
SENATE BILL 5846

State of Washington

58th Legislature

2003 Regular Session

By Senators Sheahan, Brown, Winsley, Kohl-Welles, Franklin, Kline and Shin; by request of Supreme Court

Read first time 02/14/2003. Referred to Committee on Ways & Means.

1 AN ACT Relating to fees for superior courts; amending RCW
2 27.24.070, 36.18.012, 36.18.020, and 36.18.025; and adding a new
3 section to chapter 43.08 RCW.

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

5 **Sec. 1.** RCW 27.24.070 and 1992 c 54 s 6 are each amended to read
6 as follows:

7 In each county pursuant to this chapter, the county treasurer shall
8 deposit in the county or regional law library fund a sum equal to
9 ((~~twelve~~)) seventeen dollars for every new probate or civil filing fee,
10 including appeals, collected by the clerk of the superior court and
11 six dollars for every fee collected for the commencement of a civil
12 action in district court for the support of the law library in that
13 county or the regional law library to which the county belongs:
14 PROVIDED, That upon a showing of need the ((~~twelve~~)) seventeen dollar
15 contribution may be increased up to ((~~fifteen~~)) twenty dollars or in
16 counties with multiple library sites up to thirty dollars upon the
17 request of the law library board of trustees and with the approval of
18 the county legislative body or bodies.

1 **Sec. 2.** RCW 36.18.012 and 2001 c 146 s 1 are each amended to read
2 as follows:

3 (1) Revenue collected under this section is subject to division
4 with the state for deposit in the public safety and education account
5 and the civil equal justice account, where applicable, under RCW
6 36.18.025.

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

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

15 (4) If the defendant serves or files an answer to an unlawful
16 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff
17 shall pay before proceeding with the unlawful detainer action eighty
18 dollars and a civil equal justice surcharge of forty dollars.

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

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

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

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

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

31 (10) For the filing of a tax warrant for unpaid taxes or
32 overpayment of benefits by any agency of the state of Washington, a fee
33 of five dollars on or after July 22, 2001, and for the filing of such
34 a tax warrant or overpayment of benefits on or after July 1, 2003, a
35 fee of twenty dollars, of which forty-six percent of the first five
36 dollars is directed to the public safety and education account
37 established under RCW 43.08.250.

1 **Sec. 3.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as
2 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 and a civil equal justice surcharge of
12 ninety dollars except, in an unlawful detainer action under chapter
13 59.18 or 59.20 RCW for which the plaintiff shall pay a case initiating
14 filing fee of thirty dollars and a civil equal justice surcharge of
15 fifty dollars, or in proceedings filed under RCW 28A.225.030 alleging
16 a violation of the compulsory attendance laws where the petitioner
17 shall not pay a filing fee. The thirty dollar filing fee and fifty
18 dollar civil equal justice surcharge under this subsection for an
19 unlawful detainer action shall not include an order to show cause or
20 any other order or judgment except a default order or default judgment
21 in an unlawful detainer action.

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

27 (c) For filing of a petition for judicial review as required under
28 RCW 34.05.514 a filing fee of one hundred ten dollars and a civil equal
29 justice surcharge of ninety dollars.

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

32 (e) For filing the notice of debt due for the compensation of a
33 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars
34 and a civil equal justice surcharge of ninety dollars.

35 (f) In probate proceedings, the party instituting such proceedings,
36 shall pay at the time of filing the first paper therein, a fee of one
37 hundred ten dollars and a civil equal justice surcharge of ninety
38 dollars.

1 (g) For filing any petition to contest a will admitted to probate
2 or a petition to admit a will which has been rejected, or a petition
3 objecting to a written agreement or memorandum as provided in RCW
4 11.96A.220, there shall be paid a fee of one hundred ten dollars and a
5 civil equal justice surcharge of ninety dollars.

6 (h) Upon conviction or plea of guilty, upon failure to prosecute an
7 appeal from a court of limited jurisdiction as provided by law, or upon
8 affirmance of a conviction by a court of limited jurisdiction, a
9 defendant in a criminal case shall be liable for a fee of one hundred
10 ten dollars and a civil equal justice surcharge of ninety dollars.

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

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

20 **Sec. 4.** RCW 36.18.025 and 2001 c 146 s 3 are each amended to read
21 as follows:

22 Forty-six percent of the money received from filing fees paid
23 pursuant to RCW 36.18.020, except those collected for the filing of
24 warrants for unpaid taxes or overpayments by state agencies as outlined
25 in RCW 36.18.012(10), shall be transmitted by the county treasurer each
26 month to the state treasurer for deposit in the public safety and
27 education account established under RCW 43.08.250. Forty-six percent
28 of the civil equal justice surcharge paid pursuant to RCW 36.18.012(4)
29 and 36.18.020 shall be paid to the civil equal justice account
30 established in section 5 of this act.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.08 RCW
32 to read as follows:

33 The state civil equal justice account is created in the state
34 treasury. Money in the account may be spent only after appropriation.
35 Expenditures from the account may be used only for civil representation
36 of indigent persons as authorized under RCW 43.08.260 and 43.08.270.

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