

By: Goolsby

H.B. No. 3183

A BILL TO BE ENTITLED

AN ACT

relating to county and district court filing fees.

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

SECTION 1. Sections 51.317(b) and (c), Government Code, are amended to read as follows:

(b) The fees are:

(1) except as provided by Subsection (b-1), for filling a suit, including an appeal from an inferior court \$50

(2) for filling a cross-action, counterclaim, intervention, contempt action, motion for new trial, ~~or~~ third-party petition, or motion to transfer \$15

SECTION 2. Section 51.318(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) for issuing a subpoena, including one copy \$15 ~~[\$8]~~

(2) for issuing a citation, commission for deposition, writ of execution, order of sale, writ of execution and order of sale, writ of injunction, writ of garnishment, writ of attachment, or writ of sequestration not provided for in Section 51.317, or any other writ or process not otherwise provided for, including one copy if required by law \$15 ~~[\$8]~~

(3) for searching files or records to locate a cause when the docket number is not provided \$5

1 (4) for searching files or records to ascertain the
2 existence of an instrument or record in the district clerk's office
3 \$5;

4 (5) for abstracting a judgment \$15 [~~\$8~~]

5 (6) for approving a bond \$4;

6 (7) for a certified copy of a record, judgment, order,
7 pleading, or paper on file or of record in the district clerk's
8 office, including certificate and seal \$5, plus a fee for each page
9 or part of a page of the copy \$1

10 (8) for a noncertified copy, for each page or part of a
11 page an amount not to exceed \$1

12 SECTION 3. Section 118.052, Local Government Code, is
13 amended to read as follows:

14 Sec. 118.052. FEE SCHEDULE. Each clerk of a county court
15 shall collect the following fees for services rendered to any
16 person:

17 (1) CIVIL COURT ACTIONS

18 (C) Services Rendered After Judgment in Original
19 Action (Sec. 118.0545):

20 (i) Abstract of judgment... \$15.00 [~~\$5.00~~]

21 (ii) Execution, order of sale, writ, or
22 other process ... \$15.00 [~~\$5~~]

23 (3) OTHER FEES

24 (A) Issuing Document (Sec. 118.059):

25 original document and one copy ... \$15.00 [~~\$4.00~~]

26 each additional set of an original and one copy
27 ... \$15.00 [~~\$4.00~~];

1 SECTION 4. Section 101.061, Government Code, is
2 amended to read as follows:

3 Sec. 101.061. DISTRICT COURT FEES AND COSTS. The
4 clerk of a district court shall collect fees and costs as follows:

5 (10) for issuing a subpoena, including one copy (Sec.
6 51.318, Government Code) ... \$15 [~~\$8~~];

7 (11) for issuing a citation, commission for
8 deposition, writ of execution, order of sale, writ of execution and
9 order of sale, writ of injunction, writ of garnishment, writ of
10 attachment, or writ of sequestration not provided for in Section
11 51.317, or any other writ or process not otherwise provided for,
12 including one copy if required by law (Sec. 51.318, Government
13 Code) ... \$15 [~~\$8~~];

14 (14) for abstracting a judgment (Sec. 51.318,
15 Government Code) ... \$15 [~~\$8~~];

16 (16) for a certified copy of a record, judgment,
17 order, pleading, or paper on file, or of record in the district
18 clerk's office, including certificate and seal [~~, for each page or~~
19 ~~part of a page~~] (Sec. 51.318, Government Code) ... \$5, plus a fee of
20 \$1 for each page or part of a page of the copy [~~\$1~~];

21 SECTION 5. Section 101.081, Government Code, is amended to
22 read as follows:

23 Sec. 101.081. STATUTORY COUNTY COURT FEES AND COSTS. The
24 clerk of a statutory county court shall collect fees and costs as
25 follows:

26 (13) civil court actions (Sec. 118.052, Local
27 Government Code):

1 (C) services rendered after judgment in original
2 action (Secs. 118.052 and 118.0545, Local Government Code):

3 (i) abstract of judgment (Sec. 118.052,
4 Local Government Code) . . . \$15 [~~\$5~~]; and

5 (ii) execution, order of sale, writ, or
6 other process (Sec. 118.052, Local Government Code) . . . \$15 [~~\$5~~];

7 (15) other fees (Sec. 118.052, Local Government Code):

8 (A) issuing document (Secs. 118.052 and 118.059,
9 Local Government Code):

10 (i) original document and one copy (Sec.
11 118.052, Local Government Code) . . . \$15 [~~\$4~~]; and

12 (ii) each additional set of an original and
13 one copy (Sec. 118.052, Local Government Code) . . . \$15 [~~\$4~~];

14 SECTION 6. Section 101.101, Government Code, is amended to
15 read as follows:

16 Sec. 101.101. STATUTORY PROBATE COURT FEES AND COSTS. The
17 clerk of a statutory probate court shall collect fees and costs as
18 follows:

19 (9) other fees (Sec. 118.052, Local Government Code):

20 (A) issuing document (Secs. 118.052 and 118.059,
21 Local Government Code):

22 (i) original document and one copy (Sec.
23 118.052, Local Government Code) . . . \$15 [~~\$4~~]; and

24 (ii) each additional set of an original and
25 one copy (Sec. 118.052, Local Government Code) . . . \$15 [~~\$4~~];

26 SECTION 7. Section 101.121, Government Code, is amended to
27 read as follows:

1 Sec. 101.121. COUNTY COURT FEES AND COSTS. The clerk of a
2 county court shall collect:

3 (10) civil court actions (Sec. 118.052, Local
4 Government Code):

5 (C) services rendered after judgment in original
6 action (Secs. 118.052 and 118.0545, Local Government Code):

7 (i) abstract of judgment (Sec. 118.052,
8 Local Government Code) ... \$15 [~~\$5~~]; and

9 (ii) execution, order of sale, writ, or
10 other process (Sec. 118.052, Local Government Code) ... \$15 [~~\$5~~];

11 (12) other fees (Sec. 118.052, Local Government Code):

12 (A) issuing document (Secs. 118.052 and 118.059,
13 Local Government Code):

14 (i) original document and one copy (Sec.
15 118.052, Local Government Code) ... \$15 [~~\$4~~]; and

16 (ii) each additional set of an original and
17 one copy (Sec. 118.052, Local Government Code) ... \$15 [~~\$4~~];

18 SECTION 8. (a) Section 51.317, Government Code, as amended
19 by this Act applies only to a filing made on or after the effective
20 date of this Act. A filing made before the effective date of this
21 Act is governed by the law in effect on the date the filing was made,
22 and the former law is continued in effect for that purpose.

23 (b) Section 51.318, Government Code, as amended by this Act,
24 applies only to the issuance or provision of a document on or after
25 the effective date of this Act. The issuance or provision of a
26 document before the effective date of this Act is governed by the
27 law in effect on the date the document was issued or provided, and

1 the former law is continued in effect for that purpose.

2 (c) Section 118.052, Local Government Code, as amended by
3 this Act, applies only to services rendered by the clerk of a county
4 court or a filing made on or after the effective date of this Act.
5 Services rendered by the clerk of a county court or a filing made
6 before the effective date of this Act is governed by the law in
7 effect on the date the services were rendered or the filing was
8 made, and the former law is continued in effect for that purpose.

9 SECTION 9. This Act takes effect September 1, 2005.