

22A:2-37

LEGISLATIVE HISTORY CHECKLIST

HJSA 22A:2-37 (County District Courts--increase certain fees for actions and proceedings)

LAWS OF 1980 CHAPTER 40

Bill No. S835

Sponsor(s) Skevin

Date Introduced Pre-filed

Committee: Assembly Judiciary, Law, Public Safety and Defense  
Senate Judiciary

Amended during passage Yes ~~No~~

Date of Passage: Assembly May 5, 1980

Senate April 14, 1980

Date of approval June 20, 1980

Following statements are attached if available:

Sponsor statement	Yes	<del>No</del> (Below)
Committee Statement: Assembly	<del>Yes</del>	No
Senate	<del>Yes</del>	No
Fiscal Note	<del>Yes</del>	No
Veto message	<del>Yes</del>	No
Message on signing	Yes	<del>No</del>

Following were printed.

Reports	Yes	<del>No</del>
Hearings	<del>Yes</del>	No

Sponsor's statement:

This bill increases certain fees payable in actions and proceedings before county district courts.

(over)

9/1/73

Recommendation for legislation in:

974.901 New Jersey. Supreme Court. Committee on County  
C86 District Courts.

Report. March 30, 1979.

(pg. 5 and Appendix A--attached)

(In: New Jersey. Judicial Conference Proceedings--1979)

SENATE, No. 835

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1980 SESSION

By Senator SKEVIN

AN ACT concerning fees payable to clerks of county district courts  
and amending N. J. S. 22A:2-37.

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

1 1. N. J. S. 22A:2-37 is amended to read as follows:

2 22A:2-37. In all civil actions and proceedings in the county dis-  
3 trict court, the following fees shall be paid to the clerk:

4 Copy of proceedings or transcript of the same, per folio, \$0.20.

5 Instituting action without process where the amount claimed  
6 does not exceed \$500.00, \$8.00.

7 Instituting action without process where the amount claimed  
8 exceeds \$500.00, \$10.00.

9 Filing a pleading stating a counterclaim, where the amount  
10 claimed does not exceed \$500.00, \$7.00.

11 Filing a pleading stating a counterclaim, where the amount  
12 claimed exceeds \$500.00, \$9.00.

13 Execution, or an order in the nature of execution, on a judg-  
14 ment, or execution against the body, for one defendant, **[\$2.50]**  
15 **\$4.00**.

16 Execution against the body, each additional defendant, \$1.00.

17 Copy of execution, or other order, in the nature of execution,  
18 \$0.50.

19 Mileage of constable in serving any summons, executions or  
20 warrant against the body, the distance to be computed by counting  
21 the number of miles, in and out, by the most direct route from the  
22 place where process is issued, for every mile, \$0.10.

23 Summons, one defendant, where the amount does not exceed  
24 \$500.00, **[\$7.60]** **\$9.60**. For each additional defendant, **[\$0.40]**  
25 **\$1.40**.

26 Summons, one defendant, where the amount exceeds \$500.00,  
27 **[\$10.00]** **\$12.00**. For each additional defendant, **[\$0.40]** **\$1.40**.

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

28 In tenancy, one defendant, \$7.10. For each additional defendant,  
29 \$0.40.

30 In replevin, for service of summons, one defendant, where the  
31 amount or value of goods does not exceed \$500.00, **[\$7.60]** \$9.60.  
32 For each additional defendant, **[\$0.40]** \$1.40.

33 In replevin, for service of summons, one defendant, where the  
34 amount or value of goods exceeds \$500.00, **[\$10.00]** \$12.00. For each  
35 additional defendant, **[\$0.40]** \$1.40.

36 In replevin, where writ is served with summons, one defendant,  
37 where the amount or value of goods does not exceed \$500.00, **[\$9.50]**  
38 \$14.50. For each additional defendant, **[\$0.40]** \$1.40.

39 In replevin, where writ is served with summons, one defendant,  
40 where the amount or value of goods exceeds \$500.00, **[\$12.00]**  
41 \$17.00. For each additional defendant, **[\$0.40]** \$1.40.

42 In replevin, where writ is issued subsequent to service of sum-  
43 mons, **[\$7.50]** \$10.50.

44 Summons in third party complaints, one defendant, where the  
45 amount does not exceed \$500.00, **[\$7.60]** \$9.60. For each additional  
46 defendant, **[\$0.40]** \$1.40.

47 Summons in third party complaints, one defendant, where the  
48 amount exceeds \$500.00, **[\$10.00]** \$12.00. For each additional de-  
49 fendant, **[\$0.40]** \$1.40.

50 Actions instituted by capias or warrant to arrest, one defendant,  
51 where the amount does not exceed \$500.00, **[\$7.85]** \$17.65. For each  
52 additional defendant, **[\$1.00]** \$11.00. Copy of warrant to arrest,  
53 \$0.50.

54 Actions instituted by capias or warrant to arrest, one defendant,  
55 where the amount exceeds \$500.00, **[\$10.00]** \$20.00. For each addi-  
56 tional defendant, **[\$1.00]** \$11.00. Copy of warrant to arrest, \$0.50.

57 Certificate of judgment, \$1.00.

58 Jury of six men, \$15.00.

59 Jury of 12 men, \$30.00.

60 Capias, warrant to arrest, or commitment, one defendant, **[\$3.35]**  
61 \$13.35. For each additional defendant, **[\$1.00]** \$11.00.

62 Warrant for possession in tenancy, **[\$4.00]** \$9.00.

63 Writ of attachment, where the amount does not exceed \$500.00,  
64 **[\$8.85]** \$11.85.

65 Writ of attachment, where the amount exceeds \$500.00, **[\$10.00]**  
66 \$13.00.

67 Certifying statement of judgment for docketing in the Superior  
68 **[or County]** Court, \$1.00.

69 Certifying statement of judgment on mechanic's lien for docket-  
70 ing, \$1.00.

71 Restoring case marked not moved, \$1.00.

72 Vacating default, \$1.00.

73 Except as specifically provided for herein, there shall be no  
74 charge for any order up until the time of final judgment. After  
75 final judgment orders for warrants, orders to show cause, discovery  
76 or any other order not specifically provided for herein the clerk  
77 shall charge the sum of \$1.00.

78 *For advertising property under execution or any order, \$5.00.*

79 *For selling property under execution or any order, \$10.00.*

1 2. This act shall take effect 30 days following enactment.

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STATEMENT

This bill increases certain fees payable in actions and proceedings  
before county district courts.

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JUNE 20, 1980

PATRICK SWEENEY

Governor Brendan Byrne today signed the following bills:

S-621, sponsored by Senator Joseph A. Maressa (D-Gloucester), which changes the name of the Medical-Vision Advisory Panel in the Division of Motor Vehicles to the Medical Advisory Panel. The panel, comprised totally of medical doctors with various specialties, advises the Division of Motor Vehicles on the licensure of people with physical or mental disorders.

S-710, sponsored by Senator Barry T. Parker (R-Burlington), which permits the purchasers of individual life and health insurance policies to return the policies and cancel the insurance within ten days after receipt of the policy. The ten day period is intended to give the purchaser the opportunity to recover from a possible "hard sell" on the part of an insurance agent, and to provide time to examine the specific provisions of the policy to insure that it actually meets the purchaser's insurance need.

S-820 and S-835, sponsored by Senator John M. Skevin (D-Bergen), which are companion bills concerning the fees collected for the clerks of the County District Courts and the fees paid to process servers of the County District Courts.

S-835, increases the filing fees for civil actions in the County District Courts. The fees increased are those which require the serving of papers. They include: executions, summonses, capias and advertisements. The bill takes effect 30 days after enactment. The summons fee is raised from \$7.60 to \$9.60 for the first defendant and from \$.40 to \$1.40 for each additional defendant. If the amount in question exceeds \$600, the increase for the first defendant is from \$10 to \$12.

S-820, increases the fees paid to sergeants-at-arms and constables for the serving of the process of the County District Courts. The bill also amends the law to permit payment of the same fees to such officers as may be designated as process servers for the County District Courts by N.J.S.A.:18-5. The fees are doubled or tripled in some cases, but they have remained essentially unchanged since 1957. The bill takes effect July 1, 1980.

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II. STATUTES CONSIDERED

A. RECOMMENDED STATUTORY AMENDMENTS

1. Amendment to N.J.S.A. 22A:2-37.

It has been brought to the Committee's attention that N.J.S.A. 22A:2-37, which governs the fees charged for the service of process in the county district court, has not been amended in the past in keeping with the amendments made to N.J.S.A. 22A:2-38, which establishes the fees paid to constables or other designated officers as compensation for serving process. The Committee recommends that N.J.S.A. 22A:2-37 be amended accordingly and that such amendment be endorsed and forwarded by the Supreme Court. (See Appendix A).

2. Merger of the County District Court with Superior Court

On the questions of merger, the Committee unanimously agreed and endorsed the merger of the county district courts with the Superior Court in order to unify the court system, better serve the public, and avoid the lack of uniformity which has plagued the county district court system over the past 30 years.

B. CONSIDERATION OF PENDING LEGISLATION; RECOMMENDED

1. Senate Bill 810.

Senate Bill 810, which would amend N.J.S.A. 22A:2-38, was referred to the Committee for its recommendation. The Committee by an eight to seven vote supported the increase of fees paid to constables and other designated officers as set forth therein, provided there was a corollary amendment to N.J.S.A. 22A:2-37 authorizing the clerk of the county district court to charge the increased fees.

AMENDMENT TO N.J.S. 22A:2-37 - FEES OF THE CLERK OF THE COUNTY DISTRICT COURT - To provide for the collection of fees to conform with those required paid to constables under N.J.S. 22A:2-38, as amended by L. 1974, c.47 3 (3 day tenancy notice); and L. 1976 c.362, 1, eff. March 3, 1976 (mileage change).

N.J.S. 22A:2-37 - Fees of clerk of county district court

In all civil actions and proceedings in the county district court, the following fees shall be paid to the clerk:

Copies of proceeding or transcript of the same, per folio, \$0.20.

Instituting action without process where the amount claimed does not exceed \$500.00, \$8.00.

Instituting action without process where the amount claimed exceeds \$500.00, \$10.00.

Filing a pleading stating a counterclaim, where the amount claimed does not exceed \$500.00, \$7.00.

Filing a pleading stating a counterclaim, where the amount claimed exceeds \$500.00, \$9.00.

Execution, or an order in the nature of execution, on a judgment, or execution against the body, for one defendant, \$2.50.

Execution, against the body, each additional defendant, \$1.00.

Copy of execution, or other order, in the nature of execution, \$0.50.

Mileage of constable in serving any summons, executions or warrant against the body, 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, for every mile, \$0.10. For every mile of travel in serving any summons or capias against the body, execution, subpoena, warrant of removal, notice or order, 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 county board of chosen freeholders for other county employees.



Summons, one defendant, where the amount does not exceed \$500.00, \$7.60. For each additional defendant, \$0.40.

Summons, one defendant, where the amount exceeds \$500.00, \$10.00. For each additional defendant, \$0.40.

In tenancy, one defendant, \$7.10. For each additional defendant, \$0.40.

In replevin, for service of summons, one defendant, where the amount or value of goods exceeds \$500.00, \$10.00. For each additional defendant, \$0.40.

In replevin, where writ is served with summons, one defendant, where the value of goods exceeds \$500.00, \$10.00. For each additional defendant, \$0.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods does not exceed \$500.00, \$9.50. For each additional defendant, \$0.40.

In replevin, where writ is served with summons, one defendant, where the amount or value of goods exceeds \$500.00, \$12.00. For each additional defendant, \$0.40.

In replevin, where writ is issued subsequent to service of summons, \$7.50.

Summons in third party complaints, one defendant, where the amount does not exceed \$500.00, \$7.60. For each additional defendant, \$0.40.

Summons in third party complaints, one defendant, where the amount exceeds \$500.00, \$10.00. For each additional defendant, \$0.40.

Actions instituted by capias or warrant to arrest, one defendant, where the amount does not exceed \$500.00, \$7.85. For each additional defendant, \$1.00. Copy of warrant to arrest, \$0.50.

Actions instituted by capias or warrant to arrest, one defendant, where the amount exceeds \$500.00, \$10.00. For each

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additional defendant, \$1.00. Copy of warrant to arrest, \$0.50.

Certificate of judgment, \$1.00.

Jury of six men, \$15.00.

Jury of 12 men, \$30.00.

Capias, warrant to arrest, or commitment, one defendant, \$3.35. For each additional defendant, \$1.00.

Warrant for possession in tenancy, \$4.00. For the service of the 3-day notice with the warrant, \$0.60.

Writ of attachment, where the amount does not exceed \$500.00, \$8.85.

Writ of attachment, where the amount exceeds \$500.00, \$10.00.

Certifying statement of judgment for docketing in Superior Court ~~or County Court~~, \$1.00.

Certifying statement of judgment on mechanic's lien for docketing, \$1.00.

Restoring case marked not moved, \$1.00.

Vacating default, \$1.00.

Except as specifically provided for herein, there shall be no charge for any orders up until the time of final judgment. After final judgment orders for warrants, orders to show cause, discovery or any other order not specifically provided for herein the clerk shall charge the sum of \$1.00.

Additions in text indicated by underline; deletions by ~~strikes~~.