

CERTIFICATION OF ENROLLMENT

HOUSE BILL 1140

65th Legislature
2017 3rd Special Session

Passed by the House June 29, 2017
Yeas 79 Nays 15

Speaker of the House of Representatives

Passed by the Senate June 30, 2017
Yeas 40 Nays 9

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 1140** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

HOUSE BILL 1140

Passed Legislature - 2017 3rd Special Session

State of Washington

65th Legislature

2017 Regular Session

By Representatives Jinkins, Rodne, and Ormsby; by request of Board
For Judicial Administration

Read first time 01/12/17. Referred to Committee on Judiciary.

1 AN ACT Relating to judicial stabilization trust account
2 surcharges; amending RCW 3.62.060, 36.18.018, and 36.18.020;
3 providing an effective date; and declaring an emergency.

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

5 **Sec. 1.** RCW 3.62.060 and 2013 2nd sp.s. c 7 s 1 are each amended
6 to read as follows:

7 (1) Clerks of the district courts shall collect the following
8 fees for their official services:

9 (a) In any civil action commenced before or transferred to a
10 district court, the plaintiff shall, at the time of such commencement
11 or transfer, pay to such court a filing fee of forty-three dollars
12 plus any surcharge authorized by RCW 7.75.035. Any party filing a
13 counterclaim, cross-claim, or third-party claim in such action shall
14 pay to the court a filing fee of forty-three dollars plus any
15 surcharge authorized by RCW 7.75.035. No party shall be compelled to
16 pay to the court any other fees or charges up to and including the
17 rendition of judgment in the action other than those listed.

18 (b) For issuing a writ of garnishment or other writ, or for
19 filing an attorney issued writ of garnishment, a fee of twelve
20 dollars.

21 (c) For filing a supplemental proceeding a fee of twenty dollars.

1 (d) For demanding a jury in a civil case a fee of one hundred
2 twenty-five dollars to be paid by the person demanding a jury.

3 (e) For preparing a transcript of a judgment a fee of twenty
4 dollars.

5 (f) For certifying any document on file or of record in the
6 clerk's office a fee of five dollars.

7 (g) At the option of the district court:

8 (i) For preparing a certified copy of an instrument on file or of
9 record in the clerk's office, for the first page or portion of the
10 first page, a fee of five dollars, and for each additional page or
11 portion of a page, a fee of one dollar;

12 (ii) For authenticating or exemplifying an instrument, a fee of
13 two dollars for each additional seal affixed;

14 (iii) For preparing a copy of an instrument on file or of record
15 in the clerk's office without a seal, a fee of fifty cents per page;

16 (iv) When copying a document without a seal or file that is in an
17 electronic format, a fee of twenty-five cents per page;

18 (v) For copies made on a compact disc, an additional fee of
19 twenty dollars for each compact disc.

20 (h) For preparing the record of a case for appeal to superior
21 court a fee of forty dollars including any costs of tape duplication
22 as governed by the rules of appeal for courts of limited jurisdiction
23 (RALJ).

24 (i) At the option of the district court, for clerk's services
25 such as processing ex parte orders, performing historical searches,
26 compiling statistical reports, and conducting exceptional record
27 searches, a fee not to exceed twenty dollars per hour or portion of
28 an hour.

29 (j) For duplication of part or all of the electronic recording of
30 a proceeding ten dollars per tape or other electronic storage medium.

31 (k) For filing any abstract of judgment or transcript of judgment
32 from a municipal court or municipal department of a district court
33 organized under the laws of this state a fee of forty-three dollars.

34 (l) At the option of the district court, a service fee of up to
35 three dollars for the first page and one dollar for each additional
36 page for receiving faxed documents, pursuant to Washington state
37 rules of court, general rule 17.

38 (2)(a) Until July 1, (~~2017~~) 2021, in addition to the fees
39 required to be collected under this section, clerks of the district

1 courts must collect a surcharge of thirty dollars on all fees
2 required to be collected under subsection (1)(a) of this section.

3 (b) Seventy-five percent of each surcharge collected under this
4 subsection (2) must be remitted to the state treasurer for deposit in
5 the judicial stabilization trust account.

6 (c) Twenty-five percent of each surcharge collected under this
7 subsection (2) must be retained by the county.

8 (3) The fees or charges imposed under this section shall be
9 allowed as court costs whenever a judgment for costs is awarded.

10 **Sec. 2.** RCW 36.18.018 and 2013 2nd sp.s. c 7 s 2 are each
11 amended to read as follows:

12 (1) State revenue collected by county clerks under subsection (2)
13 of this section must be transmitted to the appropriate state court.
14 The administrative office of the courts shall retain fees collected
15 under subsection (3) of this section.

16 (2) For appellate review under RAP 5.1(b), two hundred fifty
17 dollars must be charged.

18 (3) For all copies and reports produced by the administrative
19 office of the courts as permitted under RCW 2.68.020 and supreme
20 court policy, a variable fee must be charged.

21 (4) Until July 1, (~~2017~~) 2021, in addition to the fee
22 established under subsection (2) of this section, a surcharge of
23 forty dollars is established for appellate review. The county clerk
24 shall transmit seventy-five percent of this surcharge to the state
25 treasurer for deposit in the judicial stabilization trust account and
26 twenty-five percent must be retained by the county.

27 **Sec. 3.** RCW 36.18.020 and 2015 c 265 s 28 are each amended to
28 read as follows:

29 (1) Revenue collected under this section is subject to division
30 with the state under RCW 36.18.025 and with the county or regional
31 law library fund under RCW 27.24.070, except as provided in
32 subsection (5) of this section.

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

35 (a) In addition to any other fee required by law, the party
36 filing the first or initial document in any civil action, including,
37 but not limited to an action for restitution, adoption, or change of
38 name, and any party filing a counterclaim, cross-claim, or third-

1 party claim in any such civil action, shall pay, at the time the
2 document is filed, a fee of two hundred dollars except, in an
3 unlawful detainer action under chapter 59.18 or 59.20 RCW for which
4 the plaintiff shall pay a case initiating filing fee of forty-five
5 dollars, or in proceedings filed under RCW 28A.225.030 alleging a
6 violation of the compulsory attendance laws where the petitioner
7 shall not pay a filing fee. The forty-five dollar filing fee under
8 this subsection for an unlawful detainer action shall not include an
9 order to show cause or any other order or judgment except a default
10 order or default judgment in an unlawful detainer action.

11 (b) Any party, except a defendant in a criminal case, filing the
12 first or initial document on an appeal from a court of limited
13 jurisdiction or any party on any civil appeal, shall pay, when the
14 document is filed, a fee of two hundred dollars.

15 (c) For filing of a petition for judicial review as required
16 under RCW 34.05.514 a filing fee of two hundred dollars.

17 (d) For filing of a petition for unlawful harassment under RCW
18 10.14.040 a filing fee of fifty-three dollars.

19 (e) For filing the notice of debt due for the compensation of a
20 crime victim under RCW 7.68.120(2)(a) a fee of two hundred dollars.

21 (f) In probate proceedings, the party instituting such
22 proceedings, shall pay at the time of filing the first document
23 therein, a fee of two hundred dollars.

24 (g) For filing any petition to contest a will admitted to probate
25 or a petition to admit a will which has been rejected, or a petition
26 objecting to a written agreement or memorandum as provided in RCW
27 11.96A.220, there shall be paid a fee of two hundred dollars.

28 (h) Upon conviction or plea of guilty, upon failure to prosecute
29 an appeal from a court of limited jurisdiction as provided by law, or
30 upon affirmance of a conviction by a court of limited jurisdiction,
31 an adult defendant in a criminal case shall be liable for a fee of
32 two hundred dollars.

33 (i) With the exception of demands for jury hereafter made and
34 garnishments hereafter issued, civil actions and probate proceedings
35 filed prior to midnight, July 1, 1972, shall be completed and
36 governed by the fee schedule in effect as of January 1, 1972.
37 However, no fee shall be assessed if an order of dismissal on the
38 clerk's record be filed as provided by rule of the supreme court.

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

4 (4) No fee shall be collected when an abstract of judgment is
5 filed by the county clerk of another county for the purposes of
6 collection of legal financial obligations.

7 (5)(a) Until July 1, (~~2017~~) 2021, in addition to the fees
8 required to be collected under this section, clerks of the superior
9 courts must collect surcharges as provided in this subsection (5) of
10 which seventy-five percent must be remitted to the state treasurer
11 for deposit in the judicial stabilization trust account and twenty-
12 five percent must be retained by the county.

13 (b) On filing fees required to be collected under subsection
14 (2)(b) of this section, a surcharge of thirty dollars must be
15 collected.

16 (c) On all filing fees required to be collected under this
17 section, except for fees required under subsection (2)(b), (d), and
18 (h) of this section, a surcharge of forty dollars must be collected.

19 NEW SECTION. **Sec. 4.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of
21 the state government and its existing public institutions, and takes
22 effect July 1, 2017.

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