

SENATE, No. 1832

STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1997

By Senator MARTIN

1 AN ACT concerning the fees charged in the Special Civil Part of
2 Superior Court and amending P.L.1991, c.177.

3
4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6
7 1. Section 14 of P.L.1991, c.177 (C.22A:2-37.1) is amended to
8 read as follows:

9 14. a. In all civil actions and proceedings in the Special Civil Part
10 of the Superior Court, Law Division, only the following fees shall be
11 charged by the clerk and no service shall be performed until the
12 specified fee has been paid:

13	(1) Filing of small claim, one defendant.....	\$12.00
14	Each additional defendant.....	\$ 2.00
15	(2) Filing of complaint in tenancy, one defendant.....	\$20.00
16	Each additional defendant.....	\$ 2.00
17	(3) (a) Filing of complaint[,] <u>or other initial preceeding containing</u>	
18	<u>a counterclaim, cross-claim or third party complaint</u>	
19	in all other civil actions, whether	
20	commenced without process or by summons,	
21	capias, replevin or attachment where	
22	the amount exceeds [\$1,000.00]	
23	<u>the small claims monetary limit</u>	\$45.00
24	Each additional defendant.....	\$ 2.00
25	(b) Filing of complaint[,] <u> or other initial</u>	
26	<u>pleading containing a counterclaim,</u>	
27	cross-claim or third party complaint	
28	in all other civil actions, whether	
29	commenced without process or by	
30	summons, capias, replevin or	
31	attachment where the amount does not	
32	exceed [\$1,000.00] <u>the small claims monetary</u>	
33	<u>limit</u>	\$27.00
34	Each additional defendant.....	\$ 2.00

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

1	(4) Filing of <u>appearance or answer to a</u>	
2	<u>complaint or third party complaint in all</u>	
3	matters except small claims.....	\$10.00
4	(5) Service of Process:	
5	Summons by mail, each defendant.....	\$ 3.00
6	Summons by mail, each defendant at	
7	place of business or employment with	
8	postal instructions to deliver to	
9	addressee only, additional fee.....	\$ 3.00
10	Reservice of summons by mail, each defendant.....	\$ 3.00
11	Reservice of summons or other original	
12	process by court officer, one defendant.....	\$ 3.00
13	plus mileage	
14	Each additional defendant.....	\$ 2.00
15	plus mileage	
16	Substituted service of process by the clerk	
17	upon the Director of the Division of	
18	Motor Vehicles.....	\$10.00
19	<u>Plus postage</u>	<u>\$ 3.00</u>
20	(6) Mileage of court officer in serving or executing any process,	
21	writ, order, execution, notice, or warrant, the distance to be computed	
22	by counting the number of miles in [or] <u>and</u> out, by the most direct	
23	route from the place where process is issued, at the same rate per mile	
24	set by the [county governing body for other county] <u>State for other</u>	
25	<u>State</u> employees and the total mileage fee rounded upward to the	
26	nearest dollar	
27	(7) Jury of six persons.....	\$50.00
28	(8) Warrant for possession in tenancy.....	\$15.00
29	(9) Warrant to arrest, commitment or writ	
30	of capias ad respondendum, each	
31	defendant.....	\$15.00
32	(10) Writ of execution or an order in the	
33	nature of execution, writs of replevin	
34	and attachment issued subsequent to	
35	summons.....	\$ 5.00
36	<u>Wage execution by mail to a federal agency</u>	
37	<u>additional fee</u>	<u>\$ 3.00</u>
38	(11) For advertising property under execution	
39	or any order.....	\$10.00
40	(12) For selling property under execution or	
41	any order.....	\$10.00
42	(13) Exemplified copy of judgment (two pages)...	\$ 5.00
43	each additional page.....	\$ 1.00
44	b. Except as provided in subsection c., the clerk shall pay over to	
45	the treasurer of the county in which the action is filed all fees collected	
46	pursuant to this section. After December 31, 1994, the clerk shall pay	

1 over to the State all fees collected pursuant to this section, including
2 the entire fee collected pursuant to paragraph (3) of subsection a.

3 c. From July 1, 1991 to June 30, 1993, the clerk shall pay over to
4 the treasurer of the county in which the action is filed \$12.00 of each
5 fee paid to the clerk pursuant to paragraph (3) of subsection a., with
6 the balance made available for use by the State.

7 (cf: P.L.1996, c.52, s.5.)

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9 2. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to
10 read as follows:

11 15.a. From the fees set forth in section 14 of P.L.1991, c.177
12 (C.22A:2-37.1), the clerk of the Special Civil Part of the Superior
13 Court, Law Division, shall pay to officers designated by the
14 Assignment Judge to serve process the following fees:

- 15 (1) Serving summons, notice or third party
 - 16 complaint on one defendant..... \$3.00
 - 17 on every additional defendant..... \$2.00
- 18
- 19 (2) Reserving summons or other original process
 - 20 on any defendant..... \$3.00
- 21
- 22 (3) Warrant to arrest, capias, or commitment,
 - 23 for each defendant served..... \$15.00
- 24
- 25 (4) Serving writ and summons in replevin, taking
 - 26 bond and any inventory, against one defendant... \$6.00
 - 27 on every additional defendant..... \$2.00
- 28
- 29 (5) Serving writ in replevin when issued subsequent
 - 30 to service of summons, against one defendant.... \$5.00
 - 31 on every additional defendant..... \$2.00
- 32
- 33 (6) Serving order for possession in replevin... \$4.00
- 34
- 35 (7) Serving writ of attachment and making inventory,
 - 36 one defendant..... \$4.00
 - 37 on every additional defendant..... \$2.00
- 38
- 39 (8) Serving and executing warrant for possession
 - 40 in tenancy..... \$10.00
- 41
- 42 (9) Every execution, or any order in the nature
 - 43 of an execution, on a judgment, for each
 - 44 defendant..... \$ 2.00

1 (10) Every wage execution to a federal agency.
 2 additional fee..... \$3.00

3 b. For every mile of travel in serving or executing any process,
 4 writ, order, execution, notice or warrant, the distance to be computed
 5 by counting the number of miles in and out, by the most direct route
 6 from the place where process is issued, at the same rate per mile set by
 7 the [county governing body for other county] State for other State
 8 employees and the total mileage fee rounded upward to the nearest
 9 dollar.

10 c. In addition to the foregoing, the following fees for officers of the
 11 Special Civil Part shall be taxed in the costs and collected on
 12 execution, writ of attachment or order in the nature of any execution
 13 on any final judgment, or on a valid and subsisting levy of an execution
 14 or attachment which may be the effective cause in producing payment
 15 or settlement of a judgment or attachment:

16 (1) For advertising property under execution
 17 or any order..... \$10.00

18
 19 (2) For selling property under execution or
 20 any order \$10.00

21
 22 (3) On every dollar [of the first \$5,000.00] collected on execution,
 23 writ of attachment, or any order, \$0.10[, and on every dollar of
 24 any amount in excess thereof, \$0.05].

25 (cf: P.L.1991, c.177, s.15.)

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 27 3. This act shall take effect 30 days following enactment.

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30 STATEMENT

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32 This bill would implement several changes with regard to court
 33 fees recommended by the Supreme Court’s Committee on the Special
 34 Civil Part. Those recommendations are as follows:

35 1. Presently, the filing fee for complaints in the Special Civil Part
 36 is \$38.00, if the case involves \$1,000.00 or more. If the case involves
 37 \$1,000.00 or less the filing fee is \$22.00. In 1992, the monetary limit
 38 for small claims cases was raised from \$1,000.00 to \$1,500.00. This
 39 bill would clarify that the \$38.00 is applicable in cases exceeding the
 40 small claims limit and the \$22.00 fee is applicable in small claims
 41 cases. The bill also clarifies that these fees apply both to complaints
 42 and to any other initial pleading containing a counterclaim, cross claim
 43 or third party claim.

44 2. The bill changes language referring to the mileage paid to court
 45 officers to reflect that the State has taken over responsibility for the
 46 funding of the trial courts.

1 3. Presently, persons designated by assignment judges to serve
2 process are entitled to \$.10 on every dollar of the first \$5,000.00
3 collected on an execution, writ of attachment or court order issued by
4 the Special Civil Part. On every dollar in excess of \$5,000.00 court
5 officers are entitled to \$.05. This bill would eliminate the over
6 \$5,000.00 rate and provide that a court officer would be entitled to
7 \$.10 of every dollar collected pursuant to a Special Civil Part
8 execution, writ of attachment or court order.

9 4. Federal law was recently amended to permit the garnishment of
10 the wages of federal employees. The execution must, however, be
11 forwarded to the central payroll location for the agency which may be
12 located in another state. This bill would establish a \$3.00 fee to cover
13 the cost to the Special Civil Part of mailing executions on wages of
14 federal employees.

15 5. The bill clarifies that the total fee to be collected for substituted
16 service on the Director of the Division of Motor Vehicles is \$13.00
17 consisting of the Director's fee of \$10.00 and \$3.00 to cover mailing
18 costs.

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23 Proposes a series of amendments to laws dealing with court fees in the
24 Special Civil Part of Superior Court.