

# HOUSE BILL REPORT

## SB 5277

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### As Passed House - Amended:

April 7, 2009

**Title:** An act relating to district court clerk fees.

**Brief Description:** Regarding fees allowed as court costs in district courts.

**Sponsors:** Senators Hatfield, Kline and Delvin.

### Brief History:

#### Committee Activity:

Judiciary: 3/16/09, 3/19/09 [DPA].

#### Floor Activity

Passed House - Amended: 4/7/09, 59-39.

<p style="text-align: center;"><b>Brief Summary of Bill</b> <b>(As Amended by House)</b></p> <ul style="list-style-type: none"><li>• Authorizes district court clerks to charge fees for certain services.</li></ul>
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### HOUSE COMMITTEE ON JUDICIARY

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Pedersen, Chair; Goodman, Vice Chair; Rodne, Ranking Minority Member; Flannigan, Kelley, Kirby, Ormsby and Roberts.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Shea, Assistant Ranking Minority Member; Ross and Warnick.

**Staff:** Trudes Tango (786-7384)

### Background:

District courts are courts of limited jurisdiction. They have concurrent jurisdiction with superior courts over misdemeanor and gross misdemeanor violations and civil cases in which the amount claimed or in dispute is \$75,000 or less. District court also has jurisdiction over small claims and traffic infractions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Except for certain costs, all costs, fees, fines, forfeitures, and penalties collected in whole or in part by the district court are remitted by the district court clerk to the county treasurer. The county treasurer must remit 32 percent of the non-interest money received by district courts to the State Treasurer. The State Treasurer must deposit the money into the Public Safety and Education Account. The remaining balance of the non-interest money received by the county treasurer must be deposited in the county current expense fund. Expenditures of the district court are paid from the county current expense fund.

District court clerks are required to collect a fee for certain services, such as for issuing a writ of garnishment, preparing a transcript of a judgment, certifying any document on file or of record in the clerk's office, preparing the record of a case for appeal to superior court, duplicating part or all of the electronic recording of a proceeding, and filing an abstract of judgment or transcript of judgment from a municipal court.

**Summary of Amended Bill:**

At the option of the district court, clerks may collect fees for the following services:

- preparing a certified copy of an instrument on file or of record in the clerk's office: \$5 for the first page or a portion of the first page and \$1 for each additional page;
- authenticating or exemplifying an instrument: \$2 for each additional seal affixed;
- preparing a copy of an instrument on file or of record without a seal: 50 cents per page;
- copying a document without a seal or that is in an electronic format: 25 cents per page;
- copies made on a CD: \$20 per CD;
- receiving faxed documents authorized by court rules: up to \$3 for the first page and \$1 for each additional page; and
- services such as processing ex parte orders, performing historical searches, compiling statistical reports, and conducting exceptional record searches: up to \$20 per hour or portion of an hour.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This bill does not deny access to justice. The bill does not give clerks an authority to charge fees that they do not already have; there are already existing statutes that allow district court clerks to charge some fees. This bill allows district court clerks to charge fees for services the superior court clerks already charge. Providing judicial services is not inexpensive. Services should be provided at reasonable fees for the users of the services. Users are already paying fees for these same services at the superior court level. The district court clerks do much of the same work as superior court clerks. The bill makes these fees

permissive, which is more favorable than the mandatory language applicable to superior court clerks.

(Opposed) Newspaper reporters must often gather information from court files to research their stories. It is expensive to do research and get copies of documents at 25 cents per page. The language allowing the clerk to charge for a portion of an hour is troubling. It should be a pro rata charge. People are used to downloading information for free from the Internet and it will be difficult for people to understand why the court is charging for electronically downloaded information. Not everything the clerk does when processing an ex parte order is new work for the clerk. The time spent processing ex parte orders can be measured in minutes, not hours. Clerks should not be allowed to bill for an hour of work when the actual work took a few minutes. Most debt collection businesses are small businesses that are struggling themselves. The fees are usually charged to the debtor, but those debtors already cannot pay their debts. The bill was intended to not charge people who bring in their ex parte orders personally. Ex parte orders are unopposed orders and do not take up a lot of the court's time. The fees should reflect the actual work done.

**Persons Testifying:** (In support) Barbara Linde, King County District Court.

(Opposed) Rowland Thompson, Allied Daily Newspapers; and Kevin Underwood, Washington Collectors Association.

**Persons Signed In To Testify But Not Testifying:** None.