

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH80188-LL-88 (3/18)

Short Title: Increase Service of Process Fee. (Public)

Sponsors: Representatives Goodwin and Miner (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES
AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF
PROCESS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 7A-311 reads as rewritten:

"§ 7A-311. Uniform civil process fees.

(a) In a civil action or special proceeding, except for actions brought under Chapter 50B of the General Statutes, the following fees and commissions shall be assessed, collected, and remitted to the county:

(1) a. For each item of civil process served, including summons, subpoenas, notices, motions, orders, writs and pleadings, the sum of ~~five dollars (\$5.00)~~ fifteen dollars (\$15.00). When two or more items of civil process are served simultaneously on one party, only one ~~five dollar (\$5.00)~~ fifteen-dollar (\$15.00) fee shall be charged.

b. When an item of civil process is served on two or more persons or organizations, a separate service charge shall be made for each person or organization. If the process is served, or attempted to be served, by a city policeman, the fee shall be remitted to the city rather than the county. If the process is served, or attempted to be served by the sheriff, the fee shall be remitted to the county. This subsection shall not apply to service of summons to jurors.

c. At least fifty percent (50%) of the fees collected pursuant to this subdivision shall be used by the county to ensure the timely service of process within the county, which may include the

1 hiring of additional law enforcement personnel upon the
2 recommendation of the sheriff.

3 (2) For the seizure of personal property and its care after seizure, all
4 necessary expenses, in addition to any fees for service of process.

5 (3) For all sales by the sheriff of property, either real or personal, or for
6 funds collected by the sheriff under any judgment, five percent (5%)
7 on the first five hundred dollars (\$500.00), and two and one-half
8 percent (2 1/2%) on all sums over five hundred dollars (\$500.00), plus
9 necessary expenses of sale. Whenever an execution is issued to the
10 sheriff, and subsequently while the execution is in force and
11 outstanding, and after the sheriff has served or attempted to serve such
12 execution, the judgment, or any part thereof, is paid directly or
13 indirectly to the judgment creditor, the fee herein is payable to the
14 sheriff on the amount so paid. The judgment creditor shall be
15 responsible for collecting and paying all execution fees on amounts
16 paid directly to the judgment creditor.

17 (4) For execution of a judgment of ejection, all necessary expenses, in
18 addition to any fees for service of process.

19 (5) For necessary transportation of individuals to or from State institutions
20 or another state, the same mileage and subsistence allowances as are
21 provided for State employees.

22 (b) All fees that are required to be assessed, collected, and remitted under
23 subsection (a) of this section shall be collected in advance (except in suits in forma
24 pauperis) except those contingent on expenses or sales prices. When the fee is not
25 collected in advance or at the time of assessment, a lien shall exist in favor of the county
26 on all property of the party owing the fee. If the fee remains unpaid it shall be entered as
27 a judgment against the debtor and shall be docketed in the judgment docket in the office
28 of the clerk of superior court.

29 (c) The process fees and commissions set forth in this section are complete and
30 exclusive and in lieu of any and all other process fees and commissions in civil actions
31 and special proceedings."

32 **SECTION 2.** This act becomes effective July 1, 2003, and applies to fees
33 assessed or collected on or after that date.