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HOUSE BILL 1111

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State of Washington

64th Legislature

2015 Regular Session

By Representatives Kilduff, Stokesbary, Walkinshaw, Goodman, Gregerson, Jinkins, Muri, Rodne, and Moeller; by request of Board For Judicial Administration

Prefiled 01/09/15. Read first time 01/12/15. Referred to Committee on Judiciary.

1 AN ACT Relating to court transcripts; and amending RCW 2.32.240,  
2 2.32.250, 3.02.040, and 36.18.016.

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

4 **Sec. 1.** RCW 2.32.240 and 2011 c 336 s 54 are each amended to  
5 read as follows:

6 When a record has been taken in any cause as provided in RCW  
7 2.32.180 through 2.32.310, if the court, or either party to the suit  
8 or action, or his or her attorney, request a transcript, the official  
9 reporter (~~((and clerk of the court))~~) or authorized transcriptionist  
10 shall make, or cause to be made, with reasonable diligence, full and  
11 accurate transcript of the testimony and other proceedings, which  
12 shall, when certified to as hereinafter provided, be filed with the  
13 clerk of the court where such trial is had for the use of the court  
14 or parties to the action, except for transcripts requested for an  
15 appellate case. The fees of the official reporter (~~((and clerk of~~  
16 ~~the))~~) or authorized transcriptionist, as defined by supreme court  
17 rule, for making such transcript shall be fixed in accordance with  
18 costs as allowed in cost bills in civil cases by the supreme court of  
19 the state of Washington, and when such transcript is ordered by any  
20 party to any suit or action, said fee shall be paid forthwith by the  
21 party ordering the same, and in all cases where a transcript is made

1 as provided for under the provisions of RCW 2.32.180 through 2.32.310  
2 the cost thereof shall be taxable as costs in the case, and shall be  
3 so taxed as other costs in the case are taxed: PROVIDED, That when(~~(~~  
4 ~~from and after December 20, 1973,~~) a party has been judicially  
5 determined to have a constitutional right to a transcript and to be  
6 unable by reason of poverty to pay for such transcript, the court may  
7 order said transcript to be made by the official reporter or  
8 authorized transcriptionist, which transcript fee therefor shall be  
9 paid by the state upon submission of appropriate vouchers to the  
10 clerk of the supreme court.

11 **Sec. 2.** RCW 2.32.250 and 1913 c 126 s 6 are each amended to read  
12 as follows:

13 The report of the official reporter or authorized  
14 transcriptionist, when transcribed and certified as being a correct  
15 transcript of the stenographic notes (~~(of the))~~ or electronically  
16 recorded testimony, or other oral proceedings had in the matter,  
17 shall be prima facie a correct statement of such testimony or other  
18 oral proceedings had, and the same may thereafter, in any civil  
19 cause, be read in evidence as competent testimony, when satisfactory  
20 proof is offered to the judge presiding that the witness originally  
21 giving such testimony is then dead or without the jurisdiction of the  
22 court, subject, however, to all objections the same as though such  
23 witness were present and giving such testimony in person.

24 **Sec. 3.** RCW 3.02.040 and 1980 c 162 s 4 are each amended to read  
25 as follows:

26 The administrator for the courts (~~(shall supervise))~~ may be  
27 consulted for advice on the selection, installation, and operation of  
28 any electronic recording equipment in courts of limited jurisdiction.

29 **Sec. 4.** RCW 36.18.016 and 2009 c 417 s 2 are each amended to  
30 read as follows:

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

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

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

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

19 (b) Upon conviction in criminal cases a jury demand charge of one  
20 hundred twenty-five dollars for a jury of six, or two hundred fifty  
21 dollars for a jury of twelve may be imposed as costs under RCW  
22 10.46.190.

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

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

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

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

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

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

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

11 (11) For clerk's services such as performing historical searches,  
12 compiling statistical reports, and conducting exceptional record  
13 searches, the clerk may collect a fee not to exceed thirty dollars  
14 per hour.

15 (12) For processing ex parte orders, the clerk may collect a fee  
16 of thirty dollars.

17 (13) For duplicated recordings of court's proceedings there must  
18 be a fee of ten dollars for each audiotape and twenty-five dollars  
19 for each video ((~~tape~~)) or other electronic storage medium.

20 (14) For registration of land titles, Torrens Act, under RCW  
21 65.12.780, a fee of twenty dollars must be charged.

22 (15) For the issuance of extension of judgment under RCW 6.17.020  
23 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
24 When the extension of judgment is at the request of the clerk, the  
25 two hundred dollar charge may be imposed as court costs under RCW  
26 10.46.190.

27 (16) A facilitator surcharge of up to twenty dollars must be  
28 charged as authorized under RCW 26.12.240.

29 (17) For filing a water rights statement under RCW 90.03.180, a  
30 fee of twenty-five dollars must be charged.

31 (18) For filing a claim of frivolous lien under RCW 60.04.081, a  
32 fee of thirty-five dollars must be charged.

33 (19) For preparation of a change of venue, a fee of twenty  
34 dollars must be charged by the originating court in addition to the  
35 per page charges in subsection (4) of this section.

36 (20) A service fee of five dollars for the first page and one  
37 dollar for each additional page must be charged for receiving faxed  
38 documents, pursuant to Washington state rules of court, general rule  
39 17.

1 (21) For preparation of clerk's papers under RAP 9.7, a fee of  
2 fifty cents per page must be charged.

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

6 (23) Investment service charge and earnings under RCW 36.48.090  
7 must be charged.

8 (24) Costs for nonstatutory services rendered by clerk by  
9 authority of local ordinance or policy must be charged.

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

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

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

25 (28) For the filing of a will or codicil under the provisions of  
26 chapter 11.12 RCW, a fee of twenty dollars must be charged.

27 (29) For the collection of unpaid legal financial obligations,  
28 the clerk may impose an annual fee of up to one hundred dollars,  
29 pursuant to RCW 9.94A.780.

30 (30) A surcharge of up to twenty dollars may be charged in  
31 dissolution and legal separation actions as authorized by RCW  
32 26.12.260.

33 The revenue to counties from the fees established in this section  
34 shall be deemed to be complete reimbursement from the state for the  
35 state's share of benefits paid to the superior court judges of the  
36 state prior to July 24, 2005, and no claim shall lie against the  
37 state for such benefits.

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