution involved is located or in the county of a
2 branch campus if the action involves such branch.

3 **Sec. 10.** RCW 36.18.020 and 1993 c 435 s 1 are each amended to read
4 as follows:

5 (1) Revenue collected under this section is subject to division
6 with the state public safety and education account under RCW 36.18.025
7 and with the county or regional law library fund under RCW 27.24.070.

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

10 ~~((1))~~ (a) The party filing the first or initial paper in any
11 civil action, including, but not limited to an action for restitution,
12 ~~((or))~~ adoption, or change of name, shall pay, at the time ((said)) the
13 paper is filed, a fee of one hundred ten dollars except, in
14 ~~((proceedings filed under RCW 26.50.030 or 49.60.227 where the~~
15 ~~petitioner shall pay a filing fee of twenty dollars, or))~~ an unlawful
16 detainer action under chapter 59.18 or 59.20 RCW ((where)) for which
17 the plaintiff shall pay a case initiating filing fee of thirty dollars.
18 ~~((If the defendant serves or files an answer to an unlawful detainer~~
19 ~~complaint under chapter 59.18 or 59.20 RCW, the plaintiff shall pay,~~
20 ~~prior to proceeding with the unlawful detainer action, an additional~~
21 ~~eighty dollars which shall be considered part of the filing fee.))~~ The
22 thirty dollar filing fee under this subsection for an unlawful detainer
23 action shall not include an order to show cause or any other order or
24 judgment except a default order or default judgment in an unlawful
25 detainer action.

26 ~~((2))~~ (b) Any party, except a defendant in a criminal case,
27 filing the first or initial paper on an appeal from a court of limited
28 jurisdiction or any party on any civil appeal, shall pay, when said
29 paper is filed, a fee of one hundred ten dollars.

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

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

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

1 ~~(6) The party filing a demand for jury of six in a civil action,~~
2 ~~shall pay, at the time of filing, a fee of fifty dollars; if the demand~~
3 ~~is for a jury of twelve the fee shall be one hundred dollars. If,~~
4 ~~after the party files a demand for a jury of six and pays the required~~
5 ~~fee, any other party to the action requests a jury of twelve, an~~
6 ~~additional fifty-dollar fee will be required of the party demanding the~~
7 ~~increased number of jurors.~~

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

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

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

22 ~~(10) For each garnishee defendant named in an affidavit for~~
23 ~~garnishment and for each writ of attachment, a fee of twenty dollars~~
24 ~~shall be charged.~~

25 ~~(11) For approving a bond, including justification thereon, in~~
26 ~~other than civil actions and probate proceedings, a fee of two dollars~~
27 ~~shall be charged.~~

28 ~~(12)) (c) For filing of a petition for judicial review as required~~
29 ~~under RCW 34.05.514 a filing fee of one hundred ten dollars.~~

30 ~~(d) For filing of a petition for unlawful harassment under RCW~~
31 ~~10.14.040 a filing fee of one hundred ten dollars.~~

32 ~~(e) For filing of a petition for determination of water rights~~
33 ~~under RCW 90.03.180 a filing fee of twenty-five dollars.~~

34 ~~(f) In probate proceedings, the party instituting such proceedings,~~
35 ~~shall pay at the time of filing the first paper therein, a fee of one~~
36 ~~hundred ten dollars((: PROVIDED, HOWEVER, A fee of twenty dollars~~
37 ~~shall be charged for filing a will only, when no probate of the will is~~
38 ~~contemplated. Except as provided for in subsection (13) of this~~

1 ~~section a fee of two dollars shall be charged for filing a petition,~~
2 ~~written agreement, or memorandum as provided in RCW 11.96.170)).~~

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

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

10 ~~(15) For the preparation of a passport application the clerk may~~
11 ~~collect an execution fee as authorized by the federal government.~~

12 ~~(16) For clerks' special services such as processing ex parte~~
13 ~~orders by mail, performing historical searches, compiling statistical~~
14 ~~reports, and conducting exceptional record searches the clerk may~~
15 ~~collect a fee not to exceed twenty dollars per hour or portion of an~~
16 ~~hour.~~

17 ~~(17) For duplicated recordings of court's proceedings there shall~~
18 ~~be a fee of ten dollars for each audio tape and twenty five dollars for~~
19 ~~each video tape.~~

20 ~~(18))~~ (h) Upon conviction or plea of guilty, upon failure to
21 prosecute an appeal from a court of limited jurisdiction as provided by
22 law, or upon affirmance of a conviction by a court of limited
23 jurisdiction, a defendant in a criminal case shall be liable for a fee
24 of one hundred ten dollars.

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

31 ~~((20))~~ (3) No fee shall be collected when a petition for
32 relinquishment of parental rights is filed pursuant to RCW 26.33.080 or
33 for forms and instructional brochures provided under RCW 26.50.030.

34 ****Sec. 11. RCW 36.18.010 and 1991 c 26 s 2 are each amended to read***
35 ***as follows:***

36 ***County auditors or recording officers shall collect the following***
37 ***fees for their official services:***

1 For recording instruments, for the first page, legal size (eight
2 and one-half by fourteen inches or less), five dollars; for each
3 additional legal size page, one dollar; the fee for recording multiple
4 transactions contained in one instrument will be calculated
5 individually for each transaction requiring separate indexing as
6 required under RCW 65.04.050;

7 For preparing and certifying copies, for the first legal size page,
8 three dollars; for each additional legal size page, one dollar;

9 For preparing noncertified copies, for each legal size page, one
10 dollar;

11 For administering an oath or taking an affidavit, with or without
12 seal, two dollars;

13 For issuing a marriage license, eight dollars, (this fee includes
14 taking necessary affidavits, filing returns, indexing, and transmittal
15 of a record of the marriage to the state registrar of vital statistics)
16 plus an additional five-dollar fee for use and support of the
17 prevention of child abuse and neglect activities to be transmitted
18 monthly to the state treasurer and deposited in the state general fund,
19 (~~which five-dollar fee shall expire June 30, 1995,~~) plus an
20 additional ten-dollar fee to be transmitted monthly to the state
21 treasurer and deposited in the state general fund. The legislature
22 intends to appropriate an amount at least equal to the revenue
23 generated by this fee for the purposes of the displaced homemaker act,
24 chapter 28B.04 RCW;

25 For searching records per hour, eight dollars;

26 For recording plats, fifty cents for each lot except cemetery plats
27 for which the charge shall be twenty-five cents per lot; also one
28 dollar for each acknowledgment, dedication, and description: PROVIDED,
29 That there shall be a minimum fee of twenty-five dollars per plat;

30 For recording of miscellaneous records, not listed above, for first
31 legal size page, five dollars; for each additional legal size page, one
32 dollar;

33 For modernization and improvement of the recording and indexing
34 system, a surcharge as provided in RCW 36.22.170.

35 *Sec. 11 was vetoed. See message at end of chapter.

36 NEW SECTION. Sec. 12. A new section is added to chapter 36.18 RCW
37 to read as follows:

1 (1) Revenue collected under this section is subject to division
2 with the state for deposit in the public safety and education account
3 under RCW 36.18.025.

4 (2) The party filing a transcript or abstract of judgment or
5 verdict from a United States court held in this state, or from the
6 superior court of another county or from a district court in the county
7 of issuance, shall pay at the time of filing a fee of fifteen dollars.

8 (3) For the filing of a tax warrant by the department of revenue of
9 the state of Washington, a fee of five dollars must be paid.

10 (4) The clerk shall collect a fee of twenty dollars for: Filing a
11 paper not related to or a part of a proceeding, civil or criminal, or
12 a probate matter, required or permitted to be filed in the clerk's
13 office for which no other charge is provided by law; or filing a
14 petition, written agreement, or memorandum as provided in RCW
15 11.96.170.

16 (5) If the defendant serves or files an answer to an unlawful
17 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
18 shall pay before proceeding with the unlawful detainer action eighty
19 dollars.

20 (6) For a restrictive covenant for filing a petition to strike
21 discriminatory provisions in real estate under RCW 49.60.227 a fee of
22 twenty dollars must be charged.

23 (7) A fee of twenty dollars must be charged for filing a will only,
24 when no probate of the will is contemplated.

25 (8) A fee of two dollars must be charged for filing a petition,
26 written agreement, or written memorandum in a nonjudicial probate
27 dispute under RCW 11.96.170.

28 (9) For certification of delinquent taxes by a county treasurer
29 under RCW 84.64.190, a fee of five dollars must be charged.

30 NEW SECTION. **Sec. 13.** A new section is added to chapter 36.18 RCW
31 to read as follows:

32 (1) Revenue collected under this section is subject to division
33 with the county law library under RCW 27.24.070.

34 (2) For filing a petition for emancipation for minors as required
35 under RCW 13.64.020 a fee up to fifty dollars must be collected.

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

1 (1) Revenue collected under this section is not subject to division
2 under RCW 36.18.025 or 27.24.070.

3 (2) For the filing of a petition for modification of a decree of
4 dissolution or paternity, within the same case as the original action,
5 a fee of twenty dollars must be paid.

6 (3) The party making a demand for jury of six in a civil action
7 shall pay, at the time, a fee of fifty dollars; if the demand is for a
8 jury of twelve, a fee of one hundred dollars. If, after the party
9 demands a jury of six and pays the required fee, any other party to the
10 action requests a jury of twelve, an additional fifty-dollar fee will
11 be required of the party demanding the increased number of jurors.
12 Upon conviction in criminal cases a jury demand charge may be imposed
13 as costs under RCW 10.46.190.

14 (4) For preparing, transcribing, or certifying an instrument on
15 file or of record in the clerk's office, with or without seal, for the
16 first page or portion of the first page, a fee of two dollars, and for
17 each additional page or portion of a page, a fee of one dollar must be
18 charged. For authenticating or exemplifying an instrument, a fee of
19 one dollar for each additional seal affixed must be charged.

20 (5) For executing a certificate, with or without a seal, a fee of
21 two dollars must be charged.

22 (6) For a garnishee defendant named in an affidavit for garnishment
23 and for a writ of attachment, a fee of twenty dollars must be charged.

24 (7) For approving a bond, including justification on the bond, in
25 other than civil actions and probate proceedings, a fee of two dollars
26 must be charged.

27 (8) For the issuance of a certificate of qualification and a
28 certified copy of letters of administration, letters testamentary, or
29 letters of guardianship, there must be a fee of two dollars.

30 (9) For the preparation of a passport application, the clerk may
31 collect an execution fee as authorized by the federal government.

32 (10) For clerk's special services such as processing ex parte
33 orders by mail, performing historical searches, compiling statistical
34 reports, and conducting exceptional record searches, the clerk may
35 collect a fee not to exceed twenty dollars per hour or portion of an
36 hour.

37 (11) For duplicated recordings of court's proceedings there must be
38 a fee of ten dollars for each audio tape and twenty-five dollars for
39 each video tape.

1 (12) For the filing of oaths and affirmations under chapter 5.28
2 RCW, a fee of twenty dollars must be charged.

3 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a
4 fee of two dollars must be charged.

5 (14) For registration of land titles, Torrens Act, under RCW
6 65.12.780, a fee of five dollars must be charged.

7 (15) For the issuance of extension of judgment under RCW 6.17.020
8 and chapter 9.94A RCW, a fee of one hundred ten dollars must be
9 charged.

10 (16) A facilitator surcharge of ten dollars must be charged as
11 authorized under RCW 26.12.240.

12 (17) For filing a water rights statement under RCW 90.03.180, a fee
13 of twenty-five dollars must be charged.

14 (18) A service fee of three dollars for the first page and one
15 dollar for each additional page must be charged for receiving faxed
16 documents, pursuant to Washington state rules of court, general rule
17 17.

18 (19) For preparation of clerk's papers under RAP 9.7, a fee of
19 fifty cents per page must be charged.

20 (20) For copies and reports produced at the local level as
21 permitted by RCW 2.68.020 and supreme court policy, a variable fee must
22 be charged.

23 (21) Investment service charge and earnings under RCW 36.48.090
24 must be charged.

25 (22) Costs for nonstatutory services rendered by clerk by authority
26 of local ordinance or policy must be charged.

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

29 (1) State revenue collected by county clerks under subsection (2)
30 of this section must be transmitted to the appropriate state court.
31 The office of the state administrator for the courts shall retain fees
32 collected under subsection (3) of this section.

33 (2) For appellate review under RAP 5.1(b), two hundred fifty
34 dollars must be charged.

35 (3) For all copies and reports produced by the administrator for
36 the courts as permitted under RCW 2.68.020 and supreme court policy, a
37 variable fee must be charged.

1 **Sec. 16.** RCW 36.18.022 and 1992 c 54 s 5 are each amended to read
2 as follows:

3 The court may waive the filing fees provided for under RCW
4 36.18.020 (~~((1) and~~) (2) (a) and (b) upon affidavit by a party that
5 the party is unable to pay the fee due to financial hardship.

6 **Sec. 17.** RCW 40.14.027 and 1994 c 193 s 2 are each amended to read
7 as follows:

8 State agencies shall collect a surcharge of twenty dollars from the
9 judgment debtor upon the satisfaction of a warrant filed in superior
10 court for unpaid taxes or liabilities. The surcharge is imposed on the
11 judgment debtor in the form of a penalty in addition to the filing fee
12 provided in (~~(RCW 36.18.020(4))~~) section 12(3) of this act. The
13 surcharge revenue shall be transmitted to the state treasurer for
14 deposit in the archives and records management account, or procedures
15 for the collection and transmittal of surcharge revenue to the archives
16 and records management account shall be established cooperatively
17 between the filing agencies and clerks of superior court.

18 Surcharge revenue deposited in the archives and records management
19 account shall be expended by the secretary of state exclusively for the
20 payment of costs and expenses incurred in the provision of public
21 archives and records management services to local government agencies
22 by the division of archives and records management. The secretary of
23 state shall work with local government representatives to establish a
24 committee to advise the state archivist on the local government
25 archives and records management program. Surcharge revenue shall be
26 allocated exclusively to:

27 (1) Appraise, process, store, preserve, and provide public research
28 access to original records designated by the state archivist as
29 archival which are no longer required to be kept by the agencies which
30 originally made or filed them;

31 (2) Protect essential records, as provided by chapters 40.10 and
32 40.20 RCW. Permanent facsimiles of essential records shall be produced
33 and placed in security storage with the state archivist;

34 (3) Coordinate records retention and disposition management and
35 provide support for the following functions under RCW 40.14.070:

36 (a) Advise and assist individual agencies on public records
37 management requirements and practices; and

1 (b) Compile, maintain, and regularly update general records
2 retention schedules and destruction authorizations; and
3 (4) Develop and maintain standards for the application of recording
4 media and records storage technologies.

5 **Sec. 18.** RCW 49.60.227 and 1993 c 69 s 10 are each amended to read
6 as follows:

7 If a written instrument contains a provision that is void by reason
8 of RCW 49.60.224, the owner, occupant, or tenant of the property which
9 is subject to the provision may cause the provision to be stricken from
10 the public records by bringing an action in the superior court in the
11 county in which the property is located. The action shall be an in
12 rem, declaratory judgment action whose title shall be the description
13 of the property. The necessary party to the action shall be the owner,
14 occupant, or tenant of the property or any portion thereof. The person
15 bringing the action shall pay a fee set under section 12 of this act.

16 If the court finds that any provisions of the written instrument
17 are void under RCW 49.60.224, it shall enter an order striking the void
18 provisions from the public records and eliminating the void provisions
19 from the title or lease of the property described in the complaint.

20 **Sec. 19.** RCW 65.12.780 and 1907 c 250 s 94 are each amended to
21 read as follows:

22 On the filing of any application for registration, the applicant
23 shall pay to the clerk of the court(~~(, in counties having more than~~
24 ~~forty thousand population, the sum of three dollars; and in all other~~
25 ~~counties, the sum of five dollars, which shall be in full of all~~
26 ~~clerk's fees and charges in such proceeding in behalf of the applicant.~~
27 ~~Any defendant, on entering his appearance, shall pay to the clerk of~~
28 ~~the court, the sum of three dollars, which shall be in full of all~~
29 ~~clerk's fees in behalf of such defendant)) filing fees as set in
30 section 14 of this act. When any number of defendants enter their
31 appearance at the same time, before default, but one fee shall be paid.
32 Every publication in a newspaper required by this chapter shall be paid
33 for by the party on whose application the order of publication is made,
34 in addition to the fees above prescribed. The party at whose request
35 any notice is issued, shall pay for the service of the same, except
36 when sent by mail by the clerk of court, or the registrar of titles.~~

1 **Sec. 20.** RCW 70.02.070 and 1991 c 335 s 206 are each amended to
2 read as follows:

3 Upon the request of the person requesting the record, the health
4 care provider or facility shall certify the record furnished and may
5 charge for such certification in accordance with ((RCW 36.18.020(9)))
6 section 14(5) of this act. No record need be certified until the fee
7 is paid. The certification shall be affixed to the record and
8 disclose:

9 (1) The identity of the patient;

10 (2) The kind of health care information involved;

11 (3) The identity of the person to whom the information is being
12 furnished;

13 (4) The identity of the health care provider or facility furnishing
14 the information;

15 (5) The number of pages of the health care information;

16 (6) The date on which the health care information is furnished; and

17 (7) That the certification is to fulfill and meet the requirements
18 of this section.

19 **Sec. 21.** RCW 90.03.180 and 1982 c 15 s 2 are each amended to read
20 as follows:

21 At the time of filing the statement as provided in RCW 90.03.140,
22 each defendant shall pay to the clerk of the superior court a fee ((of
23 ~~twenty-five dollars~~)) as set under RCW 36.18.020.

24 NEW SECTION. **Sec. 22.** RCW 2.32.075 and 1961 c 304 s 5 are each
25 repealed.

Passed the House April 19, 1995.

Passed the Senate April 11, 1995.

Approved by the Governor May 9, 1995, with the exception of certain
items which were vetoed.

Filed in Office of Secretary of State May 9, 1995.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to sections 8 and
3 11, Substitute House Bill No. 1692 entitled:

4 "AN ACT Relating to the clarification of clerks' fees;"

5 This bill clarifies and restructures statutes for the collection
6 and distribution of court fees. However, this legislation contains
7 language already signed into law in Engrossed Substitute Senate Bill
8 No. 5219 which makes substantial revisions to statutes regarding
9 domestic violence.

1 Section 8 of this bill eliminates the filing fee for orders for
2 protection in cases of domestic violence. Section 3 of Engrossed
3 Substitute Senate Bill No. 5219 made this change and contained
4 additional desirable language regarding disclosure of other custody
5 related litigation. Section 11 removes the expiration date for the
6 five dollar fee on marriage licenses earmarked for child abuse and
7 neglect prevention activities. Section 37 of Engrossed Substitute
8 Senate Bill No. 5219 made this change and additionally included
9 immediate implementation, enabling this fee to continue without
10 unnecessary suspension.

11 For these reasons, I have vetoed sections 8 and 11 of Substitute
12 House Bill No. 1692.

13 With the exception of sections 8 and 11, Substitute House Bill No.
14 1692 is approved."