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**SUBSTITUTE SENATE BILL 5767**

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**State of Washington**

**64th Legislature**

**2015 Regular Session**

**By** Senate Government Operations & Security (originally sponsored by Senators Cleveland, Benton, Honeyford, and Fraser)

1 AN ACT Relating to local government treasury practices and  
2 procedures; and amending RCW 36.29.190 and 39.72.010.

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

4 **Sec. 1.** RCW 36.29.190 and 2003 c 23 s 8 are each amended to read  
5 as follows:

6 ~~((County treasurers are authorized to accept credit cards, charge  
7 cards, debit cards, smart cards, stored value cards, federal wire,  
8 and automatic clearinghouse system transactions, or other electronic  
9 communication, for any payment of any kind including, but not limited  
10 to, taxes, fines, interest, penalties, special assessments, fees,  
11 rates, charges, or moneys due counties. A payer desiring to pay by a  
12 credit card, charge card, debit card, smart card, stored value card,  
13 federal wire, automatic clearinghouse system, or other electronic  
14 communication shall bear the cost of processing the transaction in an  
15 amount determined by the treasurer, unless the county legislative  
16 authority or the legislative authority of a district where the county  
17 treasurer serves as ex officio treasurer finds that it is in the best  
18 interests of the county or district to not charge transaction  
19 processing costs for all payment transactions made for a specific  
20 category of nontax payments received by the county treasurer,  
21 including, but not limited to, fines, interest not associated with~~

1 ~~taxes, penalties not associated with taxes, special assessments,~~  
2 ~~fees, rates, and charges. The treasurer's cost determination shall be~~  
3 ~~based upon costs incurred by the treasurer and may not, in any event,~~  
4 ~~exceed the additional direct costs incurred by the county to accept~~  
5 ~~the specific form of payment utilized by the payer.))~~

6 (1) County treasurers are authorized to accept electronic  
7 payments for payment of any kind including, but not limited to,  
8 payment for taxes, fines, interest, penalties, special assessments,  
9 fees, rates, charges, or moneys due counties.

10 (a) The county treasurer must determine the amount of the  
11 transaction processing cost for electronic payments. The county  
12 treasurer's determination must be based upon costs incurred by the  
13 treasurer and may not, in any event, exceed the additional direct  
14 costs incurred by the county to accept the specific form of payment  
15 utilized by the payer.

16 (b) A payer using electronic payment must pay the transaction  
17 processing cost, except as otherwise provided in this section.

18 (2) For payments for taxes, interest associated with taxes, and  
19 penalties associated with taxes that are made by automatic  
20 clearinghouse system, federal wire, or other electronic  
21 communication, any fee associated with the transaction may be  
22 absorbed within the county treasurer's banking services budget.

23 (3) A county treasurer may elect to not charge transaction  
24 processing costs for all payments made for a specific category of  
25 nontax payments if the county legislative authority, or the  
26 legislative authority of a district where the county treasurer serves  
27 as ex officio treasurer, finds that not charging such transaction  
28 processing costs is in the best interests of the county or district.  
29 Interest and penalties associated with such transaction processing  
30 costs may be absorbed by the county department or taxing district  
31 assessing the payment transactions.

32 (4) For purposes of this section, the following definitions  
33 apply:

34 (a) "Electronic payment" means a payment made using the  
35 following: Credit cards, charge cards, debit cards, smart cards,  
36 stored value cards, federal wire, automatic clearinghouse system  
37 transactions, or other electronic communication;

38 (b) "Nontax payments" means payments received by the county  
39 treasurer that include payments for fines, interest not associated

1 with taxes, penalties not associated with taxes, special assessments,  
2 fees, rates, charges, or moneys due counties; and

3 (c) "Transaction processing cost" means the cost of processing an  
4 electronic payment as determined by the county treasurer. This cost  
5 is based on costs incurred by the county treasurer and may not exceed  
6 the additional direct costs incurred by the county to accept a  
7 specific form of electronic payment utilized by the payer.

8 **Sec. 2.** RCW 39.72.010 and 1975-'76 2nd ex.s. c 77 s 1 are each  
9 amended to read as follows:

10 (1) In case of the loss or destruction of a warrant for the  
11 payment of money, or any bond or other instrument or evidence of  
12 indebtedness, issued by ((any county, city or town, district or other  
13 political subdivision or municipal corporation of the state of  
14 Washington, hereinafter referred to as a municipal corporation, or by  
15 any department or agency of such municipal corporation, such  
16 municipal corporation may cause a duplicate to be issued in lieu  
17 thereof, subject to the same requirements and conditions, and  
18 according to the same procedure, as prescribed for the issuance of  
19 duplicate state instruments in RCW 43.08.064 and 43.08.066 as now or  
20 hereafter amended: PROVIDED, That the requirements of RCW  
21 43.08.066(2) shall not be applicable to instruments received by  
22 employees of the above issuers for the payment of salary or wages or  
23 as other compensation for work performed nor shall those requirements  
24 be applicable to instruments received by former employees or their  
25 beneficiaries for the payment of pension benefits)) a municipality,  
26 the municipality may issue or cause to be issued a duplicate in lieu  
27 thereof, bearing the same designation and for the same amount as the  
28 original. The duplicate instrument is subject in all other respects  
29 to the same provisions of law as the original instrument.

30 (a) Before a duplicate instrument is issued in accordance with  
31 this section, the issuing officer shall require the person making  
32 application for issuance of the duplicate to file a written affidavit  
33 specifically alleging on oath:

34 (i) That the applicant is the proper owner, payee, or legal  
35 representative of the owner or payee of the original instrument;

36 (ii) The date of issue, number, amount, and for what services,  
37 claim, or purpose the original instrument or series of instruments of  
38 which it is a part was issued;

1       (iii) That the original instrument has been lost or destroyed;  
2 and  
3       (iv) That the original instrument has not been paid or has not  
4 been received by the applicant.  
5       (b) In the event that an original instrument and its duplicate  
6 instrument are both presented for payment as a result of forgery or  
7 fraud, the agency, department, or officer that issues a duplicate  
8 under this section is responsible for endeavoring to recover any  
9 losses suffered by the municipality.  
10       (2) For purposes of this section, "municipality" means any  
11 county, city, town, district, or other political subdivision or  
12 municipal corporation of the state of Washington, or an agency,  
13 department, or officer of the municipality.

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