
Judiciary Committee

HB 1744

Title: An act relating to court fees.

Brief Description: Revising provisions establishing and distributing court fees.

Sponsors: Representatives Lovick and Campbell.

Brief Summary of Bill

- Raises civil filing fees in superior court, and other fees that county officials may charge for certain services.

Hearing Date: 3/13/03

Staff: Trudes Tango Hutcheson (786-7384).

Background:

The superior court clerk is required by statute to collect a fee of \$110 from a party filing a civil action or certain probate proceedings. In addition, the superior court clerk must collect a fee of \$110 for the filing of an appeal of a civil action, for seeking judicial review of an administrative hearing or agency action, for filing a notice of debt under the crime victims compensation program, and in criminal cases, when the defendant is convicted, pleads guilty, fails to prosecute an appeal from a court of limited jurisdiction, or has his or her conviction from a court of limited jurisdiction affirmed.

Generally, 46 percent of the money collected from superior court filing fees is deposited in the Public Safety and Education Account (PSEA). In addition, \$12 of every new probate or civil filing fee collected in superior court and \$6 of every civil filing fee collected in district court are to be used for the support of the county law library. Upon approval of the library board of trustees and the county legislative authority, the \$12 contribution may be increased to \$15.

In addition to filing fees, county clerks are required by statute to collect fees for a variety of services, including the following:

- \$2 for the first page and \$1 for each additional page for preparing, transcribing, or

certifying an instrument on file or of record, with or without a seal;

- \$1 for each additional seal for authenticating or exemplifying an instrument,
- \$20 for filing oaths and affirmations (the swearing in of persons giving testimony);
- \$2 for filing a disclaimer of interest in a probate proceeding (a statutory mechanism for a person to refuse any interest in property that would pass to the person through a will); and
- \$5 for registration of a land title (the Torrens Act is a rarely used statutory mechanism for registering land title, instead of the traditional way of recording).

Summary of Bill:

The filing fee for civil actions, probate proceedings, and other filings in superior court is increased from \$110 to \$200. The amount required to be deposited in the county or regional law library fund from new probate or civil filing fees is raised from \$12 to \$17. The \$17 contribution may be increased up to \$20 upon approval of the library board of trustees and the county legislative authority.

Other fees that county officials must charge for certain services are changed as follows:

- A fee of up to \$.50 per page must be charged for preparing an uncertified instrument on file or of record in the clerk's office without a seal.
- A fee of \$.25 per page must be charged when copying a document or file that is in an electronic format. An additional fee of \$20 per CD must be charged for copies on CD.
- The fee for each additional seal is increased from \$1 to \$2 for authenticating an instrument.
- The fee for registration of land titles is increased from \$5 to \$20.
- A fee of \$20 must be charged for preparing a change of venue in a civil action.
- The requirement that the county official collect a \$20 fee for filing oaths and affirmations is removed. Also removed is the \$2 fee for filing a disclaimer of interest under the probate laws.

Appropriation: None.

Fiscal Note: Requested on March 5, 2003.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.