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**SUBSTITUTE SENATE BILL 6146**

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**State of Washington**

**62nd Legislature**

**2012 Regular Session**

**By** Senate Government Operations, Tribal Relations & Elections  
(originally sponsored by Senators Prentice, Swecker, Tom, and Hobbs)

READ FIRST TIME 02/03/12.

1       AN ACT Relating to clarifying charges for repeated batch requests  
2 of public records sought for commercial or profit-making purposes;  
3 amending RCW 42.56.120; and creating a new section.

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

5       NEW SECTION.   **Sec. 1.** Consistent with its mandate to assure that  
6 the public interest will be fully protected, the legislature finds that  
7 agencies have an obligation to ensure transparency and openness in the  
8 provision of public records that inform residents of the inner workings  
9 of their governments.

10       However, the legislature also finds that agencies are increasingly  
11 receiving broad, repeated, batch requests for records from companies -  
12 many of which are out-of-state. These companies typically submit  
13 repeated requests for large batches of records to Washington's public  
14 agencies and then use the records for commercial and resale purposes.  
15 In order to fill the requests, public agencies expend significant  
16 resources to locate, assemble, and produce the requested public  
17 records.

18       However, under existing law, except for copying costs, public  
19 agencies may not charge a fee to locate, assemble, and produce the

1 records. As a result, the taxpayers of this state effectively  
2 subsidize certain companies through the production of records that are  
3 free of charge.

4 The legislature finds that agencies, in being responsive to these  
5 requests, are expending significant amounts of staff time and resources  
6 to fulfill these requests.

7 Accordingly, the intent of this act is to assure that the public  
8 interest will be protected by authorizing agencies to charge fees for  
9 the production of records that are requested in large batches for  
10 commercial purposes.

11 **Sec. 2.** RCW 42.56.120 and 2005 c 483 s 2 are each amended to read  
12 as follows:

13 (1) No fee shall be charged for the inspection of public records.  
14 No fee shall be charged for locating public documents and making them  
15 available for copying. A reasonable charge may be imposed for  
16 providing copies of public records and for the use by any person of  
17 agency equipment or equipment of the office of the secretary of the  
18 senate or the office of the chief clerk of the house of representatives  
19 to copy public records, which charges shall not exceed the amount  
20 necessary to reimburse the agency, the office of the secretary of the  
21 senate, or the office of the chief clerk of the house of  
22 representatives for its actual costs directly incident to such copying.  
23 Agency charges for photocopies shall be imposed in accordance with the  
24 actual per page cost or other costs established and published by the  
25 agency. Except as provided in subsection (2) of this section, in no  
26 event may an agency charge a per page cost greater than the actual per  
27 page cost as established and published by the agency. Except as  
28 provided in subsection (2) of this section, to the extent the agency  
29 has not determined the actual per page cost for photocopies of public  
30 records, the agency may not charge in excess of fifteen cents per page.  
31 An agency may require a deposit in an amount not to exceed ten percent  
32 of the estimated cost of providing copies for a request. If an agency  
33 makes a request available on a partial or installment basis, the agency  
34 may charge for each part of the request as it is provided. If an  
35 installment of a records request is not claimed or reviewed, the agency  
36 is not obligated to fulfill the balance of the request.

1       (2) In cases of requests for batches of the following records an  
2 agency may charge the requestor the fees listed:

3       (a) For permits, licenses, and approvals, and applications for  
4 permits, licenses, and approvals, one dollar per record in excess of  
5 ten records;

6       (b) For cash and cash convertible sureties, work deposits,  
7 performance bonds, payment guarantees, or similar securities, escrow  
8 accounts, checks, warrants, and vouchers, fifteen dollars per record in  
9 excess of ten records; and

10       (c) For building plans, five dollars per record in excess of ten  
11 records.

12       (3) A batch request is a request for ten or more records, whether  
13 in a single request or a series of requests from one requester, or  
14 related requesters, for the purpose of charging fees.

15       (4) Agencies may not charge the per-record costs in this section to  
16 the media as defined in RCW 5.68.010(5); to nonprofit academic  
17 institutions; or to companies that request records from public agencies  
18 under previously established fee-for-service contract arrangements with  
19 those agencies.

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