

By: Casteel

H.B. No. 3013

A BILL TO BE ENTITLED

AN ACT

relating to the methods and fees for filing court documents.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 1, Civil Practice and Remedies Code, is amended by adding Chapter 2 to read as follows:

CHAPTER 2. ELECTRONIC FILING OF COURT DOCUMENTS

AND PLEADINGS

Sec. 2.001. DEFINITION. In this chapter, "TexasOnline" means the electronic infrastructure established by the TexasOnline Authority under Section 2054.252, Government Code.

Sec. 2.002. ELECTRONIC FILING OF COURT DOCUMENTS AND PLEADINGS. (a) A person who files a suit, motion, appeal, cross-action, counterclaim, intervention, contempt action, third-party petition, or any other document or pleading in a court of this state may file that document or pleading by transmitting the document or pleading through an electronic filing service provider to the TexasOnline website, which will transmit the document or pleading electronically to the clerk of the court indicated by the filer.

(b) A filer who files a document or pleading using an electronic filing service provider and TexasOnline shall pay any filing fees required by law to the clerk of the appropriate court indirectly through TexasOnline by a method provided by TexasOnline.

Sec. 2.003. ADDITIONAL FILING FEE FOR COURT DOCUMENTS AND

1 PLEADINGS NOT FILED THROUGH TEXASONLINE. (a) A person who files a
2 suit, motion, appeal, cross-action, counterclaim, intervention,
3 contempt action, third-party petition, or any other document or
4 pleading in a court of this state through any method other than
5 through an electronic filing service provider and TexasOnline as
6 authorized by Section 2.002 shall pay a filing fee of \$2 in addition
7 to any other fees required by law for filing the document or
8 pleading.

9 (b) The clerk of the court in which a document or pleading is
10 filed as described by Subsection (a) shall collect the fee in the
11 same manner as other fees, fines, or costs are collected in the
12 case. The court clerk shall pay the fee to the county treasurer or
13 to another official who discharges the duties commonly delegated to
14 the county treasurer. The county treasurer or other official shall
15 collect, record, and remit to the comptroller the fee in the manner
16 provided by Subchapter B, Chapter 133, Local Government Code.

17 (c) The comptroller shall deposit fees received under this
18 section to the credit of the electronic filing technology fund
19 established under Section 2.004.

20 (d) This section expires January 1, 2011.

21 Sec. 2.004. ELECTRONIC FILING TECHNOLOGY FUND. (a) The
22 electronic filing technology fund is an account in the general
23 revenue fund. Money in the electronic filing technology fund may
24 only be appropriated to the Department of Information Resources for
25 use by the TexasOnline Authority to fully develop the capability of
26 TexasOnline to support filings of court documents and pleadings.

27 (b) The electronic filing technology fund is exempt from the

1 application of Section 403.095, Government Code.

2 (c) On January 1, 2011, the electronic filing technology
3 fund is abolished and this section expires. On that date, the
4 comptroller shall transfer all money remaining in the electronic
5 filing technology fund to the operating account of the Department
6 of Information Resources to be used only for the purpose of further
7 improving the capacity of TexasOnline to support filings of court
8 documents and pleadings.

9 Sec. 2.005. RULES. (a) The supreme court shall adopt rules
10 to implement and supplement this chapter, including rules
11 regarding:

12 (1) procedures by which a person who files a document
13 or pleading with a court in the manner provided by Section 2.002 may
14 obtain an electronic identifier that must be accepted as the
15 person's electronic signature on the document or pleading; and

16 (2) the time at which a document or pleading filed with
17 a court in the manner provided by Section 2.002 is considered to be
18 filed.

19 (b) Notwithstanding Section 22.003, Government Code, the
20 supreme court may not amend or adopt rules in conflict with this
21 chapter.

22 Sec. 2.006. CONFLICT WITH OTHER LAW. To the extent that
23 this chapter conflicts with the Texas Rules of Civil Procedure or
24 other rules, this chapter controls.

25 SECTION 2. Subchapter B, Chapter 101, Government Code, is
26 amended by adding Section 101.022 to read as follows:

27 Sec. 101.022. SUPREME COURT FEES: ADDITIONAL FILING FEE

1 FOR CERTAIN FILINGS. The clerk of the supreme court shall collect
2 on the filing of a suit, motion, appeal, cross-action,
3 counterclaim, intervention, contempt action, third-party petition,
4 or any other document or pleading an additional filing fee of \$2
5 under Section 2.003, Civil Practice and Remedies Code, to fund the
6 electronic filing technology fund. This section expires January 1,
7 2011.

8 SECTION 3. Subchapter C, Chapter 101, Government Code, is
9 amended by adding Section 101.042 to read as follows:

10 Sec. 101.042. COURT OF APPEALS FEES: ADDITIONAL FILING FEE
11 FOR CERTAIN FILINGS. The clerk of a court of appeals shall collect
12 on the filing of a suit, motion, appeal, cross-action,
13 counterclaim, intervention, contempt action, third-party petition,
14 or any other document or pleading an additional filing fee of \$2
15 under Section 2.003, Civil Practice and Remedies Code, to fund the
16 electronic filing technology fund. This section expires January 1,
17 2011.

18 SECTION 4. Subchapter D, Chapter 101, Government Code, is
19 amended by adding Section 101.062 to read as follows:

20 Sec. 101.062. DISTRICT COURT FEES: ADDITIONAL FILING FEE
21 FOR CERTAIN FILINGS. The clerk of a district court shall collect on
22 the filing of a suit, motion, appeal, cross-action, counterclaim,
23 intervention, contempt action, third-party petition, or any other
24 document or pleading an additional filing fee of \$2 under Section
25 2.003, Civil Practice and Remedies Code, to fund the electronic
26 filing technology fund. This section expires January 1, 2011.

27 SECTION 5. Subchapter E, Chapter 101, Government Code, is

1 amended by adding Section 101.083 to read as follows:

2 Sec. 101.083. STATUTORY COUNTY COURT FEES: ADDITIONAL
3 FILING FEE FOR CERTAIN FILINGS. The clerk of a statutory county
4 court shall collect on the filing of a suit, motion, appeal,
5 cross-action, counterclaim, intervention, contempt action,
6 third-party petition, or any other document or pleading an
7 additional filing fee of \$2 under Section 2.003, Civil Practice and
8 Remedies Code, to fund the electronic filing technology fund. This
9 section expires January 1, 2011.

10 SECTION 6. Subchapter F, Chapter 101, Government Code, is
11 amended by adding Section 101.103 to read as follows:

12 Sec. 101.103. STATUTORY PROBATE COURT FEES: ADDITIONAL
13 FILING FEE FOR CERTAIN FILINGS. The clerk of a statutory probate
14 court shall collect on the filing of a suit, motion, appeal,
15 cross-action, counterclaim, intervention, contempt action,
16 third-party petition, or any other document or pleading an
17 additional filing fee of \$2 under Section 2.003, Civil Practice and
18 Remedies Code, to fund the electronic filing technology fund. This
19 section expires January 1, 2011.

20 SECTION 7. Subchapter G, Chapter 101, Government Code, is
21 amended by adding Section 101.123 to read as follows:

22 Sec. 101.123. COUNTY COURT FEES: ADDITIONAL FILING FEE FOR
23 CERTAIN FILINGS. The clerk of a county court shall collect on the
24 filing of a suit, motion, appeal, cross-action, counterclaim,
25 intervention, contempt action, third-party petition, or any other
26 document or pleading an additional filing fee of \$2 under Section
27 2.003, Civil Practice and Remedies Code, to fund the electronic

1 filing technology fund. This section expires January 1, 2011.

2 SECTION 8. Subchapter H, Chapter 101, Government Code, is
3 amended by adding Section 101.142 to read as follows:

4 Sec. 101.142. JUSTICE COURT AND SMALL CLAIMS COURT FEES:
5 ADDITIONAL FILING FEE FOR CERTAIN FILINGS. The clerk of a justice
6 court or a justice of the peace, as applicable, shall collect on the
7 filing of a suit, motion, appeal, cross-action, counterclaim,
8 intervention, contempt action, third-party petition, or any other
9 document or pleading an additional filing fee of \$2 under Section
10 2.003, Civil Practice and Remedies Code, to fund the electronic
11 filing technology fund. This section expires January 1, 2011.

12 SECTION 9. Subchapter I, Chapter 101, Government Code, is
13 amended by adding Section 101.162 to read as follows:

14 Sec. 101.162. MUNICIPAL COURT FEES: ADDITIONAL FILING FEE
15 FOR CERTAIN FILINGS. The clerk of a municipal court shall collect
16 on the filing of a suit, motion, appeal, cross-action,
17 counterclaim, intervention, contempt action, third-party petition,
18 or any other document or pleading an additional filing fee of \$2
19 under Section 2.003, Civil Practice and Remedies Code, to fund the
20 electronic filing technology fund. This section expires January 1,
21 2011.

22 SECTION 10. Subchapter J, Chapter 101, Government Code, is
23 amended by adding Section 101.182 to read as follows:

24 Sec. 101.182. MUNICIPAL COURT OF RECORD FEES: ADDITIONAL
25 FILING FEE FOR CERTAIN FILINGS. The clerk of a municipal court of
26 record shall collect on the filing of a suit, motion, appeal,
27 cross-action, counterclaim, intervention, contempt action,

1 third-party petition, or any other document or pleading an
2 additional filing fee of \$2 under Section 2.003, Civil Practice and
3 Remedies Code, to fund the electronic filing technology fund. This
4 section expires January 1, 2011.

5 SECTION 11. Section 133.058(d), Local Government Code, is
6 amended to read as follows:

7 (d) A county may not retain a service fee on the collection
8 of a fee:

9 (1) for the judicial fund; ~~or~~

10 (2) under Sections 14 and 19, Article 42.12, Code of
11 Criminal Procedure; or

12 (3) under Section 2.003, Civil Practice and Remedies
13 Code.

14 SECTION 12. Chapter 2, Civil Practice and Remedies Code, as
15 added by this Act, applies only to a document or pleading filed with
16 a court on or after January 1, 2006. A document or pleading filed
17 with a court before January 1, 2006, is governed by the law in
18 effect on the date the document or pleading was filed, and the
19 former law is continued in effect for that purpose.

20 SECTION 13. This Act takes effect September 1, 2005.