

By: Lewis

H.B. No. 1513

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

(b) The fees are:

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

(2) for filing a cross-action, counterclaim, 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;

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

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

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

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

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

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

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

(3) additional filing fees:

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

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

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

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

51.707, Government Code) . . . not more than \$15; and

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

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

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

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

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

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

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

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

(5) for filing a cross-action, counterclaim,
intervention, contempt action, motion for new trial, or third-party
petition (Sec. 51.317, Government Code) . . . \$15;

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

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

(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;

(16) fee for performing a service:

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

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

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

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

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

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

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

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

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

Code, are amended to read as follows:

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

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

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

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

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

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

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

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

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