

CERTIFICATION OF ENROLLMENT

SENATE BILL 5941

62nd Legislature
2011 1st Special Session

Passed by the Senate May 22, 2011
YEAS 29 NAYS 18

President of the Senate

Passed by the House May 21, 2011
YEAS 58 NAYS 29

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5941** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SENATE BILL 5941

AS AMENDED BY THE HOUSE

Passed Legislature - 2011 1st Special Session

State of Washington 62nd Legislature 2011 1st Special Session

By Senators Eide, Regala, Rockefeller, and Kline

Read first time 04/14/11. Referred to Committee on Ways & Means.

1 AN ACT Relating to judicial branch funding; amending RCW 3.62.020,
2 12.40.020, 36.18.018, and 43.79.505; reenacting and amending RCW
3 3.62.060 and 36.18.020; providing an effective date; and declaring an
4 emergency.

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

6 **Sec. 1.** RCW 3.62.020 and 2009 c 479 s 5 are each amended to read
7 as follows:

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

16 (2) Except as provided in RCW 10.99.080 and this section, the
17 county treasurer shall remit thirty-two percent of the noninterest
18 money received under subsection (1) of this section except certain
19 costs to the state treasurer. "Certain costs" as used in this

1 subsection, means those costs awarded to prevailing parties in civil
2 actions under RCW 4.84.010 or 36.18.040, or those costs awarded against
3 convicted defendants in criminal actions under RCW 10.01.160,
4 10.46.190, or 36.18.040, or other similar statutes if such costs are
5 specifically designated as costs by the court and are awarded for the
6 specific reimbursement of costs incurred by the state or county in the
7 prosecution of the case, including the fees of defense counsel. With
8 the exception of funds to be transferred to the judicial stabilization
9 trust account under RCW 3.62.060(2), money remitted under this
10 subsection to the state treasurer shall be deposited in the state
11 general fund.

12 (3) The balance of the noninterest money received by the county
13 treasurer under subsection (1) of this section shall be deposited in
14 the county current expense fund. Funds deposited under this subsection
15 that are attributable to the county's portion of a surcharge imposed
16 under RCW 3.62.060(2) must be used to support local trial court and
17 court-related functions.

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

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

26 (6) Interest retained by the court on penalties, fines, bail
27 forfeitures, fees, and costs shall be split twenty-five percent to the
28 state treasurer for deposit in the state general fund, twenty-five
29 percent to the state treasurer for deposit in the judicial information
30 system account as provided in RCW 2.68.020, twenty-five percent to the
31 county current expense fund, and twenty-five percent to the county
32 current expense fund to fund local courts.

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

35 (1) A small claims action shall be commenced by the plaintiff
36 filing a claim, in the form prescribed by RCW 12.40.050, in the small
37 claims department. A filing fee of fourteen dollars plus any surcharge

1 authorized by RCW 7.75.035 shall be paid when the claim is filed. Any
2 party filing a counterclaim, cross-claim, or third-party claim in such
3 action shall pay to the court a filing fee of fourteen dollars plus any
4 surcharge authorized by RCW 7.75.035.

5 (2) Until July 1, ((2011)) 2013, in addition to the fees required
6 by this section, an additional surcharge of ten dollars shall be
7 charged on the filing fees required by this section, of which ((shall))
8 seventy-five percent must be remitted to the state treasurer for
9 deposit in the judicial stabilization trust account and twenty-five
10 percent must be retained by the county.

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

13 (1) State revenue collected by county clerks under subsection (2)
14 of this section must be transmitted to the appropriate state court.
15 The administrative office of the courts shall retain fees collected
16 under subsection (3) of this section.

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

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

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

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

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

32 ((+1)) (a) In any civil action commenced before or transferred to
33 a district court, the plaintiff shall, at the time of such commencement
34 or transfer, pay to such court a filing fee of forty-three dollars plus
35 any surcharge authorized by RCW 7.75.035. Any party filing a
36 counterclaim, cross-claim, or third-party claim in such action shall

1 pay to the court a filing fee of forty-three dollars plus any surcharge
2 authorized by RCW 7.75.035. No party shall be compelled to pay to the
3 court any other fees or charges up to and including the rendition of
4 judgment in the action other than those listed.

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

7 ~~((+3))~~ (c) For filing a supplemental proceeding a fee of twenty
8 dollars.

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

11 ~~((+5))~~ (e) For preparing a transcript of a judgment a fee of
12 twenty dollars.

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

15 ~~((+7))~~ (g) At the option of the district court:

16 ~~((+a))~~ (i) For preparing a certified copy of an instrument on file
17 or of record in the clerk's office, for the first page or portion of
18 the first page, a fee of five dollars, and for each additional page or
19 portion of a page, a fee of one dollar;

20 ~~((+b))~~ (ii) For authenticating or exemplifying an instrument, a
21 fee of two dollars for each additional seal affixed;

22 ~~((+c))~~ (iii) For preparing a copy of an instrument on file or of
23 record in the clerk's office without a seal, a fee of fifty cents per
24 page;

25 ~~((+d))~~ (iv) When copying a document without a seal or file that is
26 in an electronic format, a fee of twenty-five cents per page;

27 ~~((+e))~~ (v) For copies made on a compact disc, an additional fee of
28 twenty dollars for each compact disc.

29 ~~((+8))~~ (h) For preparing the record of a case for appeal to
30 superior court a fee of forty dollars including any costs of tape
31 duplication as governed by the rules of appeal for courts of limited
32 jurisdiction (RALJ).

33 ~~((+9))~~ (i) At the option of the district court, for clerk's
34 services such as processing ex parte orders, performing historical
35 searches, compiling statistical reports, and conducting exceptional
36 record searches, a fee not to exceed twenty dollars per hour or portion
37 of an hour.

1 ~~((+10+))~~ (j) For duplication of part or all of the electronic
2 recording of a proceeding ten dollars per tape or other electronic
3 storage medium.

4 ~~((+11+))~~ (k) For filing any abstract of judgment or transcript of
5 judgment from a municipal court or municipal department of a district
6 court organized under the laws of this state a fee of forty-three
7 dollars.

8 ~~((+12+))~~ (l) At the option of the district court, a service fee of
9 up to three dollars for the first page and one dollar for each
10 additional page for receiving faxed documents, pursuant to Washington
11 state rules of court, general rule 17.

12 ~~((+13+))~~ (2)(a) Until July 1, ~~((2011))~~ 2013, in addition to the
13 fees required ~~((by subsection (1) of this section, clerks of the~~
14 ~~district courts shall collect a surcharge of twenty dollars on all fees~~
15 ~~required by subsection (1) of this section, which shall be remitted to~~
16 ~~the state treasurer for deposit in the judicial stabilization trust~~
17 ~~account. This surcharge is not subject to the division and remittance~~
18 ~~requirements of RCW 3.62.020))~~ to be collected under this section,
19 clerks of the district courts must collect a surcharge of twenty
20 dollars on all fees required to be collected under subsection (1)(a) of
21 this section.

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

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

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

29 **Sec. 5.** RCW 36.18.020 and 2009 c 572 s 4, 2009 c 479 s 21, and
30 2009 c 417 s 3 are each reenacted and amended to read as follows:

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

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

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

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

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

21 (d) For filing of a petition for unlawful harassment under RCW
22 10.14.040 a filing fee of fifty-three dollars.

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

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

28 (g) For filing any petition to contest a will admitted to probate
29 or a petition to admit a will which has been rejected, or a petition
30 objecting to a written agreement or memorandum as provided in RCW
31 11.96A.220, there shall be paid a fee of two hundred dollars.

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

37 (i) With the exception of demands for jury hereafter made and
38 garnishments hereafter issued, civil actions and probate proceedings

1 filed prior to midnight, July 1, 1972, shall be completed and governed
2 by the fee schedule in effect as of January 1, 1972(~~(:—PROVIDED,~~
3 ~~That)~~). However, no fee shall be assessed if an order of dismissal on
4 the clerk's record be filed as provided by rule of the supreme court.

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

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

11 (5)(a) Until July 1, (~~(2011)~~) 2013, in addition to the fees
12 required (~~(by this section, clerks of superior courts shall collect the~~
13 ~~surcharges required by this subsection, which shall be remitted to the~~
14 ~~state treasurer for deposit in the judicial stabilization trust~~
15 ~~account:~~

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

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

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

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

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

32 The judicial stabilization trust account is created within the
33 state treasury, subject to appropriation. All receipts from the
34 surcharges authorized by (~~(sections 1 through 4, chapter 572, Laws of~~
35 ~~2009)) RCW 3.62.060(2), 12.40.020(2), 36.18.018(4), and 36.18.020(5)~~
36 shall be deposited in this account. Moneys in the account may be spent
37 only after appropriation.

1 Expenditures from the account may be used only for the support of
2 judicial branch agencies.

3 NEW SECTION. **Sec. 7.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 July 1, 2011.

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