

By: Gallegos
(Woolley)

S.B. No. 680

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. Subsection (b), Section 51.318, 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. (a) Section 101.0611, Government Code, is
5 amended to 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
13 (Sec. 22.2031, Government Code) . . . not more than \$5;

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

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

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

20 (E-1) Sixth Court of Appeals District (Sec.
21 22.2071, Government Code) . . . \$5;

22 (E-2) Seventh Court of Appeals District (Sec.
23 22.2081, Government Code) . . . \$5;

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

26 (G) Eleventh Court of Appeals District
27 (Sec. 22.2121, Government Code) . . . \$5;

1 (G-1) Twelfth Court of Appeals District (Sec.
2 22.2131, Government Code) . . . \$5; and

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

5 (2) when administering a case for the Rockwall County
6 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
7 court costs as if the case had been filed in district court;

8 (3) additional filing fees:

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

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

15 (B-1) to fund the improvement of Bexar County
16 court facilities, if authorized by the county commissioners court
17 (Sec. 51.706, Government Code) . . . not more than \$15; ~~and~~

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

21 (D) to fund the preservation of court records
22 (Sec. 51.708, Government Code) . . . not more than \$10;

23 (4) for filing a suit, including an appeal from an
24 inferior court:

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

27 (B) for a suit with at least 11 but not more than

- 1 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
- 2 (C) for a suit with at least 26 but not more than
3 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
- 4 (D) for a suit with at least 101 but not more than
5 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
- 6 (E) for a suit with at least 501 but not more than
7 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
- 8 (F) for a suit with more than 1,000 plaintiffs
9 (Sec. 51.317, Government Code) . . . \$200;
- 10 (5) for filing a cross-action, counterclaim,
11 intervention, contempt action, motion for new trial, or third-party
12 petition (Sec. 51.317, Government Code) . . . \$15;
- 13 (6) for issuing a citation or other writ or process not
14 otherwise provided for, including one copy, when requested at the
15 time a suit or action is filed (Sec. 51.317, Government Code) . . .
16 \$8;
- 17 (7) for records management and preservation
18 (Sec. 51.317, Government Code) . . . \$10;
- 19 (7-a) for district court records archiving, if adopted
20 by the county commissioners court (Sec. 51.317(b)(5), Government
21 Code) . . . not more than \$5;
- 22 (8) for issuing a subpoena, including one copy
23 (Sec. 51.318, Government Code) . . . \$8;
- 24 (9) for issuing a citation, commission for deposition,
25 writ of execution, order of sale, writ of execution and order of
26 sale, writ of injunction, writ of garnishment, writ of attachment,
27 or writ of sequestration not provided for in Section 51.317, or any

1 other writ or process not otherwise provided for, including one
2 copy if required by law (Sec. 51.318, Government Code) . . . \$8;

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

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

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

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

13 (14) for a certified copy of a record, judgment,
14 order, pleading, or paper on file or of record in the district
15 clerk's office, including certificate and seal, for each page or
16 part of a page (Sec. 51.318, Government Code) . . . not to exceed
17 \$1;

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

20 (16) fee for performing a service:

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

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

27 (C) of serving process by certified or registered

1 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
2 constable is authorized to charge for the service under Section
3 118.131, Local Government Code; and

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

7 (17) jury fee (Sec. 51.604, Government Code) . . .
8 \$30;

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

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

16 (20) at a hearing held by an associate judge in Duval
17 County, a court cost to preserve the record (Sec. 54.1151,
18 Government Code) . . . as imposed by the referring court or
19 associate judge.

20 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
21 101.06116, and 101.06117, Government Code, are repealed.

22 SECTION 3. Subsection (b), Section 51.318, Government Code,
23 as amended by this Act, applies only to a request for a certified
24 copy of a record, judgment, order, pleading, or paper on file or of
25 record in the district clerk's office, including certificate and
26 seal, made on or after the effective date of this Act. A request
27 made before the effective date of this Act is covered by the law in

1 effect when the request was made, and the former law is continued in
2 effect for that purpose.

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