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**SUBSTITUTE SENATE BILL 5013**

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**State of Washington                      61st Legislature                      2009 Regular Session**

**By** Senate Judiciary (originally sponsored by Senators Hargrove, Brandland, Fraser, Hatfield, and Parlette)

READ FIRST TIME 02/06/09.

1            AN ACT Relating to fees collected by county clerks; amending RCW  
2 9.94A.780, 9.94A.780, 36.18.012, and 36.18.016; reenacting and amending  
3 RCW 36.18.020; providing an effective date; and providing an expiration  
4 date.

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

6            **Sec. 1.** RCW 9.94A.780 and 2003 c 379 s 18 are each amended to read  
7 as follows:

8            (1) Whenever a punishment imposed under this chapter requires  
9 supervision services to be provided, the offender shall pay to the  
10 department of corrections the monthly assessment, prescribed under  
11 subsection (2) of this section, which shall be for the duration of the  
12 terms of supervision and which shall be considered as payment or part  
13 payment of the cost of providing supervision to the offender. The  
14 department may exempt or defer a person from the payment of all or any  
15 part of the assessment based upon any of the following factors:

16            (a) The offender has diligently attempted but has been unable to  
17 obtain employment that provides the offender sufficient income to make  
18 such payments.

1 (b) The offender is a student in a school, college, university, or  
2 a course of vocational or technical training designed to fit the  
3 student for gainful employment.

4 (c) The offender has an employment handicap, as determined by an  
5 examination acceptable to or ordered by the department.

6 (d) The offender's age prevents him or her from obtaining  
7 employment.

8 (e) The offender is responsible for the support of dependents and  
9 the payment of the assessment constitutes an undue hardship on the  
10 offender.

11 (f) Other extenuating circumstances as determined by the  
12 department.

13 (2) The department of corrections shall adopt a rule prescribing  
14 the amount of the assessment. The department may, if it finds it  
15 appropriate, prescribe a schedule of assessments that shall vary in  
16 accordance with the intensity or cost of the supervision. The  
17 department may not prescribe any assessment that is less than ten  
18 dollars nor more than fifty dollars.

19 (3) All amounts required to be paid under this section shall be  
20 collected by the department of corrections and deposited by the  
21 department in the dedicated fund established pursuant to RCW 72.11.040.

22 (4) This section shall not apply to probation services provided  
23 under an interstate compact pursuant to chapter 9.95 RCW or to  
24 probation services provided for persons placed on probation prior to  
25 June 10, 1982.

26 (5) If a county clerk assumes responsibility for collection of  
27 unpaid legal financial obligations under RCW 9.94A.760, or under any  
28 agreement with the department under that section, whether before or  
29 after the completion of any period of community placement, community  
30 custody, or community supervision, the clerk may impose a monthly or  
31 annual assessment for the cost of collections. The amount of the  
32 assessment shall not exceed the actual cost of collections and shall be  
33 imposed at the rate set under RCW 36.18.016. The county clerk may  
34 exempt or defer payment of all or part of the assessment based upon any  
35 of the factors listed in subsection (1) of this section. The offender  
36 shall pay the assessment under this subsection to the county clerk who  
37 shall apply it to the cost of collecting legal financial obligations  
38 under RCW 9.94A.760.

1       **Sec. 2.** RCW 9.94A.780 and 2008 c 231 s 37 are each amended to read  
2 as follows:

3       (1) Whenever a punishment imposed under this chapter requires  
4 supervision services to be provided, the offender shall pay to the  
5 department of corrections the monthly assessment, prescribed under  
6 subsection (2) of this section, which shall be for the duration of the  
7 terms of supervision and which shall be considered as payment or part  
8 payment of the cost of providing supervision to the offender. The  
9 department may exempt or defer a person from the payment of all or any  
10 part of the assessment based upon any of the following factors:

11       (a) The offender has diligently attempted but has been unable to  
12 obtain employment that provides the offender sufficient income to make  
13 such payments.

14       (b) The offender is a student in a school, college, university, or  
15 a course of vocational or technical training designed to fit the  
16 student for gainful employment.

17       (c) The offender has an employment handicap, as determined by an  
18 examination acceptable to or ordered by the department.

19       (d) The offender's age prevents him or her from obtaining  
20 employment.

21       (e) The offender is responsible for the support of dependents and  
22 the payment of the assessment constitutes an undue hardship on the  
23 offender.

24       (f) Other extenuating circumstances as determined by the  
25 department.

26       (2) The department of corrections shall adopt a rule prescribing  
27 the amount of the assessment. The department may, if it finds it  
28 appropriate, prescribe a schedule of assessments that shall vary in  
29 accordance with the intensity or cost of the supervision. The  
30 department may not prescribe any assessment that is less than ten  
31 dollars nor more than fifty dollars.

32       (3) All amounts required to be paid under this section shall be  
33 collected by the department of corrections and deposited by the  
34 department in the dedicated fund established pursuant to RCW 72.11.040.

35       (4) This section shall not apply to probation services provided  
36 under an interstate compact pursuant to chapter 9.95 RCW or to  
37 probation services provided for persons placed on probation prior to  
38 June 10, 1982.

1 (5) If a county clerk assumes responsibility for collection of  
2 unpaid legal financial obligations under RCW 9.94A.760, or under any  
3 agreement with the department under that section, whether before or  
4 after the completion of any period of community custody, the clerk may  
5 impose a monthly or annual assessment for the cost of collections. The  
6 amount of the assessment shall not exceed the actual cost of  
7 collections and shall be imposed at the rate set under RCW 36.18.016.  
8 The county clerk may exempt or defer payment of all or part of the  
9 assessment based upon any of the factors listed in subsection (1) of  
10 this section. The offender shall pay the assessment under this  
11 subsection to the county clerk who shall apply it to the cost of  
12 collecting legal financial obligations under RCW 9.94A.760.

13 **Sec. 3.** RCW 36.18.012 and 2006 c 192 s 1 are each amended to read  
14 as follows:

15 (1) Revenue collected under this section is subject to division  
16 with the state for deposit in the public safety and education account  
17 under RCW 36.18.025.

18 (2) The party filing a transcript or abstract of judgment or  
19 verdict from a United States court held in this state, or from the  
20 superior court of another county or from a district court in the county  
21 of issuance, shall pay at the time of filing a fee of twenty dollars.

22 (3) The clerk shall collect a fee of twenty dollars for: Filing a  
23 (~~paper~~) document not related to or a part of a proceeding, civil or  
24 criminal, or a probate matter, required or permitted to be filed in the  
25 clerk's office for which no other charge is provided by law.

26 (4) If the defendant serves or files an answer to an unlawful  
27 detainer complaint under chapter 59.18 or 59.20 RCW, the plaintiff  
28 shall pay before proceeding with the unlawful detainer action one  
29 hundred twelve dollars.

30 (5) Any party filing a counterclaim, cross-claim, or third-party  
31 claim in an unlawful detainer action under chapter 59.18 or 59.20 RCW  
32 shall pay the equivalent to the total filing fee of an unlawful  
33 detainer action pursuant to RCW 36.18.020, including the fee for an  
34 unlawful detainer answer pursuant to subsection (4) of this section.

35 (6) For a restrictive covenant for filing a petition to strike  
36 discriminatory provisions in real estate under RCW 49.60.227 a fee of  
37 twenty dollars must be charged.

1 (7) A fee of twenty dollars must be charged for filing a will only,  
2 when no probate of the will is contemplated.

3 (8) A fee of twenty dollars must be charged for filing a petition,  
4 written agreement, or written memorandum in a nonjudicial probate  
5 dispute under RCW 11.96A.220, if it is filed within an existing case in  
6 the same court.

7 (9) A fee of thirty-five dollars must be charged for filing a  
8 petition regarding a common law lien under RCW 60.70.060.

9 (10) For the filing of a tax warrant for unpaid taxes or  
10 overpayment of benefits by any agency of the state of Washington, a fee  
11 of five dollars on or after July 22, 2001, and for the filing of such  
12 a tax warrant or overpayment of benefits on or after July 1, 2003, a  
13 fee of twenty dollars, of which forty-six percent of the first five  
14 dollars is directed to the public safety and education account  
15 established under RCW 43.08.250.

16 **Sec. 4.** RCW 36.18.016 and 2007 c 496 s 204 are each amended to  
17 read as follows:

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

20 (2)(a) For the filing of a petition for modification of a decree of  
21 dissolution or paternity, within the same case as the original action,  
22 and any party filing a counterclaim, cross-claim, or third-party claim  
23 in any such action, a fee of thirty-six dollars must be paid.

24 (b) The party filing the first or initial petition for dissolution,  
25 legal separation, or declaration concerning the validity of marriage  
26 shall pay, at the time and in addition to the filing fee required under  
27 RCW 36.18.020, a fee of thirty dollars. The clerk of the superior  
28 court shall transmit monthly twenty-four dollars of the thirty-dollar  
29 fee collected under this subsection to the state treasury for deposit  
30 in the domestic violence prevention account. The remaining six dollars  
31 shall be retained by the county for the purpose of supporting  
32 community-based services within the county for victims of domestic  
33 violence, except for five percent of the six dollars, which may be  
34 retained by the court for administrative purposes.

35 (3)(a) The party making a demand for a jury of six in a civil  
36 action shall pay, at the time, a fee of one hundred twenty-five  
37 dollars; if the demand is for a jury of twelve, a fee of two hundred

1 fifty dollars. If, after the party demands a jury of six and pays the  
2 required fee, any other party to the action requests a jury of twelve,  
3 an additional one hundred twenty-five dollar fee will be required of  
4 the party demanding the increased number of jurors.

5 (b) Upon conviction in criminal cases a jury demand charge of one  
6 hundred twenty-five dollars for a jury of six, or two hundred fifty  
7 dollars for a jury of twelve may be imposed as costs under RCW  
8 10.46.190.

9 (4) For preparing a certified copy of an instrument on file or of  
10 record in the clerk's office, for the first page or portion of the  
11 first page, a fee of five dollars, and for each additional page or  
12 portion of a page, a fee of one dollar must be charged. For  
13 authenticating or exemplifying an instrument, a fee of two dollars for  
14 each additional seal affixed must be charged. For preparing a copy of  
15 an instrument on file or of record in the clerk's office without a  
16 seal, a fee of fifty cents per page must be charged. When copying a  
17 document without a seal or file that is in an electronic format, a fee  
18 of twenty-five cents per page must be charged. For copies made on a  
19 compact disc, an additional fee of twenty dollars for each compact disc  
20 must be charged.

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

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

25 (7) For filing a supplemental proceeding, a fee of twenty dollars  
26 must be charged.

27 (8) For approving a bond, including justification on the bond, in  
28 other than civil actions and probate proceedings, a fee of two dollars  
29 must be charged.

30 (9) For the issuance of a certificate of qualification and a  
31 certified copy of letters of administration, letters testamentary, or  
32 letters of guardianship, there must be a fee of (~~two~~) five dollars.

33 (10) For the preparation of a passport application, the clerk may  
34 collect an execution fee as authorized by the federal government.

35 (11) For clerk's services such as processing ex parte orders,  
36 performing historical searches, compiling statistical reports, and  
37 conducting exceptional record searches, the clerk may collect a fee not  
38 to exceed (~~twenty~~) thirty dollars per hour (~~or portion of an hour~~).

1 (12) For duplicated recordings of court's proceedings there must be  
2 a fee of ten dollars for each audio tape and twenty-five dollars for  
3 each video tape or other electronic storage medium.

4 (13) For registration of land titles, Torrens Act, under RCW  
5 65.12.780, a fee of twenty dollars must be charged.

6 (14) For the issuance of extension of judgment under RCW 6.17.020  
7 and chapter 9.94A RCW, a fee of two hundred dollars must be charged.  
8 When the extension of judgment is at the request of the clerk, the two  
9 hundred dollar charge may be imposed as court costs under RCW  
10 10.46.190.

11 (15) A facilitator surcharge of up to twenty dollars must be  
12 charged as authorized under RCW 26.12.240.

13 (16) For filing a water rights statement under RCW 90.03.180, a fee  
14 of twenty-five dollars must be charged.

15 (17) For filing a claim of frivolous lien under RCW 60.04.081, a  
16 fee of thirty-five dollars must be charged.

17 (18) For preparation of a change of venue, a fee of twenty dollars  
18 must be charged by the originating court in addition to the per page  
19 charges in subsection (4) of this section.

20 (19) A service fee of (~~three~~) five dollars for the first page and  
21 one dollar for each additional page must be charged for receiving faxed  
22 documents, pursuant to Washington state rules of court, general rule  
23 17.

24 (20) For preparation of clerk's papers under RAP 9.7, a fee of  
25 fifty cents per page must be charged.

26 (21) For copies and reports produced at the local level as  
27 permitted by RCW 2.68.020 and supreme court policy, a variable fee must  
28 be charged.

29 (22) Investment service charge and earnings under RCW 36.48.090  
30 must be charged.

31 (23) Costs for nonstatutory services rendered by clerk by authority  
32 of local ordinance or policy must be charged.

33 (24) For filing a request for mandatory arbitration, a filing fee  
34 may be assessed against the party filing a statement of arbitrability  
35 not to exceed two hundred twenty dollars as established by authority of  
36 local ordinance. This charge shall be used solely to offset the cost  
37 of the mandatory arbitration program.

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

4 (26) A public agency may not charge a fee to a law enforcement  
5 agency, for preparation, copying, or mailing of certified copies of the  
6 judgment and sentence, information, affidavit of probable cause, and/or  
7 the notice of requirement to register, of a sex offender convicted in  
8 a Washington court, when such records are necessary for risk  
9 assessment, preparation of a case for failure to register, or  
10 maintenance of a sex offender's registration file.

11 (27) For the filing of a will or codicil under the provisions of  
12 chapter 11.12 RCW, a fee of twenty dollars must be charged.

13 (28) In probate proceedings, the party filing a creditor's claim  
14 pursuant to chapter 11.40 RCW, a fee of one hundred dollars must be  
15 charged. No fee shall be collected for claims filed pursuant to  
16 chapter 43.20B RCW.

17 (29) For the collection of unpaid legal financial obligations, the  
18 clerk may impose an assessment not to exceed thirty dollars per hour,  
19 pursuant to RCW 9.94A.780.

20 (30) A surcharge of up to twenty dollars may be charged in  
21 dissolution and legal separation actions as authorized by RCW  
22 26.12.260.

23 The revenue to counties from the fees established in this section  
24 shall be deemed to be complete reimbursement from the state for the  
25 state's share of benefits paid to the superior court judges of the  
26 state prior to July 24, 2005, and no claim shall lie against the state  
27 for such benefits.

28 **Sec. 5.** RCW 36.18.020 and 2005 c 457 s 19 and 2005 c 374 s 5 are  
29 each reenacted and amended to read as follows:

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

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

35 (a) In addition to any other fee required by law, the party filing  
36 the first or initial (~~paper~~) document in any civil action, including,  
37 but not limited to an action for restitution, adoption, or change of

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

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

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

18 (d) For filing of a petition for unlawful harassment under RCW  
19 10.14.040 a filing fee of fifty-three dollars.

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

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

25 (g) For filing any petition to contest a will admitted to probate  
26 or a petition to admit a will which has been rejected, or a petition  
27 objecting to a written agreement or memorandum as provided in RCW  
28 11.96A.220, there shall be paid a fee of two hundred dollars.

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

34 (i) With the exception of demands for jury hereafter made and  
35 garnishments hereafter issued, civil actions and probate proceedings  
36 filed prior to midnight, July 1, 1972, shall be completed and governed  
37 by the fee schedule in effect as of January 1, 1972: PROVIDED, That no

1 fee shall be assessed if an order of dismissal on the clerk's record be  
2 filed as provided by rule of the supreme court.

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

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

9 NEW SECTION. Sec. 6. Section 2 of this act takes effect August 1,  
10 2009.

11 NEW SECTION. Sec. 7. Section 1 of this act expires August 1,  
12 2009.

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