

1-1 By: Gallegos S.B. No. 680
1-2 (In the Senate - Filed February 14, 2011; February 23, 2011,
1-3 read first time and referred to Committee on Jurisprudence;
1-4 March 24, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 6, Nays 0; March 24, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 680 By: Gallegos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a fee collected by a district clerk for certain
1-11 certified copies.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subsection (b), Section 51.318, Government Code,
1-14 is amended to read as follows:

1-15 (b) The fees are:

1-16 (1) for issuing a subpoena, including one copy . . . \$8

1-17 (2) for issuing a citation, commission for deposition,
1-18 writ of execution, order of sale, writ of execution and order of
1-19 sale, writ of injunction, writ of garnishment, writ of attachment,
1-20 or writ of sequestration not provided for in Section 51.317, or any
1-21 other writ or process not otherwise provided for, including one
1-22 copy if required by law \$8

1-23 (3) for searching files or records to locate a cause
1-24 when the docket number is not provided \$5

1-25 (4) for searching files or records to ascertain the
1-26 existence of an instrument or record in the district clerk's
1-27 office \$5

1-28 (5) for abstracting a judgment \$8

1-29 (6) for approving a bond \$4

1-30 (7) for a certified copy of a record, judgment, order,
1-31 pleading, or paper on file or of record in the district clerk's
1-32 office, including certificate and seal, for each page or part of a
1-33 page not to exceed \$1

1-34 (8) for a noncertified copy, for each page or part of a
1-35 page not to exceed \$1.

1-36 SECTION 2. (a) Section 101.0611, Government Code, is
1-37 amended to read as follows:

1-38 Sec. 101.0611. DISTRICT COURT FEES AND COSTS: GOVERNMENT
1-39 CODE. The clerk of a district court shall collect fees and costs
1-40 under the Government Code as follows:

1-41 (1) appellate judicial system filing fees for:

1-42 (A) First or Fourteenth Court of Appeals District
1-43 (Sec. 22.2021, Government Code) . . . not more than \$5;

1-44 (B) Second Court of Appeals District
1-45 (Sec. 22.2031, Government Code) . . . not more than \$5;

1-46 (C) Third Court of Appeals District
1-47 (Sec. 22.2041, Government Code) . . . \$5;

1-48 (D) Fourth Court of Appeals District
1-49 (Sec. 22.2051, Government Code) . . . not more than \$5;

1-50 (E) Fifth Court of Appeals District
1-51 (Sec. 22.2061, Government Code) . . . not more than \$5;

1-52 (E-1) Sixth Court of Appeals District (Sec.
1-53 22.2071, Government Code) . . . \$5;

1-54 (E-2) Seventh Court of Appeals District (Sec.
1-55 22.2081, Government Code) . . . \$5;

1-56 (F) Ninth Court of Appeals District
1-57 (Sec. 22.2101, Government Code) . . . \$5;

1-58 (G) Eleventh Court of Appeals District
1-59 (Sec. 22.2121, Government Code) . . . \$5;

1-60 (G-1) Twelfth Court of Appeals District (Sec.
1-61 22.2131, Government Code) . . . \$5; and

1-62 (H) Thirteenth Court of Appeals District
1-63 (Sec. 22.2141, Government Code) . . . not more than \$5;

- 2-1 (2) when administering a case for the Rockwall County
 2-2 Court at Law (Sec. 25.2012, Government Code) . . . civil fees and
 2-3 court costs as if the case had been filed in district court;
 2-4 (3) additional filing fees:
 2-5 (A) for each suit filed for insurance contingency
 2-6 fund, if authorized by the county commissioners court (Sec. 51.302,
 2-7 Government Code) . . . not to exceed \$5;
 2-8 (B) to fund the improvement of Dallas County
 2-9 civil court facilities, if authorized by the county commissioners
 2-10 court (Sec. 51.705, Government Code) . . . not more than \$15;
 2-11 (B-1) to fund the improvement of Bexar County
 2-12 court facilities, if authorized by the county commissioners court
 2-13 (Sec. 51.706, Government Code) . . . not more than \$15; [and]
 2-14 (C) to fund the improvement of Hays County court
 2-15 facilities, if authorized by the county commissioners court
 2-16 (Sec. 51.707, Government Code) . . . not more than \$15; and
 2-17 (D) to fund the preservation of court records
 2-18 (Sec. 51.708, Government Code) . . . not more than \$10;
 2-19 (4) for filing a suit, including an appeal from an
 2-20 inferior court:
 2-21 (A) for a suit with 10 or fewer plaintiffs
 2-22 (Sec. 51.317, Government Code) . . . \$50;
 2-23 (B) for a suit with at least 11 but not more than
 2-24 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;
 2-25 (C) for a suit with at least 26 but not more than
 2-26 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;
 2-27 (D) for a suit with at least 101 but not more than
 2-28 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;
 2-29 (E) for a suit with at least 501 but not more than
 2-30 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or
 2-31 (F) for a suit with more than 1,000 plaintiffs
 2-32 (Sec. 51.317, Government Code) . . . \$200;
 2-33 (5) for filing a cross-action, counterclaim,
 2-34 intervention, contempt action, motion for new trial, or third-party
 2-35 petition (Sec. 51.317, Government Code) . . . \$15;
 2-36 (6) for issuing a citation or other writ or process not
 2-37 otherwise provided for, including one copy, when requested at the
 2-38 time a suit or action is filed (Sec. 51.317, Government Code) . . .
 2-39 \$8;
 2-40 (7) for records management and preservation
 2-41 (Sec. 51.317, Government Code) . . . \$10;
 2-42 (7-a) for district court records archiving, if adopted
 2-43 by the county commissioners court (Sec. 51.317(b)(5), Government
 2-44 Code) . . . not more than \$5;
 2-45 (8) for issuing a subpoena, including one copy
 2-46 (Sec. 51.318, Government Code) . . . \$8;
 2-47 (9) for issuing a citation, commission for deposition,
 2-48 writ of execution, order of sale, writ of execution and order of
 2-49 sale, writ of injunction, writ of garnishment, writ of attachment,
 2-50 or writ of sequestration not provided for in Section 51.317, or any
 2-51 other writ or process not otherwise provided for, including one
 2-52 copy if required by law (Sec. 51.318, Government Code) . . . \$8;
 2-53 (10) for searching files or records to locate a cause
 2-54 when the docket number is not provided (Sec. 51.318, Government
 2-55 Code) . . . \$5;
 2-56 (11) for searching files or records to ascertain the
 2-57 existence of an instrument or record in the district clerk's office
 2-58 (Sec. 51.318, Government Code) . . . \$5;
 2-59 (12) for abstracting a judgment (Sec. 51.318,
 2-60 Government Code) . . . \$8;
 2-61 (13) for approving a bond (Sec. 51.318, Government
 2-62 Code) . . . \$4;
 2-63 (14) for a certified copy of a record, judgment,
 2-64 order, pleading, or paper on file or of record in the district
 2-65 clerk's office, including certificate and seal, for each page or
 2-66 part of a page (Sec. 51.318, Government Code) . . . not to exceed
 2-67 \$1;
 2-68 (15) for a noncertified copy, for each page or part of
 2-69 a page (Sec. 51.318, Government Code) . . . not to exceed \$1;

3-1 (16) fee for performing a service:
3-2 (A) related to the matter of the estate of a
3-3 deceased person (Sec. 51.319, Government Code) . . . the same fee
3-4 allowed the county clerk for those services;
3-5 (B) related to the matter of a minor
3-6 (Sec. 51.319, Government Code) . . . the same fee allowed the
3-7 county clerk for the service;
3-8 (C) of serving process by certified or registered
3-9 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or
3-10 constable is authorized to charge for the service under Section
3-11 118.131, Local Government Code; and
3-12 (D) prescribed or authorized by law but for which
3-13 no fee is set (Sec. 51.319, Government Code) . . . a reasonable
3-14 fee;
3-15 (17) jury fee (Sec. 51.604, Government Code) . . .
3-16 \$30;
3-17 (18) additional filing fee for family protection on
3-18 filing a suit for dissolution of a marriage under Chapter 6, Family
3-19 Code (Sec. 51.961, Government Code) . . . not to exceed \$15;
3-20 (19) at a hearing held by an associate judge in Dallas
3-21 County, a court cost to preserve the record, in the absence of a
3-22 court reporter, by other means (Sec. 54.509, Government Code) . . .
3-23 as assessed by the referring court or associate judge; and
3-24 (20) at a hearing held by an associate judge in Duval
3-25 County, a court cost to preserve the record (Sec. 54.1151,
3-26 Government Code) . . . as imposed by the referring court or
3-27 associate judge.
3-28 (b) Sections 101.06111, 101.06113, 101.06114, 101.06115,
3-29 101.06116, and 101.06117, Government Code, are repealed.
3-30 SECTION 3. Subsection (b), Section 51.318, Government Code,
3-31 as amended by this Act, applies only to a request for a certified
3-32 copy of a record, judgment, order, pleading, or paper on file or of
3-33 record in the district clerk's office, including certificate and
3-34 seal, made on or after the effective date of this Act. A request
3-35 made before the effective date of this Act is covered by the law in
3-36 effect when the request was made, and the former law is continued in
3-37 effect for that purpose.
3-38 SECTION 4. This Act takes effect immediately if it receives
3-39 a vote of two-thirds of all the members elected to each house, as
3-40 provided by Section 39, Article III, Texas Constitution. If this
3-41 Act does not receive the vote necessary for immediate effect, this
3-42 Act takes effect September 1, 2011.

3-43

* * * * *