

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 343*
Committee Substitute Favorable 4/10/13
Senate Judiciary I Committee Substitute Adopted 5/30/13
PROPOSED SENATE COMMITTEE SUBSTITUTE H343-PCS80402-RB-35

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

(Public)

Sponsors:

Referred to:

March 20, 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, TO PROVIDE PRIORITY FOR THE PAYMENT OF CRIMINAL COSTS AND FEES, AND TO REMOVE THE SUNSET ON CHANGES TO CERTAIN FEES COLLECTED BY REGISTER OF DEEDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-37.1(c), as amended by Section 3 of S.L. 2013-159, reads as rewritten:

"(c) Except as otherwise provided in rules promulgated by the Supreme Court of North Carolina pursuant to subsection (b) of this section, this procedure shall be employed in all civil actions in district court, ~~where claims do not exceed twenty five thousand dollars (\$25,000),~~ unless all parties to the action waive arbitration under this section."

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, an additional one thousand dollars (\$1,000) shall be paid upon its assignment,~~ court 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). If a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, upon assignment the party filing the notice of designation pursuant to G.S. 7A-45.4 or the motion for complex business designation shall pay an additional one thousand dollars (\$1,000) for support of the General Court of Justice; if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3 by a court on its own motion, upon assignment the plaintiff shall pay an additional one thousand dollars (\$1,000) for support of the General Court of Justice. 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



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1 subdivision to the North Carolina State Bar for the provision of services
2 described in G.S. 7A-474.19."

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

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

9 (1) For the use of the courtroom and related judicial facilities, the sum of twelve
10 dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen
11 dollars (\$16.00) in district and superior court, to be remitted to the
12 municipality providing the facilities in which the judgment is rendered. If a
13 municipality does not provide the facilities in which the judgment is
14 rendered, the sum is to be remitted to the county in which the judgment is
15 rendered. Funds derived from the facilities' fees shall be used in the same
16 manner, for the same purposes, and subject to the same restrictions as
17 facilities' fees assessed in criminal actions.

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

21 (3) For support of the General Court of Justice, the sum of one hundred eighty
22 dollars (\$180.00) in the superior court, except that if a case is assigned to a
23 special superior court judge as a complex business case under G.S. 7A-45.3,
24 ~~an additional one thousand dollars (\$1,000) shall be paid upon its~~
25 assignment, filing fees shall be collected and disbursed in accordance with
26 subsection (a) of this section, and the sum of one hundred thirty dollars
27 (\$130.00) in the district court, except that if the case is assigned to a
28 magistrate, the sum shall be eighty dollars (\$80.00). Sums collected under
29 this subdivision shall be remitted to the State Treasurer. The State Treasurer
30 shall remit the sum of one dollar and fifty cents (\$1.50) of each fee collected
31 under this subdivision to the North Carolina State Bar for the provision of
32 services described in G.S. 7A-474.4, and ninety-five cents (\$.95) of each fee
33 collected under this subdivision to the North Carolina State Bar for the
34 provision of services described in G.S. 7A-474.19."

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

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

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

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

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

49 "(4) For the support of the General Court of Justice, the sum of twenty dollars
50 (\$20.00) shall accompany any filing requiring a notice of hearing and
51 containing one or more motions not listed in G.S. 7A-308 that is filed with

the clerk. No costs shall be assessed to a motion containing as a sole claim for relief the taxing of costs, including attorneys' fees. ~~fees, or to a motion filed pursuant to G.S. 1C-1602 or G.S. 1C-1603.~~"

SECTION 4.(d) G.S. 7A-308(a) 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:

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

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

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

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

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

- (1) ~~The facilities fee.~~
- (2) ~~The General Court of Justice fee.~~
- (3) ~~The miscellaneous fees enumerated in G.S. 7A-308 in child support actions, child abuse actions, and other actions filed by the department of social services.~~
- (4) ~~The civil process fees enumerated in G.S. 7A-311.~~

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

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

SECTION 7.(a) Section 7 of S.L. 2011-296 reads as rewritten:

"SECTION 7. This act becomes effective October 1, 2011, and applies to instruments registered on or after that date. ~~Sections 1 through 3 of this act expire July 1, 2013.~~"

SECTION 7.(b) The lead-in language for Section 2.16 of S.L. 2012-79 reads as rewritten:

"SECTION 2.16. Effective when it becomes law, ~~but expiring at the same time as Section 1 of S.L. 2011-296 expires (currently July 1, 2013),~~ law, G.S. 161-10(a), as rewritten by S.L. 2011-296, reads as rewritten:"

SECTION 7.(c) G.S. 161-11.4 and G.S. 161-11.6 are repealed.

SECTION 7.(d) G.S. 143-215.56A reads as rewritten:

"§ 143-215.56A. Floodplain Mapping Fund.

The Floodplain Mapping Fund is established as a special revenue fund. The Fund consists of the fees credited to it under ~~G.S. 161-11.4.~~ G.S. 161-11.5. Revenue in the fund may be used only to offset the Department's cost in preparing floodplain maps and performing its other duties under this Part."

SECTION 7.(e) This section becomes effective July 1, 2013.

SECTION 8. Section 1 of this act becomes effective August 1, 2013, and applies to actions filed on or after that date. Section 2 of this act becomes effective January 1, 2014, and

1 applies to all pleadings and motions filed on or after that date. Section 4 of this act becomes
2 effective July 1, 2013, and applies to pleadings filed on or after that date. Except as otherwise
3 provided, the remainder of this act is effective when it becomes law and applies to actions filed
4 and to amounts assessed or collected on or after that date.