
SENATE BILL 5088

State of Washington

62nd Legislature

2011 Regular Session

By Senators Haugen, Swecker, Hobbs, Hatfield, Harper, Shin, Rockefeller, Parlette, and Tom

Read first time 01/13/11. Referred to Committee on Government Operations, Tribal Relations & Elections.

1 AN ACT Relating to recovering costs of production and copying of
2 public records; and amending RCW 42.56.120.

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

4 **Sec. 1.** RCW 42.56.120 and 2005 c 483 s 2 are each amended to read
5 as follows:

6 (1) No fee shall be charged for the inspection of public records.
7 Except as provided in subsection (2) of this section, no fee shall be
8 charged for locating public documents and making them available for
9 copying. A reasonable charge may be imposed for providing copies of
10 public records and for the use by any person of agency equipment or
11 equipment of the office of the secretary of the senate or the office of
12 the chief clerk of the house of representatives to copy public records,
13 which charges shall not exceed the amount necessary to reimburse the
14 agency, the office of the secretary of the senate, or the office of the
15 chief clerk of the house of representatives for its actual costs
16 directly incident to such copying. Agency charges for photocopies
17 shall be imposed in accordance with the actual per page cost or other
18 costs established and published by the agency. ((In no event may))
19 Except as provided in subsection (2) of this section, an agency may not

1 charge a per page cost greater than the actual per page cost as
2 established and published by the agency. To the extent the agency has
3 not determined the actual per page cost for photocopies of public
4 records, the agency may not charge in excess of fifteen cents per page.
5 An agency may require a deposit in an amount not to exceed ten percent
6 of the estimated cost of providing copies for a request. If an agency
7 makes a request available on a partial or installment basis, the agency
8 may charge for each part of the request as it is provided. If an
9 installment of a records request is not claimed or reviewed, the agency
10 is not obligated to fulfill the balance of the request.

11 (2) If the production of records for one requester in a calendar
12 month exceeds five person hours, the public agency may require the
13 requester to pay the personnel costs for the request during the month
14 to complete the search and copying tasks. If the requester does not
15 wish to pay for the search costs, the agency shall complete the request
16 at a rate of five hours per month. The personnel costs may not exceed
17 the actual salary and benefit costs for the personnel required to
18 perform the search, review, and copying tasks. It shall not include
19 the cost of attorney review or for the preparation of the exemption
20 log. The requester shall pay the fee before the records are disclosed,
21 and the public agency may require payment of up to a ten percent
22 deposit in advance of the search.

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