

ESHB 1314 - S COMM AMD  
By Committee on Judiciary

ADOPTED 04/14/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 36.18.010 and 2002 c 294 s 3 are each amended to read  
4 as follows:

5 County auditors or recording officers shall collect the following  
6 fees for their official services:

7 (1) For recording instruments, for the first page eight and one-  
8 half by fourteen inches or less, five dollars; for each additional page  
9 eight and one-half by fourteen inches or less, one dollar. The fee for  
10 recording multiple transactions contained in one instrument will be  
11 calculated for each transaction requiring separate indexing as required  
12 under RCW 65.04.050 as follows: The fee for each title or transaction  
13 is the same fee as the first page of any additional recorded document;  
14 the fee for additional pages is the same fee as for any additional  
15 pages for any recorded document; the fee for the additional pages may  
16 be collected only once and may not be collected for each title or  
17 transaction;

18 (2) For preparing and certifying copies, for the first page eight  
19 and one-half by fourteen inches or less, three dollars; for each  
20 additional page eight and one-half by fourteen inches or less, one  
21 dollar;

22 (3) For preparing noncertified copies, for each page eight and one-  
23 half by fourteen inches or less, one dollar;

24 (4) For administering an oath or taking an affidavit, with or  
25 without seal, two dollars;

26 (5) For issuing a marriage license, eight dollars, (this fee  
27 includes taking necessary affidavits, filing returns, indexing, and  
28 transmittal of a record of the marriage to the state registrar of vital  
29 statistics) plus an additional five-dollar fee for use and support of  
30 the prevention of child abuse and neglect activities to be transmitted

1 monthly to the state treasurer and deposited in the state general fund  
2 plus an additional ten-dollar fee to be transmitted monthly to the  
3 state treasurer and deposited in the state general fund. The  
4 legislature intends to appropriate an amount at least equal to the  
5 revenue generated by this fee for the purposes of the displaced  
6 homemaker act, chapter 28B.04 RCW;

7 (6) For searching records per hour, eight dollars;

8 (7) For recording plats, fifty cents for each lot except cemetery  
9 plats for which the charge shall be twenty-five cents per lot; also one  
10 dollar for each acknowledgment, dedication, and description: PROVIDED,  
11 That there shall be a minimum fee of twenty-five dollars per plat;

12 (8) For recording of miscellaneous records not listed above, for  
13 the first page eight and one-half by fourteen inches or less, five  
14 dollars; for each additional page eight and one-half by fourteen inches  
15 or less, one dollar;

16 (9) For modernization and improvement of the recording and indexing  
17 system, a surcharge as provided in RCW 36.22.170((-));

18 (10) For recording an emergency nonstandard document as provided in  
19 RCW 65.04.047, fifty dollars, in addition to all other applicable  
20 recording fees((-));

21 (11) For recording instruments, a surcharge as provided in RCW  
22 36.22.178.

23 **Sec. 2.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read  
24 as follows:

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

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

30 (b) The party filing the first or initial petition for dissolution,  
31 legal separation, or declaration concerning the validity of marriage  
32 shall pay, at the time and in addition to the filing fee required under  
33 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
34 court shall transmit monthly twenty-four dollars of the thirty-dollar  
35 fee collected under this subsection to the state treasury for deposit  
36 in the domestic violence prevention account. The remaining six dollars  
37 shall be retained by the county for the purpose of supporting

1 community-based services within the county for victims of domestic  
2 violence, except for five percent of the six dollars, which may be  
3 retained by the court for administrative purposes.

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

11 (b) Upon conviction in criminal cases a jury demand charge of fifty  
12 dollars for a jury of six, or one hundred dollars for a jury of twelve  
13 may be imposed 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 services such as processing ex parte orders,  
33 performing historical searches, compiling statistical reports, and  
34 conducting exceptional record searches, the clerk may collect a fee not  
35 to exceed twenty dollars per hour or portion of an hour.

36 (11) For duplicated recordings of court's proceedings there must be  
37 a fee of ten dollars for each audio tape and twenty-five dollars for  
38 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 (23) For filing a request for mandatory arbitration, a filing fee  
28 may be assessed against the party filing a statement of arbitrability  
29 not to exceed two hundred twenty dollars as established by authority of  
30 local ordinance. This charge shall be used solely to offset the cost  
31 of the mandatory arbitration program.

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

35 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.123 RCW  
36 to read as follows:

37 The domestic violence prevention account is created in the state

1 treasury. All receipts from fees imposed for deposit in the domestic  
2 violence prevention account under RCW 36.18.016 must be deposited into  
3 the account. Moneys in the account may be spent only after  
4 appropriation. Expenditures from the account may be used only for  
5 funding nonshelter community-based services for victims of domestic  
6 violence.

7 **Sec. 4.** RCW 70.123.030 and 1989 1st ex.s. c 9 s 235 are each  
8 amended to read as follows:

9 The department of social and health services, in consultation with  
10 the state department of health, and individuals or groups having  
11 experience and knowledge of the problems of victims of domestic  
12 violence, shall:

13 (1) Establish minimum standards for shelters applying for grants  
14 from the department under this chapter. Classifications may be made  
15 dependent upon size, geographic location, and population needs;

16 (2) Receive grant applications for the development and  
17 establishment of shelters for victims of domestic violence;

18 (3) Distribute funds, within forty-five days after approval, to  
19 those shelters meeting departmental standards;

20 (4) Evaluate biennially each shelter receiving departmental funds  
21 for compliance with the established minimum standards; (~~and~~)

22 (5) Review the minimum standards each biennium to ensure  
23 applicability to community and client needs; and

24 (6) Administer funds available from the domestic violence  
25 prevention account under section 3 of this act and establish minimum  
26 standards for preventive, nonshelter community-based services receiving  
27 funds administered by the department. Preventive, nonshelter  
28 community-based services include services for victims of domestic  
29 violence from communities that have been traditionally underserved or  
30 unserved and services for children who have witnessed domestic  
31 violence.

32 **Sec. 5.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as  
33 follows:

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

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

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

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

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

21 (d) For filing of a petition for unlawful harassment under RCW  
22 10.14.040 a filing fee of forty-one dollars.

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

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

28 (g) For filing any petition to contest a will admitted to probate  
29 or a petition to admit a will which has been rejected, or a petition  
30 objecting to a written agreement or memorandum as provided in RCW  
31 11.96A.220, there shall be paid a fee of one hundred ten dollars.

32 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
33 appeal from a court of limited jurisdiction as provided by law, or upon  
34 affirmance of a conviction by a court of limited jurisdiction, a  
35 defendant in a criminal case shall be liable for a fee of one hundred  
36 ten dollars.

37 (i) With the exception of demands for jury hereafter made and  
38 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and governed  
2 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
3 fee shall be assessed if an order of dismissal on the clerk's record be  
4 filed as provided by rule of the supreme court.

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

8 **Sec. 6.** RCW 36.18.022 and 1995 c 292 s 16 are each amended to read  
9 as follows:

10 The court may waive the filing fees provided for under RCW  
11 36.18.016(2)(b) and 36.18.020(2) (a) and (b) upon affidavit by a party  
12 that the party is unable to pay the fee due to financial hardship."

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13 On page 1, line 2 of the title, after "account;" strike the  
14 remainder of the title and insert "amending RCW 36.18.010, 36.18.016,  
15 70.123.030, 36.18.020, and 36.18.022; and adding a new section to  
16 chapter 70.123 RCW."

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