
SECOND SUBSTITUTE SENATE BILL 5035

State of Washington

56th Legislature

1999 Regular Session

By Senate Committee on Ways & Means (originally sponsored by Senators Heavey, McCaslin and Haugen; by request of Board for Judicial Administration)

Read first time 03/08/1999.

1 AN ACT Relating to court funding and improvements; amending RCW
2 3.62.060, 3.62.090, 36.18.020, and 46.63.110; creating a new section;
3 providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 3.62.060 and 1992 c 62 s 8 are each amended to read as
6 follows:

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

9 (1)(a) In any civil action commenced before or transferred to a
10 district court, the plaintiff shall, at the time of such commencement
11 or transfer, pay to such court a filing fee of thirty-one dollars plus
12 any surcharge authorized by RCW 7.75.035.

13 (b) The clerks of the district courts shall collect an additional
14 filing fee of nine dollars upon the commencement or transfer of a civil
15 action for which a filing fee is collected under (a) of this
16 subsection.

17 (c) No party shall be compelled to pay to the court any other fees
18 or charges up to and including the rendition of judgment in the action
19 other than those listed.

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

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

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

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

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

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

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

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

17 **Sec. 2.** RCW 3.62.090 and 1997 c 331 s 4 are each amended to read
18 as follows:

19 (1) There shall be assessed and collected in addition to any fines,
20 forfeitures, or penalties assessed, other than for parking infractions,
21 by all courts organized under Title 3 or 35 RCW a public safety and
22 education assessment equal to (~~sixty~~) seventy percent of such fines,
23 forfeitures, or penalties, which shall be remitted as provided in
24 chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by
25 this section shall not be suspended or waived by the court.

26 (2) There shall be assessed and collected in addition to any fines,
27 forfeitures, or penalties assessed, other than for parking infractions
28 and for fines levied under RCW 46.61.5055, and in addition to the
29 public safety and education assessment required under subsection (1) of
30 this section, by all courts organized under Title 3 or 35 RCW, an
31 additional public safety and education assessment equal to fifty
32 percent of the public safety and education assessment required under
33 subsection (1) of this section, which shall be remitted to the state
34 treasurer and deposited as provided in RCW 43.08.250. The additional
35 assessment required by this subsection shall not be suspended or waived
36 by the court.

37 (3) This section does not apply to the fee imposed under RCW
38 43.63.110(6).

1 **Sec. 3.** RCW 36.18.020 and 1996 c 211 s 2 are each amended to read
2 as follows:

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

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

8 (a) The party filing the first or initial paper in any civil
9 action, including, but not limited to an action for restitution,
10 adoption, or change of name, shall pay, at the time the paper is filed,
11 a fee of one hundred ten dollars except, in an unlawful detainer action
12 under chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a
13 case initiating filing fee of thirty dollars, or in proceedings filed
14 under RCW 28A.225.030 alleging a violation of the compulsory attendance
15 laws where the petitioner shall not pay a filing fee. The thirty
16 dollar filing fee under this subsection for an unlawful detainer action
17 shall not include an order to show cause or any other order or judgment
18 except a default order or default judgment in an unlawful detainer
19 action.

20 (b) Any party, except a defendant in a criminal case, filing the
21 first or initial paper on an appeal from a court of limited
22 jurisdiction or any party on any civil appeal, shall pay, when the
23 paper is filed, a fee of one hundred ten dollars.

24 (c) For filing of a petition for judicial review as required under
25 RCW 34.05.514 a filing fee of one hundred ten dollars.

26 (d) For filing of a petition for unlawful harassment under RCW
27 10.14.040 a filing fee of one hundred ten dollars.

28 (e) For filing the notice of debt due for the compensation of a
29 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

30 (f) In probate proceedings, the party instituting such proceedings,
31 shall pay at the time of filing the first paper therein, a fee of one
32 hundred ten dollars.

33 (g) For filing any petition to contest a will admitted to probate
34 or a petition to admit a will which has been rejected, or a petition
35 objecting to a written agreement or memorandum as provided in RCW
36 11.96.170, there shall be paid a fee of one hundred ten dollars.

37 (h) Upon conviction or plea of guilty, upon failure to prosecute an
38 appeal from a court of limited jurisdiction as provided by law, or upon
39 affirmance of a conviction by a court of limited jurisdiction, a

1 defendant in a criminal case shall be liable for a fee of one hundred
2 ten dollars.

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

9 (3) The clerk shall collect an additional filing fee of thirty
10 dollars upon the provision of any service for which a filing fee is
11 collected under subsection (2) of this section.

12 (4) No fee shall be collected when a petition for relinquishment of
13 parental rights is filed pursuant to RCW 26.33.080 or for forms and
14 instructional brochures provided under RCW 26.50.030.

15 **Sec. 4.** RCW 46.63.110 and 1997 c 331 s 3 are each amended to read
16 as follows:

17 (1) A person found to have committed a traffic infraction shall be
18 assessed a monetary penalty. No penalty may exceed two hundred and
19 fifty dollars for each offense unless authorized by this chapter or
20 title.

21 (2) The supreme court shall prescribe by rule a schedule of
22 monetary penalties for designated traffic infractions. This rule shall
23 also specify the conditions under which local courts may exercise
24 discretion in assessing fines and penalties for traffic infractions.
25 The legislature respectfully requests the supreme court to adjust this
26 schedule every two years for inflation.

27 (3) There shall be a penalty of twenty-five dollars for failure to
28 respond to a notice of traffic infraction except where the infraction
29 relates to parking as defined by local law, ordinance, regulation, or
30 resolution or failure to pay a monetary penalty imposed pursuant to
31 this chapter. A local legislative body may set a monetary penalty not
32 to exceed twenty-five dollars for failure to respond to a notice of
33 traffic infraction relating to parking as defined by local law,
34 ordinance, regulation, or resolution. The local court, whether a
35 municipal, police, or district court, shall impose the monetary penalty
36 set by the local legislative body.

37 (4) Monetary penalties provided for in chapter 46.70 RCW which are
38 civil in nature and penalties which may be assessed for violations of

1 chapter 46.44 RCW relating to size, weight, and load of motor vehicles
2 are not subject to the limitation on the amount of monetary penalties
3 which may be imposed pursuant to this chapter.

4 (5) Whenever a monetary penalty is imposed by a court under this
5 chapter it is immediately payable. If the person is unable to pay at
6 that time the court may, in its discretion, grant an extension of the
7 period in which the penalty may be paid. If the penalty is not paid on
8 or before the time established for payment the court shall notify the
9 department of the failure to pay the penalty, and the department shall
10 suspend the person's driver's license or driving privilege until the
11 penalty has been paid and the penalty provided in subsection (3) of
12 this section has been paid.

13 (6) In addition to any other penalties imposed under this section
14 and not subject to the limitation of subsection (1) of this section, a
15 person found to have committed a traffic infraction shall be assessed
16 a fee of five dollars per infraction. Under no circumstances shall
17 this fee be reduced or waived. Revenue from this fee shall be
18 forwarded to the state treasurer for deposit in the emergency medical
19 services and trauma care system trust account under RCW 70.168.040.

20 (7) In addition to any other penalties imposed under this section
21 and not subject to the limitation of subsection (1) of this section, a
22 person found to have committed a traffic infraction shall be assessed
23 a fee of five dollars per infraction. Revenue from this fee shall be
24 remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW.

25 NEW SECTION. Sec. 5. This act shall be known and cited as the
26 court funding and improvement act of 1999.

27 NEW SECTION. Sec. 6. This act is necessary for the immediate
28 preservation of the public peace, health, or safety, or support of the
29 state government and its existing public institutions, and takes effect
30 July 1, 1999.

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