

By: Wentworth

S.B. No. 1754

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to filing fees for civil actions or proceedings in a  
3 district, county, justice, or small claims court.

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

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

7 (a) In addition to other fees collected under Section  
8 133.151(a) or otherwise authorized or required by law, the clerk of  
9 a district court shall collect the following fees on the filing of  
10 any civil action or proceeding requiring a filing fee, including an  
11 appeal, and on the filing of any counterclaim, cross-action,  
12 intervention, interpleader, or third-party action requiring a  
13 filing fee:

14 (1) \$5 in family law cases and proceedings as defined  
15 by Section 25.0002, Government Code; and

16 (2) \$10 in any case other than a case described by  
17 Subdivision (1).

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

20 (a) In addition to other fees authorized or required by law,  
21 the clerk of a court other than a district court, the courts of  
22 appeals, or the supreme court shall collect the following fees on  
23 the filing of any civil action or proceeding requiring a filing fee,  
24 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 appraisal 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. Section 101.141(b), Government Code, as amended  
26 by Chapter 921 (H.B. 3167), Acts of the 80th Legislature, Regular  
27 Session, 2007, is amended to conform to the amendments made to

1 Section 101.141(a), Government Code, by Chapter 1046 (H.B. 2094),  
2 Acts of the 80th Legislature, Regular Session, 2007, and is further  
3 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

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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.