

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1912*
Committee Substitute Favorable 6/22/89
Committee Substitute #2 Favorable 8/11/89

Short Title: Court Fees/Tech. Corr.

(Public)

Sponsors:

Referred to:

May 10, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE TECHNICAL CORRECTIONS IN MISCELLANEOUS COURT FEES.

The General Assembly of North Carolina enacts:

Section 1. If Senate Bill 1177, 1989 Session is enacted, then Section 3 of that act is repealed.

Sec. 2. G.S. 7A-308(a)(16) is repealed.

Sec. 3. G.S. 7A-308(a)(19) is repealed.

Sec. 4. G.S. 7A-308(b) reads as rewritten:

"(b) The fees and commissions set forth in this section are not chargeable when the service is performed as a part of the regular disposition of any action or special proceeding or the administration of an estate. When a transaction involves more than one of the services set forth in this section, only the greater service fee shall be charged. The Director of the Administrative Office of the courts shall issue guidelines pursuant to G.S. 7A-343(3) to be followed in administering this subsection."

Sec. 5. Article 28 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-308.1. Fees on Deposits and Investments.

On all funds received by the clerk by virtue or color of his office and deposited pursuant to G.S. 7A-112.1 or invested pursuant to G.S. 7A-112, one or both of the fees provided for in this section shall be assessed and collected as follows:

- 1 (1) On all funds deposited by the clerk in an interest bearing checking
2 account pursuant to G.S. 7A-112.1, a fee of four percent (4%) of each
3 principal amount so deposited shall be assessed and collected, subject
4 to the following conditions:
- 5 a. The fee shall be collected from interest earnings only and shall
6 not exceed the amount of the interest earnings on any principal
7 amount so deposited, or seven hundred fifty dollars (\$750.00),
8 whichever is less;
- 9 b. All fees collected pursuant to this subsection shall be paid to the
10 county as court facilities fees and used as prescribed in G.S.
11 7A-304(a)(2);
- 12 c. All interest earnings in excess of the prescribed fee shall be
13 remitted to the beneficial owner or owners of any principal
14 amount when that amount is withdrawn and distributed by the
15 clerk; and
- 16 d. If any principal amount is withdrawn from the checking account
17 and invested pursuant to G.S. 7A-112, any interest in excess of
18 the prescribed clerk's fee which is invested with the principal
19 amount shall be included in the fund upon which the fee
20 provided for in subdivision (2) is computed.
- 21 (2) On all funds to be invested by the clerk pursuant to G.S. 7A-112, a fee
22 equal to five percent (5%) of each fund shall be assessed and collected,
23 subject to the following conditions:
- 24 a. The fee shall be charged and deducted from each fund before
25 the fund is invested, and only the balance shall be invested;
- 26 b. Over the life of an account, the fees charged on the initial funds
27 and all funds subsequently placed with the clerk for that
28 account shall not exceed the investment earnings on the account
29 or one thousand dollars (\$1,000), whichever is less;
- 30 c. All fees collected pursuant to this subsection shall be remitted
31 to the State Treasurer for the support of the General Court of
32 Justice; and
- 33 d. Any fees charged in excess of the cumulative investment
34 earnings on an account shall be refunded and all investment
35 earnings in excess of the prescribed fee shall be remitted to the
36 beneficial owner or owners when all funds in that account are
37 finally withdrawn and distributed by the clerk."

38 Sec. 6. This act is effective upon ratification, and shall apply to all funds on
39 deposit or invested as of its effective date and to all funds received on or after that date.