

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 343*
PROPOSED COMMITTEE SUBSTITUTE H343-PCS90092-SA-16

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

(Public)

Sponsors:

Referred to:

March 20, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO ELIMINATE ARBITRATION CAPS IN DISTRICT COURT, TO MAKE
3 CLARIFICATIONS TO COURT FEES, TO AMEND THE MOTION FEE EXEMPTION,
4 TO REQUIRE COUNTIES AND MUNICIPALITIES TO ADVANCE FEES, AND TO
5 PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES.

6 The General Assembly of North Carolina enacts:

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

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

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

13 "(2) For support of the General Court of Justice, the sum of one hundred eighty
14 dollars (\$180.00) in the superior court, ~~except that if a case is assigned to a~~
15 ~~special superior court judge as a complex business case under G.S. 7A-45.3,~~
16 ~~an additional one thousand dollars (\$1,000) shall be paid upon its~~
17 ~~assignment,~~ court and the sum of one hundred thirty dollars (\$130.00) in the
18 district court except that if the case is assigned to a magistrate the sum shall
19 be eighty dollars (\$80.00). If a case is assigned to a special superior court
20 judge as a complex business case under G.S. 7A-45.3, upon assignment the
21 party filing the notice of designation pursuant to G.S. 7A-45.4 or the motion
22 for complex business designation shall pay an additional one thousand
23 dollars (\$1,000) for support of the General Court of Justice; if a case is
24 assigned to a special superior court judge as a complex business case under
25 G.S. 7A-45.3 by a court on its own motion, upon assignment the plaintiff
26 shall pay an additional one thousand dollars (\$1,000) for support of the
27 General Court of Justice. Sums collected under this subdivision shall be
28 remitted to the State Treasurer. The State Treasurer shall remit the sum of
29 one dollar and fifty cents (\$1.50) of each fee collected under this subdivision
30 to the North Carolina State Bar for the provision of services described in
31 G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee collected under this
32 subdivision to the North Carolina State Bar for the provision of services
33 described in G.S. 7A-474.19."

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

35 "(a5) In every civil action in the superior or district court wherein a party files a pleading
36 containing one or more ~~counterclaims~~ counterclaims, third-party complaints, or cross-claims,



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1 except for counterclaim and cross-claim actions brought under Chapter 50B of the General
2 Statutes for which costs are assessed pursuant to subsection (a1) of this section, the following
3 shall be assessed:

- 4 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
5 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
6 dollars (\$16.00) in district and superior court, to be remitted to the
7 municipality providing the facilities in which the judgment is rendered. If a
8 municipality does not provide the facilities in which the judgment is
9 rendered, the sum is to be remitted to the county in which the judgment is
10 rendered. Funds derived from the facilities' fees shall be used in the same
11 manner, for the same purposes, and subject to the same restrictions as
12 facilities' fees assessed in criminal actions.
- 13 (2) For the upgrade, maintenance, and operation of the judicial and county
14 courthouse phone systems, the sum of four dollars (\$4.00), to be credited to
15 the Court Information Technology Fund.
- 16 (3) For support of the General Court of Justice, the sum of one hundred eighty
17 dollars (\$180.00) in the superior court, except that if a case is assigned to a
18 special superior court judge as a complex business case under G.S. 7A-45.3,
19 ~~an additional one thousand dollars (\$1,000) shall be paid upon its~~
20 ~~assignment, filing fees shall be collected and disbursed in accordance with~~
21 subsection (a) of this section, and the sum of one hundred thirty dollars
22 (\$130.00) in the district court, except that if the case is assigned to a
23 magistrate, the sum shall be eighty dollars (\$80.00). Sums collected under
24 this subdivision shall be remitted to the State Treasurer. The State Treasurer
25 shall remit the sum of one dollar and fifty cents (\$1.50) of each fee collected
26 under this subdivision to the North Carolina State Bar for the provision of
27 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
28 collected under this subdivision to the North Carolina State Bar for the
29 provision of services described in G.S. 7A-474.19."

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

31 "(f) 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,~~ to a motion filed pursuant to G.S. 1C-1602 or
35 G.S. 1C-1603, or to a motion filed by a child support enforcement agency established pursuant
36 to Title IV, Part D, of the Social Security Act."

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

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

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

44 "(4) For the support of the General Court of Justice, the sum of twenty dollars
45 (\$20.00) shall accompany any filing requiring a notice of hearing and
46 containing one or more motions not listed in G.S. 7A-308 that is filed with
47 the clerk. No costs shall be assessed to a motion containing as a sole claim
48 for relief the taxing of costs, including attorneys' fees, ~~fees,~~ or to a motion
49 filed pursuant to G.S. 1C-1602 or G.S. 1C-1603."

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

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

3 ...
4 (21) In civil matters, except in actions commenced or prosecuted by
5 a child support enforcement agency established pursuant to
6 Title IV, Part D, of the Social Security Act, all alias and pluries
7 summons issued and all endorsements issued on an original
8 summons \$15.00."

9 **SECTION 4.(e)** Section 66.1 of Session Law 2011-391 is repealed.

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

11 "**§ 7A-317. Counties and municipalities ~~not~~ required to advance ~~certain fees, costs and~~**
12 **fees.**

13 (a) Counties and municipalities are required to ~~advance pay all~~ costs ~~except for the~~
14 ~~following:~~ and fees due to the court at the time of filing. The clerk of superior court may
15 consent to allow the county or municipality to pay all costs and fees within 45 days of the date
16 of the filing of any action in lieu of paying costs and fees at the time of filing.

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

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

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

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

23 (b) The clerk of superior court shall withhold all facilities fees due to be remitted to a
24 county or municipality when the county or municipality does not pay costs and fees due to the
25 court within 90 days of the date of filing any action."

26 **SECTION 6.** Notwithstanding the effective date provided for by Section 11 of S.L.
27 2012-146, effective on the date this act becomes law, all amounts assessed or collected in
28 criminal matters shall be disbursed in accordance with G.S. 15A-1343(b), as amended by
29 Section 4 of S.L. 2012-146.

30 **SECTION 7.** Section 2 of this act becomes effective January 1, 2014, and applies
31 to all pleadings and motions filed on or after that date. Section 4 of this act becomes effective
32 July 1, 2013, and applies to pleadings filed on or after that date. The remainder of this act is
33 effective when it becomes law and applies to actions filed and to amounts assessed or collected
34 on or after that date.