
SENATE BILL 5533

State of Washington

64th Legislature

2015 Regular Session

By Senators Hobbs, Rivers, and Mullet

Read first time 01/23/15. Referred to Committee on Government Operations & State Security.

1 AN ACT Relating to charges for providing electronic data under
2 the public records act; 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
5 read as follows:

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

1 agency may not charge in excess of fifteen cents per page. An agency
2 may require a deposit in an amount not to exceed ten percent of the
3 estimated cost of providing copies for a request. If an agency makes
4 a request available on a partial or installment basis, the agency may
5 charge for each part of the request as it is provided. If an
6 installment of a records request is not claimed or reviewed, the
7 agency is not obligated to fulfill the balance of the request.

8 (2)(a) As a result of the growing use of electronic documents,
9 many individuals requesting public records request that a local
10 government provide electronic copies of the documents in lieu of
11 paper copies. In recognition of the trend towards electronic
12 documents and recognition that there are costs associated with
13 electronic copies, the legislature finds that it is appropriate to
14 allow for a local government to charge a reasonable fee for
15 electronic copies.

16 (b) A local government may not charge for the transmission of the
17 first ten MB of electronic data for each individual request. Any
18 transmission of electronic data after the first ten MB may be charged
19 for at a rate of fifteen cents per one MB. A local government may
20 require a deposit in an amount not to exceed ten percent of the
21 estimated cost of providing electronic transmission for a request. If
22 an agency makes an electronic transmission of a request on a partial
23 or installment basis, the local government may charge for each part
24 of the request as it is provided. If an installment of a records
25 request is not paid for, the agency is not obligated to fulfill the
26 balance of the request.

27 (3) The following are exempt from subsection (2) of this section:
28 A requestor who is a representative of a newspaper, magazine or other
29 periodical, book publisher, news agency, wire service, radio or
30 television station or network, cable or satellite station or network,
31 or audio or visual production company, or any entity that is in the
32 regular business of news gathering and disseminating news or
33 information to the public, where the request is made as part of news
34 gathering and not for a different use.

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