

SB 5941 - H AMD 796

By Representative Hunter

ADOPTED 05/21/2011

1 Strike everything after the enacting clause and insert the
2 following:

3 "Sec. 1. RCW 3.62.020 and 2009 c 479 s 5 are each amended to read
4 as follows:

5 (1) Except as provided in subsection (4) of this section, all
6 costs, fees, fines, forfeitures and penalties assessed and collected in
7 whole or in part by district courts, except costs, fines, forfeitures
8 and penalties assessed and collected, in whole or in part, because of
9 the violation of city ordinances, shall be remitted by the clerk of the
10 district court to the county treasurer at least monthly, together with
11 a financial statement as required by the state auditor, noting the
12 information necessary for crediting of such funds as required by law.

13 (2) Except as provided in RCW 10.99.080 and this section, the
14 county treasurer shall remit thirty-two percent of the noninterest
15 money received under subsection (1) of this section except certain
16 costs to the state treasurer. "Certain costs" as used in this
17 subsection, means those costs awarded to prevailing parties in civil
18 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
19 convicted defendants in criminal actions under RCW 10.01.160,
20 10.46.190, or 36.18.040, or other similar statutes if such costs are
21 specifically designated as costs by the court and are awarded for the
22 specific reimbursement of costs incurred by the state or county in the
23 prosecution of the case, including the fees of defense counsel. With
24 the exception of funds to be transferred to the judicial stabilization
25 trust account under RCW 3.62.060(2), money remitted under this
26 subsection to the state treasurer shall be deposited in the state
27 general fund.

28 (3) The balance of the noninterest money received by the county
29 treasurer under subsection (1) of this section shall be deposited in
30 the county current expense fund. Funds deposited under this subsection

1 that are attributable to the county's portion of a surcharge imposed
2 under RCW 3.62.060(2) must be used to support local trial court and
3 court-related functions.

4 (4) All money collected for county parking infractions shall be
5 remitted by the clerk of the district court at least monthly, with the
6 information required under subsection (1) of this section, to the
7 county treasurer for deposit in the county current expense fund.

8 (5) Penalties, fines, bail forfeitures, fees, and costs may accrue
9 interest at the rate of twelve percent per annum, upon assignment to a
10 collection agency. Interest may accrue only while the case is in
11 collection status.

12 (6) Interest retained by the court on penalties, fines, bail
13 forfeitures, fees, and costs shall be split twenty-five percent to the
14 state treasurer for deposit in the state general fund, twenty-five
15 percent to the state treasurer for deposit in the judicial information
16 system account as provided in RCW 2.68.020, twenty-five percent to the
17 county current expense fund, and twenty-five percent to the county
18 current expense fund to fund local courts.

19 **Sec. 2.** RCW 12.40.020 and 2009 c 572 s 2 are each amended to read
20 as follows:

21 (1) A small claims action shall be commenced by the plaintiff
22 filing a claim, in the form prescribed by RCW 12.40.050, in the small
23 claims department. A filing fee of fourteen dollars plus any surcharge
24 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any
25 party filing a counterclaim, cross-claim, or third-party claim in such
26 action shall pay to the court a filing fee of fourteen dollars plus any
27 surcharge authorized by RCW 7.75.035.

28 (2) Until July 1, (~~2011~~) 2013, in addition to the fees required
29 by this section, an additional surcharge of ten dollars shall be
30 charged on the filing fees required by this section, of which (~~shall~~)
31 seventy-five percent must be remitted to the state treasurer for
32 deposit in the judicial stabilization trust account and twenty-five
33 percent must be retained by the county.

34 **Sec. 3.** RCW 36.18.018 and 2009 c 572 s 3 are each amended to read
35 as follows:

36 (1) State revenue collected by county clerks under subsection (2)

1 of this section must be transmitted to the appropriate state court.
2 The administrative office of the courts shall retain fees collected
3 under subsection (3) of this section.

4 (2) For appellate review under RAP 5.1(b), two hundred fifty
5 dollars must be charged.

6 (3) For all copies and reports produced by the administrative
7 office of the courts as permitted under RCW 2.68.020 and supreme court
8 policy, a variable fee must be charged.

9 (4) Until July 1, (~~2011~~) 2013, in addition to the fee established
10 under subsection (2) of this section, a surcharge of thirty dollars is
11 established for appellate review. The county clerk shall transmit
12 seventy-five percent of this surcharge to the state treasurer for
13 deposit in the judicial stabilization trust account and twenty-five
14 percent must be retained by the county.

15 **Sec. 4.** RCW 3.62.060 and 2009 c 572 s 1 and 2009 c 372 s 1 are
16 each reenacted and amended to read as follows:

17 (1) Clerks of the district courts shall collect the following fees
18 for their official services:

19 (~~(1)~~) (a) In any civil action commenced before or transferred to
20 a district court, the plaintiff shall, at the time of such commencement
21 or transfer, pay to such court a filing fee of forty-three dollars plus
22 any surcharge authorized by RCW 7.75.035. Any party filing a
23 counterclaim, cross-claim, or third-party claim in such action shall
24 pay to the court a filing fee of forty-three dollars plus any surcharge
25 authorized by RCW 7.75.035. No party shall be compelled to pay to the
26 court any other fees or charges up to and including the rendition of
27 judgment in the action other than those listed.

28 (~~(2)~~) (b) For issuing a writ of garnishment or other writ, or for
29 filing an attorney issued writ of garnishment, a fee of twelve dollars.

30 (~~(3)~~) (c) For filing a supplemental proceeding a fee of twenty
31 dollars.

32 (~~(4)~~) (d) For demanding a jury in a civil case a fee of one
33 hundred twenty-five dollars to be paid by the person demanding a jury.

34 (~~(5)~~) (e) For preparing a transcript of a judgment a fee of
35 twenty dollars.

36 (~~(6)~~) (f) For certifying any document on file or of record in the
37 clerk's office a fee of five dollars.

1 ((+7)) (g) At the option of the district court:
2 ((+a)) (i) For preparing a certified copy of an instrument on file
3 or of record in the clerk's office, for the first page or portion of
4 the first page, a fee of five dollars, and for each additional page or
5 portion of a page, a fee of one dollar;
6 ((+b)) (ii) For authenticating or exemplifying an instrument, a
7 fee of two dollars for each additional seal affixed;
8 ((+c)) (iii) For preparing a copy of an instrument on file or of
9 record in the clerk's office without a seal, a fee of fifty cents per
10 page;
11 ((+d)) (iv) When copying a document without a seal or file that is
12 in an electronic format, a fee of twenty-five cents per page;
13 ((+e)) (v) For copies made on a compact disc, an additional fee of
14 twenty dollars for each compact disc.
15 ((+8)) (h) For preparing the record of a case for appeal to
16 superior court a fee of forty dollars including any costs of tape
17 duplication as governed by the rules of appeal for courts of limited
18 jurisdiction (RALJ).
19 ((+9)) (i) At the option of the district court, for clerk's
20 services such as processing ex parte orders, performing historical
21 searches, compiling statistical reports, and conducting exceptional
22 record searches, a fee not to exceed twenty dollars per hour or portion
23 of an hour.
24 ((+10)) (j) For duplication of part or all of the electronic
25 recording of a proceeding ten dollars per tape or other electronic
26 storage medium.
27 ((+11)) (k) For filing any abstract of judgment or transcript of
28 judgment from a municipal court or municipal department of a district
29 court organized under the laws of this state a fee of forty-three
30 dollars.
31 ((+12)) (l) At the option of the district court, a service fee of
32 up to three dollars for the first page and one dollar for each
33 additional page for receiving faxed documents, pursuant to Washington
34 state rules of court, general rule 17.
35 ((+13)) (2)(a) Until July 1, ((2011)) 2013, in addition to the
36 fees required ~~((by subsection (1) of this section, clerks of the~~
37 ~~district courts shall collect a surcharge of twenty dollars on all fees~~
38 ~~required by subsection (1) of this section, which shall be remitted to~~

1 ~~the state treasurer for deposit in the judicial stabilization trust~~
2 ~~account. This surcharge is not subject to the division and remittance~~
3 ~~requirements of RCW 3.62.020))~~ to be collected under this section,
4 clerks of the district courts must collect a surcharge of twenty
5 dollars on all fees required to be collected under subsection (1)(a) of
6 this section.

7 (b) Seventy-five percent of each surcharge collected under this
8 subsection (2) must be remitted to the state treasurer for deposit in
9 the judicial stabilization trust account.

10 (c) Twenty-five percent of each surcharge collected under this
11 subsection (2) must be retained by the county.

12 (3) The fees or charges imposed under this section shall be allowed
13 as court costs whenever a judgment for costs is awarded.

14 **Sec. 5.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
15 2009 c 417 s 3 are each reenacted and amended to read as follows:

16 (1) Revenue collected under this section is subject to division
17 with the state under RCW 36.18.025 and with the county or regional law
18 library fund under RCW 27.24.070, except as provided in subsection (5)
19 of this section.

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

22 (a) In addition to any other fee required by law, the party filing
23 the first or initial document in any civil action, including, but not
24 limited to an action for restitution, adoption, or change of name, and
25 any party filing a counterclaim, cross-claim, or third-party claim in
26 any such civil action, shall pay, at the time the document is filed, a
27 fee of two hundred dollars except, in an unlawful detainer action under
28 chapter 59.18 or 59.20 RCW for which the plaintiff shall pay a case
29 initiating filing fee of forty-five dollars, or in proceedings filed
30 under RCW 28A.225.030 alleging a violation of the compulsory attendance
31 laws where the petitioner shall not pay a filing fee. The forty-five
32 dollar filing fee under this subsection for an unlawful detainer action
33 shall not include an order to show cause or any other order or judgment
34 except a default order or default judgment in an unlawful detainer
35 action.

36 (b) Any party, except a defendant in a criminal case, filing the

1 first or initial document on an appeal from a court of limited
2 jurisdiction or any party on any civil appeal, shall pay, when the
3 document is filed, a fee of two hundred dollars.

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

6 (d) For filing of a petition for unlawful harassment under RCW
7 10.14.040 a filing fee of fifty-three dollars.

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

10 (f) In probate proceedings, the party instituting such proceedings,
11 shall pay at the time of filing the first document therein, a fee of
12 two hundred dollars.

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

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

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

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

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

34 (5)(a) Until July 1, (~~2011~~) 2013, in addition to the fees
35 required (~~by this section, clerks of superior courts shall collect the~~
36 ~~surcharges required by this subsection, which shall be remitted to the~~
37 ~~state treasurer for deposit in the judicial stabilization trust~~
38 ~~account~~;

1 ~~(a) On filing fees under subsection (2)(b) of this section, a~~
2 ~~surcharge of twenty dollars; and~~

3 ~~(b) On all other filing fees required by this section except for~~
4 ~~filing fees in subsection (2)(d) and (h) of this section, a surcharge~~
5 ~~of thirty dollars)) to be collected under this section, clerks of the~~
6 ~~superior courts must collect surcharges as provided in this subsection~~
7 ~~(5) of which seventy-five percent must be remitted to the state~~
8 ~~treasurer for deposit in the judicial stabilization trust account and~~
9 ~~twenty-five percent must be retained by the county.~~

10 (b) On filing fees required to be collected under subsection (2)(b)
11 of this section, a surcharge of twenty dollars must be collected.

12 (c) On all filing fees required to be collected under this section,
13 except for fees required under subsection (2)(b), (d), and (h) of this
14 section, a surcharge of thirty dollars must be collected.

15 **Sec. 6.** RCW 43.79.505 and 2009 c 572 s 5 are each amended to read
16 as follows:

17 The judicial stabilization trust account is created within the
18 state treasury, subject to appropriation. All receipts from the
19 surcharges authorized by (~~sections 1 through 4, chapter 572, Laws of~~
20 ~~2009)) RCW 3.62.060(2), 12.40.020(2), 36.18.018(4), and 36.18.020(5)
21 shall be deposited in this account. Moneys in the account may be spent
22 only after appropriation.~~

23 Expenditures from the account may be used only for the support of
24 judicial branch agencies.

25 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
26 preservation of the public peace, health, or safety, or support of the
27 state government and its existing public institutions, and takes effect
28 July 1, 2011."

29 Correct the title.

EFFECT: Provides that revenues from surcharges on superior and
district court filing fees expire on July 1, 2013, rather than being
made permanent as provided in the underlying bill. (Under current law,

the surcharges are set to expire July 1, 2011.) Provides that 75 percent of revenues from these surcharges are transmitted to the state for deposit in the Judicial Stabilization Trust (JST) Account and 25 percent are retained by the counties. The underlying bill divides these revenues equally between the state and counties. (Under current law, 100 percent of revenues from these surcharges are deposited in the JST Account.)

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