

By: Murr

H.B. No. 1380

A BILL TO BE ENTITLED

AN ACT

relating to the jurisdiction of certain courts and fees collected by a justice court; increasing a fee.

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

SECTION 1. Section 26.042(a), Government Code, is amended to read as follows:

(a) A county court has concurrent jurisdiction with the justice courts in civil cases in which the matter in controversy exceeds \$200 in value but does not exceed \$20,000 [~~\$10,000~~], exclusive of interest.

SECTION 2. Section 27.031(a), Government Code, is amended to read as follows:

(a) In addition to the jurisdiction and powers provided by the constitution and other law, the justice court has original jurisdiction of:

(1) civil matters in which exclusive jurisdiction is not in the district or county court and in which the amount in controversy is not more than \$20,000 [~~\$10,000~~], exclusive of interest;

(2) cases of forcible entry and detainer;

(3) foreclosure of mortgages and enforcement of liens on personal property in cases in which the amount in controversy is otherwise within the justice court's jurisdiction; and

(4) cases arising under Chapter 707, Transportation

1 Code, outside a municipality's territorial limits.

2 SECTION 3. Section 118.121, Local Government Code, is
3 amended to read as follows:

4 Sec. 118.121. FEE SCHEDULE. A justice of the peace shall
5 collect the following fees for services rendered to any person:

6 (1) Services rendered before judgment (Sec. 118.122)
7 [÷

8 [~~(A) Justice court~~] \$50.00 [~~\$25.00~~

9 [~~(B) Small claims court~~ \$25.00]

10 (2) Services rendered after judgment (Sec. 118.123):

11 (A) Transcript \$10.00

12 (B) Abstract of judgment \$5.00

13 (C) Execution, order of sale, writ of

14 restitution, or other writ or process \$5.00 per page

15 Certified copy of court papers . . \$2.00 for

16 first page

17 \$0.25 for each additional page

18 Issuing other document

19 (no return required) \$1.00 for

20 first page

21 \$0.25 for each additional page

22 SECTION 4. Section 118.122(a), Local Government Code, is
23 amended to read as follows:

24 (a) The fee for "Services rendered before judgment" under
25 Section 118.121(1) is for all required filings of documents,
26 including the filing of a counterclaim, and all other processes and
27 procedures in a civil matter in a justice court [~~or small claims~~

1 court].

2 SECTION 5. Section 118.123(a), Local Government Code, is
3 amended to read as follows:

4 (a) The fee for "Services rendered after judgment" under
5 Section 118.121(2) applies to a civil matter in a justice court [~~or~~
6 ~~small claims court~~].

7 SECTION 6. Section 118.1235, Local Government Code, is
8 amended to read as follows:

9 Sec. 118.1235. FEE FOR CERTIFIED COPY. The fee for
10 "Certified copy of court papers" under Section 118.121(2) is for
11 issuing a certified copy of a paper filed in a justice court [~~or a~~
12 ~~small claims court~~]. The fee must be paid at the time the order is
13 placed.

14 SECTION 7. The heading to Subchapter H, Chapter 101,
15 Government Code, is amended to read as follows:

16 SUBCHAPTER H. JUSTICE COURTS [~~AND SMALL CLAIMS COURTS~~]

17 SECTION 8. The heading to Section 101.141, Government Code,
18 is amended to read as follows:

19 Sec. 101.141. JUSTICE COURT [~~AND SMALL CLAIMS COURT~~] FEES
20 AND COSTS COLLECTED BY CLERK.

21 SECTION 9. The heading to Section 101.151, Government Code,
22 is amended to read as follows:

23 Sec. 101.151. JUSTICE COURT [~~AND SMALL CLAIMS COURT~~] FEES
24 COLLECTED BY JUSTICE OF THE PEACE.

25 SECTION 10. Section 101.151(a), Government Code, is amended
26 to read as follows:

27 (a) A justice of the peace shall collect the following fees

1 under the Local Government Code:

2 (1) services rendered before judgment (Secs. 118.121
3 and 118.122, Local Government Code) [~~+~~

4 [~~(A) justice court (Sec. 118.121, Local
5 Government Code)~~] . . . \$50 [~~\$25; and~~

6 [~~(B) small claims court (Sec. 118.121, Local
7 Government Code)~~] . . . \$25]; and

8 (2) services rendered after judgment (Secs. 118.121
9 and 118.123, Local Government Code):

10 (A) transcript (Sec. 118.121, Local Government
11 Code) . . . \$10;

12 (B) abstract of judgment (Sec. 118.121, Local
13 Government Code) . . . \$5;

14 (C) execution, order of sale, writ of
15 restitution, or other writ or process (Sec. 118.121, Local
16 Government Code) . . . \$5 per page;

17 (D) certified copy of court papers (Secs. 118.121
18 and 118.1235, Local Government Code) . . . \$2 for first page; \$0.25
19 for each additional page; and

20 (E) issuing other document (no return required)
21 (Sec. 118.121, Local Government Code) . . . \$1 for first page;
22 \$0.25 for each additional page.

23 SECTION 11. Sections 26.042(a) and 27.031(a), Government
24 Code, as amended by this Act, apply only to a cause of action filed
25 on or after the effective date of this Act. A cause of action filed
26 before the effective date of this Act is governed by the law in
27 effect immediately before the effective date of this Act, and that

1 law is continued in effect for that purpose.

2 SECTION 12. This Act takes effect September 1, 2019.