

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

H

D

HOUSE DRH80150-LL-116 (3/9)

Short Title: Electronic Court Filing.-AB (Public)

Sponsors: Representative Tolson.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE USE OF ELECTRONIC FILING IN THE TRIAL
COURTS OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 1A-1, Rule 5(e), reads as rewritten:

"(e) (1) Filing with the court defined. – The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk.

(2) Filing by ~~telefaesimile transmission~~ electronic means. – If, pursuant to G.S. 7A-34 and G.S. 7A-343, the Supreme Court and the Administrative Officer of the Courts establish uniform rules, regulations, costs, procedures and specifications for the filing of pleadings or other court papers by ~~telefaesimile transmission~~, electronic means, filing may be made by the ~~transmission~~ electronic means when, in the manner, and to the extent provided therein."

SECTION 2. G.S. 7A-343(9a) reads as rewritten:

"(9a) Establish and operate systems and services that provide for electronic filing in the court system and further provide electronic transaction processing and access to court information systems pursuant to G.S. 7A-343.2; and".

SECTION 3. Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-49.5. Statewide electronic filing in courts.

(a) The General Assembly finds that the electronic filing of pleadings and other documents required to be filed with the courts may be a more economical, efficient, and

1 satisfactory procedure to handle the volumes of paperwork routinely filed with, handled
2 by, and disseminated by the courts of this State, and therefore authorizes the use of
3 electronic filing in the courts of this State.

4 (b) The Supreme Court may adopt rules governing this process and associated
5 costs and may supervise its implementation and operation through the Administrative
6 Office of the Courts. The rules adopted under this section shall address the waiver of
7 electronic fees for indigents.

8 (c) The Administrative Office of the Courts may contract with a vendor to
9 provide electronic filing in the courts, provided that the costs for the hardware and
10 software are not paid using State funds.

11 (d) Any funds received by the Administrative Office of the Courts from the
12 vendor selected pursuant to subsection (c) of this section, other than applicable statutory
13 court costs, as a result of electronic filing, shall be deposited in the Court Technology
14 Fund in accordance with G.S. 7A-343.2."

15 **SECTION 4.** G.S. 7A-343.2 reads as rewritten:

16 **"§ 7A-343.2. Court Information Technology Fund.**

17 The Court Information Technology Fund is established within the Judicial
18 Department as a nonreverting, interest-bearing special revenue account. Accordingly,
19 revenue in the Fund at the end of a fiscal year does not revert and interest and other
20 investment income earned by the Fund shall be credited to it. All moneys collected by
21 the Director pursuant to G.S. 7A-109(d) and G.S. 7A-49.5 shall be remitted to the State
22 Treasurer and held in this Fund. Moneys in the Fund shall be used to supplement funds
23 otherwise available to the Judicial Department for court information technology and
24 office automation needs. The Director shall report by August 1 and February 1 of each
25 year to the Joint Legislative Commission on Governmental Operations, the Chairs of the
26 Senate and House Appropriations Committees, and the Chairs of the Senate and House
27 Appropriations Subcommittees on Justice and Public Safety on all moneys collected and
28 deposited in the Fund and on the proposed expenditure of those funds collected during
29 the preceding six months."

30 **SECTION 5.** This act is effective when it becomes law and applies to all
31 matters filed with the courts on or after the date that the Supreme Court adopts rules for
32 electronic filing as authorized by this act.