

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1134

Short Title: Court Costs Amendments.

(Public)

Sponsors: Senator Clodfelter.

Referred to: Finance.

March 22, 2007

A BILL TO BE ENTITLED
AN ACT TO INCREASE AND CLARIFY CERTAIN COURT COSTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-304(a)(6) reads as rewritten:

"(a) In every criminal case in the superior or district court, wherein the defendant is convicted, or enters a plea of guilty or nolo contendere, or when costs are assessed against the prosecuting witness, the following costs shall be assessed and collected, except that when the judgment imposes an active prison sentence, costs shall be assessed and collected only when the judgment specifically so provides, and that no costs may be assessed when a case is dismissed.

...

(6) For support of the General Court of Justice, for the issuance by the clerk of a report to the Division of Motor Vehicles pursuant to G.S. 20-24.2, the sum of ~~fifty dollars (\$50.00)~~, one hundred dollars (\$100.00) to be remitted to the State Treasurer. Upon a showing to the court that the defendant failed to appear because of an error or omission of a judicial official, a prosecutor, or a law-enforcement officer, the court shall waive this fee.

...."

SECTION 2. G.S. 7A-305(a1) is amended by adding a new subsection to read:

"(a1) Costs apply to any and all additional and subsequent actions filed by amendment to the original action brought under Chapter 50B of the General Statutes, unless such additional and subsequent amendment to the action is also brought under Chapter 50B."

SECTION 3. G.S. 7A-307(a)(2a) reads as rewritten:

"(a) In the administration of the estates of decedents, minors, incompetents, of missing persons, and of trusts under wills and under powers of attorney, in trust

proceedings under G.S. 36A-23.1, and in collections of personal property by affidavit, the following costs shall be assessed:

(2a) Notwithstanding subdivision (2) of this subsection, the fee of forty cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the gross estate, not to exceed six thousand dollars (\$6,000), shall not be assessed on personalty received by a trust under a will when the estate of the decedent was administered under Chapters 28 or 28A of the General Statutes. Instead, a fee of twenty dollars (\$20.00) shall be assessed on the filing of each annual and final account. However, the fee shall be assessed on newly contributed or acquired assets, all interest or other income that accrues or is earned on or with respect to any existing or newly contributed or acquired assets, and realized gains on the sale of any and all trust assets. Newly contributed or acquired assets do not include assets acquired by the sale, transfer, exchange, or otherwise of the amount of trust property on which fees were previously assessed.

...."

SECTION 4. G.S. 7A-308(a)(12) reads as rewritten:

"(a) The following miscellaneous fees and commissions shall be collected by the clerk of superior court and remitted to the State for the support of the General Court of Justice:

- ...
 - (12) Preparation of copies
 - first page (of each document copied)..... 2.00
 - each additional page or fraction thereof..... .25

...."

SECTION 5. G.S. 7A-317 reads as rewritten:

"§ 7A-317. Counties and municipalities not required to advance certain fees.

Counties and municipalities are not required to advance ~~costs for the facilities fee, the General Court of Justice fee, the miscellaneous fees enumerated in G.S. 7A-308, or~~ the civil process fees enumerated in G.S. 7A-311."

SECTION 6. G.S. 20-16.5(j) reads as rewritten:

"(j) Costs. – Unless the magistrate or judge orders the revocation rescinded, a person whose license is revoked under this section must pay a fee of ~~fifty dollars (\$50.00)~~ one hundred dollars (\$100.00) as costs for the action before the person's license may be returned under subsection ~~(h)~~ (h) of this section. ~~The costs collected under this section shall be credited to the General Fund.~~ Fifty percent (50%) of the costs collected shall be remitted to the General Fund and be used to fund a statewide chemical alcohol testing program administered by the Injury Control Section of the Department of Health and Human Services. The remaining fifty percent (50%) shall be remitted to the county for the sole purpose of reimbursing the county for jail expenses incurred due to enforcement of the impaired driving laws."

SECTION 7. G.S. 130A-106(b) is repealed.

1 **SECTION 8.** G.S. 130A-107(d) is repealed.

2 **SECTION 9.** Section 5 of this act becomes effective July 1, 2008. The
3 remainder of this act becomes effective July 1, 2007, and applies to all costs assessed or
4 collected on or after that date.