

By: Lewis

H.B. No. 1513

A BILL TO BE ENTITLED

1 AN ACT

2 relating to increases in the records archive fees and the records  
3 management and preservation fees charged by district and county  
4 clerks.

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

6 SECTION 1. Section 51.305(b), Government Code, is amended  
7 to read as follows:

8 (b) The commissioners court of a county may adopt a district  
9 court records archive fee of not more than \$10 [~~\$5~~] for the filing  
10 of a suit, including an appeal from an inferior court, or a  
11 cross-action, counterclaim, intervention, contempt action, motion  
12 for new trial, or third-party petition, in a district court in the  
13 county as part of the county's annual budget. The fee must be set  
14 and itemized in the county's budget as part of the budget  
15 preparation process and must be approved in a public meeting. The  
16 fee is for preservation and restoration services performed in  
17 connection with maintaining a district court records archive.

18 SECTION 2. Section 51.317(b), Government Code, is amended  
19 to read as follows:

20 (b) The fees are:

21 (1) except as provided by Subsection (b-1), for filing  
22 a suit, including an appeal from an inferior court, \$50;

23 (2) for filing a cross-action, counterclaim,  
24 intervention, contempt action, motion for new trial, or third-party

1 petition, \$15;

2 (3) 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, \$8;

5 (4) for records management and preservation, \$10; and

6 (5) in addition to the other fees imposed under this  
7 section, for filing a suit, including an appeal from an inferior  
8 court, or a cross-action, counterclaim, intervention, contempt  
9 action, motion for new trial, or third-party petition, the amount  
10 adopted by the county commissioners court, not to exceed \$10 [~~\$5~~],  
11 for court records archiving.

12 SECTION 3. Section 101.0611, Government Code, is amended to  
13 read as follows:

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

17 (1) appellate judicial system filing fees for:

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

20 (B) Second Court of Appeals District (Sec.  
21 22.2031, Government Code) . . . not more than \$5;

22 (C) Third Court of Appeals District (Sec.  
23 22.2041, Government Code) . . . \$5;

24 (D) Fourth Court of Appeals District (Sec.  
25 22.2051, Government Code) . . . not more than \$5;

26 (E) Fifth Court of Appeals District (Sec.  
27 22.2061, Government Code) . . . not more than \$5;

1 (E-1) Sixth Court of Appeals District (Sec.  
2 22.2071, Government Code) . . . \$5;

3 (E-2) Seventh Court of Appeals District (Sec.  
4 22.2081, Government Code) . . . \$5;

5 (F) Ninth Court of Appeals District (Sec.  
6 22.2101, Government Code) . . . \$5;

7 (G) Eleventh Court of Appeals District (Sec.  
8 22.2121, Government Code) . . . \$5;

9 (G-1) Twelfth Court of Appeals District (Sec.  
10 22.2131, Government Code) . . . \$5; and

11 (H) Thirteenth Court of Appeals District (Sec.  
12 22.2141, Government Code) . . . not more than \$5;

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

16 (3) additional filing fees:

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

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

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

26 (C) to fund the improvement of Hays County court  
27 facilities, if authorized by the county commissioners court (Sec.

1 51.707, Government Code) . . . not more than \$15; and  
2 (D) to fund the preservation of court records  
3 (Sec. 51.708, Government Code) . . . not more than \$10;  
4 (4) for filing a suit, including an appeal from an  
5 inferior court:  
6 (A) for a suit with 10 or fewer plaintiffs (Sec.  
7 51.317, Government Code) . . . \$50;  
8 (B) for a suit with at least 11 but not more than  
9 25 plaintiffs (Sec. 51.317, Government Code) . . . \$75;  
10 (C) for a suit with at least 26 but not more than  
11 100 plaintiffs (Sec. 51.317, Government Code) . . . \$100;  
12 (D) for a suit with at least 101 but not more than  
13 500 plaintiffs (Sec. 51.317, Government Code) . . . \$125;  
14 (E) for a suit with at least 501 but not more than  
15 1,000 plaintiffs (Sec. 51.317, Government Code) . . . \$150; or  
16 (F) for a suit with more than 1,000 plaintiffs  
17 (Sec. 51.317, Government Code) . . . \$200;  
18 (5) for filing a cross-action, counterclaim,  
19 intervention, contempt action, motion for new trial, or third-party  
20 petition (Sec. 51.317, Government Code) . . . \$15;  
21 (6) for issuing a citation or other writ or process not  
22 otherwise provided for, including one copy, when requested at the  
23 time a suit or action is filed (Sec. 51.317, Government Code) . . .  
24 \$8;  
25 (7) for records management and preservation (Sec.  
26 51.317, Government Code) . . . \$10;  
27 (7-a) for district court records archiving, if adopted

1 by the county commissioners court (Sec. 51.317(b)(5), Government  
2 Code) . . . not more than \$10 [~~\$5~~];

3 (8) for issuing a subpoena, including one copy (Sec.  
4 51.318, Government Code) . . . \$8;

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

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

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

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

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

21 (14) for a certified copy of a record, judgment,  
22 order, pleading, or paper on file or of record in the district  
23 clerk's office, including certificate and seal, for each page or  
24 part of a page (Sec. 51.318, Government Code) . . . not to exceed  
25 \$1;

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

1           (16) fee for performing a service:

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

5           (B) related to the matter of a minor (Sec.  
6 51.319, Government Code) . . . the same fee allowed the county  
7 clerk for the service;

8           (C) of serving process by certified or registered  
9 mail (Sec. 51.319, Government Code) . . . the same fee a sheriff or  
10 constable is authorized to charge for the service under Section  
11 118.131, Local Government Code; and

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

14           (17) jury fee (Sec. 51.604, Government Code) . . .  
15 \$30;

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

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

23           (20) at a hearing held by an associate judge in Duval  
24 County, a court cost to preserve the record (Sec. 54.1151,  
25 Government Code) . . . as imposed by the referring court or  
26 associate judge.

27           SECTION 4. Sections 118.011(b) and (f), Local Government

1 Code, are amended to read as follows:

2 (b) The county clerk may set and collect the following fee  
3 from any person:

4 (1) Returned Check (Sec. 118.0215) . . . . . not less  
5 than \$15 or more than \$30

6 (2) Records Management and Preservation Fee (Sec.  
7 118.0216) . . . . . not more than \$10 [~~\$5~~]

8 (3) Mental Health Background Check for License to  
9 Carry a Concealed Weapon (Sec. 118.0217) . . . . . not more than \$2

10 (f) The county clerk of a county shall, if the commissioners  
11 court of the county adopts the fee as part of the county's annual  
12 budget, collect the following fee from any person:

13 Records Archive Fee (Sec. 118.025) . . . . . not more  
14 than \$10 [~~\$5~~]

15 SECTION 5. The changes in law made by this Act apply only to  
16 a fee that becomes payable on or after the effective date of this  
17 Act. A fee that becomes payable before the effective date of this  
18 Act is governed by the law in effect when the fee became payable,  
19 and the former law is continued in effect for that purpose.

20 SECTION 6. To the extent of any conflict, this Act prevails  
21 over another Act of the 83rd Legislature, Regular Session, 2013,  
22 relating to nonsubstantive additions to and corrections in enacted  
23 codes.

24 SECTION 7. This Act takes effect September 1, 2013.