

22A:2-37.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2000 **CHAPTER:** 129
NJSA: 22A:2-37.1 (Special Civil Part fees)
BILL NO: A1581 (Substituted for S832)
SPONSOR(S): Zisa and Carroll
DATE INTRODUCED: Pre-filed
COMMITTEE: **ASSEMBLY:** Judiciary; Appropriations
 SENATE: Budget
AMENDED DURING PASSAGE: Yes
DATE OF PASSAGE: **ASSEMBLY:** February 24, 2000
 SENATE: June 29, 2000
DATE OF APPROVAL: September 21, 2000

FOLLOWING ARE ATTACHED IF AVAILABLE:

FINAL TEXT OF BILL (1st reprint enacted)
(Amendments during passage denoted by superscript numbers)

A1581

SPONSORS STATEMENT:	(Begins on page 5 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY:	Yes 1-24-2000 (Judiciary) 1-27-2000 (Approp.)
	SENATE:	Yes
FLOOR AMENDMENT STATEMENTS:		No
LEGISLATIVE FISCAL ESTIMATE:		Yes
LEGISLATIVE FISCAL NOTE:		Yes

S832

SPONSORS STATEMENT:	(Begins on page 5 of original bill)	Yes
COMMITTEE STATEMENT:	ASSEMBLY:	No
	SENATE:	Yes 2-17-00 (Judiciary) 6-8-00 (Budget) (Identical to Senate Statement for A1581)
FLOOR AMENDMENT STATEMENTS:		No
LEGISLATIVE FISCAL NOTE:		Yes

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

Yes

974.90 New Jersey Supreme Court
C866 Report, Special Civil Part, February 19, 1999 (attached)
1996

974.90 New Jersey Supreme Court
C866 Report, Special Civil Part, February 21, 1994 (attached)
1994a

HEARINGS:

No

NEWSPAPER CLIPPINGS:

No

ASSEMBLY, No. 1581

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman CHARLES "KEN" ZISA

District 37 (Bergen)

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

SYNOPSIS

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

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



A1581 ZISA, CARROLL

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 pleading 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
35	(4) Filing of <u>appearance or answer to a</u>	
36	<u>complaint or third party complaint in all</u>	
37	matters except small claims.....	\$10.00
38	(5) Service of Process:	
39	Summons by mail, each defendant.....	\$ 3.00
40	Summons by mail, each defendant at	
41	place of business or employment with	
42	postal instructions to deliver to	
43	addressee only, additional fee.....	\$ 3.00

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.

A1581 ZISA, CARROLL

1	Reservice of summons by mail, each defendant.....	\$ 3.00
2	Reservice of summons or other original	
3	process by court officer, one defendant.....	\$ 3.00
4	plus mileage	
5	Each additional defendant.....	\$ 2.00
6	plus mileage	
7	Substituted service of process by the clerk	
8	upon the Director of the Division of	
9	Motor Vehicles.....	\$10.00
10	<u>Plus postage.....</u>	<u>\$ 3.00</u>
11	(6) Mileage of court officer in serving or executing any process,	
12	writ, order, execution, notice, or warrant, the distance to be computed	
13	by counting the number of miles in [or] <u>and</u> out, by the most direct	
14	route from the place where process is issued, at the same rate per mile	
15	set by the [county governing body for other county] <u>State for other</u>	
16	<u>State</u> employees and the total mileage fee rounded upward to the	
17	nearest dollar	
18	(7) Jury of six persons.....	\$50.00
19	(8) Warrant for possession in tenancy.....	\$15.00
20	(9) Warrant to arrest, commitment or writ	
21	of capias ad respondendum, each	
22	defendant.....	\$15.00
23	(10) Writ of execution or an order in the	
24	nature of execution, writs of replevin	
25	and attachment issued subsequent to	
26	summons.....	\$ 5.00
27	<u>Wage execution by mail to a federal agency</u>	
28	<u>additional fee.....</u>	<u>\$ 3.00</u>
29	(11) For advertising property under execution	
30	or any order.....	\$10.00
31	(12) For selling property under execution or	
32	any order.....	\$10.00
33	(13) Exemplified copy of judgment (two pages)...	\$ 5.00
34	each additional page.....	\$ 1.00
35	b. Except as provided in subsection c., the clerk shall pay over to	
36	the treasurer of the county in which the action is filed all fees collected	
37	pursuant to this section. After December 31, 1994, the clerk shall pay	
38	over to the State all fees collected pursuant to this section, including	
39	the entire fee collected pursuant to paragraph (3) of subsection a.	
40	c. From July 1, 1991 to June 30, 1993, the clerk shall pay over to	
41	the treasurer of the county in which the action is filed \$12.00 of each	
42	fee paid to the clerk pursuant to paragraph (3) of subsection a., with	
43	the balance made available for use by the State.	
44	(cf: P.L.1996, c.52, s.5.)	

A1581 ZISA, CARROLL

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

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

7 (1) Serving summons, notice or third party	
8 complaint on one defendant.....	\$3.00
9 on every additional defendant.....	\$2.00
10 (2) Reserving summons or other original process	
11 on any defendant.....	\$3.00
12 (3) Warrant to arrest, capias, or commitment,	
13 for each defendant served.....	\$15.00
14 (4) Serving writ and summons in replevin, taking	
15 bond and any inventory, against one defendant...	\$6.00
16 on every additional defendant.....	\$2.00
17 (5) Serving writ in replevin when issued subsequent	
18 to service of summons, against one defendant....	\$5.00
19 on every additional defendant.....	\$2.00
20 (6) Serving order for possession in replevin...	\$4.00
21 (7) Serving writ of attachment and making inventory,	
22 one defendant.....	\$4.00
23 on every additional defendant.....	\$2.00
24 (8) Serving and executing warrant for possession	
25 in tenancy.....	\$10.00
26 (9) Every execution, or any order in the nature	
27 of an execution, on a judgment, for each	
28 defendant.....	\$2.00
29 <u>(10) Every wage execution to a federal agency.</u>	
30 <u>additional fee.....</u>	<u>\$3.00</u>

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

38 c. In addition to the foregoing, the following fees for officers of the
39 Special Civil Part shall be taxed in the costs and collected on
40 execution, writ of attachment or order in the nature of any execution
41 on any final judgment, or on a valid and subsisting levy of an execution
42 or attachment which may be the effective cause in producing payment
43 or settlement of a judgment or attachment:

- 1 (1) For advertising property under execution
2 or any order..... \$10.00
3 (2) For selling property under execution or
4 any order \$10.00
5 (3) On every dollar [of the first \$5,000.00] collected on execution,
6 writ of attachment, or any order, \$0.10[, and on every dollar of
7 any amount in excess thereof, \$0.05].
8 (cf: P.L.1991, c.177, s.15.)
9

10 3. This act shall take effect 30 days following enactment.
11
12

13 STATEMENT
14

15 This bill would implement several changes with regard to court
16 fees recommended by the Supreme Court's Committee on the Special
17 Civil Part. Those recommendations are as follows:

18 1. Presently, the filing fee for complaints in the Special Civil Part
19 is \$ 45.00, if the case involves \$1,000.00 or more. If the case involves
20 \$1,000.00 or less the filing fee is \$27.00. The monetary limit for small
21 claims cases has been raised to \$2,000.00. This bill would clarify that
22 the \$45.00 is applicable in cases exceeding the small claims limit and
23 the \$27.00 fee is applicable in small claims cases. The bill also clarifies
24 that these fees apply both to complaints and to any other initial
25 pleading containing a counterclaim, cross claim or third party claim.

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

29 3. Presently, persons designated by assignment judges to serve
30 process are entitled to \$.10 on every dollar of the first \$5,000.00
31 collected on an execution, writ of attachment or court order issued by
32 the Special Civil Part. On every dollar in excess of \$5,000.00 court
33 officers are entitled to \$.05. This bill would eliminate the over
34 \$5,000.00 rate and provide that a court officer would be entitled to
35 \$.10 of every dollar collected pursuant to a Special Civil Part
36 execution, writ of attachment or court order.

37 4. Federal law was amended to permit the garnishment of the
38 wages of federal employees. The execution must, however, be
39 forwarded to the central payroll location for the agency which may be
40 located in another state. This bill would establish a \$3.00 fee to cover
41 the cost to the Special Civil Part of mailing executions on wages of
42 federal employees.

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

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 1581

with committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 24, 2000

The Assembly Judiciary Committee reports favorably and with committee amendments Assembly Bill No. 1581.

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

1. Presently, the filing fee for complaints in the Special Civil Part is \$ 45.00, if the case involves \$1,000.00 or more. If the case involves \$1,000.00 or less the filing fee is \$27.00. The monetary limit for small claims cases has been raised to \$2,000.00. This bill would clarify that the \$45.00 is applicable in cases exceeding the small claims limit and the \$27.00 fee is applicable in small claims cases. The bill also clarifies that these fees apply both to complaints and to any other initial pleading containing a counterclaim, cross claim or third party claim.

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

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

4. Federal law was amended to permit the garnishment of the wages of federal employees. The execution must, however, be forwarded to the central payroll location for the agency which may be located in another state. This bill would establish a \$4.00 fee to cover the cost to the Special Civil Part of mailing executions on wages of federal employees. The committee amended the amount of the fee as originally in the bill from \$ 3.00 to \$4.00 to account for rising postal costs.

5. The bill clarifies that the total fee to be collected for substituted service on the Director of the Division of Motor Vehicles is \$14.00 consisting of the Director's fee of \$10.00 and \$ 4.00 to cover mailing

costs. Again, the committee amended the \$ 3.00 fee to \$4.00 to account for rising postal costs.

The committee also increased several other mailing fees from \$3.00 to \$4.00.

This bill was prefiled for introduction in the 2000 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

[First Reprint]

ASSEMBLY, No. 1581

STATE OF NEW JERSEY
209th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2000 SESSION

Sponsored by:

Assemblyman CHARLES "KEN" ZISA

District 37 (Bergen)

Assemblyman MICHAEL PATRICK CARROLL

District 25 (Morris)

Co-Sponsored by:

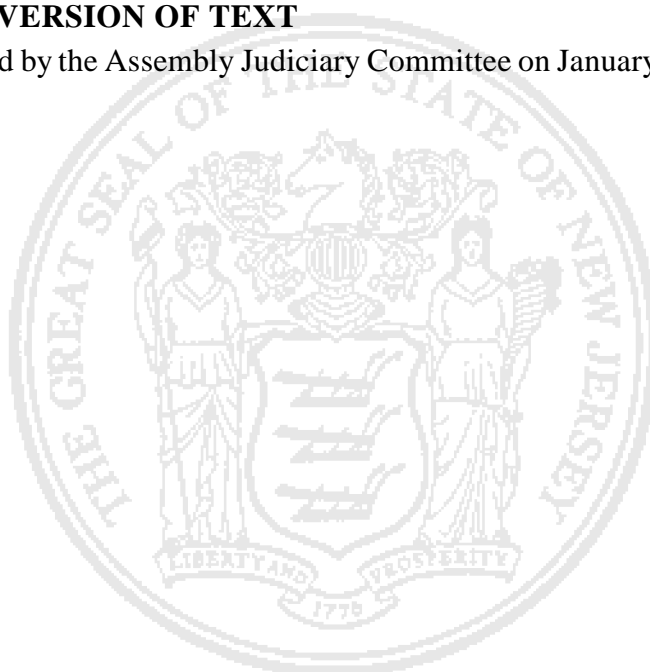
Senators Cardinale and Allen

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Judiciary Committee on January 24, 2000, with amendments.



(Sponsorship Updated As Of: 6/30/2000)

A1581 [1R] ZISA, CARROLL

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 pleading 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
35	(4) Filing of <u>appearance or answer to a</u>	
36	<u>complaint or third party complaint in all</u>	
37	matters except small claims.....	\$10.00
38	(5) Service of Process:	
39	Summons by mail, each defendant.....	¹ [\$ 3.00]
40		<u>\$4.00</u> ¹
41	Summons by mail, each defendant at	

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AJU committee amendments adopted January 24, 2000.

A1581 [1R] ZISA, CARROLL

1	place of business or employment with	
2	postal instructions to deliver to	
3	addressee only, additional fee.....	¹ [\$ 3.00]
4		<u>\$4.00</u> ¹
5	Reservice of summons by mail, each defendant.....	¹ [\$ 3.00]
6		<u>\$4.00</u> ¹
7		
8	Reservice of summons or other original	
9	process by court officer, one defendant.....	\$ 3.00
10	plus mileage	
11	Each additional defendant.....	\$ 2.00
12	plus mileage	
13	Substituted service of process by the clerk	
14	upon the Director of the Division of	
15	Motor Vehicles.....	\$10.00
16	<u>Plus postage</u>	¹ [\$ 3.00]
17		<u>\$4.00</u> ¹
18	(6) Mileage of court officer in serving or executing any process,	
19	writ, order, execution, notice, or warrant, the distance to be computed	
20	by counting the number of miles in [or] <u>and</u> out, by the most direct	
21	route from the place where process is issued, at the same rate per mile	
22	set by the [county governing body for other county] <u>State for other</u>	
23	<u>State</u> employees and the total mileage fee rounded upward to the	
24	nearest dollar	
25	(7) Jury of six persons.....	\$50.00
26	(8) Warrant for possession in tenancy.....	\$15.00
27	(9) Warrant to arrest, commitment or writ	
28	of capias ad respondendum, each	
29	defendant.....	\$15.00
30	(10) Writ of execution or an order in the	
31	nature of execution, writs of replevin	
32	and attachment issued subsequent to	
33	summons.....	\$ 5.00
34	<u>Wage execution by mail to a federal agency</u>	
35	<u>additional fee</u>	¹ [\$ 3.00]
36		<u>\$4.00</u> ¹
37	(11) For advertising property under execution	
38	or any order.....	\$10.00
39	(12) For selling property under execution or	
40	any order.....	\$10.00
41	(13) Exemplified copy of judgment (two pages)...	\$ 5.00
42	each additional page.....	\$ 1.00
43	b. Except as provided in subsection c., the clerk shall pay over to	
44	the treasurer of the county in which the action is filed all fees collected	
45	pursuant to this section. After December 31, 1994, the clerk shall pay	
46	over to the State all fees collected pursuant to this section, including	

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

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

7
 8 2. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to
 9 read as follows:

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

14	(1) Serving summons, notice or third party	
15	complaint on one defendant.....	\$3.00
16	on every additional defendant.....	\$2.00
17	(2) Reserving summons or other original process	
18	on any defendant.....	\$3.00
19	(3) Warrant to arrest, capias, or commitment,	
20	for each defendant served.....	\$15.00
21	(4) Serving writ and summons in replevin, taking	
22	bond and any inventory, against one defendant...	\$6.00
23	on every additional defendant.....	\$2.00
24	(5) Serving writ in replevin when issued subsequent	
25	to service of summons, against one defendant....	\$5.00
26	on every additional defendant.....	\$2.00
27	(6) Serving order for possession in replevin...	\$4.00
28	(7) Serving writ of attachment and making inventory,	
29	one defendant.....	\$4.00
30	on every additional defendant.....	\$2.00
31	(8) Serving and executing warrant for possession	
32	in tenancy.....	\$10.00
33	(9) Every execution, or any order in the nature	
34	of an execution, on a judgment, for each	
35	defendant.....	\$2.00
36	(10) <u>Every wage execution to a federal agency,</u>	
37	<u>additional fee.....</u>	¹ [\$3.00]
38		<u>\$4.00¹</u>

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

46 c. In addition to the foregoing, the following fees for officers of the

1 Special Civil Part shall be taxed in the costs and collected on
2 execution, writ of attachment or order in the nature of any execution
3 on any final judgment, or on a valid and subsisting levy of an execution
4 or attachment which may be the effective cause in producing payment
5 or settlement of a judgment or attachment:

6 (1) For advertising property under execution
7 or any order..... \$10.00

8 (2) For selling property under execution or
9 any order \$10.00

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

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

14

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

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1581

STATE OF NEW JERSEY

DATED: JANUARY 27, 2000

The Assembly Appropriations Committee reports favorably Assembly Bill No. 1581 (1R).

Assembly Bill No. 1581 (1R) implements several court fee changes recommended by the Supreme Court's Committee on the Special Civil Part. Those recommendations are as follows:

1. The current filing fee for complaints in the Special Civil Part is \$45 if the case involves more than \$1,000. If the case involves \$1,000 or less, a plaintiff may proceed either in the small claims section of the Special Civil Part for a fee of \$12 or in the Special Civil Part for a fee of \$27. The monetary limit for small claims cases has been raised to \$2,000.

This bill would clarify that the \$45 is applicable in cases exceeding the small claims limit (\$2,000, instead of the current \$1,000). The fee amounts have not been changed. This change ensures that the filing fees are consistent with the jurisdictional limit of the small claims section of the Special Civil Part which is set and adjusted periodically by the Supreme Court. The bill also clarifies that the \$27 fee applies both to complaints and to any other initial pleading containing a counterclaim, cross claim or third party claim.

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

3. Presently, persons designated by assignment judges to serve process are entitled to \$.10 on every dollar of the first \$5,000 collected on an execution, writ of attachment or court order issued by the Special Civil Part. On every dollar in excess of \$5,000 court officers are entitled to \$.05. The bill eliminates the over-\$5,000 rate and provides that a court officer would be entitled to \$.10 of every dollar collected pursuant to a Special Civil Part execution, writ of attachment or court order.

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

employees.

5. The bill clarifies that the total fee to be collected for substituted service on the Director of the Division of Motor Vehicles is \$14 consisting of the Director's fee of \$10 and \$4 to cover mailing costs.

FISCAL IMPACT:

According to information supplied by the Administrative Office of the Courts, the fee increases and the new fees imposed will result in minimal revenues, barely adequate to cover the cost of the services performed. The change of the small claims monetary limit, above which a \$45 fee is charged, from \$1,000 to \$2,000 will cause an annual State revenue loss (based on calendar year 1997 filings) of approximately \$1.3 million annually.

LEGISLATIVE FISCAL ESTIMATE

[First Reprint]

ASSEMBLY, No. 1581 STATE OF NEW JERSEY 209th LEGISLATURE

DATED: MARCH 15, 2000

SUMMARY

Synopsis: Proposes a series of amendments to laws dealing with court fees in the Special Civil Part of the Superior Court

Type of Impact: Revenue loss of \$1.3 million to General Fund

Agencies Affected: The Judiciary

Office of Legislative Services Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Revenue	(\$1,300,000)	(\$1,300,000)	(\$1,300,000)

- ! The Office of Legislative Services concurs with the Executive estimate made during the preceding Legislative session that while enactment of this bill would generate no costs to the State, it would result in the loss of \$1.3 million in annual State revenue.
- ! The bill would implement several changes with regard to court fees recommended by the Supreme Court's Committee on the Special Civil Part.

BILL DESCRIPTION

Assembly Bill No. 1581 (1R) of 2000 would implement several changes with regard to court fees recommended by the Supreme Court's Committee on the Special Civil Part as follows:

1. The filing fee for complaints in the Special Civil Part is currently \$45, if the case involves \$1,000 or more. If the case involves \$1,000 or less the filing fee is \$27. Under the bill, the monetary limit for small claims cases would be raised to \$2,000. The bill clarifies that the \$45 is applicable in cases exceeding the small claims limit and the \$27 fee is applicable in small claims cases. The bill also clarifies that these fees apply both to complaints and any other initial pleading containing a counterclaim, cross claim or third party claim.

2. The bill changes language referring to the mileage paid to court officers to reflect that the State has taken responsibility for the funding of the trial courts.
3. The bill provides that a court officer would be entitled to \$.10 of every dollar collected pursuant to a Special Civil Part execution, writ of attachment or court order rather than \$.10 on every dollar of the first \$5,000 collected on an execution, writ of attachment or court order issued by the Special Civil Part and \$.05 on every dollar in excess of \$5,000.
4. The bill would increase from \$3.00 to \$4.00 the fee to cover the cost to the Special Civil Part of mailing executions on wages of federal employees.

FISCAL ANALYSIS

EXECUTIVE BRANCH

Information provided by the Administrative Office of the Courts for the prior session version of this bill (Assembly Bill No. 2652 of 1999) states that the language, mailing and processing fee changes proposed in the bill cause no fiscal impact on State revenues and expenditures. However, raising the threshold for which a \$27 fee is charged from \$1,000 to \$2,000 will result in a \$1.3 million loss in State revenue without an upward adjustment in the filing fee.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs.

Section: *Judiciary*

Analyst: *Anne C. Raughley*
Lead Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal estimate has been prepared pursuant to P.L.1980, c.67.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 1581

STATE OF NEW JERSEY

DATED: JUNE 8, 2000

The Senate Budget and Appropriations Committee reports favorably Assembly Bill No. 1581 (1R).

This bill would implement several changes with regard to court fees under the Special Civil Part of the Superior Court, Law Division. The Special Civil Part is a court of limited jurisdiction for suits in which the demand is less than \$10,000.

The fee changes for which the bill provides were recommended by the Supreme Court's Committee on the Special Civil Part. Those fee changes may be summarized as follows:

(1) Presently, the filing fee for complaints in the Special Civil Part is \$27 if the case involves \$1,000 or less, or \$45 if the case involves more than \$1,000. Under the bill, the \$27 fee would be applicable in small claims cases and the \$45 fee would be applicable in cases in which the amount at issue exceeds the small claims limit; under current court rules (R.6:1-2(a)(2)), the monetary limit on small claims within the Special Civil Part is \$2,000. The bill also clarifies that these fees apply both to complaints and to any other initial pleading containing a counterclaim, cross claim or third party claim.

(2) The bill revises language referring to the mileage paid to court officers to reflect the State's assumption of responsibility for the funding of the trial courts.

(3) Presently, persons designated by assignment judges to serve process are entitled to \$.10 on every dollar of the first \$5,000 collected on an execution, writ of attachment or court order issued by the Special Civil Part. On every dollar in excess of \$5,000 court officers are entitled to \$.05. This bill would eliminate the reduction in the fee rate for amounts over \$5,000, so that a court officer would be entitled to \$.10 of every dollar collected pursuant to a Special Civil Part execution, writ of attachment or court order.

(4) Federal law has been amended to permit garnishment of the wages of federal employees. The execution must, however, be forwarded to the central payroll location for the appropriate federal agency, which may be located in another state. The bill would establish a \$4.00 fee to cover the cost to the Special Civil Part of mailing executions on wages of federal employees to their employer.

(5) The bill provides that the total fee to be collected for substituted service on the Director of the Division of Motor Vehicles shall be \$14.00, consisting of the Director's fee of \$10.00 and \$4.00 to cover mailing costs.

(6) Finally, the bill would increase the fee for service of summons by mail from \$3.00 to \$4.00.

The provisions of this bill are identical to those of Senate Bill No. 832 (1R), which the committee also reports this day.

FISCAL IMPACT

According to information supplied by the Administrative Office of the Courts, the fee increases and the new fees imposed will result in minimal revenues, barely adequate to cover the cost of the services performed. The change of the small claims monetary limit, above which a \$45 fee is charged, from \$1,000 to \$2,000 will cause an annual State revenue loss (based on an estimated 35,000 affected filings) of approximately \$630,000 annually.

FISCAL NOTE
[First Reprint]
ASSEMBLY, No. 1581
STATE OF NEW JERSEY
209th LEGISLATURE

DATED: JUNE 21, 2000

SUMMARY

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

Type of Impact: Revenue reduction

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	Year 1	Year 2	Year 3
State Cost	\$0	\$0	\$0
State Revenue	(\$630,000)	(\$630,000)	(\$630,000)

- ! The Office of Legislative Services concurs with the Judicial Estimate.
- ! The bill would implement several changes with regard to court fees recommended by the Supreme Court's Committee on the Special Civil Part.
- ! The Administrative Office of the Courts (AOC) states that most of the language and fee changes proposed in the bill would cause minimal fiscal impact on State revenues and expenditures. Raising the ceiling for which a \$27 fee is charged from \$1,000 to the monetary limit of small claims (currently \$2,000) will result in a \$630,000 loss in State revenue without an upwards adjustment of the filing fee.

BILL DESCRIPTION

Assembly Bill No. 1581 (1R) of 2000 would implement several changes with regard to court fees recommended by the Supreme Court's Committee on the Special Civil Part as follows:

1. Presently, the filing fee for complaints in the Special Civil Part is \$45, if the case involves \$1,000 or more. If the case involves \$1,000 or less, the filing fee is \$27. The monetary limit for small claims cases has been raised to \$2,000. The bill would clarify that the \$45 is applicable in cases exceeding the small claims limit and the \$27 fee is applicable in small claims cases. The bill

also clarifies that these fees apply both to complaints and to any other initial pleading containing a counterclaim, cross claim or third party claim.

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

3. Presently, persons designated by assignment judges to serve process are entitled to \$.10 on every dollar of the first \$5,000 collected on an execution, writ of attachment or court order issued by the Special Civil Part. On every dollar in excess of \$5,000 court officers are entitled to \$.05. This bill would eliminate the over \$5,000 rate and provide that a court officer would be entitled to \$.10 of every dollar collected pursuant to a Special Civil Part execution, writ of attachment or court order.

4. Federal law was amended to permit the garnishment of the wages of federal employees. The execution must, however, be forwarded to the central payroll location for the agency which may be located in another state. The bill would establish a \$3 fee to cover the cost to the Special Civil Part of mailing executions on wages of federal employees.

5. The bill clarifies that the total fee to be collected for substituted service on the Director of the Division of Motor Vehicles is \$14 consisting of the Director's fee of \$10 and \$4 to cover mailing costs.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts (AOC) states that most of the language and fee changes proposed in the bill would cause minimal fiscal impact on State revenues and expenditures. The estimated number of complaints is currently 35,000. Raising the ceiling for which a \$27 fee is charged from \$1,000 to the monetary limit of small claims (currently \$2,000) will result in a \$630,000 loss in State revenue without an upwards adjustment of the filing fee.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services concurs.

Section: *Judiciary*

Analyst: *Anne C. Raughley*
Lead Fiscal Analyst

Approved: *Alan R. Kooney*
Legislative Budget and Finance Officer

This fiscal note has been prepared pursuant to P.L.1980, c.67.

P.L. 2000, CHAPTER 129, *approved September 21, 2000*
Assembly, No. 1581 (*First Reprint*)

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 pleading 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
35	(4) Filing of <u>appearance or answer to a</u>	
36	<u>complaint or third party complaint</u> in all	
37	matters except small claims.....	\$10.00
38	(5) Service of Process:	
39	Summons by mail, each defendant.....	¹ [\$ 3.00]
40		<u>\$4.00</u> ¹

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.
Matter enclosed in superscript numerals has been adopted as follows:
¹ Assembly AJU committee amendments adopted January 24, 2000.

1	Summons by mail, each defendant at	
2	place of business or employment with	
3	postal instructions to deliver to	
4	addressee only, additional fee.....	¹ [\$ 3.00]
5		<u>\$4.00</u> ¹
6	Reservice of summons by mail, each defendant.....	¹ [\$ 3.00]
7		<u>\$4.00</u> ¹
8		
9	Reservice of summons or other original	
10	process by court officer, one defendant.....	\$ 3.00
11	plus mileage	
12	Each additional defendant.....	\$ 2.00
13	plus mileage	
14	Substituted service of process by the clerk	
15	upon the Director of the Division of	
16	Motor Vehicles.....	\$10.00
17	<u>Plus postage</u>	¹ [\$ 3.00]
18		<u>\$4.00</u> ¹
19	(6) Mileage of court officer in serving or executing any process,	
20	writ, order, execution, notice, or warrant, the distance to be computed	
21	by counting the number of miles in [or] <u>and</u> out, by the most direct	
22	route from the place where process is issued, at the same rate per mile	
23	set by the [county governing body for other county] <u>State for other</u>	
24	<u>State</u> employees and the total mileage fee rounded upward to the	
25	nearest dollar	
26	(7) Jury of six persons.....	\$50.00
27	(8) Warrant for possession in tenancy.....	\$15.00
28	(9) Warrant to arrest, commitment or writ	
29	of capias ad respondendum, each	
30	defendant.....	\$15.00
31	(10) Writ of execution or an order in the	
32	nature of execution, writs of replevin	
33	and attachment issued subsequent to	
34	summons.....	\$ 5.00
35	<u>Wage execution by mail to a federal agency</u>	
36	<u>additional fee</u>	¹ [\$ 3.00]
37		<u>\$4.00</u> ¹
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.)

8

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	(2) Reserving summons or other original process	
19	on any defendant.....	\$3.00
20	(3) Warrant to arrest, capias, or commitment,	
21	for each defendant served.....	\$15.00
22	(4) Serving writ and summons in replevin, taking	
23	bond and any inventory, against one defendant...	\$6.00
24	on every additional defendant.....	\$2.00
25	(5) Serving writ in replevin when issued subsequent	
26	to service of summons, against one defendant....	\$5.00
27	on every additional defendant.....	\$2.00
28	(6) Serving order for possession in replevin...	\$4.00
29	(7) Serving writ of attachment and making inventory,	
30	one defendant.....	\$4.00
31	on every additional defendant.....	\$2.00
32	(8) Serving and executing warrant for possession	
33	in tenancy.....	\$10.00
34	(9) Every execution, or any order in the nature	
35	of an execution, on a judgment, for each	
36	defendant.....	\$2.00
37	(10) <u>Every wage execution to a federal agency,</u>	
38	<u>additional fee.....</u>	¹ [\$3.00]
39		<u>\$4.00¹</u>

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

1 c. In addition to the foregoing, the following fees for officers of the
2 Special Civil Part shall be taxed in the costs and collected on
3 execution, writ of attachment or order in the nature of any execution
4 on any final judgment, or on a valid and subsisting levy of an execution
5 or attachment which may be the effective cause in producing payment
6 or settlement of a judgment or attachment:

7 (1) For advertising property under execution
8 or any order..... \$10.00

9 (2) For selling property under execution or
10 any order \$10.00

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

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

15

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

17

18

19

20

21 _____
22 Proposes a series of amendments to laws dealing with court fees in the
Special Civil Part of Superior Court.

CHAPTER 129

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

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

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

C.22A:2-37.1 Special Civil Part of Superior Court, Law Division, fees; use.

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

- (1) Filing of small claim, one defendant \$12.00
- Each additional defendant \$2.00
- (2) Filing of complaint in tenancy, one defendant \$20.00
- Each additional defendant \$2.00
- (3) (a) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount exceeds the small claims monetary limit \$45.00
- Each additional defendant \$2.00
- (b) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount does not exceed the small claims monetary limit \$27.00
- Each additional defendant \$ 2.00
- (4) Filing of appearance or answer to a complaint or third party complaint in all matters except small claims . . \$10.00
- (5) Service of Process:
- Summons by mail, each defendant \$4.00
- Summons by mail, each defendant at place of business or employment with postal instructions to deliver to addressee only, additional fee \$4.00
- Reservice of summons by mail, each defendant. \$4.00
- Reservice of summons or other original process by court officer, one defendant \$3.00
- plus mileage
- Each additional defendant \$2.00
- plus mileage
- Substituted service of process by the clerk upon the Director of the Division of Motor Vehicles \$10.00
- Plus postage. \$4.00
- (6) Mileage of court officer in serving or executing any process, writ, order, execution, notice, or warrant, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the State for other State employees and the total mileage fee rounded upward to the nearest dollar
- (7) Jury of six persons \$50.00
- (8) Warrant for possession in tenancy \$15.00
- (9) Warrant to arrest, commitment or writ of capias ad respondendum, each defendant \$15.00
- (10) Writ of execution or an order in the nature of execution, writs of replevin and attachment issued subsequent to summons \$5.00
- Wage execution by mail to a federal agency

additional fee	\$4.00
(11) For advertising property under execution or any order	..... \$10.00
(12) For selling property under execution or any order . . .	\$10.00
(13) Exemplified copy of judgment (two pages)	\$5.00
each additional page	..... \$1.00

b. Except as provided in subsection c., the clerk shall pay over to the treasurer of the county in which the action is filed all fees collected pursuant to this section. After December 31, 1994, the clerk shall pay over to the State all fees collected pursuant to this section, including the entire fee collected pursuant to paragraph (3) of subsection a.

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

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

C.22A:2-37.2 Fees to officers designated by Assignment Judge to serve process.

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

(1) Serving summons, notice or third party complaint on one defendant	..... \$3.00
on every additional defendant	..... \$2.00
(2) Reserving summons or other original process on any defendant	..... \$3.00
(3) Warrant to arrest, capias, or commitment, for each defendant served	..... \$15.00
(4) Serving writ and summons in replevin, taking bond and any inventory, against one defendant	..... \$6.00
on every additional defendant	..... \$2.00
(5) Serving writ in replevin when issued subsequent to service of summons, against one defendant	..... \$5.00
on every additional defendant	..... \$2.00
(6) Serving order for possession in replevin	..... \$4.00
(7) Serving writ of attachment and making inventory, one defendant	..... \$4.00
on every additional defendant	..... \$2.00
(8) Serving and executing warrant for possession in tenancy	..... \$10.00
(9) Every execution, or any order in the nature of an execution, on a judgment, for each defendant	..... \$2.00
(10) Every wage execution to a federal agency, additional fee	\$4.00

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

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

(1) For advertising property under execution or any order	..... \$10.00
(2) For selling property under execution or any order	\$10.00

(3) On every dollar collected on execution, writ of attachment, or any order, \$0.10.

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

Approved September 21, 2000.