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HOUSE BILL 2580

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State of Washington                      58th Legislature                      2004 Regular Session

By Representatives Lovick, Campbell, Flannigan, McDonald, Lantz and Kirby

Read first time 01/16/2004. Referred to Committee on Local Government.

1            AN ACT Relating to fees charged by counties; and amending RCW  
2 36.18.016, 4.12.090, and 36.18.012.

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

4            **Sec. 1.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read  
5 as follows:

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

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

11            (3)(a) The party making a demand for a jury of six in a civil  
12 action shall pay, at the time, a fee of one hundred twenty-five  
13 dollars; if the demand is for a jury of twelve, a fee of two hundred  
14 fifty dollars. If, after the party demands a jury of six and pays the  
15 required fee, any other party to the action requests a jury of twelve,  
16 an additional one hundred twenty-five dollar fee will be required of  
17 the party demanding the increased number of jurors.

18            (b) Upon conviction in criminal cases a jury demand charge of fifty

1 dollars for a jury of six, or one hundred dollars for a jury of twelve  
2 may be imposed as costs under RCW 10.46.190.

3 (4) For preparing(~~(, transcribing, or certifying)~~) a certified copy  
4 of an instrument on file or of record in the clerk's office, ((with or  
5 without seal,)) for the first page or portion of the first page, a fee  
6 of two dollars, and for each additional page or portion of a page, a  
7 fee of one dollar must be charged. For authenticating or exemplifying  
8 an instrument, a fee of ~~((one))~~ two dollars for each additional seal  
9 affixed must be charged. For preparing a copy of an instrument on file  
10 or of record in the clerk's office without a seal, a fee of up to fifty  
11 cents per page must be charged. When copying a document without a seal  
12 or file that is in an electronic format, a fee of twenty-five cents per  
13 page must be charged. For copies made on a compact disk, an additional  
14 fee of twenty dollars for each compact disk must be charged.

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

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

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

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

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

27 (10) For clerk's services such as processing ex parte orders,  
28 performing historical searches, compiling statistical reports, and  
29 conducting exceptional record searches, the clerk may collect a fee not  
30 to exceed twenty dollars per hour or portion of an hour.

31 (11) For duplicated recordings of court's proceedings there must be  
32 a fee of ten dollars for each audio tape and twenty-five dollars for  
33 each videotape or compact disc.

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

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

1       ~~(14)~~) For registration of land titles, Torrens Act, under RCW  
2 65.12.780, a fee of ~~(five)~~ twenty dollars must be charged.

3       ~~((15))~~ (13) For the issuance of extension of judgment under RCW  
4 6.17.020 and chapter 9.94A RCW, a fee of one hundred ten dollars must  
5 be charged.

6       ~~((16))~~ (14) A facilitator surcharge of ten dollars must be  
7 charged as authorized under RCW 26.12.240.

8       ~~((17))~~ (15) For filing a water rights statement under RCW  
9 90.03.180, a fee of twenty-five dollars must be charged.

10       ~~((18))~~ (16) For preparation of a change of venue, a fee of  
11 twenty dollars must be charged by the originating court in addition to  
12 the per page charges in subsection (4) of this section.

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

17       ~~((19))~~ (18) For preparation of clerk's papers under RAP 9.7, a  
18 fee of fifty cents per page must be charged.

19       ~~((20))~~ (19) For copies and reports produced at the local level as  
20 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
21 be charged.

22       ~~((21))~~ (20) Investment service charge and earnings under RCW  
23 36.48.090 must be charged.

24       ~~((22))~~ (21) Costs for nonstatutory services rendered by clerk by  
25 authority of local ordinance or policy must be charged.

26       ~~((23))~~ (22) For filing a request for mandatory arbitration, a  
27 filing fee may be assessed against the party filing a statement of  
28 arbitrability not to exceed two hundred twenty dollars as established  
29 by authority of local ordinance. This charge shall be used solely to  
30 offset the cost of the mandatory arbitration program.

31       ~~((24))~~ (23) For filing a request for trial de novo of an  
32 arbitration award, a fee not to exceed two hundred fifty dollars as  
33 established by authority of local ordinance must be charged.

34       **Sec. 2.** RCW 4.12.090 and 1969 ex.s. c 144 s 1 are each amended to  
35 read as follows:

36       (1) Before a trial or entry of a judgment, when an order is made  
37 transferring an action or proceeding for trial, the clerk of the court

1 must transmit the pleadings and papers therein to the court to which it  
2 is transferred and charge a fee as provided in RCW 36.18.016. The  
3 costs and fees thereof and of filing the papers anew must be paid by  
4 the party at whose instance the order was made, except in the cases  
5 mentioned in RCW 4.12.030(1), in which case the plaintiff shall pay  
6 costs of transfer and, in addition thereto, if the court finds that the  
7 plaintiff could have determined the county of proper venue with  
8 reasonable diligence, it shall order the plaintiff to pay the  
9 reasonable attorney's fee of the defendant for the changing of venue to  
10 the proper county. The court to which an action or proceeding is  
11 transferred has and exercises over the same the like jurisdiction as if  
12 it had been originally commenced therein.

13 (2) In acting on any motion for dismissal without prejudice in a  
14 case where a motion for change of venue under subsection (1) of this  
15 section has been made, the court shall, if it determines the motion for  
16 change of venue proper, determine the amount of attorney's fee properly  
17 to be awarded to defendant and, if the action be dismissed, the  
18 attorney's fee shall be a setoff against any claim subsequently brought  
19 on the same cause of action.

20 **Sec. 3.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to read  
21 as follows:

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

25 (2) The party filing a transcript or abstract of judgment or  
26 verdict from a United States court held in this state, or from the  
27 superior court of another county or from a district court in the county  
28 of issuance, shall pay at the time of filing a fee of (~~fifteen~~)  
29 twenty-five dollars.

30 (3) The clerk shall collect a fee of twenty dollars for: Filing a  
31 paper not related to or a part of a proceeding, civil or criminal, or  
32 a probate matter, required or permitted to be filed in the clerk's  
33 office for which no other charge is provided by law.

34 (4) If the defendant serves or files an answer to an unlawful  
35 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff  
36 shall pay before proceeding with the unlawful detainer action eighty  
37 dollars.

1 (5) For a restrictive covenant for filing a petition to strike  
2 discriminatory provisions in real estate under RCW 49.60.227 a fee of  
3 twenty dollars must be charged.

4 (6) A fee of twenty dollars must be charged for filing a will only,  
5 when no probate of the will is contemplated.

6 (7) A fee of two dollars must be charged for filing a petition,  
7 written agreement, or written memorandum in a nonjudicial probate  
8 dispute under RCW 11.96A.220.

9 (8) A fee of thirty-five dollars must be charged for filing a  
10 petition regarding a common law lien under RCW 60.70.060.

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

13 (10) For the filing of a tax warrant for unpaid taxes or  
14 overpayment of benefits by any agency of the state of Washington, a fee  
15 of five dollars on or after July 22, 2001, and for the filing of such  
16 a tax warrant or overpayment of benefits on or after July 1, 2003, a  
17 fee of twenty dollars, of which forty-six percent of the first five  
18 dollars is directed to the public safety and education account  
19 established under RCW 43.08.250.

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