
SUBSTITUTE HOUSE BILL 1961

State of Washington

67th Legislature

2022 Regular Session

By House Civil Rights & Judiciary (originally sponsored by Representatives Peterson and Ramel)

READ FIRST TIME 01/24/22.

1 AN ACT Relating to the authority of the courts to waive auditor's
2 fees for filing and recording name change orders; amending RCW
3 4.24.130 and 36.18.010; and providing an effective date.

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

5 **Sec. 1.** RCW 4.24.130 and 2021 c 215 s 90 are each amended to
6 read as follows:

7 (1) Any person desiring a change of (~~his or her~~) the person's
8 name or that of (~~his or her~~) the person's child or ward, may apply
9 therefor to the district court of the judicial district in which (~~he~~
10 ~~or she~~) the person resides, by petition setting forth the reasons
11 for such change; thereupon such court in its discretion may order a
12 change of the name and thenceforth the new name shall be in place of
13 the former.

14 (2) An offender under the jurisdiction of the department of
15 corrections who applies to change (~~his or her~~) the offender's name
16 under subsection (1) of this section shall submit a copy of the
17 application to the department of corrections not fewer than five days
18 before the entry of an order granting the name change. No offender
19 under the jurisdiction of the department of corrections at the time
20 of application shall be granted an order changing (~~his or her~~) the
21 offender's name if the court finds that doing so will interfere with

1 legitimate penological interests, except that no order shall be
2 denied when the name change is requested for religious or legitimate
3 cultural reasons or in recognition of marriage or dissolution of
4 marriage. An offender under the jurisdiction of the department of
5 corrections who receives an order changing (~~his or her~~) the
6 offender's name shall submit a copy of the order to the department of
7 corrections within five days of the entry of the order. Violation of
8 this subsection is a misdemeanor.

9 (3) A sex offender subject to registration under RCW 9A.44.130
10 who applies to change (~~his or her~~) the sex offender's name under
11 subsection (1) of this section shall follow the procedures set forth
12 in RCW 9A.44.130(7).

13 (4) The district court shall collect the fees authorized by RCW
14 36.18.010 for filing and recording a name change order, and transmit
15 the fee and the order to the county auditor. The court may collect a
16 reasonable fee to cover the cost of transmitting the order to the
17 county auditor. Upon affidavit by the person seeking the name change
18 that the person is unable to pay the fees due to financial hardship,
19 the court shall waive all fees for filing and recording a name change
20 order and direct the county auditor or recording officer to process
21 the name change order at no expense to the person. The court may not
22 wave the fees if the person has received victim compensation for
23 name change fees.

24 (5) Name change petitions may be filed and shall be heard in
25 superior court when the person desiring a change of (~~his or her~~)
26 the person's name or that of (~~his or her~~) the person's child or
27 ward is a victim of domestic violence as defined in RCW 7.105.010 and
28 the person seeks to have the name change file sealed due to
29 reasonable fear for (~~his or her~~) the person's safety or that of
30 (~~his or her~~) the person's child or ward. Upon granting the name
31 change, the superior court shall seal the file if the court finds
32 that the safety of the person seeking the name change or (~~his or~~
33 ~~her~~) the person's child or ward warrants sealing the file. In all
34 cases filed under this subsection, whether or not the name change
35 petition is granted, there shall be no public access to any court
36 record of the name change filing, proceeding, or order, unless the
37 name change is granted but the file is not sealed.

38 **Sec. 2.** RCW 36.18.010 and 2019 c 448 s 3 are each amended to
39 read as follows:

1 ((County)) Except as otherwise ordered by the court pursuant to
2 RCW 4.24.130, county auditors or recording officers shall collect the
3 following fees for their official services:

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

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

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

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

23 (5) For issuing a marriage license, eight dollars, (this fee
24 includes taking necessary affidavits, filing returns, indexing, and
25 transmittal of a record of the marriage to the state registrar of
26 vital statistics) plus an additional five dollar fee for use and
27 support of the prevention of child abuse and neglect activities to be
28 transmitted monthly to the state treasurer and deposited in the state
29 general fund plus an additional ten dollar fee to be transmitted
30 monthly to the state treasurer and deposited in the state general
31 fund. The legislature intends to appropriate an amount at least equal
32 to the revenue generated by this fee for the purposes of the
33 displaced homemaker act, chapter 28B.04 RCW;

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

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

- 1 (8) For recording of miscellaneous records not listed above, for
2 the first page eight and one-half by fourteen inches or less, five
3 dollars; for each additional page eight and one-half by fourteen
4 inches or less, one dollar;
- 5 (9) For modernization and improvement of the recording and
6 indexing system, a surcharge as provided in RCW 36.22.170;
- 7 (10) For recording an emergency nonstandard document as provided
8 in RCW 65.04.047, fifty dollars, in addition to all other applicable
9 recording fees;
- 10 (11) For recording instruments, a three dollar surcharge to be
11 deposited into the Washington state library operations account
12 created in RCW 43.07.129;
- 13 (12) For recording instruments, a two dollar surcharge to be
14 deposited into the Washington state library-archives building account
15 created in RCW 43.07.410 until the financing contract entered into by
16 the secretary of state for the Washington state library-archives
17 building is paid in full;
- 18 (13) For recording instruments, a surcharge as provided in RCW
19 36.22.178; and
- 20 (14) For recording instruments, except for documents recording a
21 birth, marriage, divorce, or death or any documents otherwise
22 exempted from a recording fee under state law, a surcharge as
23 provided in RCW 36.22.179.

24 NEW SECTION. **Sec. 3.** This act takes effect July 1, 2022.

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