

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: House Bill 918 (First Edition)

SHORT TITLE: Increase Service of Process Fee.

SPONSOR(S): Representatives Goodwin and Miner

FISCAL IMPACT					
	Yes (x)	No ()	No Estimate Available ()		
	<u>FY 2004-05</u>	<u>FY 2005-06</u>	<u>FY 2006-07</u>	<u>FY 2007-08</u>	<u>FY 2008-09</u>
REVENUES:	Unable to determine exact amount				
EXPENDITURES:					
POSITIONS:					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED:	Local governments.				
EFFECTIVE DATE:	September 1, 2003				

BILL SUMMARY:

July 16, 2003

House committee substitute makes the following changes to 1st edition. Deletes provision in GS 7A-311(a)(1)b. allocating civil service process fee to city, rather than county, when city police officer serves process on two or more persons or organizations; provides that such process fees shall be remitted to county.

Source: Bill Digest H.B. 918 (04/08/2003)

ASSUMPTIONS AND METHODOLOGY: This \$5 fee is currently collected at the local level with unrestricted use. In some counties, the clerk of court collects this fee and disburses it to the local government, but in most cases it is paid directly to the Sheriff's office. Therefore, there is no central repository of information to indicate how much a fee increase would generate.

As this fee applies to civil filings, however, an upper-end estimate for revenue can be projected by using the total numbers of civil filings in District and Superior Court each year. In fiscal year 2002-03, there were 26,010 civil filings in Superior Court, 110,589 filings in District Court (187,511 total less 76,922 domestic violence filings exempted in the bill), and 279,955 magistrate

filings. If every one of these filings resulted in a fee of \$15, \$10 more than the current fee, the increased revenue to local governments would be \$4,165,740. According to the NC Sheriff's Association, many counties use certified mail for the majority of civil service of process. Again, as there is no central data collection point on how sheriff's and clerks handle this from county to county, we cannot tell how much less than \$4.1 million the revenues for local governments will be.

SOURCES OF DATA:

TECHNICAL CONSIDERATIONS: The effective date of the bill is September 1, 2003. This will need to be changed for the current fiscal year.

FISCAL RESEARCH DIVISION: (919) 733-4910

PREPARED BY: Douglas Holbrook



APPROVED BY: James D. Johnson, Director
Fiscal Research Division

DATE: June 23, 2004

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