

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

H

1

HOUSE BILL 1397

Short Title: Increase Service of Process Fee.

(Public)

Sponsors: Representatives Goodwin and Miner (Primary Sponsors).

Referred to: Finance.

April 26, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO INCREASE THE FEE FOR SERVICE OF PROCESS IN CIVIL CASES
3 AND TO EARMARK THE INCREASE TO ENSURE TIMELY SERVICE OF
4 PROCESS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 7A-311(a) reads as rewritten:

7 "(a) In a civil action or special proceeding, the following fees and commissions
8 shall be assessed, collected, and remitted to the county:

9 (1) a. For each item of civil process served, including summons,
10 subpoenas, notices, motions, orders, writs and pleadings, the
11 sum of ~~five dollars (\$5.00)~~ ten dollars (\$10.00). When two or
12 more items of civil process are served simultaneously on one
13 party, only one ~~five-dollar (\$5.00)~~ ten-dollar (\$10.00) fee shall
14 be charged.

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

23 c. At least fifty percent (50%) of the fees collected pursuant to this
24 subdivision shall be used by the county or city to provide
25 sufficient law enforcement personnel to ensure the timely
26 service of process within the county or city.

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

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

18 **SECTION 2.** This act becomes effective July 1, 2001, and applies to fees
19 assessed or paid on or after that date.