

By: Wentworth

S.B. No. 1754

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

(a) In addition to other fees authorized or required by law, the clerk of a court other than a district court, the courts of appeals, or the supreme court shall collect the following fees on the filing of any civil action or proceeding requiring a filing fee, including an appeal, and on the filing of any counterclaim,

1 cross-action, intervention, interpleader, or third-party action
2 requiring a filing fee:

3 (1) \$10 [~~\$5~~] for statutory and constitutional county
4 courts; and

5 (2) \$6 [~~\$2~~] for justice of the peace courts.

6 SECTION 3. (a) Section 101.0814, Government Code, is
7 amended to conform to the amendments made to Section 101.081,
8 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
9 Legislature, Regular Session, 2007, and to conform to the
10 amendments made to Section 101.083, Government Code, by Chapter
11 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
12 2007, and is further amended to read as follows:

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

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

19 (2) civil court actions (Sec. 118.052, Local
20 Government Code):

21 (A) filing of original action (Secs. 118.052 and
22 118.053, Local Government Code):

23 (i) garnishment after judgment (Sec.
24 118.052, Local Government Code) . . . \$15; and

25 (ii) all others (Sec. 118.052, Local
26 Government Code) . . . \$40;

27 (B) filing of action other than original (Secs.

1 118.052 and 118.054, Local Government Code) . . . \$30; and

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

4 (i) abstract of judgment (Sec. 118.052,
5 Local Government Code) . . . \$5; and

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

8 (3) probate court actions (Sec. 118.052, Local
9 Government Code):

10 (A) probate original action (Secs. 118.052 and
11 118.055, Local Government Code):

12 (i) probate of a will with independent
13 executor, administration with will attached, administration of an
14 estate, guardianship or receivership of an estate, or muniment of
15 title (Sec. 118.052, Local Government Code) . . . \$40;

16 (ii) community survivors (Sec. 118.052,
17 Local Government Code) . . . \$40;

18 (iii) small estates (Sec. 118.052, Local
19 Government Code) . . . \$40;

20 (iv) declarations of heirship (Sec.
21 118.052, Local Government Code) . . . \$40;

22 (v) mental health or chemical dependency
23 services (Sec. 118.052, Local Government Code) . . . \$40; and

24 (vi) additional, special fee (Secs. 118.052
25 and 118.064, Local Government Code) . . . \$5;

26 (B) services in pending probate action (Secs.
27 118.052 and 118.056, Local Government Code):

1 (i) filing an inventory and appraisement
2 (Secs. [after the 120th day after the date of the initial filing of
3 the action (Sec.) 118.052 and 118.056(d), Local Government Code)
4 . . . \$25;

5 (ii) approving and recording bond (Sec.
6 118.052, Local Government Code) . . . \$3;

7 (iii) administering oath (Sec. 118.052,
8 Local Government Code) . . . \$2;

9 (iv) filing annual or final account of
10 estate (Sec. 118.052, Local Government Code) . . . \$25;

11 (v) filing application for sale of real or
12 personal property (Sec. 118.052, Local Government Code) . . . \$25;

13 (vi) filing annual or final report of
14 guardian of a person (Sec. 118.052, Local Government Code) . . .
15 \$10; and

16 (vii) filing a document not listed under
17 this paragraph after the filing of an order approving the inventory
18 and appraisement or after the 120th day after the date of the
19 initial filing of the action, whichever occurs first (Secs. 118.052
20 and 191.007, Local Government Code), if more than 25 pages . . .
21 \$25;

22 (C) adverse probate action (Secs. 118.052 and
23 118.057, Local Government Code) . . . \$40; and

24 (D) claim against estate (Secs. 118.052 and
25 118.058, Local Government Code) . . . \$2;

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

27 (A) issuing document (Secs. 118.052 and 118.059,

1 Local Government Code):

2 (i) original document and one copy (Sec.
3 118.052, Local Government Code) . . . \$4; and

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

6 (B) certified papers (Secs. 118.052 and 118.060,
7 Local Government Code):

8 (i) for the clerk's certificate (Sec.
9 118.052, Local Government Code) . . . \$5; and

10 (ii) a fee per page or part of a page (Sec.
11 118.052, Local Government Code) . . . \$1;

12 (C) noncertified papers, for each page or part of
13 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
14 \$1;

15 (D) letters testamentary, letter of
16 guardianship, letter of administration, or abstract of judgment
17 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

18 (E) safekeeping of wills (Secs. 118.052 and
19 118.062, Local Government Code) . . . \$5;

20 (F) mail service of process (Secs. 118.052 and
21 118.063, Local Government Code) . . . same as sheriff; and

22 (G) records management and preservation fee
23 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
24 . . . \$5;

25 (5) additional filing fee for filing any civil action
26 or proceeding requiring a filing fee, including an appeal, and on
27 the filing of any counterclaim, cross-action, intervention,

1 interpleader, or third-party action requiring a filing fee, to fund
2 civil legal services for the indigent (Sec. 133.153, Local
3 Government Code) . . . \$10 [~~\$5~~];

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

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

10 (8) additional filing fee for filing documents not
11 subject to certain filing fees to fund the courthouse security
12 fund, if authorized by the county commissioners court (Sec.
13 291.008, Local Government Code) . . . \$1;

14 (9) additional filing fee to fund the courthouse
15 security fund in Webb County, if authorized by the county
16 commissioners court (Sec. 291.009, Local Government Code) . . . not
17 to exceed \$20; and

18 (10) court cost in civil cases other than suits for
19 delinquent taxes to fund the county law library fund, if authorized
20 by the county commissioners court (Sec. 323.023, Local Government
21 Code) . . . not to exceed \$35.

22 (b) Section 101.083, Government Code, is repealed.

23 SECTION 4. Section 101.1013, Government Code, is amended to
24 conform to the amendments made to Section 101.101, Government Code,
25 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
26 Session, 2007, and is further amended to read as follows:

27 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:

1 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
2 collect fees and costs under the Local Government Code as follows:

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

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

12 (3) probate court actions (Sec. 118.052, Local
13 Government Code):

14 (A) probate original action (Secs. 118.052 and
15 118.055, Local Government Code):

16 (i) probate of a will with independent
17 executor, administration with will attached, administration of an
18 estate, guardianship or receivership of an estate, or muniment of
19 title (Sec. 118.052, Local Government Code) . . . \$40;

20 (ii) community survivors (Sec. 118.052,
21 Local Government Code) . . . \$40;

22 (iii) small estates (Sec. 118.052, Local
23 Government Code) . . . \$40;

24 (iv) declarations of heirship (Sec.
25 118.052, Local Government Code) . . . \$40;

26 (v) mental health or chemical dependency
27 services (Sec. 118.052, Local Government Code) . . . \$40; and

1 (vi) additional, special fee (Secs. 118.052
2 and 118.064, Local Government Code) . . . \$5;

3 (B) services in pending probate action (Secs.
4 118.052 and 118.056, Local Government Code):

5 (i) filing an inventory and appraisalment
6 ~~(Secs. [after the 120th day after the date of the initial filing of~~
7 ~~the action (Sec.] 118.052 and 118.056(d), Local Government Code)~~
8 . . . \$25;

9 (ii) approving and recording bond (Sec.
10 118.052, Local Government Code) . . . \$3;

11 (iii) administering oath (Sec. 118.052,
12 Local Government Code) . . . \$2;

13 (iv) filing annual or final account of
14 estate (Sec. 118.052, Local Government Code). . . \$25;

15 (v) filing application for sale of real or
16 personal property (Sec. 118.052, Local Government Code) . . . \$25;

17 (vi) filing annual or final report of
18 guardian of a person (Sec. 118.052, Local Government Code) . . .
19 \$10; and

20 (vii) filing a document not listed under
21 this paragraph after the filing of an order approving the inventory
22 and appraisalment or after the 120th day after the date of the
23 initial filing of the action, whichever occurs first (Secs. 118.052
24 and 191.007, Local Government Code), if more than 25 pages . . .
25 \$25;

26 (C) adverse probate action (Secs. 118.052 and
27 118.057, Local Government Code) . . . \$40; and

1 (D) claim against estate (Secs. 118.052 and
2 118.058, Local Government Code) . . . \$2;

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

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

6 (i) original document and one copy (Sec.
7 118.052, Local Government Code) . . . \$4; and

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

10 (B) certified papers (Secs. 118.052 and 118.060,
11 Local Government Code):

12 (i) for the clerk's certificate (Sec.
13 118.052, Local Government Code) . . . \$5; and

14 (ii) a fee per page or part of a page (Sec.
15 118.052, Local Government Code) . . . \$1;

16 (C) noncertified papers, for each page or part of
17 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
18 \$1;

19 (D) letters testamentary, letter of
20 guardianship, letter of administration, or abstract of judgment
21 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

22 (E) safekeeping of wills (Secs. 118.052 and
23 118.062, Local Government Code) . . . \$5;

24 (F) mail service of process (Secs. 118.052 and
25 118.063, Local Government Code) . . . same as sheriff; and

26 (G) records management and preservation fee
27 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and

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

5 SECTION 5. (a) Section 101.1214, Government Code, is
6 amended to conform to the amendments made to Section 101.121,
7 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
8 Legislature, Regular Session, 2007, and to conform to the
9 amendments made to Section 101.123, Government Code, by Chapter
10 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
11 2007, and is further amended to read as follows:

12 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
13 GOVERNMENT CODE. The clerk of a county court shall collect the
14 following fees and costs under the Local Government Code:

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

18 (2) civil court actions (Sec. 118.052, Local
19 Government Code):

20 (A) filing of original action (Secs. 118.052 and
21 118.053, Local Government Code):

22 (i) garnishment after judgment (Sec.
23 118.052, Local Government Code) . . . \$15; and

24 (ii) all others (Sec. 118.052, Local
25 Government Code) . . . \$40;

26 (B) filing of action other than original (Secs.
27 118.052 and 118.054, Local Government Code) . . . \$30; and

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) . . . \$5; and

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

7 (3) probate court actions (Sec. 118.052, Local
8 Government Code):

9 (A) probate original action (Secs. 118.052 and
10 118.055, Local Government Code):

11 (i) probate of a will with independent
12 executor, administration with will attached, administration of an
13 estate, guardianship or receivership of an estate, or muniment of
14 title (Sec. 118.052, Local Government Code) . . . \$40;

15 (ii) community survivors (Sec. 118.052,
16 Local Government Code) . . . \$40;

17 (iii) small estates (Sec. 118.052, Local
18 Government Code) . . . \$40;

19 (iv) declarations of heirship (Sec.
20 118.052, Local Government Code) . . . \$40;

21 (v) mental health or chemical dependency
22 services (Sec. 118.052, Local Government Code) . . . \$40; and

23 (vi) additional, special fee (Secs. 118.052
24 and 118.064, Local Government Code) . . . \$5;

25 (B) services in pending probate action (Secs.
26 118.052 and 118.056, Local Government Code):

27 (i) filing an inventory and appraisalment

1 (Secs. [after the 120th day after the date of the initial filing of
2 the action (Sec.] 118.052 and 118.056(d), Local Government Code)
3 . . . \$25;

4 (ii) approving and recording bond (Sec.
5 118.052, Local Government Code) . . . \$3;

6 (iii) administering oath (Sec. 118.052,
7 Local Government Code) . . . \$2;

8 (iv) filing annual or final account of
9 estate (Sec. 118.052, Local Government Code) . . . \$25;

10 (v) filing application for sale of real or
11 personal property (Sec. 118.052, Local Government Code) . . . \$25;

12 (vi) filing annual or final report of
13 guardian of a person (Sec. 118.052, Local Government Code) . . .
14 \$10; and

15 (vii) filing a document not listed under
16 this paragraph after the filing of an order approving the inventory
17 and appraisement or after the 120th day after the date of the
18 initial filing of the action, whichever occurs first (Secs. 118.052
19 and 191.007, Local Government Code), if more than 25 pages . . .
20 \$25;

21 (C) adverse probate action (Secs. 118.052 and
22 118.057, Local Government Code) . . . \$40; and

23 (D) claim against estate (Secs. 118.052 and
24 118.058, Local Government Code) . . . \$2;

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

26 (A) issuing document (Secs. 118.052 and 118.059,
27 Local Government Code):

- 1 (i) original document and one copy (Sec.
2 118.052, Local Government Code) . . . \$4; and
- 3 (ii) each additional set of an original and
4 one copy (Sec. 118.052, Local Government Code) . . . \$4;
- 5 (B) certified papers (Secs. 118.052 and 118.060,
6 Local Government Code):
- 7 (i) for the clerk's certificate (Sec.
8 118.052, Local Government Code) . . . \$5; and
- 9 (ii) a fee per page or part of a page (Sec.
10 118.052, Local Government Code) . . . \$1;
- 11 (C) noncertified papers, for each page or part of
12 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
13 \$1;
- 14 (D) letters testamentary, letter of
15 guardianship, letter of administration, or abstract of judgment
16 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
- 17 (E) safekeeping of wills (Secs. 118.052 and
18 118.062, Local Government Code) . . . \$5;
- 19 (F) mail service of process (Secs. 118.052 and
20 118.063, Local Government Code) . . . same as sheriff; and
- 21 (G) records management and preservation fee
22 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
23 . . . \$5;
- 24 (5) deposit on filing petition requesting permission
25 to create a municipal civic center authority (Sec. 281.013, Local
26 Government Code) . . . \$200;
- 27 (6) additional filing fee to fund the courthouse

1 security fund, if authorized by the county commissioners court
2 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

3 (7) additional filing fee for filing documents not
4 subject to certain filing fees to fund the courthouse security
5 fund, if authorized by the county commissioners court (Sec.
6 291.008, Local Government Code) . . . \$1;

7 (8) additional filing fee to fund the courthouse
8 security fund in Webb County, if authorized by the county
9 commissioners court (Sec. 291.009, Local Government Code) . . . not
10 to exceed \$20;

11 (9) court cost in civil cases other than suits for
12 delinquent taxes to fund the county law library fund, if authorized
13 by the county commissioners court (Sec. 323.023, Local Government
14 Code) . . . not to exceed \$35;

15 (10) additional filing fee for filing any civil action
16 or proceeding requiring a filing fee, including an appeal, and on
17 the filing of any counterclaim, cross-action, intervention,
18 interpleader, or third-party action requiring a filing fee, to fund
19 civil legal services for the indigent (Sec. 133.153, Local
20 Government Code) . . . \$10 [~~\$5~~]; and

21 (11) on the filing of a civil suit an additional filing
22 fee to be used for court-related purposes for the support of the
23 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

24 (b) Section 101.123, Government Code, is repealed.

25 SECTION 6. Subsection (b), Section 101.141, Government
26 Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th
27 Legislature, Regular Session, 2007, is amended to conform to the

1 amendments made to Subsection (a), Section 101.141, Government
2 Code, by Chapter 1046 (H.B. 2094), Acts of the 80th Legislature,
3 Regular Session, 2007, and is further amended to read as follows:

4 (b) A clerk of a justice court shall collect fees and costs
5 under other laws as follows:

6 (1) the cost of a special program that a court may
7 order a child to attend after a finding that the child committed an
8 offense, if ordered by the court (Art. 45.057, Code of Criminal
9 Procedure) . . . costs of the program not to exceed \$100;

10 (2) additional filing fees:

11 (A) to fund Dallas County civil court facilities
12 (Sec. 51.705, Government Code) . . . not more than \$15; and

13 (B) for filing any civil action or proceeding
14 requiring a filing fee, including an appeal, and on the filing of
15 any counterclaim, cross-action, intervention, interpleader, or
16 third-party action requiring a filing fee, to fund civil legal
17 services for the indigent (Sec. 133.153, Local Government Code)
18 . . . \$6 [~~\$2~~];

19 (3) for filing a suit in Comal County (Sec. 152.0522,
20 Human Resources Code) . . . \$1.50; and

21 (4) fee for hearing on probable cause for removal of a
22 vehicle and placement in a storage facility if assessed by the court
23 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
24 \$20.

25 SECTION 7. The changes in law made by this Act apply only to
26 a fee that becomes payable on or after the effective date of this
27 Act. A fee that becomes payable before the effective date of this

1 Act is governed by the law in effect when the fee became payable,
2 and the former law is continued in effect for that purpose.

3 SECTION 8. This Act takes effect September 1, 2009.