

By: Woolley

H.B. No. 627

A BILL TO BE ENTITLED

AN ACT

relating to a fee collected by a district clerk for certain certified copies.

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

SECTION 1. Section 51.318(b), Government Code, is amended to read as follows:

(b) The fees are:

(1) for issuing a subpoena, including one copy . . . \$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 \$8

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

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

(5) for abstracting a judgment \$8

(6) for approving a bond \$4

(7) for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a

1 page not to exceed \$1

2 (8) for a noncertified copy, for each page or part of a

3 page not to exceed \$1.

4 SECTION 2. Section 101.0611, Government Code, is amended to
5 read as follows:

6 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
7 CODE. The clerk of a district court shall collect fees and costs
8 under the Government Code as follows:

9 (1) appellate judicial system filing fees for:

10 (A) First or Fourteenth Court of Appeals District
11 (Sec. 22.2021, Government Code) . . . not more than \$5;

12 (B) Second Court of Appeals District (Sec.
13 22.2031, Government Code) . . . not more than \$5;

14 (C) Third Court of Appeals District (Sec.
15 22.2041, Government Code) . . . \$5;

16 (D) Fourth Court of Appeals District (Sec.
17 22.2051, Government Code) . . . not more than \$5;

18 (E) Fifth Court of Appeals District (Sec.
19 22.2061, Government Code) . . . not more than \$5;

20 (F) Ninth Court of Appeals District (Sec.
21 22.2101, Government Code) . . . \$5;

22 (G) Eleventh Court of Appeals District (Sec.
23 22.2121, Government Code) . . . \$5; and

24 (H) Thirteenth Court of Appeals District (Sec.
25 22.2141, Government Code) . . . not more than \$5;

26 (2) when administering a case for the Rockwall County
27 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and

1 court costs as if the case had been filed in district court;

2 (3) additional filing fees:

3 (A) for each suit filed for insurance contingency
4 fund, if authorized by the county commissioners court (Sec. 51.302,
5 Government Code) . . . not to exceed \$5;

6 (B) to fund the improvement of Dallas County
7 civil court facilities, if authorized by the county commissioners
8 court (Sec. 51.705, Government Code) . . . not more than \$15; and

9 (C) to fund the improvement of Hays County court
10 facilities, if authorized by the county commissioners court (Sec.
11 51.707, Government Code) . . . not more than \$15;

12 (4) for filing a suit, including an appeal from an
13 inferior court:

14 (A) for a suit with 10 or fewer plaintiffs (Sec.
15 51.317, Government Code) . . . \$50;

16 (B) for a suit with at least 11 but not more than
17 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;

18 (C) for a suit with at least 26 but not more than
19 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;

20 (D) for a suit with at least 101 but not more than
21 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;

22 (E) for a suit with at least 501 but not more than
23 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or

24 (F) for a suit with more than 1,000 plaintiffs
25 (Sec. 51.317, Government Code) . . . \$200;

26 (5) for filing a cross-action, counterclaim,
27 intervention, contempt action, motion for new trial, or third-party

1 petition (Sec. 51.317, Government Code) . . . \$15;

2 (6) for issuing a citation or other writ or process not
3 otherwise provided for, including one copy, when requested at the
4 time a suit or action is filed (Sec. 51.317, Government Code) . . .
5 \$8;

6 (7) for records management and preservation (Sec.
7 51.317, Government Code) . . . \$10;

8 (8) for issuing a subpoena, including one copy (Sec.
9 51.318, Government Code) . . . \$8;

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

16 (10) for searching files or records to locate a cause
17 when the docket number is not provided (Sec. 51.318, Government
18 Code) . . . \$5;

19 (11) for searching files or records to ascertain the
20 existence of an instrument or record in the district clerk's office
21 (Sec. 51.318, Government Code) . . . \$5;

22 (12) for abstracting a judgment (Sec. 51.318,
23 Government Code) . . . \$8;

24 (13) for approving a bond (Sec. 51.318, Government
25 Code) . . . \$4;

26 (14) for a certified copy of a record, judgment,
27 order, pleading, or paper on file or of record in the district

1 clerk's office, including certificate and seal, for each page or
2 part of a page (Sec. 51.318, Government Code) . . . not to exceed
3 \$1;

4 (15) for a noncertified copy, for each page or part of
5 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

6 (16) fee for performing a service:

7 (A) related to the matter of the estate of a
8 deceased person (Sec. 51.319, Government Code) . . . the same fee
9 allowed the county clerk for those services;

10 (B) related to the matter of a minor (Sec.
11 51.319, Government Code) . . . the same fee allowed the county
12 clerk for the service;

13 (C) of serving process by certified or registered
14 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
15 constable is authorized to charge for the service under Section
16 118.131, Local Government Code; and

17 (D) prescribed or authorized by law but for which
18 no fee is set (Sec. 51.319, Government Code) . . . a reasonable fee;

19 (17) jury fee (Sec. 51.604, Government Code) . . .
20 \$30;

21 (18) additional filing fee for family protection on
22 filing a suit for dissolution of a marriage under Chapter 6, Family
23 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;

24 (19) at a hearing held by an associate judge in Dallas
25 County, a court cost to preserve the record, in the absence of a
26 court reporter, by other means (Sec. 54.509, Government Code) . . .
27 as assessed by the referring court or associate judge; and

1 (20) at a hearing held by an associate judge in Duval
2 County, a court cost to preserve the record (Sec. 54.1151,
3 Government Code) . . . as imposed by the referring court or
4 associate judge.

5 SECTION 3. Section 51.318(b), Government Code, as amended
6 by this Act, applies only to a request for a certified copy of a
7 record, judgment, order, pleading, or paper on file or of record in
8 the district clerk's office, including certificate and seal, made
9 on or after the effective date of this Act. A request made before
10 the effective date of this Act is covered by the law in effect when
11 the request was made, and the former law is continued in effect for
12 that purpose.

13 SECTION 4. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2011.