

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1139*
Finance Committee Substitute Adopted 5/12/93

Short Title: Increase Court Fees.

(Public)

Sponsors:

Referred to:

May 11, 1993

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE FEES IN THE GENERAL COURT OF JUSTICE, TO
3 ESTABLISH THE PERCENTAGE RATES FOR THE PUBLIC UTILITY
4 REGULATORY FEE AND THE INSURANCE REGULATORY CHARGE, AND
5 TO PROVIDE FOR HEARINGS FOR PERSONS WHO FAIL TO APPEAR IN
6 CRIMINAL COURT.

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 7A-304(a)(4) reads as rewritten:

9 "(4) For support of the General Court of Justice, the sum of ~~forty-one dollars~~
10 ~~(\$41.00)~~ forty-six dollars (\$46.00) in the district court, including cases
11 before a magistrate, and the sum of ~~forty-eight dollars (\$48.00)~~ fifty-
12 three dollars (\$53.00) in the superior court, to be remitted to the State
13 Treasurer."

14 Sec. 2. G.S. 7A-305(a)(2) reads as rewritten:

15 "(2) For support of the General Court of Justice, the sum of ~~fifty-five dollars~~
16 ~~(\$55.00)~~ sixty dollars (\$60.00) in the superior court, and the sum of
17 ~~forty dollars (\$40.00)~~ forty-five dollars (\$45.00) in the district court
18 except that if the case is assigned to a magistrate the sum shall be
19 twenty-eight dollars (\$28.00). Sums collected under this subsection
20 shall be remitted to the State Treasurer."

21 Sec. 3. G.S. 7A-306 reads as rewritten:

22 "**§ 7A-306. Costs in special proceedings.**

1 (a) In every special proceeding in the superior court, the following costs shall
2 be assessed:

3 (1) For the use of the courtroom and related judicial facilities, the sum of
4 four dollars (\$4.00) to be remitted to the county. Funds derived from
5 the facilities fees shall be used in the same manner, for the same
6 purposes, and subject to the same restrictions, as facilities fees
7 assessed in criminal actions.

8 (2) For support of the General Court of Justice the sum of ~~twenty-six~~
9 ~~dollars (\$26.00)~~ thirty-one dollars (\$31.00). In addition, in proceedings
10 involving land, except boundary disputes, if the fair market value of
11 the land involved is over one hundred dollars (\$100.00), there shall be
12 an additional sum of thirty cents (30¢) per one hundred dollars
13 (\$100.00) of value, or major fraction thereof, not to exceed a
14 maximum additional sum of two hundred dollars (\$200.00). Fair
15 market value is determined by the sale price if there is a sale, the
16 appraiser's valuation if there is no sale, or the appraised value from the
17 property tax records if there is neither a sale nor an appraiser's
18 valuation. Sums collected under this subsection shall be remitted to the
19 State Treasurer.

20 (b) The facilities fee and ~~twenty-six dollars (\$26.00)~~ thirty-one dollars (\$31.00) of
21 the General Court of Justice fee are payable at the time the proceeding is initiated.

22 (c) The following additional expenses, when incurred, are assessable or
23 recoverable, as the case may be:

24 (1) Witness fees, as provided by law.

25 (2) Counsel fees, as provided by law.

26 (3) Costs on appeal, of the original transcript of testimony, if any, insofar
27 as essential to the appeal.

28 (4) Fees for personal service of civil process, and other sheriff's fees, and
29 for service by publication, as provided by law.

30 (5) Fees of guardians **ad litem**, referees, receivers, commissioners,
31 surveyors, arbitrators, appraisers, and other similar court appointees, as
32 provided by law. The fees of such appointees shall include reasonable
33 reimbursement for stenographic assistance, when necessary.

34 (d) Costs assessed before the clerk shall be added to costs assessable on appeal to
35 the judge or upon transfer to the civil issue docket.

36 (e) Nothing in this section shall affect the liability of the respective parties for
37 costs, as provided by law.

38 (f) This section does not apply to a foreclosure under power of sale in a deed of
39 trust or mortgage."

40 Sec. 4. G.S. 7A-307 reads as rewritten:

41 "**§ 7A-307. Costs in administration of estates.**

42 (a) In the administration of the estates of decedents, minors, incompetents, of
43 missing persons, and of trusts under wills and under powers of attorney, and in
44 collections of personal property by affidavit, the following costs shall be assessed:

- 1 (1) For the use of the courtroom and related judicial facilities, the sum of
2 four dollars (\$4.00), to be remitted to the county. Funds derived from
3 the facilities fees shall be used in the same manner, for the same
4 purposes, and subject to the same restrictions, as facilities fees
5 assessed in criminal actions.
- 6 (2) For support of the General Court of Justice, the sum of ~~twenty-six~~
7 ~~dollars (\$26.00)~~, thirty-one dollars (\$31.00), plus an additional forty
8 cents (40¢) per one hundred dollars (\$100.00), or major fraction
9 thereof, of the gross estate, not to exceed three thousand dollars
10 (\$3,000). Gross estate shall include the fair market value of all
11 personalty when received, and all proceeds from the sale of realty
12 coming into the hands of the fiduciary, but shall not include the value
13 of realty. In collections of personal property by affidavit, the fee based
14 on the gross estate shall be computed from the information in the final
15 affidavit of collection made pursuant to G.S. 28A-25-3 and shall be
16 paid when that affidavit is filed. In all other cases, this fee shall be
17 computed from the information reported in the inventory and shall be
18 paid when the inventory is filed with the clerk. If additional gross
19 estate, including income, comes into the hands of the fiduciary after
20 the filing of the inventory, the fee for such additional value shall be
21 assessed and paid upon the filing of any account or report disclosing
22 such additional value. For each filing the minimum fee shall be ten
23 dollars (\$10.00). Sums collected under this subsection shall be
24 remitted to the State Treasurer.
- 25 (2a) Notwithstanding subdivision (2) of this subsection, the fee of forty
26 cents (40¢) per one hundred dollars (\$100.00), or major fraction, of the
27 gross estate, not to exceed three thousand dollars (\$3,000), shall not be
28 assessed on personalty received by a trust under a will when the estate
29 of the decedent was administered under Chapters 28 or 28A of the
30 General Statutes. Instead, a fee of fifteen dollars (\$15.00) shall be
31 assessed on the filing of each annual and final account.
- 32 (2b) Notwithstanding subdivisions (1) and (2) of this subsection, no costs
33 shall be assessed when the estate is administered or settled pursuant to
34 G.S. 28A-25-6.
- 35 (3) For probate of a will without qualification of a personal representative,
36 the clerk shall assess a facilities fee as provided in subdivision (1) of
37 this subsection and shall assess for support of the General Court of
38 Justice, the sum of ~~seventeen dollars (\$17.00)~~. twenty-two dollars
39 (\$22.00).
- 40 (b) In collections of personal property by affidavit, the facilities fee and ~~twenty-~~
41 ~~six dollars (\$26.00)~~ thirty-one dollars (\$31.00) of the General Court of Justice fee shall be
42 paid at the time of filing the qualifying affidavit pursuant to G.S. 28A-25-1. In all other
43 cases, these fees shall be paid at the time of filing of the first inventory. If the sole asset

1 of the estate is a cause of action, the thirty dollars (\$30.00) shall be paid at the time of
2 the qualification of the fiduciary.

3 (b1) The clerk shall assess the following miscellaneous fees:

4 (1) Filing and indexing a will with no probate

5 – first page \$ 1.00

6 – each additional page or fraction thereof .25

7 (2) Issuing letters to fiduciaries, per letter over five

8 letters issued 1.00

9 (3) Inventory of safe deposits of a decedent, per box, per day 15.00

10 (4) Taking a deposition 5.00

11 (5) Docketing and indexing a will probated in another
12 county in the State

13 – first page 1.00

14 – each additional page or fraction thereof .25

15 (c) The following additional expenses, when incurred, are also assessable or
16 recoverable, as the case may be:

17 (1) Witness fees, as provided by law.

18 (2) Counsel fees, as provided by law.

19 (3) Costs on appeal, of the original transcript of testimony, if any, insofar
20 as essential to the appeal.

21 (4) Fees for personal service of civil process, and other sheriff's fees, as
22 provided by law.

23 (5) Fees of guardians **ad litem**, referees, receivers, commissioners,
24 surveyors, arbitrators, appraisers, and other similar court appointees, as
25 provided by law.

26 (d) Costs assessed before the clerk shall be added to costs assessable on appeal to
27 the judge or upon transfer to the civil issue docket.

28 (e) Nothing in this section shall affect the liability of the respective parties for
29 costs, as provided by law."

30 Sec. 5. The percentage rate to be used in calculating the public utility
31 regulatory fee under G.S. 62-302(b)(2) is eight and one-half hundredths percent
32 (0.085%) of each public utility's North Carolina jurisdictional revenues earned during
33 each quarter that begins on or after July 1, 1993.

34 Sec. 6. G.S. 20-24.1 is amended by adding a new subsection to read:

35 "(b1) A defendant must be afforded an opportunity for a trial or hearing within a
36 reasonable time of the defendant's appearance. Upon motion of a defendant, the court
37 must order that a hearing or trial must be heard within a reasonable time."

38 Sec. 7. The percentage rate to be used in calculating the insurance regulatory
39 charge under G.S. 58-6-25 is seven and seventy-five hundredths percent (7.75%) for the
40 1993 taxable year.

41 Sec. 8. Sections 1 through 6 of this act become effective July 1, 1993.
42 Section 7 of this act is effective for taxable years beginning on or after January 1, 1993.
43 Sections 1 through 4 of this act shall apply to all fees assessed or paid on or after July 1,

- 1 1993. Section 6 of this act applies to appearances made under that section on or after
- 2 July 1, 1993.