
HOUSE BILL 1961

State of Washington

67th Legislature

2022 Regular Session

By Representatives Peterson and Ramel

Read first time 01/13/22. Referred to Committee on Civil Rights & Judiciary.

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

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

1 is requested for religious or legitimate cultural reasons or in
2 recognition of marriage or dissolution of marriage. An offender under
3 the jurisdiction of the department of corrections who receives an
4 order changing his or her name shall submit a copy of the order to
5 the department of corrections within five days of the entry of the
6 order. Violation of this subsection is a misdemeanor.

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

10 (4) The district court shall collect the fees authorized by RCW
11 36.18.010 for filing and recording a name change order, and transmit
12 the fee and the order to the county auditor. The court may collect a
13 reasonable fee to cover the cost of transmitting the order to the
14 county auditor. Upon affidavit by the person seeking the name change
15 that the person is unable to pay the fees due to financial hardship,
16 the court may waive the fees authorized by RCW 36.18.010 for filing
17 and recording a name change order and direct the county auditor or
18 recording officer to process the name change order at no expense to
19 the person.

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

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

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

38 (1) For recording instruments, for the first page eight and one-
39 half by fourteen inches or less, five dollars; for each additional

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

10 (2) For preparing and certifying copies, for the first page eight
11 and one-half by fourteen inches or less, three dollars; for each
12 additional page eight and one-half by fourteen inches or less, one
13 dollar;

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

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

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

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

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

35 (8) For recording of miscellaneous records not listed above, for
36 the first page eight and one-half by fourteen inches or less, five
37 dollars; for each additional page eight and one-half by fourteen
38 inches or less, one dollar;

39 (9) For modernization and improvement of the recording and
40 indexing system, a surcharge as provided in RCW 36.22.170;

1 (10) For recording an emergency nonstandard document as provided
2 in RCW 65.04.047, fifty dollars, in addition to all other applicable
3 recording fees;

4 (11) For recording instruments, a three dollar surcharge to be
5 deposited into the Washington state library operations account
6 created in RCW 43.07.129;

7 (12) For recording instruments, a two dollar surcharge to be
8 deposited into the Washington state library-archives building account
9 created in RCW 43.07.410 until the financing contract entered into by
10 the secretary of state for the Washington state library-archives
11 building is paid in full;

12 (13) For recording instruments, a surcharge as provided in RCW
13 36.22.178; and

14 (14) For recording instruments, except for documents recording a
15 birth, marriage, divorce, or death or any documents otherwise
16 exempted from a recording fee under state law, a surcharge as
17 provided in RCW 36.22.179.

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

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