

CHAPTER 330

[House Bill No. 590]

COURT FEES, ASSESSMENTS, PENALTIES—JUDICIAL INFORMATION
SYSTEM APPROPRIATIONS

AN ACT Relating to court funds; amending section 110, chapter 299, Laws of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62.060; amending section 3, chapter 187, Laws of 1919 as last amended by section 11, chapter 162, Laws of 1980 and RCW 12.40.030; amending section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 70, Laws of 1980 and RCW 36.18.020; amending section 2, chapter 70, Laws of 1980 and RCW 36.18.027; amending section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110; amending section 13, chapter 128, Laws of 1980 and RCW 46.63.150; adding a new section to chapter 3.62 RCW; adding a new section to chapter 13.40 RCW; creating a new section; making appropriations; and declaring an emergency.

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

Section 1. Section 110, chapter 299, Laws of 1961 as last amended by section 9, chapter 162, Laws of 1980 and RCW 3.62.060 are each amended to read as follows:

In any civil action commenced before or transferred to a justice court, the plaintiff shall, at the time of such commencement or transfer, pay to such court a filing fee of (~~twelve~~) twenty dollars. Fees for the support of county law libraries provided for in RCW 27.24.070 shall be paid by the clerk out of the filing fee provided for in this section. No party shall be compelled to pay to the court any other fees or charges up to and including the rendition of judgment in the action.

Three dollars of the filing fee collected under this section shall be transmitted each month to the state treasurer for deposit in the general fund.

NEW SECTION. Sec. 2. There is added to chapter 3.62 RCW a new section to read as follows:

A cost of five dollars shall be collected in addition to the fine(s) or forfeiture(s) collected for each criminal action in courts of limited jurisdiction and shall be allocated to the payment of costs associated with the judicial information system. Such funds shall be transmitted each month to the state treasurer for deposit in the general fund. The money deposited in such account shall not be spent for any purpose other than that stated in this section.

Sec. 3. Section 3, chapter 187, Laws of 1919 as last amended by section 11, chapter 162, Laws of 1980 and RCW 12.40.030 are each amended to read as follows:

Upon filing said claim such justice of the peace shall appoint a time for the hearing of said matter and shall cause to be issued a notice of the claim, as hereinafter provided, which shall be served upon the defendant.

Said justice of the peace shall collect in advance upon each claim the sum of (~~five~~) ten dollars, and this shall be the only fee for such justice of

the peace to be charged or taxed against the plaintiff in such action during the pendency or disposition of said claim: PROVIDED, HOWEVER, That when any such "small claims department" shall be created and organized in any justice court as herein provided, in which the justice is not paid a salary, he may be paid as compensation for conducting such department from the county treasury of his county such monthly salary as the county court and commissioners of said county shall deem just and proper.

NEW SECTION. Sec. 4. There is added to chapter 13.40 RCW a new section to read as follows:

A cost of five dollars shall be collected in addition to each fee, forfeiture, monetary penalty, or cost collected by juvenile courts. Such funds shall be transmitted each month to the state treasurer for deposit in the general fund.

Sec. 5. Section 1, chapter 38, Laws of 1973 as last amended by section 1, chapter 70, Laws of 1980 and RCW 36.18.020 are each amended to read as follows:

Clerks of superior courts shall collect the following fees for their official services:

(1) The party filing the first or initial paper in any civil action, including an action for restitution, or change of name, shall pay, at the time said paper is filed, a fee of (~~sixty~~) seventy dollars.

(2) Any party filing the first or initial paper on an appeal from justice court or on any civil appeal, shall pay, when said paper is filed, a fee of (~~sixty~~) seventy dollars.

(3) The party filing a transcript or abstract of judgment or verdict from a United States court held in this state, or from the superior court of another county or from a justice court in the county of issuance, shall pay at the time of filing, a fee of fifteen dollars.

(4) For the filing of a tax warrant by the department of revenue of the state of Washington, a fee of five dollars shall be paid.

(5) The party filing a demand for jury of six in a civil action, shall pay, at the time of filing, a fee of twenty-five dollars; if the demand is for a jury of twelve the fee shall be fifty dollars. If, after the party files a demand for a jury of six and pays the required fee, any other party to the action requests a jury of twelve, an additional twenty-five dollar fee will be required of the party demanding the increased number of jurors.

(6) For filing any paper, not related to or a part of any proceeding, civil or criminal, or any probate matter, required or permitted to be filed in his office for which no other charge is provided by law, the clerk shall collect two dollars.

(7) For preparing, transcribing or certifying any instrument on file or of record in his office, with or without seal, for the first page or portion thereof, a fee of two dollars, and for each additional page or portion thereof, a

fee of one dollar. For authenticating or exemplifying any instrument, a fee of one dollar for each additional seal affixed.

(8) For executing a certificate, with or without a seal, a fee of two dollars shall be charged.

(9) For each garnishee defendant named in an affidavit for garnishment and for each writ of attachment, a fee of five dollars shall be charged.

(10) For approving a bond, including justification thereon, in other than civil actions and probate proceedings, a fee of two dollars shall be charged.

(11) In probate proceedings, the party instituting such proceedings, shall pay at the time of filing the first paper therein, a fee of ~~((sixty))~~ seventy dollars: PROVIDED, HOWEVER, A fee of two dollars shall be charged for filing a will only, when no probate of the will is contemplated.

(12) For filing any petition to contest a will admitted to probate or a petition to admit a will which has been rejected, there shall be paid a fee of ~~((sixty))~~ seventy dollars.

(13) For the issuance of each certificate of qualification and each certified copy of letters of administration, letters testamentary or letters of guardianship there shall be a fee of two dollars.

(14) For the preparation of a passport application there shall be a fee of four dollars.

(15) For searching records for which a written report is issued there shall be a fee of eight dollars per hour.

(16) Upon conviction or plea of guilty or upon failure to prosecute his appeal from a lower court as provided by law, a defendant in a criminal case shall be liable for a fee of ~~((sixty))~~ seventy dollars.

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

(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010.

Sec. 6. Section 2, chapter 70, Laws of 1980 and RCW 36.18.027 are each amended to read as follows:

An amount equal to ~~((two))~~ eleven dollars of each filing fee paid pursuant to RCW 36.18.020 (1), (2), (11), ~~((and))~~ (12), and (16), as now or hereafter amended, shall be ~~((allocated to the payment of costs associated with the judicial information system. The county treasurer shall transmit such payment each month))~~ transmitted to the state treasurer for deposit ~~((in the judicial information system account which is hereby created))~~ in the general fund. ~~((The money deposited in such account shall not be spent for any purpose other than that stated in this section.))~~

Sec. 7. Section 13, chapter 136, Laws of 1979 ex. sess. as amended by section 4, chapter 128, Laws of 1980 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court may prescribe by rule a schedule of monetary penalties for designated traffic infractions.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction or failure to pay a monetary penalty imposed pursuant to this chapter.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.

(6) There shall be levied and paid into the general fund of the state treasury, a five-dollar fee in addition to the monetary penalty imposed for a traffic infraction other than a parking, standing, stopping, or pedestrian infraction. The five-dollar fee shall not be suspended by the court.

Sec. 8. Section 13, chapter 128, Laws of 1980 and RCW 46.63.150 are each amended to read as follows:

(1) ~~((Notwithstanding any other provision of law,))~~ The court may suspend either a portion or all of the costs of the action except amounts paid for allocation to the payment of costs associated with the judicial information system.

(2) The court may not award attorney's fees or costs to the defendant in a traffic infraction case.

NEW SECTION. Sec. 9. The legislative budget committee shall conduct a study of the judicial information system covering, but not limited to:

- (1) Receipts from dedicated revenues;
- (2) Expenditures by state and local governments;
- (3) Administrative and implementation decision process;
- (4) Effects of system on costs, court caseloads and efficiency;
- (5) Effects of increased fee structure on access to court system;

(6) Apportionment of benefits among state, local governments, litigants, legal profession and other users;

(7) Opportunities for cost-saving, system regulation and accountability; and

(8) Options for future means of funding.

The report required by this section shall be submitted to the ways and means committees of the house of representatives and senate by October 1, 1982.

NEW SECTION. Sec. 10. (1) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the legislative budget committee the sum of one hundred thousand dollars for the purpose of conducting a study of the judicial information system as provided in section 9 of this act.

(2) There is hereby appropriated from the general fund for the biennium ending June 30, 1983, to the office of the administrator for the courts the sum of eight million six hundred thousand dollars for the judicial information system. Also authorized are 52.8 FTE staff years for fiscal year 1982 and 55.5 FTE staff years for fiscal year 1983.

NEW SECTION. Sec. 11. 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.

NEW SECTION. Sec. 12. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House April 25, 1981.

Passed the Senate April 24, 1981.

Approved by the Governor May 19, 1981.

Filed in Office of Secretary of State May 19, 1981.

CHAPTER 331

[Substitute House Bill No. 601]

COURT CONGESTION REDUCTION ACT OF 1981

AN ACT Relating to the courts; amending section 1, chapter 151, Laws of 1903 as last amended by section 2, chapter 107, Laws of 1971 ex. sess. and RCW 2.32.070; amending section 6, chapter 259, Laws of 1957 as amended by section 6, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 2.56.060; amending section 23, page 226, Laws of 1854 as last amended by section 2, chapter 102, Laws of 1979 and RCW 3.20.020; amending section 22, chapter 299, Laws of 1961 and RCW 3.34.130; amending section 113, chapter 299, Laws of 1961 as last amended by section 3, chapter 102, Laws of 1979 and RCW 3.66-.020; amending section 1, chapter 102, Laws of 1953 and RCW 4.28.100; amending section 374, page 202, Laws of 1854 as last amended by section 2, chapter 30, Laws of 1975-'76 2nd ex. sess. and RCW 4.84.080; amending section 29, chapter 61, Laws of 1893 as last amended by section 3, chapter 107, Laws of 1971 ex. sess. and RCW 4.88.260;