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ENGROSSED SUBSTITUTE HOUSE BILL 1314

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State of Washington

59th Legislature

2005 Regular Session

**By** House Committee on Juvenile Justice & Family Law (originally sponsored by Representatives Dickerson, Darneille, Upthegrove, Lovick, Lantz, Simpson, Morrell, Williams, Conway, Roberts, Moeller, Kenney, Wood, Kagi, McDermott, Santos, Chase and Ormsby)

READ FIRST TIME 02/28/05.

1 AN ACT Relating to filing fees to fund the domestic violence  
2 prevention account; amending RCW 36.18.010, 36.18.016, 70.123.030,  
3 36.18.020, and 36.18.022; and adding a new section to chapter 70.123  
4 RCW.

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

6 **Sec. 1.** RCW 36.18.010 and 2002 c 294 s 3 are each amended to read  
7 as follows:

8 County auditors or recording officers shall collect the following  
9 fees for their official services:

10 (1) For recording instruments, for the first page eight and one-  
11 half by fourteen inches or less, five dollars; for each additional page  
12 eight and one-half by fourteen inches or less, one dollar. The fee for  
13 recording multiple transactions contained in one instrument will be  
14 calculated for each transaction requiring separate indexing as required  
15 under RCW 65.04.050 as follows: The fee for each title or transaction  
16 is the same fee as the first page of any additional recorded document;  
17 the fee for additional pages is the same fee as for any additional  
18 pages for any recorded document; the fee for the additional pages may

1 be collected only once and may not be collected for each title or  
2 transaction;

3 (2) For preparing and certifying copies, for the first page eight  
4 and one-half by fourteen inches or less, three dollars; for each  
5 additional page eight and one-half by fourteen inches or less, one  
6 dollar;

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

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

11 (5) For issuing a marriage license, eight dollars, (this fee  
12 includes taking necessary affidavits, filing returns, indexing, and  
13 transmittal of a record of the marriage to the state registrar of vital  
14 statistics), plus ten dollars, eight dollars of which is to be  
15 transmitted monthly to the state treasury for deposit in the domestic  
16 violence prevention account, and the remaining two dollars shall be  
17 retained by the county in which the marriage license fee is collected  
18 for the purpose of supporting community-based services for victims of  
19 domestic violence within the county, except for five percent of the two  
20 dollars, which may be retained by the county for administrative  
21 purposes, plus an additional five-dollar fee for use and support of the  
22 prevention of child abuse and neglect activities to be transmitted  
23 monthly to the state treasurer and deposited in the state general fund  
24 plus an additional ten-dollar fee to be transmitted monthly to the  
25 state treasurer and deposited in the state general fund. The  
26 legislature intends to appropriate an amount at least equal to the  
27 revenue generated by this fee for the purposes of the displaced  
28 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 one  
32 dollar for each acknowledgment, dedication, and description: PROVIDED,  
33 That there shall be a minimum fee of twenty-five dollars per plat;

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

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

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

6       (11) For recording instruments, a surcharge as provided in RCW  
7 36.22.178.

8       **Sec. 2.** RCW 36.18.016 and 2002 c 338 s 2 are each amended to read  
9 as follows:

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

12       (2)(a) For the filing of a petition for modification of a decree of  
13 dissolution or paternity, within the same case as the original action,  
14 a fee of twenty dollars must be paid.

15       (b) The party filing the first or initial petition for dissolution,  
16 legal separation, or declaration concerning the validity of marriage  
17 shall pay, at the time and in addition to the filing fee required under  
18 RCW 36.18.020, a fee of ten dollars. The clerk of the superior court  
19 shall transmit monthly eight dollars of the ten-dollar fee collected  
20 under this subsection to the state treasury for deposit in the domestic  
21 violence prevention account. The remaining two dollars shall be  
22 retained by the county for the purpose of supporting community-based  
23 services within the county for victims of domestic violence, except for  
24 five percent of the two dollars, which may be retained by the court for  
25 administrative purposes.

26       (3)(a) The party making a demand for a jury of six in a civil  
27 action shall pay, at the time, a fee of one hundred twenty-five  
28 dollars; if the demand is for a jury of twelve, a fee of two hundred  
29 fifty dollars. If, after the party demands a jury of six and pays the  
30 required fee, any other party to the action requests a jury of twelve,  
31 an additional one hundred twenty-five dollar fee will be required of  
32 the party demanding the increased number of jurors.

33       (b) Upon conviction in criminal cases a jury demand charge of fifty  
34 dollars for a jury of six, or one hundred dollars for a jury of twelve  
35 may be imposed as costs under RCW 10.46.190.

36       (4) For preparing, transcribing, or certifying an instrument on  
37 file or of record in the clerk's office, with or without seal, for the

1 first page or portion of the first page, a fee of two dollars, and for  
2 each additional page or portion of a page, a fee of one dollar must be  
3 charged. For authenticating or exemplifying an instrument, a fee of  
4 one dollar for each additional seal affixed must be charged.

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

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

9 (7) For approving a bond, including justification on the bond, in  
10 other than civil actions and probate proceedings, a fee of two dollars  
11 must be charged.

12 (8) For the issuance of a certificate of qualification and a  
13 certified copy of letters of administration, letters testamentary, or  
14 letters of guardianship, there must be a fee of two dollars.

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

17 (10) For clerk's services such as processing ex parte orders,  
18 performing historical searches, compiling statistical reports, and  
19 conducting exceptional record searches, the clerk may collect a fee not  
20 to exceed twenty dollars per hour or portion of an hour.

21 (11) For duplicated recordings of court's proceedings there must be  
22 a fee of ten dollars for each audio tape and twenty-five dollars for  
23 each video tape.

24 (12) For the filing of oaths and affirmations under chapter 5.28  
25 RCW, a fee of twenty dollars must be charged.

26 (13) For filing a disclaimer of interest under RCW 11.86.031(4), a  
27 fee of two dollars must be charged.

28 (14) For registration of land titles, Torrens Act, under RCW  
29 65.12.780, a fee of five dollars must be charged.

30 (15) For the issuance of extension of judgment under RCW 6.17.020  
31 and chapter 9.94A RCW, a fee of one hundred ten dollars must be  
32 charged.

33 (16) A facilitator surcharge of ten dollars must be charged as  
34 authorized under RCW 26.12.240.

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

37 (18) A service fee of three dollars for the first page and one

1 dollar for each additional page must be charged for receiving faxed  
2 documents, pursuant to Washington state rules of court, general rule  
3 17.

4 (19) For preparation of clerk's papers under RAP 9.7, a fee of  
5 fifty cents per page must be charged.

6 (20) For copies and reports produced at the local level as  
7 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
8 be charged.

9 (21) Investment service charge and earnings under RCW 36.48.090  
10 must be charged.

11 (22) Costs for nonstatutory services rendered by clerk by authority  
12 of local ordinance or policy must be charged.

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

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

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 70.123 RCW  
22 to read as follows:

23 The domestic violence prevention account is created in the state  
24 treasury. All receipts from fees imposed for deposit in the domestic  
25 violence prevention account under RCW 36.18.016 must be deposited into  
26 the account. Moneys in the account may be spent only after  
27 appropriation. Expenditures from the account may be used only for  
28 funding nonshelter community-based services for victims of domestic  
29 violence.

30 **Sec. 4.** RCW 70.123.030 and 1989 1st ex.s. c 9 s 235 are each  
31 amended to read as follows:

32 The department of social and health services, in consultation with  
33 the state department of health, and individuals or groups having  
34 experience and knowledge of the problems of victims of domestic  
35 violence, shall:

1 (1) Establish minimum standards for shelters applying for grants  
2 from the department under this chapter. Classifications may be made  
3 dependent upon size, geographic location, and population needs;

4 (2) Receive grant applications for the development and  
5 establishment of shelters for victims of domestic violence;

6 (3) Distribute funds, within forty-five days after approval, to  
7 those shelters meeting departmental standards;

8 (4) Evaluate biennially each shelter receiving departmental funds  
9 for compliance with the established minimum standards; (~~and~~)

10 (5) Review the minimum standards each biennium to ensure  
11 applicability to community and client needs; and

12 (6) Administer funds available from the domestic violence  
13 prevention account under section 3 of this act and establish minimum  
14 standards for preventive, nonshelter community-based services receiving  
15 funds administered by the department. Preventive, nonshelter  
16 community-based services include services for victims of domestic  
17 violence from communities that have been traditionally underserved or  
18 unserved and services for children who have witnessed domestic  
19 violence.

20 **Sec. 5.** RCW 36.18.020 and 2000 c 9 s 1 are each amended to read as  
21 follows:

22 (1) Revenue collected under this section is subject to division  
23 with the state public safety and education account under RCW 36.18.025  
24 and with the county or regional law library fund under RCW 27.24.070.

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

27 (a) In addition to any other fee required by law, the party filing  
28 the first or initial paper in any civil action, including, but not  
29 limited to an action for restitution, adoption, or change of name,  
30 shall pay, at the time the paper is filed, a fee of one hundred ten  
31 dollars except, in an unlawful detainer action under chapter 59.18 or  
32 59.20 RCW for which the plaintiff shall pay a case initiating filing  
33 fee of thirty dollars, or in proceedings filed under RCW 28A.225.030  
34 alleging a violation of the compulsory attendance laws where the  
35 petitioner shall not pay a filing fee. The thirty dollar filing fee  
36 under this subsection for an unlawful detainer action shall not include

1 an order to show cause or any other order or judgment except a default  
2 order or default judgment in an unlawful detainer action.

3 (b) Any party, except a defendant in a criminal case, filing the  
4 first or initial paper on an appeal from a court of limited  
5 jurisdiction or any party on any civil appeal, shall pay, when the  
6 paper is filed, a fee of one hundred ten dollars.

7 (c) For filing of a petition for judicial review as required under  
8 RCW 34.05.514 a filing fee of one hundred ten dollars.

9 (d) For filing of a petition for unlawful harassment under RCW  
10 10.14.040 a filing fee of forty-one dollars.

11 (e) For filing the notice of debt due for the compensation of a  
12 crime victim under RCW 7.68.120(2)(a) a fee of one hundred ten dollars.

13 (f) In probate proceedings, the party instituting such proceedings,  
14 shall pay at the time of filing the first paper therein, a fee of one  
15 hundred ten dollars.

16 (g) For filing any petition to contest a will admitted to probate  
17 or a petition to admit a will which has been rejected, or a petition  
18 objecting to a written agreement or memorandum as provided in RCW  
19 11.96A.220, there shall be paid a fee of one hundred ten dollars.

20 (h) Upon conviction or plea of guilty, upon failure to prosecute an  
21 appeal from a court of limited jurisdiction as provided by law, or upon  
22 affirmance of a conviction by a court of limited jurisdiction, a  
23 defendant in a criminal case shall be liable for a fee of one hundred  
24 ten dollars.

25 (i) With the exception of demands for jury hereafter made and  
26 garnishments hereafter issued, civil actions and probate proceedings  
27 filed prior to midnight, July 1, 1972, shall be completed and governed  
28 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no  
29 fee shall be assessed if an order of dismissal on the clerk's record be  
30 filed as provided by rule of the supreme court.

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

34 **Sec. 6.** RCW 36.18.022 and 1995 c 292 s 16 are each amended to read  
35 as follows:

36 The court may waive the filing fees provided for under RCW

1 36.18.016(2)(b) and 36.18.020(2) (a) and (b) upon affidavit by a party  
2 that the party is unable to pay the fee due to financial hardship.

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