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**SUBSTITUTE SENATE BILL 6670**

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**State of Washington**

**59th Legislature**

**2006 Regular Session**

**By** Senate Committee on Judiciary (originally sponsored by Senators Shin, Delvin, Fraser, Hargrove and Johnson)

READ FIRST TIME 02/03/06.

1       AN ACT Relating to court filing fees; amending RCW 36.18.012,  
2       60.04.081, and 60.70.060; and reenacting and amending RCW 36.18.016.

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

4       **Sec. 1.** RCW 36.18.012 and 2005 c 457 s 17 are each amended to read  
5       as follows:

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

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

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

17       (4) If the defendant serves or files an answer to an unlawful  
18       detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff

1 shall pay before proceeding with the unlawful detainer action one  
2 hundred twelve dollars.

3 (5) Any party filing a counterclaim, cross-claim, or third-party  
4 claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW  
5 shall pay the equivalent to the total filing fee of an unlawful  
6 detainer action pursuant to RCW 36.18.020, including the fee for an  
7 unlawful detainer answer pursuant to subsection (4) of this section.

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

11 ~~((+6))~~ (7) A fee of twenty dollars must be charged for filing a  
12 will only, when no probate of the will is contemplated.

13 ~~((+7))~~ (8) A fee of twenty dollars must be charged for filing a  
14 petition, written agreement, or written memorandum in a nonjudicial  
15 probate dispute under RCW 11.96A.220, if it is filed within an existing  
16 case in the same court.

17 ~~((+8))~~ (9) A fee of thirty-five dollars must be charged for filing  
18 a petition regarding a common law lien under RCW 60.70.060.

19 ~~((+9) For certification of delinquent taxes by a county treasurer~~  
20 ~~under RCW 84.64.190, a fee of five dollars must be charged.))~~

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

28 **Sec. 2.** RCW 36.18.016 and 2005 c 457 s 18, 2005 c 374 s 2, and  
29 2005 c 202 s 1 are each reenacted and amended to read as follows:

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

32 (2)(a) For the filing of a petition for modification of a decree of  
33 dissolution or paternity, within the same case as the original action,  
34 and any party filing a counterclaim, cross-claim, or third-party claim  
35 in any such action, a fee of thirty-six dollars must be paid.

36 (b) The party filing the first or initial petition for dissolution,  
37 legal separation, or declaration concerning the validity of marriage

1 shall pay, at the time and in addition to the filing fee required under  
2 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
3 court shall transmit monthly twenty-four dollars of the thirty-dollar  
4 fee collected under this subsection to the state treasury for deposit  
5 in the domestic violence prevention account. The remaining six dollars  
6 shall be retained by the county for the purpose of supporting  
7 community-based services within the county for victims of domestic  
8 violence, except for five percent of the six dollars, which may be  
9 retained by the court for administrative purposes.

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

17 (b) Upon conviction in criminal cases a jury demand charge of one  
18 hundred twenty-five dollars for a jury of six, or two hundred fifty  
19 dollars for a jury of twelve may be imposed as costs under RCW  
20 10.46.190.

21 (4) For preparing a certified copy of an instrument on file or of  
22 record in the clerk's office, for the first page or portion of the  
23 first page, a fee of five dollars, and for each additional page or  
24 portion of a page, a fee of one dollar must be charged. For  
25 authenticating or exemplifying an instrument, a fee of two dollars for  
26 each additional seal affixed must be charged. For preparing a copy of  
27 an instrument on file or of record in the clerk's office without a  
28 seal, a fee of fifty cents per page must be charged. When copying a  
29 document without a seal or file that is in an electronic format, a fee  
30 of twenty-five cents per page must be charged. For copies made on a  
31 compact disc, an additional fee of twenty dollars for each compact disc  
32 must be charged.

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

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

37 (7) For filing a supplemental proceeding, a fee of twenty dollars  
38 must be charged.

1 (8) For approving a bond, including justification on the bond, in  
2 other than civil actions and probate proceedings, a fee of two dollars  
3 must be charged.

4 (9) For the issuance of a certificate of qualification and a  
5 certified copy of letters of administration, letters testamentary, or  
6 letters of guardianship, there must be a fee of two dollars.

7 (10) For the preparation of a passport application, the clerk may  
8 collect an execution fee as authorized by the federal government.

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

13 (12) For duplicated recordings of court's proceedings there must be  
14 a fee of ten dollars for each audio tape and twenty-five dollars for  
15 each video tape or other electronic storage medium.

16 (13) For registration of land titles, Torrens Act, under RCW  
17 65.12.780, a fee of twenty dollars must be charged.

18 (14) For the issuance of extension of judgment under RCW 6.17.020  
19 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
20 When the extension of judgment is at the request of the clerk, the two  
21 hundred dollar charge may be imposed as court costs under RCW  
22 10.46.190.

23 (15) A facilitator surcharge of up to twenty dollars must be  
24 charged as authorized under RCW 26.12.240.

25 (16) For filing a water rights statement under RCW 90.03.180, a fee  
26 of twenty-five dollars must be charged.

27 (17) For filing a claim of frivolous lien under RCW 60.04.081, a  
28 fee of thirty-five dollars must be charged.

29 (18) For preparation of a change of venue, a fee of twenty dollars  
30 must be charged by the originating court in addition to the per page  
31 charges in subsection (4) of this section.

32 (19) A service fee of three dollars for the first page and one  
33 dollar for each additional page must be charged for receiving faxed  
34 documents, pursuant to Washington state rules of court, general rule  
35 17.

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

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

4 (22) Investment service charge and earnings under RCW 36.48.090  
5 must be charged.

6 (23) Costs for nonstatutory services rendered by clerk by authority  
7 of local ordinance or policy must be charged.

8 (24) For filing a request for mandatory arbitration, a filing fee  
9 may be assessed against the party filing a statement of arbitrability  
10 not to exceed two hundred twenty dollars as established by authority of  
11 local ordinance. This charge shall be used solely to offset the cost  
12 of the mandatory arbitration program.

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

16 (26) A public agency may not charge a fee to a law enforcement  
17 agency, for preparation, copying, or mailing of certified copies of the  
18 judgment and sentence, information, affidavit of probable cause, and/or  
19 the notice of requirement to register, of a sex offender convicted in  
20 a Washington court, when such records are necessary for risk  
21 assessment, preparation of a case for failure to register, or  
22 maintenance of a sex offender's registration file.

23 (27) For the filing of a will or codicil under the provisions of  
24 chapter 11.12 RCW, a fee of twenty dollars must be charged.

25 The revenue to counties from the fees established in this section  
26 shall be deemed to be complete reimbursement from the state for the  
27 state's share of benefits paid to the superior court judges of the  
28 state prior to July 24, 2005, and no claim shall lie against the state  
29 for such benefits.

30 **Sec. 3.** RCW 60.04.081 and 1992 c 126 s 6 are each amended to read  
31 as follows:

32 (1) Any owner of real property subject to a recorded claim of lien  
33 under this chapter, or contractor, subcontractor, lender, or lien  
34 claimant who believes the claim of lien to be frivolous and made  
35 without reasonable cause, or clearly excessive may apply by motion to  
36 the superior court for the county where the property, or some part  
37 thereof is located, for an order directing the lien claimant to appear

1 before the court at a time no earlier than six nor later than fifteen  
2 days following the date of service of the application and order on the  
3 lien claimant, and show cause, if any he or she has, why the relief  
4 requested should not be granted. The motion shall state the grounds  
5 upon which relief is asked, and shall be supported by the affidavit of  
6 the applicant or his or her attorney setting forth a concise statement  
7 of the facts upon which the motion is based.

8 (2) The order shall clearly state that if the lien claimant fails  
9 to appear at the time and place noted the lien shall be released, with  
10 prejudice, and that the lien claimant shall be ordered to pay the costs  
11 requested by the applicant including reasonable attorneys' fees.

12 (3) If no action to foreclose the lien claim has been filed, the  
13 clerk of the court shall assign a cause number to the application and  
14 obtain from the applicant a filing fee (~~(of thirty five dollars)~~)  
15 pursuant to RCW 36.18.016. If an action has been filed to foreclose  
16 the lien claim, the application shall be made a part of that action.

17 (4) If, following a hearing on the matter, the court determines  
18 that the lien is frivolous and made without reasonable cause, or  
19 clearly excessive, the court shall issue an order releasing the lien if  
20 frivolous and made without reasonable cause, or reducing the lien if  
21 clearly excessive, and awarding costs and reasonable attorneys' fees to  
22 the applicant to be paid by the lien claimant. If the court determines  
23 that the lien is not frivolous and was made with reasonable cause, and  
24 is not clearly excessive, the court shall issue an order so stating and  
25 awarding costs and reasonable attorneys' fees to the lien claimant to  
26 be paid by the applicant.

27 (5) Proceedings under this section shall not affect other rights  
28 and remedies available to the parties under this chapter or otherwise.

29 **Sec. 4.** RCW 60.70.060 and 1995 c 19 s 2 are each amended to read  
30 as follows:

31 (1) Any person whose real or personal property is subject to a  
32 recorded claim of common law lien who believes the claim of lien is  
33 invalid, may petition the superior court of the county in which the  
34 claim of lien has been recorded for an order, which may be granted ex  
35 parte, directing the lien claimant to appear before the court at a time  
36 no earlier than six nor later than twenty-one days following the date  
37 of service of the petition and order on the lien claimant, and show

1 cause, if any, why the claim of lien should not be stricken and other  
2 relief provided for by this section should not be granted. The  
3 petition shall state the grounds upon which relief is requested, and  
4 shall be supported by the affidavit of the petitioner or his or her  
5 attorney setting forth a concise statement of the facts upon which the  
6 motion is based. The order shall be served upon the lien claimant by  
7 personal service, or, where the court determines that service by mail  
8 is likely to give actual notice, the court may order that service be  
9 made by any person over eighteen years of age, who is competent to be  
10 a witness, other than a party, by mailing copies of the petition and  
11 order to the lien claimant at his or her last known address or any  
12 other address determined by the court to be appropriate. Two copies  
13 shall be mailed, postage prepaid, one by ordinary first class mail and  
14 the other by a form of mail requiring a signed receipt showing when and  
15 to whom it was delivered. The envelopes must bear the return address  
16 of the sender.

17 (2) The order shall clearly state that if the lien claimant fails  
18 to appear at the time and place noted, the claim of lien shall be  
19 stricken and released and that the lien claimant shall be ordered to  
20 pay the costs incurred by the petitioner, including reasonable  
21 attorneys' fees.

22 (3) The clerk of the court shall assign a cause number to the  
23 petition and obtain from the petitioner a filing fee (~~(of thirty five~~  
24 ~~dollars)~~) pursuant to RCW 36.18.012.

25 (4) If, following a hearing on the matter, the court determines  
26 that the claim of lien is invalid, the court shall issue an order  
27 striking and releasing the claim of lien and awarding costs and  
28 reasonable attorneys' fees to the petitioner to be paid by the lien  
29 claimant. If the court determines that the claim of lien is valid, the  
30 court shall issue an order so stating and may award costs and  
31 reasonable attorneys' fees to the lien claimant to be paid by the  
32 petitioner.

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