

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**HOUSE BILL 918
RATIFIED BILL**

**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~~The process 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 hiring of additional law enforcement personnel upon the recommendation of the sheriff.
- (2) For the seizure of personal property and its care after seizure, all necessary expenses, in addition to any fees for service of process.
 - (3) For all sales by the sheriff of property, either real or personal, or for funds collected by the sheriff under any judgment, five percent (5%) on the first five hundred dollars (\$500.00), and two and one-half percent (2 1/2%) on all sums over five hundred dollars (\$500.00), plus necessary expenses of sale. Whenever an execution is issued to the sheriff, and subsequently while the execution is in force and outstanding, and after the sheriff has served or attempted to serve such execution, the judgment, or any part thereof, is paid directly or indirectly to the judgment creditor, the fee herein is payable to the sheriff on the amount so paid. The judgment creditor shall be responsible for collecting and paying all execution fees on amounts paid directly to the judgment creditor.
 - (4) For execution of a judgment of ejection, all necessary expenses, in addition to any fees for service of process.

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

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

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

SECTION 2. This act becomes effective September 1, 2004, and applies to fees assessed or collected on or after that date.

In the General Assembly read three times and ratified this the 6th day of July, 2004.

Beverly E. Perdue
President of the Senate

Richard T. Morgan
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2004