

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 1602

Short Title: Med. Malpractice Actions/Higher Filing Fees. (Public)

Sponsors: Senators Pittenger; Allran, Apodaca, Berger of Rockingham, Bingham, Blake, Brock, Brown, East, Forrester, Garwood, Goodall, Hunt, Jacumin, Miller, Presnell, Smith, Stevens, Tillman, and Weinstein.

Referred to: Rules and Operations of the Senate.

May 18, 2006

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE HIGHER FEES FOR FILING MEDICAL
MALPRACTICE ACTIONS IN SUPERIOR COURT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-305(a) reads as rewritten:

"(a) In every civil action in the superior or district court, except for actions brought under Chapter 50B of the General Statutes, the following costs shall be assessed:

- (1) For the use of the courtroom and related judicial facilities, the sum of twelve dollars (\$12.00) in cases heard before a magistrate, and the sum of sixteen dollars (\$16.00) in district and superior court, to be remitted to the county in which the judgment is rendered, except that in all cases in which the judgment is rendered in facilities provided by a municipality, the facilities fee shall be paid to the municipality. Funds derived from the facilities fees shall be used in the same manner, for the same purposes, and subject to the same restrictions, as facilities fees assessed in criminal actions.
- (2) For support of the General Court of Justice, the sum of seventy-nine dollars (\$79.00) in the superior court, except that if a case is assigned to a special superior court judge as a complex business case under G.S. 7A-45.3, an additional two hundred dollars (\$200.00) shall be paid upon its assignment, and the sum of sixty-four dollars (\$64.00) in the district court except that if the case is assigned to a magistrate the sum shall be fifty-three dollars (\$53.00). Sums collected under this subdivision shall be remitted to the State Treasurer. The State Treasurer shall remit the sum of one dollar and five cents (\$1.05) of each fee collected under this subdivision to the North Carolina State

1 Bar for the provision of services described in G.S. 7A-474.4, and
2 ninety-five cents (\$.95) of each fee collected under this subdivision to
3 the North Carolina State Bar for the provision of services described in
4 G.S. 7A-474.19.

5 (3) For support of the General Court of Justice, the sum of two hundred
6 dollars (\$200.00) for each named defendant in a medical malpractice
7 action, as defined in G.S. 90-21.11, in the superior court. Such funds
8 shall be retained by the General Court of Justice, shall be allocated by
9 the Director of the Administrative Office of the Courts, and are in
10 addition to funds that are otherwise appropriated. The fees under
11 subdivision (2) of this subsection do not apply to medical malpractice
12 actions subject to this subdivision."

13 **SECTION 2.** This act becomes effective October 1, 2006, and applies to
14 medical malpractice actions as defined in G.S. 90-21.11 that are filed on or after that
15 date.