

1-1 By: Hughes (Senate Sponsor - Wentworth) H.B. No. 3637
1-2 (In the Senate - Received from the House May 7, 2009;
1-3 May 12, 2009, read first time and referred to Committee on
1-4 Administration; May 20, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 20, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3637 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to filing fees for civil actions or proceedings in a
1-11 district, county, justice, or small claims court.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (a), Section 133.152, Local
1-14 Government Code, is amended to read as follows:

1-15 (a) In addition to other fees collected under Section
1-16 133.151(a) or otherwise authorized or required by law, the clerk of
1-17 a district court shall collect the following fees on the filing of
1-18 any civil action or proceeding requiring a filing fee, including an
1-19 appeal, and on the filing of any counterclaim, cross-action,
1-20 intervention, interpleader, or third-party action requiring a
1-21 filing fee:

1-22 (1) \$5 in family law cases and proceedings as defined
1-23 by Section 25.0002, Government Code; and

1-24 (2) \$10 in any case other than a case described by
1-25 Subdivision (1).

1-26 SECTION 2. Subsection (a), Section 133.153, Local
1-27 Government Code, is amended to read as follows:

1-28 (a) In addition to other fees authorized or required by law,
1-29 the clerk of a court other than a district court, the courts of
1-30 appeals, or the supreme court shall collect the following fees on
1-31 the filing of any civil action or proceeding requiring a filing fee,
1-32 including an appeal, and on the filing of any counterclaim,
1-33 cross-action, intervention, interpleader, or third-party action
1-34 requiring a filing fee:

1-35 (1) \$10 [~~\$5~~] for statutory and constitutional county
1-36 courts; and

1-37 (2) \$6 [~~\$2~~] for justice of the peace courts.

1-38 SECTION 3. (a) Section 101.0814, Government Code, is
1-39 amended to conform to the amendments made to Section 101.081,
1-40 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
1-41 Legislature, Regular Session, 2007, and to conform to the
1-42 amendments made to Section 101.083, Government Code, by Chapter
1-43 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
1-44 2007, and is further amended to read as follows:

1-45 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL
1-46 GOVERNMENT CODE. The clerk of a statutory county court shall
1-47 collect fees and costs under the Local Government Code as follows:

1-48 (1) additional filing fee to fund contingency fund for
1-49 liability insurance, if authorized by the county commissioners
1-50 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

1-51 (2) civil court actions (Sec. 118.052, Local
1-52 Government Code):

1-53 (A) filing of original action (Secs. 118.052 and
1-54 118.053, Local Government Code):

1-55 (i) garnishment after judgment (Sec.
1-56 118.052, Local Government Code) . . . \$15; and

1-57 (ii) all others (Sec. 118.052, Local
1-58 Government Code) . . . \$40;

1-59 (B) filing of action other than original (Secs.
1-60 118.052 and 118.054, Local Government Code) . . . \$30; and

1-61 (C) services rendered after judgment in original
1-62 action (Secs. 118.052 and 118.0545, Local Government Code):

1-63 (i) abstract of judgment (Sec. 118.052,

2-1 Local Government Code) . . . \$5; and
2-2 (ii) execution, order of sale, writ, or
2-3 other process (Sec. 118.052, Local Government Code) . . . \$5;
2-4 (3) probate court actions (Sec. 118.052, Local
2-5 Government Code):
2-6 (A) probate original action (Secs. 118.052 and
2-7 118.055, Local Government Code):
2-8 (i) probate of a will with independent
2-9 executor, administration with will attached, administration of an
2-10 estate, guardianship or receivership of an estate, or muniment of
2-11 title (Sec. 118.052, Local Government Code) . . . \$40;
2-12 (ii) community survivors (Sec. 118.052,
2-13 Local Government Code) . . . \$40;
2-14 (iii) small estates (Sec. 118.052, Local
2-15 Government Code) . . . \$40;
2-16 (iv) declarations of heirship (Sec.
2-17 118.052, Local Government Code) . . . \$40;
2-18 (v) mental health or chemical dependency
2-19 services (Sec. 118.052, Local Government Code) . . . \$40; and
2-20 (vi) additional, special fee (Secs. 118.052
2-21 and 118.064, Local Government Code) . . . \$5;
2-22 (B) services in pending probate action (Secs.
2-23 118.052 and 118.056, Local Government Code):
2-24 (i) filing an inventory and appraisement
2-25 (Secs. ~~after the 120th day after the date of the initial filing of~~
2-26 ~~the action (Sec.]~~ 118.052 and 118.056(d), Local Government Code)
2-27 . . . \$25;
2-28 (ii) approving and recording bond (Sec.
2-29 118.052, Local Government Code) . . . \$3;
2-30 (iii) administering oath (Sec. 118.052,
2-31 Local Government Code) . . . \$2;
2-32 (iv) filing annual or final account of
2-33 estate (Sec. 118.052, Local Government Code) . . . \$25;
2-34 (v) filing application for sale of real or
2-35 personal property (Sec. 118.052, Local Government Code) . . . \$25;
2-36 (vi) filing annual or final report of
2-37 guardian of a person (Sec. 118.052, Local Government Code) . . .
2-38 \$10; and
2-39 (vii) filing a document not listed under
2-40 this paragraph after the filing of an order approving the inventory
2-41 and appraisement or after the 120th day after the date of the
2-42 initial filing of the action, whichever occurs first (Secs. 118.052
2-43 and 191.007, Local Government Code), if more than 25 pages . . .
2-44 \$25;
2-45 (C) adverse probate action (Secs. 118.052 and
2-46 118.057, Local Government Code) . . . \$40; and
2-47 (D) claim against estate (Secs. 118.052 and
2-48 118.058, Local Government Code) . . . \$2;
2-49 (4) other fees (Sec. 118.052, Local Government Code):
2-50 (A) issuing document (Secs. 118.052 and 118.059,
2-51 Local Government Code):
2-52 (i) original document and one copy (Sec.
2-53 118.052, Local Government Code) . . . \$4; and
2-54 (ii) each additional set of an original and
2-55 one copy (Sec. 118.052, Local Government Code) . . . \$4;
2-56 (B) certified papers (Secs. 118.052 and 118.060,
2-57 Local Government Code):
2-58 (i) for the clerk's certificate (Sec.
2-59 118.052, Local Government Code) . . . \$5; and
2-60 (ii) a fee per page or part of a page (Sec.
2-61 118.052, Local Government Code) . . . \$1;
2-62 (C) noncertified papers, for each page or part of
2-63 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
2-64 \$1;
2-65 (D) letters testamentary, letter of
2-66 guardianship, letter of administration, or abstract of judgment
2-67 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
2-68 (E) safekeeping of wills (Secs. 118.052 and
2-69 118.062, Local Government Code) . . . \$5;

3-1 (F) mail service of process (Secs. 118.052 and
3-2 118.063, Local Government Code) . . . same as sheriff; and
3-3 (G) records management and preservation fee
3-4 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
3-5 . . . \$5;

3-6 (5) additional filing fee for filing any civil action
3-7 or proceeding requiring a filing fee, including an appeal, and on
3-8 the filing of any counterclaim, cross-action, intervention,
3-9 interpleader, or third-party action requiring a filing fee, to fund
3-10 civil legal services for the indigent (Sec. 133.153, Local
3-11 Government Code) . . . \$10 [~~\$5~~];

3-12 (6) on the filing of a civil suit, an additional filing
3-13 fee to be used for court-related purposes for the support of the
3-14 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

3-15 (7) additional filing fee to fund the courthouse
3-16 security fund, if authorized by the county commissioners court
3-17 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

3-18 (8) additional filing fee for filing documents not
3-19 subject to certain filing fees to fund the courthouse security
3-20 fund, if authorized by the county commissioners court (Sec.
3-21 291.008, Local Government Code) . . . \$1;

3-22 (9) additional filing fee to fund the courthouse
3-23 security fund in Webb County, if authorized by the county
3-24 commissioners court (Sec. 291.009, Local Government Code) . . . not
3-25 to exceed \$20; and

3-26 (10) court cost in civil cases other than suits for
3-27 delinquent taxes to fund the county law library fund, if authorized
3-28 by the county commissioners court (Sec. 323.023, Local Government
3-29 Code) . . . not to exceed \$35.

3-30 (b) Section 101.083, Government Code, is repealed.

3-31 SECTION 4. Section 101.1013, Government Code, is amended to
3-32 conform to the amendments made to Section 101.101, Government Code,
3-33 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
3-34 Session, 2007, and is further amended to read as follows:

3-35 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
3-36 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
3-37 collect fees and costs under the Local Government Code as follows:

3-38 (1) additional filing fee for filing any civil action
3-39 or proceeding requiring a filing fee, including an appeal, and on
3-40 the filing of any counterclaim, cross-action, intervention,
3-41 interpleader, or third-party action requiring a filing fee to fund
3-42 civil legal services for the indigent (Sec. 133.153, Local
3-43 Government Code) . . . \$10 [~~\$5~~];

3-44 (2) additional filing fee to fund contingency fund for
3-45 liability insurance, if authorized by the county commissioners
3-46 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3-47 (3) probate court actions (Sec. 118.052, Local
3-48 Government Code):

3-49 (A) probate original action (Secs. 118.052 and
3-50 118.055, Local Government Code):

3-51 (i) probate of a will with independent
3-52 executor, administration with will attached, administration of an
3-53 estate, guardianship or receivership of an estate, or muniment of
3-54 title (Sec. 118.052, Local Government Code) . . . \$40;

3-55 (ii) community survivors (Sec. 118.052,
3-56 Local Government Code) . . . \$40;

3-57 (iii) small estates (Sec. 118.052, Local
3-58 Government Code) . . . \$40;

3-59 (iv) declarations of heirship (Sec.
3-60 118.052, Local Government Code) . . . \$40;

3-61 (v) mental health or chemical dependency
3-62 services (Sec. 118.052, Local Government Code) . . . \$40; and

3-63 (vi) additional, special fee (Secs. 118.052
3-64 and 118.064, Local Government Code) . . . \$5;

3-65 (B) services in pending probate action (Secs.
3-66 118.052 and 118.056, Local Government Code):

3-67 (i) filing an inventory and appraisement
3-68 (Secs. [after the 120th day after the date of the initial filing of
3-69 the action (Sec.] 118.052 and 118.056(d), Local Government Code)

4-1 . . . \$25;

4-2 (ii) approving and recording bond (Sec.
4-3 118.052, Local Government Code) . . . \$3;

4-4 (iii) administering oath (Sec. 118.052,
4-5 Local Government Code) . . . \$2;

4-6 (iv) filing annual or final account of
4-7 estate (Sec. 118.052, Local Government Code). . . \$25;

4-8 (v) filing application for sale of real or
4-9 personal property (Sec. 118.052, Local Government Code) . . . \$25;

4-10 (vi) filing annual or final report of
4-11 guardian of a person (Sec. 118.052, Local Government Code) . . .
4-12 \$10; and

4-13 (vii) filing a document not listed under
4-14 this paragraph after the filing of an order approving the inventory
4-15 and appraisal or after the 120th day after the date of the
4-16 initial filing of the action, whichever occurs first (Secs. 118.052
4-17 and 191.007, Local Government Code), if more than 25 pages . . .
4-18 \$25;

4-19 (C) adverse probate action (Secs. 118.052 and
4-20 118.057, Local Government Code) . . . \$40; and

4-21 (D) claim against estate (Secs. 118.052 and
4-22 118.058, Local Government Code) . . . \$2;

4-23 (4) other fees (Sec. 118.052, Local Government Code):

4-24 (A) issuing document (Secs. 118.052 and 118.059,
4-25 Local Government Code):

4-26 (i) original document and one copy (Sec.
4-27 118.052, Local Government Code) . . . \$4; and

4-28 (ii) each additional set of an original and
4-29 one copy (Sec. 118.052, Local Government Code) . . . \$4;

4-30 (B) certified papers (Secs. 118.052 and 118.060,
4-31 Local Government Code):

4-32 (i) for the clerk's certificate (Sec.
4-33 118.052, Local Government Code) . . . \$5; and

4-34 (ii) a fee per page or part of a page (Sec.
4-35 118.052, Local Government Code) . . . \$1;

4-36 (C) noncertified papers, for each page or part of
4-37 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
4-38 \$1;

4-39 (D) letters testamentary, letter of
4-40 guardianship, letter of administration, or abstract of judgment
4-41 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

4-42 (E) safekeeping of wills (Secs. 118.052 and
4-43 118.062, Local Government Code) . . . \$5;

4-44 (F) mail service of process (Secs. 118.052 and
4-45 118.063, Local Government Code) . . . same as sheriff; and

4-46 (G) records management and preservation fee
4-47 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

4-48 (5) court cost in civil cases other than suits for
4-49 delinquent taxes to fund the county law library fund, if authorized
4-50 by the county commissioners court (Sec. 323.023, Local Government
4-51 Code) . . . not to exceed \$35.

4-52 SECTION 5. (a) Section 101.1214, Government Code, is
4-53 amended to conform to the amendments made to Section 101.121,
4-54 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
4-55 Legislature, Regular Session, 2007, and to conform to the
4-56 amendments made to Section 101.123, Government Code, by Chapter
4-57 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
4-58 2007, and is further amended to read as follows:

4-59 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
4-60 GOVERNMENT CODE. The clerk of a county court shall collect the
4-61 following fees and costs under the Local Government Code:

4-62 (1) additional filing fee to fund contingency fund for
4-63 liability insurance, if authorized by the county commissioners
4-64 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

4-65 (2) civil court actions (Sec. 118.052, Local
4-66 Government Code):

4-67 (A) filing of original action (Secs. 118.052 and
4-68 118.053, Local Government Code):

4-69 (i) garnishment after judgment (Sec.

5-1 118.052, Local Government Code) . . . \$15; and
5-2 (ii) all others (Sec. 118.052, Local
5-3 Government Code) . . . \$40;
5-4 (B) filing of action other than original (Secs.
5-5 118.052 and 118.054, Local Government Code) . . . \$30; and
5-6 (C) services rendered after judgment in original
5-7 action (Secs. 118.052 and 118.0545, Local Government Code):
5-8 (i) abstract of judgment (Sec. 118.052,
5-9 Local Government Code) . . . \$5; and
5-10 (ii) execution, order of sale, writ, or
5-11 other process (Sec. 118.052, Local Government Code) . . . \$5;
5-12 (3) probate court actions (Sec. 118.052, Local
5-13 Government Code):
5-14 (A) probate original action (Secs. 118.052 and
5-15 118.055, Local Government Code):
5-16 (i) probate of a will with independent
5-17 executor, administration with will attached, administration of an
5-18 estate, guardianship or receivership of an estate, or muniment of
5-19 title (Sec. 118.052, Local Government Code) . . . \$40;
5-20 (ii) community survivors (Sec. 118.052,
5-21 Local Government Code) . . . \$40;
5-22 (iii) small estates (Sec. 118.052, Local
5-23 Government Code) . . . \$40;
5-24 (iv) declarations of heirship (Sec.
5-25 118.052, Local Government Code) . . . \$40;
5-26 (v) mental health or chemical dependency
5-27 services (Sec. 118.052, Local Government Code) . . . \$40; and
5-28 (vi) additional, special fee (Secs. 118.052
5-29 and 118.064, Local Government Code) . . . \$5;
5-30 (B) services in pending probate action (Secs.
5-31 118.052 and 118.056, Local Government Code):
5-32 (i) filing an inventory and appraisement
5-33 ~~(Secs. [after the 120th day after the date of the initial filing of~~
5-34 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
5-35 . . . \$25;
5-36 (ii) approving and recording bond (Sec.
5-37 118.052, Local Government Code) . . . \$3;
5-38 (iii) administering oath (Sec. 118.052,
5-39 Local Government Code) . . . \$2;
5-40 (iv) filing annual or final account of
5-41 estate (Sec. 118.052, Local Government Code) . . . \$25;
5-42 (v) filing application for sale of real or
5-43 personal property (Sec. 118.052, Local Government Code) . . . \$25;
5-44 (vi) filing annual or final report of
5-45 guardian of a person (Sec. 118.052, Local Government Code) . . .
5-46 \$10; and
5-47 (vii) filing a document not listed under
5-48 this paragraph after the filing of an order approving the inventory
5-49 and appraisement or after the 120th day after the date of the
5-50 initial filing of the action, whichever occurs first (Secs. 118.052
5-51 and 191.007, Local Government Code), if more than 25 pages . . .
5-52 \$25;
5-53 (C) adverse probate action (Secs. 118.052 and
5-54 118.057, Local Government Code) . . . \$40; and
5-55 (D) claim against estate (Secs. 118.052 and
5-56 118.058, Local Government Code) . . . \$2;
5-57 (4) other fees (Sec. 118.052, Local Government Code):
5-58 (A) issuing document (Secs. 118.052 and 118.059,
5-59 Local Government Code):
5-60 (i) original document and one copy (Sec.
5-61 118.052, Local Government Code) . . . \$4; and
5-62 (ii) each additional set of an original and
5-63 one copy (Sec. 118.052, Local Government Code) . . . \$4;
5-64 (B) certified papers (Secs. 118.052 and 118.060,
5-65 Local Government Code):
5-66 (i) for the clerk's certificate (Sec.
5-67 118.052, Local Government Code) . . . \$5; and
5-68 (ii) a fee per page or part of a page (Sec.
5-69 118.052, Local Government Code) . . . \$1;

6-1 (C) noncertified papers, for each page or part of
6-2 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
6-3 \$1;
6-4 (D) letters testamentary, letter of
6-5 guardianship, letter of administration, or abstract of judgment
6-6 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
6-7 (E) safekeeping of wills (Secs. 118.052 and
6-8 118.062, Local Government Code) . . . \$5;
6-9 (F) mail service of process (Secs. 118.052 and
6-10 118.063, Local Government Code) . . . same as sheriff; and
6-11 (G) records management and preservation fee
6-12 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
6-13 . . . \$5;
6-14 (5) deposit on filing petition requesting permission
6-15 to create a municipal civic center authority (Sec. 281.013, Local
6-16 Government Code) . . . \$200;
6-17 (6) additional filing fee to fund the courthouse
6-18 security fund, if authorized by the county commissioners court
6-19 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;
6-20 (7) additional filing fee for filing documents not
6-21 subject to certain filing fees to fund the courthouse security
6-22 fund, if authorized by the county commissioners court (Sec.
6-23 291.008, Local Government Code) . . . \$1;
6-24 (8) additional filing fee to fund the courthouse
6-25 security fund in Webb County, if authorized by the county
6-26 commissioners court (Sec. 291.009, Local Government Code) . . . not
6-27 to exceed \$20;
6-28 (9) court cost in civil cases other than suits for
6-29 delinquent taxes to fund the county law library fund, if authorized
6-30 by the county commissioners court (Sec. 323.023, Local Government
6-31 Code) . . . not to exceed \$35;
6-32 (10) additional filing fee for filing any civil action
6-33 or proceeding requiring a filing fee, including an appeal, and on
6-34 the filing of any counterclaim, cross-action, intervention,
6-35 interpleader, or third-party action requiring a filing fee, to fund
6-36 civil legal services for the indigent (Sec. 133.153, Local
6-37 Government Code) . . . \$10 [~~\$5~~]; and
6-38 (11) on the filing of a civil suit an additional filing
6-39 fee to be used for court-related purposes for the support of the
6-40 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].
6-41 (b) Section 101.123, Government Code, is repealed.
6-42 SECTION 6. Subsection (b), Section 101.141, Government
6-43 Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th
6-44 Legislature, Regular Session, 2007, is amended to conform to the
6-45 amendments made to Subsection (a), Section 101.141, Government
6-46 Code, by Chapter 1046 (H.B. 2094), Acts of the 80th Legislature,
6-47 Regular Session, 2007, and is further amended to read as follows:
6-48 (b) A clerk of a justice court shall collect fees and costs
6-49 under other laws as follows:
6-50 (1) the cost of a special program that a court may
6-51 order a child to attend after a finding that the child committed an
6-52 offense, if ordered by the court (Art. 45.057, Code of Criminal
6-53 Procedure) . . . costs of the program not to exceed \$100;
6-54 (2) additional filing fees:
6-55 (A) to fund Dallas County civil court facilities
6-56 (Sec. 51.705, Government Code) . . . not more than \$15; and
6-57 (B) for filing any civil action or proceeding
6-58 requiring a filing fee, including an appeal, and on the filing of
6-59 any counterclaim, cross-action, intervention, interpleader, or
6-60 third-party action requiring a filing fee, to fund civil legal
6-61 services for the indigent (Sec. 133.153, Local Government Code)
6-62 . . . \$6 [~~\$2~~];
6-63 (3) for filing a suit in Comal County (Sec. 152.0522,
6-64 Human Resources Code) . . . \$1.50; and
6-65 (4) fee for hearing on probable cause for removal of a
6-66 vehicle and placement in a storage facility if assessed by the court
6-67 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
6-68 \$20.
6-69 SECTION 7. The changes in law made by this Act apply only to

7-1 a fee that becomes payable on or after the effective date of this
7-2 Act. A fee that becomes payable before the effective date of this
7-3 Act is governed by the law in effect when the fee became payable,
7-4 and the former law is continued in effect for that purpose.
7-5 SECTION 8. This Act takes effect September 1, 2009.

7-6

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