

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1025

Short Title: Increase Civil Process Fees.

(Public)

Sponsors: Senators Blust; East, Foxx, Hartsell, Jordan, Rand, Shaw of Guilford, and Wellons.

Referred to: Finance.

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO INCREASE CIVIL PROCESS FEES AND TO PROVIDE THAT THE PERSON REQUESTING THE SERVICE OR EXECUTION BE RESPONSIBLE FOR PAYING FEES INITIALLY.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-311 reads as rewritten:

"§ 7A-311. Uniform civil process fees.

(a) In a civil action or special proceeding, the following fees and commissions shall be assessed, collected, and remitted to the county:

(1) a. Effective October 1, ~~1990, 1997,~~ for every civil action filed on or after that date, for each item of civil process, including summons, subpoenas, notices, motions, orders, writs and pleadings served, the sum of ~~five dollars (\$5.00)-fifteen dollars (\$15.00).~~ When two or more items of civil process are served simultaneously on one party, only one ~~five dollar (\$5.00)-fifteen-dollar (\$15.00) fee shall be charged.~~

b. When an item of civil process is served on two or more persons or organizations, a separate service charge shall be made for each person or organization. If the process is served, or attempted to be served, by a city policeman, the fee shall be remitted to the

1 city rather than the county. If the process is served, or attempted
2 to be served by the sheriff, the fee shall be remitted to the county.

3 This subsection shall not apply to service of summons to jurors.

4 (2) For the seizure of personal property and its care after seizure, all
5 necessary expenses, in addition to any fees for service of process.

6 (3) For all sales by the sheriff of property, either real or personal, or for
7 funds collected by the sheriff under any judgment, ~~five percent (5%)~~ ten
8 percent (10%) on the first five hundred dollars (\$500.00), and ~~two and~~
9 ~~one-half percent (2 1/2%)~~ five percent (5%) on all sums over five hundred
10 dollars (\$500.00), plus necessary expenses of sale. Whenever an
11 execution is issued to the sheriff, and subsequently while the execution
12 is in force and outstanding, and after the sheriff has served or attempted
13 to serve such execution, the judgment, or any part thereof, is paid
14 directly or indirectly to the judgment creditor, the fee herein is payable
15 to the sheriff on the amount so paid. The judgment creditor shall be
16 responsible for collecting and paying all execution fees on amounts paid
17 directly to the judgment creditor.

18 (4) For execution of a judgment of ejectment, all necessary expenses, in
19 addition to any fees for service of process.

20 (5) For necessary transportation of individuals to or from State institutions
21 or another state, the same mileage and subsistence allowances as are
22 provided for State employees.

23 (b) All fees shall be collected in advance (except in suits in forma pauperis) except
24 those contingent on ~~expenses or sales prices.~~ expenses, sales prices, or amounts collected.
25 When the fee is not collected in advance or at the time of assessment, a lien shall exist in
26 favor of the county on all property of the party owing the fee. The person requesting the
27 service or execution shall be responsible for paying the fees enumerated in this section
28 but shall be entitled to recover these necessary expenses from the judgment debtor. If the
29 fee remains unpaid it shall be entered as a judgment against the debtor and shall be
30 docketed in the judgment docket in the office of the clerk of superior court.

31 (c) The process fees and commissions set forth in this section are complete and
32 exclusive and in lieu of any and all other process fees and commissions in civil actions
33 and special proceedings."

34 Section 2. This act becomes effective October 1, 1997.