

CHAPTER 194
[Substitute Senate Bill No. 3187]
SHERIFFS' SERVICES FEES

AN ACT Relating to sheriffs' duties; amending section 36.18.040, chapter 4, Laws of 1963 as amended by section 1, chapter 94, Laws of 1975 1st ex. sess. and RCW 36.18.040; amending section 36.18.060, chapter 4, Laws of 1963 and RCW 36.18.060; amending section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.040; and adding a new section to chapter 12.40 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 36.18.040, chapter 4, Laws of 1963 as amended by section 1, chapter 94, Laws of 1975 1st ex. sess. and RCW 36.18.040 are each amended to read as follows:

Sheriffs shall collect the following fees for their official services: For service of each summons and complaint, ~~((and return thereon))~~ notice and complaint, summons and petition, and notice of small claim on each defendant, besides mileage, ((three)) six dollars;

For making a return ~~((of "not found" in the county upon a summons)),~~ besides mileage actually traveled, ~~((two))~~ five dollars;

For levying each writ of attachment or writ of execution upon real or personal property, besides mileage, ~~((four))~~ fifteen dollars ~~((and fifty cents))~~;

For filing copy of writ of attachment or writ of execution with auditor, ~~((three))~~ five dollars plus auditor's filing fee;

~~((For chattel mortgage foreclosure (short form), levy four dollars and fifty cents; posting notice, two dollars; service of notice, three dollars;))~~

For serving writ of possession or restitution without aid of the county, besides mileage, ~~((four))~~ fifteen dollars ~~((and fifty cents))~~;

For serving writ of possession or restitution with aid of the county, besides mileage, ~~((seven))~~ twenty-five dollars ~~((and fifty cents))~~ plus fifteen dollars for each hour after one hour;

~~((For service and return of subpoena, upon each person served, besides mileage, one dollar and fifty cents;))~~

For summoning each juror, besides mileage, ~~((one))~~ five dollars ~~((and fifty cents))~~;

For serving an arrest warrant in any action or proceeding, besides mileage, ~~((six))~~ fifteen dollars;

For ~~((serving or))~~ executing any other writ or process in a civil action or proceeding, besides mileage, ~~((three))~~ fifteen dollars ~~((and fifty cents))~~;

~~((For taking and approving any bond, in a civil action or proceeding, required by law to be taken or approved by him, except indemnity bonds, three dollars and fifty cents;))~~

For each mile actually and necessarily traveled by him in going to or returning from any place of service, or attempted service, ~~((fifteen))~~ twenty-five cents;

For making a deed to lands sold upon execution or order of sale or other decree of court, to be paid by the purchaser, ~~((nine))~~ twenty dollars;

For making copies of papers when sufficient copies are not furnished, one dollar for first page and fifty cents per each additional page;

For the service of any ~~((process))~~ other document and supporting papers for which no other fee is provided for herein, ~~((three))~~ six dollars ~~((and fifty cents))~~;

~~((For the making of any return for which no other fee is provided herein, three dollars and fifty cents;~~

~~For the execution of any process for which no other fee is provided herein, six dollars;~~

~~For the service of affidavit and bond in replevin, three dollars and fifty cents for each defendant; approval of bond, three dollars and fifty cents; taking property, three dollars and fifty cents;))~~

For posting ~~((notices))~~ a notice of sale, or postponement, ~~((three))~~ five dollars ~~((and fifty cents))~~ besides mileage;

For certificate or bill of sale of ~~((real))~~ property, ~~((seven))~~ or certificate of redemption, twenty dollars ~~((and fifty cents))~~;

~~((For serving notice of redemption, three dollars and fifty cents; certificate of redemption, seven dollars and fifty cents;~~

~~For making a return of no property found, two dollars;~~

~~For estray sales, crying sale, three dollars and fifty cents, besides mileage;))~~

For conducting a sale of ~~((personal))~~ property ~~((pursuant to exemption [execution] or order of sale, five))~~ fifteen dollars.

Fees allowable under this section may be recovered by the prevailing party incurring the same as court costs.

Sec. 2. Section 36.18.060, chapter 4, Laws of 1963 and RCW 36.18.060 are each amended to read as follows:

The officers mentioned in this chapter except the county sheriff shall not, in any case, except for the state or county, perform any official services unless the fees prescribed therefor are paid in advance, and on such payment the officer must perform the services required. The county sheriff may allow payment to be made after official services have been performed as the sheriff deems appropriate. For every failure or refusal to perform official duty when the fees are tendered, the officer is liable on his official bond.

Sec. 3. Section 4, chapter 187, Laws of 1919 as last amended by section 3, chapter 83, Laws of 1970 ex. sess. and RCW 12.40.040 are each amended to read as follows:

Said notice of claim can be served either as provided for the service of summons or complaint and notice in civil actions or by registered or certified mail provided a return receipt with the signature of the party being served is filed with the court, but no other paper is to be served with the notice. The officer serving such notice shall be entitled to receive from the plaintiff, besides mileage, ~~((one dollar))~~ the fee specified in RCW 36.18.040 for such service; which sum, together with the filing fee named in RCW 12.40.030, shall be added to any judgment given for plaintiff.

NEW SECTION. Sec. 4. There is added to chapter 12.40 RCW a new section to read as follows:

In the event persons other than the sheriff or duly appointed deputies charge a fee for services in excess of the fees allowed under RCW 36.18.040, the prevailing party incurring such charges shall be entitled to recover as court costs only the amount of the fees for such services as provided in RCW 36.18.040.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the Senate March 30, 1981.

Passed the House April 16, 1981.

Approved by the Governor May 14, 1981.

Filed in Office of Secretary of State May 14, 1981.

CHAPTER 195

[Senate Bill No. 3189]

CHILD GUARDIANSHIP, SUPPORT

AN ACT Relating to juveniles; amending section 51, chapter 155, Laws of 1979 and RCW 13.34.230; amending section 8, chapter 160, Laws of 1913 as last amended by section 44, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.160; amending section 1, chapter 188, Laws of 1955 as last amended by section 45, chapter 291, Laws of 1977 ex. sess. and RCW 13.34.170; and adding new sections to chapter 13.34 RCW.

Be it enacted by the Legislature of the State of Washington:

Section 1. Section 51, chapter 155, Laws of 1979 and RCW 13.34.230 are each amended to read as follows:

Any party to a dependency proceeding, including the supervising agency, may file a petition in juvenile court requesting that guardianship be created as to a dependent child. The department of social and health services shall receive notice of any guardianship proceedings and have the right to intervene in the proceedings. ~~((Guardianship may be established if the court finds that: (1) The requirements of chapter 11.88 RCW are met; (2) the requirements of RCW 13.34.180(1), (2), (3), (4), and (5) are met; and (3) sole guardianship is in the best interests of the child. Guardianship of a~~