

WAC 434-12A-100 Calculation of actual costs of producing copies of public records declared to be unduly burdensome—Adoption of statutory fee schedule.

(1) Pursuant to RCW 42.56.120(2), as amended by section 3, chapter 304, Laws of 2017, the office of the secretary of state declares for the following reasons that it would be unduly burdensome for it to calculate the actual costs it charges for providing copies of public records: Funds were not allocated for performing a study and calculations; staff resources are insufficient to perform a study and to calculate such actual costs; and a study would interfere with and disrupt other essential functions.

(2) The office of the secretary of state may charge fees for production of copies of public records consistent with the fee schedule established in RCW 42.56.120, as amended by section 3, chapter 304, Laws of 2017.

(3) The Washington state archives research fees covered by WAC 434-690-080 are determined by archives according to its terms. The corporation fees are per WAC 434-112-085.

(4) Before beginning to make the copies, the public records officer or designee may require a deposit of up to ten percent of the estimated costs of copying all the records selected by the requestor. The public records officer or designee may also require the payment of the remainder of the copying costs before providing all the records, or the payment of the costs of copying an installment before providing that installment. The office of the secretary of state will not charge sales tax when it makes copies of public records.

(5) **Costs of mailing.** The office of the secretary of state may also charge actual costs of mailing, including the cost of the shipping container.

(6) **Payment.** Payment may be made by cash, check, or money order to the office of the secretary of state, or by those credit or debit cards accepted by the office.

(7) The public records officer or designee has discretion to waive the applicable fees when the total cost for copying and mailing all responsive records is less than five dollars.

[Statutory Authority: RCW 43.107.120, chapter 42.56 RCW, and 2017 c 304. WSR 17-22-047, § 434-12A-100, filed 10/25/17, effective 11/25/17. Statutory Authority: RCW 42.56.040. WSR 09-04-026, § 434-12A-100, filed 1/28/09, effective 2/28/09; Order 74-2, § 434-12A-100, filed 2/19/74.]