

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 385*

Short Title: Courts/Procedure and Fee Amendments.-AB

(Public)

Sponsors: Senator Randleman (Primary Sponsor).

Referred to: Judiciary I.

March 21, 2013

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION, TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-37.1(c) reads as rewritten:

"(c) This procedure may be employed in civil ~~actions~~, actions in district court, where claims do not exceed fifteen thousand dollars (\$15,000), except that it shall not be employed in actions in which the sole claim is an action on an account, including appeals from magistrates on such actions."

SECTION 2. G.S. 7A-305(a)(2) reads as rewritten:

"(2) For support of the General Court of Justice, the sum of one hundred eighty dollars (\$180.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, upon its assignment the party that files the notice of designation or motion for discretionary complex business designation shall pay an additional one thousand dollars (\$1,000) shall be paid upon its assignment, and the sum of one hundred thirty dollars (\$130.00) in the district court except that if the case is assigned to a magistrate the sum shall be eighty dollars (\$80.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and fifty cents (\$1.50) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this subdivision to the North Carolina State Bar for the provision of services described in G.S. 7A-474.19."

SECTION 3. G.S. 7A-305(a5) reads as rewritten:

"(a5) In every civil action in the superior or district court wherein a party files a pleading containing one or more ~~counterclaims~~ counterclaims, third-party complaints, or cross-claims, except for counterclaim and cross-claim actions brought under Chapter 50B of the General Statutes for which costs are assessed pursuant to subsection (a1) of this section, the following shall be assessed:

(1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen dollars (\$16.00) in district and superior court, to be remitted to the



1 municipality providing the facilities in which the judgment is rendered. If a
2 municipality does not provide the facilities in which the judgment is
3 rendered, the sum is to be remitted to the county in which the judgment is
4 rendered. Funds derived from the facilities' fees shall be used in the same
5 manner, for the same purposes, and subject to the same restrictions as
6 facilities' fees assessed in criminal actions.

7 (2) For the upgrade, maintenance, and operation of the judicial and county
8 courthouse phone systems, the sum of four dollars (\$4.00), to be credited to
9 the Court Information Technology Fund.

10 (3) For support of the General Court of Justice, the sum of one hundred eighty
11 dollars (\$180.00) in the superior court, except that if a case is assigned to a
12 special superior court judge as a complex business case under G.S. 7A-45.3,
13 ~~an additional one thousand dollars (\$1,000) shall be paid upon its~~
14 ~~assignment, filing fees shall be collected and disbursed in accordance with~~
15 subsection (a) of this section, and the sum of one hundred thirty dollars
16 (\$130.00) in the district court, except that if the case is assigned to a
17 magistrate, the sum shall be eighty dollars (\$80.00). Sums collected under
18 this subdivision shall be remitted to the State Treasurer. The State Treasurer
19 shall remit the sum of one dollar and fifty cents (\$1.50) of each fee collected
20 under this subdivision to the North Carolina State Bar for the provision of
21 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
22 collected under this subdivision to the North Carolina State Bar for the
23 provision of services described in G.S. 7A-474.19."

24 **SECTION 4.(a)** G.S. 7A-305(f) reads as rewritten:

25 "(f) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00)
26 shall accompany any filing containing one or more motions not listed in G.S. 7A-308 that is
27 filed with the clerk. No costs shall be assessed to a motion containing as a sole claim for relief
28 the taxing of costs, including attorneys' ~~fees.~~fees, or to a motion filed pursuant to G.S. 1C-1602
29 or G.S. 1C-1603."

30 **SECTION 4.(b)** G.S. 7A-306(g) reads as rewritten:

31 "(g) For the support of the General Court of Justice, the sum of twenty dollars (\$20.00)
32 shall accompany any filing containing one or more motions not listed in G.S. 7A-308 that is
33 filed with the clerk. No costs shall be assessed to a motion containing as a sole claim for relief
34 the taxing of costs, including attorneys' ~~fees.~~fees, or to a motion filed pursuant to G.S. 1C-1602
35 or G.S. 1C-1603."

36 **SECTION 4.(c)** G.S. 7A-307(a)(4) reads as rewritten:

37 "(4) For the support of the General Court of Justice, the sum of twenty dollars
38 (\$20.00) shall accompany any filing requiring a notice of hearing and
39 containing one or more motions not listed in G.S. 7A-308 that is filed with
40 the clerk. No costs shall be assessed to a motion containing as a sole claim
41 for relief the taxing of costs, including attorneys' ~~fees.~~fees, or to a motion
42 filed pursuant to G.S. 1C-1602 or G.S. 1C-1603."

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

44 "**§ 7A-317. Counties and municipalities ~~not required to advance certain fees, costs and~~**
45 **fees.**

46 (a) Counties and municipalities are required to advance all costs and fees except for the
47 following: civil process fees enumerated in G.S. 7A-311.

48 (1) ~~The facilities fee.~~

49 (2) ~~The General Court of Justice fee.~~

1 (3) ~~The miscellaneous fees enumerated in G.S. 7A-308 in child support actions,~~
2 ~~child abuse actions, and other actions filed by the department of social~~
3 ~~services.~~

4 (4) ~~The civil process fees enumerated in G.S. 7A-311.~~

5 (b) The Administrative Office of the Courts may withhold the amount of court costs
6 and fees from facilities fees due the county when a county agency does not pay corresponding
7 court costs and fees within 30 days of the date of filing of the action."

8 **SECTION 6.** Notwithstanding the effective date provided for by Section 11 of S.L.
9 2012-146, effective on the date this act becomes law, all amounts assessed or collected in
10 criminal matters shall be disbursed in accordance with G.S. 15A-1343(b), as amended by
11 Section 4 of S.L. 2012-146.

12 **SECTION 7.** Section 2 of this act becomes effective January 1, 2014, and applies
13 to all pleadings and motions filed on or after that date. Section 4 of this act becomes effective
14 July 1, 2014, and applies to pleadings filed on or after that date. The remainder of this act is
15 effective when it becomes law and applies to actions filed and to amounts assessed or collected
16 on or after that date.