

1-1 By: Wentworth S.B. No. 1754
1-2 (In the Senate - Filed March 11, 2009; March 20, 2009, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 14, 2009, reported favorably by the following vote: Yeas 7,
1-5 Nays 0; April 14, 2009, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to filing fees for civil actions or proceedings in a
1-9 district, county, justice, or small claims court.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subsection (a), Section 133.152, Local
1-12 Government Code, is amended to read as follows:

1-13 (a) In addition to other fees collected under Section
1-14 133.151(a) or otherwise authorized or required by law, the clerk of
1-15 a district court shall collect the following fees on the filing of
1-16 any civil action or proceeding requiring a filing fee, including an
1-17 appeal, and on the filing of any counterclaim, cross-action,
1-18 intervention, interpleader, or third-party action requiring a
1-19 filing fee:

1-20 (1) \$5 in family law cases and proceedings as defined
1-21 by Section 25.0002, Government Code; and

1-22 (2) \$10 in any case other than a case described by
1-23 Subdivision (1).

1-24 SECTION 2. Subsection (a), Section 133.153, Local
1-25 Government Code, is amended to read as follows:

1-26 (a) In addition to other fees authorized or required by law,
1-27 the clerk of a court other than a district court, the courts of
1-28 appeals, or the supreme court shall collect the following fees on
1-29 the filing of any civil action or proceeding requiring a filing fee,
1-30 including an appeal, and on the filing of any counterclaim,
1-31 cross-action, intervention, interpleader, or third-party action
1-32 requiring a filing fee:

1-33 (1) \$10 [~~\$5~~] for statutory and constitutional county
1-34 courts; and

1-35 (2) \$6 [~~\$2~~] for justice of the peace courts.

1-36 SECTION 3. (a) Section 101.0814, Government Code, is
1-37 amended to conform to the amendments made to Section 101.081,
1-38 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
1-39 Legislature, Regular Session, 2007, and to conform to the
1-40 amendments made to Section 101.083, Government Code, by Chapter
1-41 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
1-42 2007, and is further amended to read as follows:

1-43 Sec. 101.0814. STATUTORY COUNTY COURT FEES AND COSTS: LOCAL
1-44 GOVERNMENT CODE. The clerk of a statutory county court shall
1-45 collect fees and costs under the Local Government Code as follows:

1-46 (1) additional filing fee to fund contingency fund for
1-47 liability insurance, if authorized by the county commissioners
1-48 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

1-49 (2) civil court actions (Sec. 118.052, Local
1-50 Government Code):

1-51 (A) filing of original action (Secs. 118.052 and
1-52 118.053, Local Government Code):

1-53 (i) garnishment after judgment (Sec.
1-54 118.052, Local Government Code) . . . \$15; and

1-55 (ii) all others (Sec. 118.052, Local
1-56 Government Code) . . . \$40;

1-57 (B) filing of action other than original (Secs.
1-58 118.052 and 118.054, Local Government Code) . . . \$30; and

1-59 (C) services rendered after judgment in original
1-60 action (Secs. 118.052 and 118.0545, Local Government Code):

1-61 (i) abstract of judgment (Sec. 118.052,
1-62 Local Government Code) . . . \$5; and

1-63 (ii) execution, order of sale, writ, or
1-64 other process (Sec. 118.052, Local Government Code) . . . \$5;

2-1 (3) probate court actions (Sec. 118.052, Local
2-2 Government Code):

2-3 (A) probate original action (Secs. 118.052 and
2-4 118.055, Local Government Code):

2-5 (i) probate of a will with independent
2-6 executor, administration with will attached, administration of an
2-7 estate, guardianship or receivership of an estate, or muniment of
2-8 title (Sec. 118.052, Local Government Code) . . . \$40;

2-9 (ii) community survivors (Sec. 118.052,
2-10 Local Government Code) . . . \$40;

2-11 (iii) small estates (Sec. 118.052, Local
2-12 Government Code) . . . \$40;

2-13 (iv) declarations of heirship (Sec.
2-14 118.052, Local Government Code) . . . \$40;

2-15 (v) mental health or chemical dependency
2-16 services (Sec. 118.052, Local Government Code) . . . \$40; and

2-17 (vi) additional, special fee (Secs. 118.052
2-18 and 118.064, Local Government Code) . . . \$5;

2-19 (B) services in pending probate action (Secs.
2-20 118.052 and 118.056, Local Government Code):

2-21 (i) filing an inventory and appraisalment
2-22 (Secs. ~~after the 120th day after the date of the initial filing of~~
2-23 ~~the action (Sec.]~~ 118.052 and 118.056(d), Local Government Code)
2-24 . . . \$25;

2-25 (ii) approving and recording bond (Sec.
2-26 118.052, Local Government Code) . . . \$3;

2-27 (iii) administering oath (Sec. 118.052,
2-28 Local Government Code) . . . \$2;

2-29 (iv) filing annual or final account of
2-30 estate (Sec. 118.052, Local Government Code) . . . \$25;

2-31 (v) filing application for sale of real or
2-32 personal property (Sec. 118.052, Local Government Code) . . . \$25;

2-33 (vi) filing annual or final report of
2-34 guardian of a person (Sec. 118.052, Local Government Code) . . .
2-35 \$10; and

2-36 (vii) filing a document not listed under
2-37 this paragraph after the filing of an order approving the inventory
2-38 and appraisalment or after the 120th day after the date of the
2-39 initial filing of the action, whichever occurs first (Secs. 118.052
2-40 and 191.007, Local Government Code), if more than 25 pages . . .
2-41 \$25;

2-42 (C) adverse probate action (Secs. 118.052 and
2-43 118.057, Local Government Code) . . . \$40; and

2-44 (D) claim against estate (Secs. 118.052 and
2-45 118.058, Local Government Code) . . . \$2;

2-46 (4) other fees (Sec. 118.052, Local Government Code):

2-47 (A) issuing document (Secs. 118.052 and 118.059,
2-48 Local Government Code):

2-49 (i) original document and one copy (Sec.
2-50 118.052, Local Government Code) . . . \$4; and

2-51 (ii) each additional set of an original and
2-52 one copy (Sec. 118.052, Local Government Code) . . . \$4;

2-53 (B) certified papers (Secs. 118.052 and 118.060,
2-54 Local Government Code):

2-55 (i) for the clerk's certificate (Sec.
2-56 118.052, Local Government Code) . . . \$5; and

2-57 (ii) a fee per page or part of a page (Sec.
2-58 118.052, Local Government Code) . . . \$1;

2-59 (C) noncertified papers, for each page or part of
2-60 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
2-61 \$1;

2-62 (D) letters testamentary, letter of
2-63 guardianship, letter of administration, or abstract of judgment
2-64 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;

2-65 (E) safekeeping of wills (Secs. 118.052 and
2-66 118.062, Local Government Code) . . . \$5;

2-67 (F) mail service of process (Secs. 118.052 and
2-68 118.063, Local Government Code) . . . same as sheriff; and

2-69 (G) records management and preservation fee

3-1 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
3-2 . . . \$5;

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

3-9 (6) on the filing of a civil suit, an additional filing
3-10 fee to be used for court-related purposes for the support of the
3-11 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~];

3-12 (7) additional filing fee to fund the courthouse
3-13 security fund, if authorized by the county commissioners court
3-14 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

3-15 (8) additional filing fee for filing documents not
3-16 subject to certain filing fees to fund the courthouse security
3-17 fund, if authorized by the county commissioners court (Sec.
3-18 291.008, Local Government Code) . . . \$1;

3-19 (9) additional filing fee to fund the courthouse
3-20 security fund in Webb County, if authorized by the county
3-21 commissioners court (Sec. 291.009, Local Government Code) . . . not
3-22 to exceed \$20; and

3-23 (10) court cost in civil cases other than suits for
3-24 delinquent taxes to fund the county law library fund, if authorized
3-25 by the county commissioners court (Sec. 323.023, Local Government
3-26 Code) . . . not to exceed \$35.

3-27 (b) Section 101.083, Government Code, is repealed.

3-28 SECTION 4. Section 101.1013, Government Code, is amended to
3-29 conform to the amendments made to Section 101.101, Government Code,
3-30 by Chapter 399 (S.B. 819), Acts of the 80th Legislature, Regular
3-31 Session, 2007, and is further amended to read as follows:

3-32 Sec. 101.1013. STATUTORY PROBATE COURT FEES AND COSTS:
3-33 LOCAL GOVERNMENT CODE. The clerk of a statutory probate court shall
3-34 collect fees and costs under the Local Government Code as follows:

3-35 (1) additional filing fee for filing any civil action
3-36 or proceeding requiring a filing fee, including an appeal, and on
3-37 the filing of any counterclaim, cross-action, intervention,
3-38 interpleader, or third-party action requiring a filing fee to fund
3-39 civil legal services for the indigent (Sec. 133.153, Local
3-40 Government Code) . . . \$10 [~~\$5~~];

3-41 (2) additional filing fee to fund contingency fund for
3-42 liability insurance, if authorized by the county commissioners
3-43 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;

3-44 (3) probate court actions (Sec. 118.052, Local
3-45 Government Code):

3-46 (A) probate original action (Secs. 118.052 and
3-47 118.055, Local Government Code):

3-48 (i) probate of a will with independent
3-49 executor, administration with will attached, administration of an
3-50 estate, guardianship or receivership of an estate, or muniment of
3-51 title (Sec. 118.052, Local Government Code) . . . \$40;

3-52 (ii) community survivors (Sec. 118.052,
3-53 Local Government Code) . . . \$40;

3-54 (iii) small estates (Sec. 118.052, Local
3-55 Government Code) . . . \$40;

3-56 (iv) declarations of heirship (Sec.
3-57 118.052, Local Government Code) . . . \$40;

3-58 (v) mental health or chemical dependency
3-59 services (Sec. 118.052, Local Government Code) . . . \$40; and

3-60 (vi) additional, special fee (Secs. 118.052
3-61 and 118.064, Local Government Code) . . . \$5;

3-62 (B) services in pending probate action (Secs.
3-63 118.052 and 118.056, Local Government Code):

3-64 (i) filing an inventory and appraisement
3-65 (Secs. [after the 120th day after the date of the initial filing of
3-66 the action (Sec.) 118.052 and 118.056(d), Local Government Code)
3-67 . . . \$25;

3-68 (ii) approving and recording bond (Sec.
3-69 118.052, Local Government Code) . . . \$3;

4-1 (iii) administering oath (Sec. 118.052,
4-2 Local Government Code) . . . \$2;
4-3 (iv) filing annual or final account of
4-4 estate (Sec. 118.052, Local Government Code) . . . \$25;
4-5 (v) filing application for sale of real or
4-6 personal property (Sec. 118.052, Local Government Code) . . . \$25;
4-7 (vi) filing annual or final report of
4-8 guardian of a person (Sec. 118.052, Local Government Code) . . .
4-9 \$10; and
4-10 (vii) filing a document not listed under
4-11 this paragraph after the filing of an order approving the inventory
4-12 and appraisal or after the 120th day after the date of the
4-13 initial filing of the action, whichever occurs first (Secs. 118.052
4-14 and 191.007, Local Government Code), if more than 25 pages . . .
4-15 \$25;
4-16 (C) adverse probate action (Secs. 118.052 and
4-17 118.057, Local Government Code) . . . \$40; and
4-18 (D) claim against estate (Secs. 118.052 and
4-19 118.058, Local Government Code) . . . \$2;
4-20 (4) other fees (Sec. 118.052, Local Government Code):
4-21 (A) issuing document (Secs. 118.052 and 118.059,
4-22 Local Government Code):
4-23 (i) original document and one copy (Sec.
4-24 118.052, Local Government Code) . . . \$4; and
4-25 (ii) each additional set of an original and
4-26 one copy (Sec. 118.052, Local Government Code) . . . \$4;
4-27 (B) certified papers (Secs. 118.052 and 118.060,
4-28 Local Government Code):
4-29 (i) for the clerk's certificate (Sec.
4-30 118.052, Local Government Code) . . . \$5; and
4-31 (ii) a fee per page or part of a page (Sec.
4-32 118.052, Local Government Code) . . . \$1;
4-33 (C) noncertified papers, for each page or part of
4-34 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
4-35 \$1;
4-36 (D) letters testamentary, letter of
4-37 guardianship, letter of administration, or abstract of judgment
4-38 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
4-39 (E) safekeeping of wills (Secs. 118.052 and
4-40 118.062, Local Government Code) . . . \$5;
4-41 (F) mail service of process (Secs. 118.052 and
4-42 118.063, Local Government Code) . . . same as sheriff; and
4-43 (G) records management and preservation fee
4-44 (Secs. 118.052 and 118.0645, Local Government Code) . . . \$5; and
4-45 (5) court cost in civil cases other than suits for
4-46 delinquent taxes to fund the county law library fund, if authorized
4-47 by the county commissioners court (Sec. 323.023, Local Government
4-48 Code) . . . not to exceed \$35.
4-49 SECTION 5. (a) Section 101.1214, Government Code, is
4-50 amended to conform to the amendments made to Section 101.121,
4-51 Government Code, by Chapter 399 (S.B. 819), Acts of the 80th
4-52 Legislature, Regular Session, 2007, and to conform to the
4-53 amendments made to Section 101.123, Government Code, by Chapter
4-54 1301 (S.B. 600), Acts of the 80th Legislature, Regular Session,
4-55 2007, and is further amended to read as follows:
4-56 Sec. 101.1214. COUNTY COURT FEES AND COSTS: LOCAL
4-57 GOVERNMENT CODE. The clerk of a county court shall collect the
4-58 following fees and costs under the Local Government Code:
4-59 (1) additional filing fee to fund contingency fund for
4-60 liability insurance, if authorized by the county commissioners
4-61 court (Sec. 82.003, Local Government Code) . . . not to exceed \$5;
4-62 (2) civil court actions (Sec. 118.052, Local
4-63 Government Code):
4-64 (A) filing of original action (Secs. 118.052 and
4-65 118.053, Local Government Code):
4-66 (i) garnishment after judgment (Sec.
4-67 118.052, Local Government Code) . . . \$15; and
4-68 (ii) all others (Sec. 118.052, Local
4-69 Government Code) . . . \$40;

5-1 (B) filing of action other than original (Secs.
5-2 118.052 and 118.054, Local Government Code) . . . \$30; and
5-3 (C) services rendered after judgment in original
5-4 action (Secs. 118.052 and 118.0545, Local Government Code):
5-5 (i) abstract of judgment (Sec. 118.052,
5-6 Local Government Code) . . . \$5; and
5-7 (ii) execution, order of sale, writ, or
5-8 other process (Sec. 118.052, Local Government Code) . . . \$5;
5-9 (3) probate court actions (Sec. 118.052, Local
5-10 Government Code):
5-11 (A) probate original action (Secs. 118.052 and
5-12 118.055, Local Government Code):
5-13 (i) probate of a will with independent
5-14 executor, administration with will attached, administration of an
5-15 estate, guardianship or receivership of an estate, or muniment of
5-16 title (Sec. 118.052, Local Government Code) . . . \$40;
5-17 (ii) community survivors (Sec. 118.052,
5-18 Local Government Code) . . . \$40;
5-19 (iii) small estates (Sec. 118.052, Local
5-20 Government Code) . . . \$40;
5-21 (iv) declarations of heirship (Sec.
5-22 118.052, Local Government Code) . . . \$40;
5-23 (v) mental health or chemical dependency
5-24 services (Sec. 118.052, Local Government Code) . . . \$40; and
5-25 (vi) additional, special fee (Secs. 118.052
5-26 and 118.064, Local Government Code) . . . \$5;
5-27 (B) services in pending probate action (Secs.
5-28 118.052 and 118.056, Local Government Code):
5-29 (i) filing an inventory and appraisement
5-30 (Secs. ~~after the 120th day after the date of the initial filing of~~
5-31 ~~the action (Sec.]~~ 118.052 and 118.056(d), Local Government Code)
5-32 . . . \$25;
5-33 (ii) approving and recording bond (Sec.
5-34 118.052, Local Government Code) . . . \$3;
5-35 (iii) administering oath (Sec. 118.052,
5-36 Local Government Code) . . . \$2;
5-37 (iv) filing annual or final account of
5-38 estate (Sec. 118.052, Local Government Code) . . . \$25;
5-39 (v) filing application for sale of real or
5-40 personal property (Sec. 118.052, Local Government Code) . . . \$25;
5-41 (vi) filing annual or final report of
5-42 guardian of a person (Sec. 118.052, Local Government Code) . . .
5-43 \$10; and
5-44 (vii) filing a document not listed under
5-45 this paragraph after the filing of an order approving the inventory
5-46 and appraisement or after the 120th day after the date of the
5-47 initial filing of the action, whichever occurs first (Secs. 118.052
5-48 and 191.007, Local Government Code), if more than 25 pages . . .
5-49 \$25;
5-50 (C) adverse probate action (Secs. 118.052 and
5-51 118.057, Local Government Code) . . . \$40; and
5-52 (D) claim against estate (Secs. 118.052 and
5-53 118.058, Local Government Code) . . . \$2;
5-54 (4) other fees (Sec. 118.052, Local Government Code):
5-55 (A) issuing document (Secs. 118.052 and 118.059,
5-56 Local Government Code):
5-57 (i) original document and one copy (Sec.
5-58 118.052, Local Government Code) . . . \$4; and
5-59 (ii) each additional set of an original and
5-60 one copy (Sec. 118.052, Local Government Code) . . . \$4;
5-61 (B) certified papers (Secs. 118.052 and 118.060,
5-62 Local Government Code):
5-63 (i) for the clerk's certificate (Sec.
5-64 118.052, Local Government Code) . . . \$5; and
5-65 (ii) a fee per page or part of a page (Sec.
5-66 118.052, Local Government Code) . . . \$1;
5-67 (C) noncertified papers, for each page or part of
5-68 a page (Secs. 118.052 and 118.0605, Local Government Code) . . .
5-69 \$1;

6-1 (D) letters testamentary, letter of
6-2 guardianship, letter of administration, or abstract of judgment
6-3 (Secs. 118.052 and 118.061, Local Government Code) . . . \$2;
6-4 (E) safekeeping of wills (Secs. 118.052 and
6-5 118.062, Local Government Code) . . . \$5;
6-6 (F) mail service of process (Secs. 118.052 and
6-7 118.063, Local Government Code) . . . same as sheriff; and
6-8 (G) records management and preservation fee
6-9 (Secs. 118.052, 118.0546, and 118.0645, Local Government Code)
6-10 . . . \$5;

6-11 (5) deposit on filing petition requesting permission
6-12 to create a municipal civic center authority (Sec. 281.013, Local
6-13 Government Code) . . . \$200;

6-14 (6) additional filing fee to fund the courthouse
6-15 security fund, if authorized by the county commissioners court
6-16 (Sec. 291.008, Local Government Code) . . . not to exceed \$5;

6-17 (7) additional filing fee for filing documents not
6-18 subject to certain filing fees to fund the courthouse security
6-19 fund, if authorized by the county commissioners court (Sec.
6-20 291.008, Local Government Code) . . . \$1;

6-21 (8) additional filing fee to fund the courthouse
6-22 security fund in Webb County, if authorized by the county
6-23 commissioners court (Sec. 291.009, Local Government Code) . . . not
6-24 to exceed \$20;

6-25 (9) court cost in civil cases other than suits for
6-26 delinquent taxes to fund the county law library fund, if authorized
6-27 by the county commissioners court (Sec. 323.023, Local Government
6-28 Code) . . . not to exceed \$35;

6-29 (10) additional filing fee for filing any civil action
6-30 or proceeding requiring a filing fee, including an appeal, and on
6-31 the filing of any counterclaim, cross-action, intervention,
6-32 interpleader, or third-party action requiring a filing fee, to fund
6-33 civil legal services for the indigent (Sec. 133.153, Local
6-34 Government Code) . . . \$10 [~~\$5~~]; and

6-35 (11) on the filing of a civil suit an additional filing
6-36 fee to be used for court-related purposes for the support of the
6-37 judiciary (Sec. 133.154, Local Government Code) . . . \$42 [~~\$37~~].

6-38 (b) Section 101.123, Government Code, is repealed.

6-39 SECTION 6. Subsection (b), Section 101.141, Government
6-40 Code, as amended by Chapter 921 (H.B. 3167), Acts of the 80th
6-41 Legislature, Regular Session, 2007, is amended to conform to the
6-42 amendments made to Subsection (a), Section 101.141, Government
6-43 Code, by Chapter 1046 (H.B. 2094), Acts of the 80th Legislature,
6-44 Regular Session, 2007, and is further amended to read as follows:

6-45 (b) A clerk of a justice court shall collect fees and costs
6-46 under other laws as follows:

6-47 (1) the cost of a special program that a court may
6-48 order a child to attend after a finding that the child committed an
6-49 offense, if ordered by the court (Art. 45.057, Code of Criminal
6-50 Procedure) . . . costs of the program not to exceed \$100;

6-51 (2) additional filing fees:

6-52 (A) to fund Dallas County civil court facilities
6-53 (Sec. 51.705, Government Code) . . . not more than \$15; and

6-54 (B) for filing any civil action or proceeding
6-55 requiring a filing fee, including an appeal, and on the filing of
6-56 any counterclaim, cross-action, intervention, interpleader, or
6-57 third-party action requiring a filing fee, to fund civil legal
6-58 services for the indigent (Sec. 133.153, Local Government Code)
6-59 . . . \$6 [~~\$2~~];

6-60 (3) for filing a suit in Comal County (Sec. 152.0522,
6-61 Human Resources Code) . . . \$1.50; and

6-62 (4) fee for hearing on probable cause for removal of a
6-63 vehicle and placement in a storage facility if assessed by the court
6-64 (Sec. 2308.457, Occupations [~~685.008, Transportation~~] Code) . . .
6-65 \$20.

6-66 SECTION 7. The changes in law made by this Act apply only to
6-67 a fee that becomes payable on or after the effective date of this
6-68 Act. A fee that becomes payable before the effective date of this
6-69 Act is governed by the law in effect when the fee became payable,

7-1 and the former law is continued in effect for that purpose.

7-2 SECTION 8. This Act takes effect September 1, 2009.

7-3

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