

22A:2-37.1

LEGISLATIVE HISTORY CHECKLIST

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LAWS OF: 2003 **CHAPTER:** 259

NJSA: 22A:2-37.1 (Clarifies fee schedule — Special Civil Part)

BILL NO: S1959 (Substituted for A3008)

SPONSOR(S): Kenny and others

DATE INTRODUCED: October 17, 2002

COMMITTEE: **ASSEMBLY:** -----

SENATE: Budget and Appropriations; Judiciary

AMENDED DURING PASSAGE: Yes

DATE OF PASSAGE: **ASSEMBLY:** January 12, 2004

SENATE: January 8, 2003

DATE OF APPROVAL: January 14, 2004

FOLLOWING ARE ATTACHED IF AVAILABLE:

[FINAL TEXT OF BILL](#) (1st reprint enacted)

S1959

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

COMMITTEE STATEMENT: **ASSEMBLY:** No

SENATE: Yes [12-11-2003 \(Budget\)](#)
[11-25-2003 \(Judiciary\)](#)

FLOOR AMENDMENT STATEMENT: No

[LEGISLATIVE FISCAL NOTE:](#) [Yes](#)

A3008

[SPONSOR'S STATEMENT:](#) (Begins on page 5 of original bill) [Yes](#)

Bill and Sponsors Statement identical to S1959

COMMITTEE STATEMENT: **ASSEMBLY:** Yes [03-06-2003 \(Judiciary\)](#)
[01-08-2004 \(Approp.\)](#)

SENATE: No

FLOOR AMENDMENT STATEMENT: No

LEGISLATIVE FISCAL ESTIMATE: No

VETO MESSAGE: No

GOVERNOR'S PRESS RELEASE ON SIGNING: No

FOLLOWING WERE PRINTED:

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REPORTS:

No

HEARINGS:

No

NEWSPAPER ARTICLES:

No

P.L. 2003, CHAPTER 259, *approved January 14, 2004*
Senate, No. 1959 (First Reprint)

1 AN ACT concerning certain service of process fees and amending
2 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 P.L.1991, c.177 (C.22A:2-37.1) is amended to read
8 as follows:

9 14. a. ¹From the effective date of the amendments made to this
10 section by section 1 of P.L. _____, c. _____ (now pending before the
11 Legislature as this bill) through the fifth year thereafter:¹

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

16 (1) Filing of small claim, one defendant \$15.00
17 Each additional defendant \$ 2.00

18 (2) Filing of complaint in tenancy,
19 one defendant \$25.00
20 Each additional defendant \$ 2.00

21 (3) (a) Filing of complaint or other initial
22 pleading containing a counterclaim, cross-claim
23 or third party complaint in all other civil actions,
24 whether commenced without process or by summons,
25 capias, replevin or attachment where the amount
26 exceeds the small claims monetary limit \$50.00
27 Each additional defendant \$ 2.00

28 (b) Filing of complaint or other initial
29 pleading containing a counterclaim, cross-claim
30 or third party complaint in all other civil actions,
31 whether commenced without process or by summons,
32 capias, replevin or attachment where the amount
33 does not exceed the small claims monetary limit \$32.00
34 Each additional defendant \$ 2.00

35 (4) Filing of appearance or answer
36 to a complaint or third party complaint in all
37 matters except small claims \$15.00

38 (5) Service of Process: Fees for service of process, including:
39 summons by mail, each defendant; summons by mail each defendant at
40 place of business or employment with postal instructions to deliver to

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SBA committee amendments adopted December 11, 2003.

1 addressee only; reservice of summons by mail, each defendant; postage
 2 for substituted service of process by the clerk upon the ¹[Director]
 3 Chief Administrator¹ of the ¹[Division of Motor Vehicles] New Jersey
 4 Motor Vehicle Commission¹ in addition to the substituted service fee
 5 provided below; and wage execution by mail to a federal agency, shall
 6 be set by the Administrative Director of the Courts. The fee for
 7 service of process shall not exceed the postal rates for ordinary and
 8 certified mail, return receipt requested, and may include an
 9 administrative fee that shall not exceed \$0.25 for each defendant
 10 served with process by mail. The total service of process fee shall be
 11 rounded upward to the nearest dollar. For the purposes of this
 12 paragraph, service of process means the simultaneous mailing by
 13 ordinary and certified mail, return receipt requested, to the defendant
 14 at the address provided by the plaintiff.

15 [Summons by mail, each defendant \$ 4.00]

16 [Summons by mail, each defendant at place of business
 17 or employment with postal instructions to deliver to
 18 addressee only, additional fee \$ 4.00]

19 [Reservice of summons by mail, each defendant. \$ 4.00]

20 Reservice of summons or other original process by
 21 court officer, one defendant \$ 3.00
 22 plus mileage

23 Each additional defendant \$2.00
 24 plus mileage

25 Substituted service of process by the clerk upon
 26 the¹[Director] Chief Administrator¹ of the
 27 ¹[Division of Motor Vehicles]
 28 New Jersey Motor Vehicle Commission¹ \$10.00

29 [Plus postage. \$ 4.00]

30 (6) Mileage of court officer in serving or executing any process,
 31 writ, order, execution, notice, or warrant, the distance to be computed
 32 by counting the number of miles in and out, by the most direct route
 33 from the place where process is issued, at the same rate per mile set by
 34 the State for other State employees and the total mileage fee rounded
 35 upward to the nearest dollar

36 (7) Jury of six persons \$50.00

37 (8) Warrant for possession in tenancy \$15.00

38 (9) Warrant to arrest, commitment
 39 or writ of *capias ad respondendum*, each defendant \$15.00

40 (10) Writ of execution or an order in
 41 the nature of *execution*, writs of *replevin* and
 42 attachment issued subsequent to summons \$ 5.00

43 [Wage execution by mail to a federal agency
 44 additional fee \$ 4.00]

45 (11) For advertising property under execution

1	or any order	\$10.00
2	(12) For selling property under	
3	execution or any order	\$10.00
4	(13) Exemplified copy of judgment	
5	(two pages)	\$ 5.00
6	each additional page	\$ 1.00
7	b. (Deleted by amendment, P.L.2002, c.34)	
8	c. (Deleted by amendment, P.L.2002, c.34)	
9	¹ d. <u>After the fifth year following the effective date of the</u>	
10	<u>amendments made to this section by section 1 of P.L. , c. (now</u>	
11	<u>pending before the Legislature as this bill):</u>	
12	<u>In all civil actions and proceedings in the Special Civil Part of the</u>	
13	<u>Superior Court, Law Division, only the following fees shall be charged</u>	
14	<u>by the clerk and no service shall be performed until the specified fee</u>	
15	<u>has been paid:</u>	
16	<u>(1) Filing of small claim, one defendant</u>	<u>\$15.00</u>
17	<u>Each additional defendant</u>	<u>\$ 2.00</u>
18	<u>(2) Filing of complaint in tenancy,</u>	
19	<u>one defendant</u>	<u>\$25.00</u>
20	<u>Each additional defendant</u>	<u>\$ 2.00</u>
21	<u>(3) (a) Filing of complaint or other initial</u>	
22	<u>pleading containing a counterclaim, cross-claim</u>	
23	<u>or third party complaint in all other civil actions,</u>	
24	<u>whether commenced without process or by summons,</u>	
25	<u>capias, replevin or attachment where the amount</u>	
26	<u>exceeds the small claims monetary limit</u>	<u>\$50.00</u>
27	<u>Each additional defendant</u>	<u>\$ 2.00</u>
28	<u>(b) Filing of complaint or other initial</u>	
29	<u>pleading containing a counterclaim, cross-claim</u>	
30	<u>or third party complaint in all other civil actions,</u>	
31	<u>whether commenced without process or by summons,</u>	
32	<u>capias, replevin or attachment where the amount</u>	
33	<u>does not exceed the small claims monetary limit</u>	<u>\$32.00</u>
34	<u>Each additional defendant</u>	<u>\$ 2.00</u>
35	<u>(4) Filing of appearance or answer</u>	
36	<u>to a complaint or third party complaint in all</u>	
37	<u>matters except small claims</u>	<u>\$15.00</u>
38	<u>(5) Service of Process:</u>	
39	<u>Summons by mail, each defendant</u>	<u>\$ 4.00</u>
40	<u>Summons by mail, each defendant at place of business</u>	
41	<u>or employment with postal instructions to deliver to</u>	
42	<u>addressee only, additional fee</u>	<u>\$ 4.00</u>
43	<u>Reservice of summons by mail, each defendant</u>	<u>\$ 4.00</u>
44	<u>Reservice of summons or other original process by</u>	
45	<u>court officer, one defendant</u>	<u>\$ 3.00</u>
46	<u>plus mileage</u>	
47	<u>Each additional defendant</u>	<u>\$2.00</u>

1	<u>plus mileage</u>	
2	<u>Substituted service of process by the clerk upon</u>	
3	<u>the Chief Administrator of the</u>	
4	<u>New Jersey Motor Vehicle Commission</u>	<u>\$10.00</u>
5	<u>Plus postage.</u>	<u>\$ 4.00</u>
6	<u>(6) Mileage of court officer in serving or executing any process,</u>	
7	<u>writ, order, execution, notice, or warrant, the distance to be computed</u>	
8	<u>by counting the number of miles in and out, by the most direct route</u>	
9	<u>from the place where process is issued, at the same rate per mile set by</u>	
10	<u>the State for other State employees and the total mileage fee rounded</u>	
11	<u>upward to the nearest dollar</u>	
12	<u>(7) Jury of six persons</u>	<u>\$50.00</u>
13	<u>(8) Warrant for possession in tenancy</u>	<u>\$15.00</u>
14	<u>(9) Warrant to arrest, commitment</u>	
15	<u>or writ of capias ad respondendum, each defendant</u>	<u>\$15.00</u>
16	<u>(10) Writ of execution or an order in</u>	
17	<u>the nature of execution, writs of replevin and</u>	
18	<u>attachment issued subsequent to summons</u>	<u>\$ 5.00</u>
19	<u>Wage execution by mail to a federal agency</u>	
20	<u>additional fee</u>	<u>\$ 4.00</u>
21	<u>(11) For advertising property under execution</u>	
22	<u>or any order</u>	<u>\$10.00</u>
23	<u>(12) For selling property under</u>	
24	<u>execution or any order</u>	<u>\$10.00</u>
25	<u>(13) Exemplified copy of judgment</u>	
26	<u>(two pages)</u>	<u>\$ 5.00</u>
27	<u>each additional page</u>	<u>\$ 1.00¹</u>
28	(cf: P.L.2002, c.34, s.32)	
29		
30	2. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to	
31	read as follows:	
32	15. a. From the fees set forth in section 14 of P.L.1991, c.177	
33	(C.22A:2-37.1), the clerk of the Special Civil Part of the Superior	
34	Court, Law Division, shall pay to officers designated by the	
35	Assignment Judge to serve process the following fees:	
36	(1) Serving summons, notice or	
37	third party complaint on one defendant	\$ 3.00
38	on every additional defendant	\$ 2.00
39	(2) Reserving summons or other	
40	original process on any defendant	\$ 3.00
41	(3) Warrant to arrest, capias, or	
42	commitment, for each defendant served	\$15.00
43	(4) Serving writ and summons in	
44	replevin, taking bond and any inventory, against	
45	one defendant	\$ 6.00
46	on every additional defendant	\$ 2.00

1	(5) Serving writ in replevin when	
2	issued subsequent to service of summons,	
3	against one defendant	\$ 5.00
4	on every additional defendant	\$ 2.00
5	(6) Serving order for possession	
6	in replevin	\$ 4.00
7	(7) Serving writ of attachment and	
8	making inventory, one defendant	\$ 4.00
9	on every additional defendant	\$ 2.00
10	(8) Serving and executing warrant	
11	for possession in tenancy	\$10.00
12	(9) Every execution, or any order in	
13	the nature of an execution, on a judgment, for	
14	each defendant	\$ 2.00
15	[(10) Every wage execution to a	
16	federal agency, additional fee	\$ 4.00]
17	b. For every mile of travel in serving or executing any process,	
18	writ, order, execution, notice or warrant, the distance to be computed	
19	by counting the number of miles in and out, by the most direct route	
20	from the place where process is issued, at the same rate per mile set by	
21	the State for other State employees and the total mileage fee rounded	
22	upward to the nearest dollar.	
23	c. In addition to the foregoing, the following fees for officers of the	
24	Special Civil Part shall be taxed in the costs and collected on	
25	execution, writ of attachment or order in the nature of any execution	
26	on any final judgment, or on a valid and subsisting levy of an execution	
27	or attachment which may be the effective cause in producing payment	
28	or settlement of a judgment or attachment:	
29	(1) For advertising property	
30	under execution or any order	\$10.00
31	(2) For selling property under	
32	execution or any order	\$10.00
33	(3) On every dollar collected on	
34	execution, writ of attachment, or any order,	\$ 0.10.
35	(4) In the event a judgment is vacated for any reason after a court	
36	officer has made a levy and thereafter the judgment is reinstated or the	
37	case is settled, the dollarage due the court officer on payment of the	
38	judgment amount or settlement amount again shall be taxed in the	
39	costs and collected	
40	<u>d. In addition to the foregoing, the clerk of the Special Civil Part</u>	
41	<u>shall pay to officers designated by the Assignment Judge to serve wage</u>	
42	<u>executions on a federal agency an amount equal to the fee set by</u>	
43	<u>1either1 the Administrative Director of the Courts pursuant to</u>	
44	<u>paragraph (5) of subsection a. of section 14 of P.L. 1991, c.177</u>	
45	<u>(C.22A:2-37.1) 1or set pursuant to subsection d. of that section,</u>	
46	<u>whichever then may be applicable.1 for each wage execution served.</u>	
47	(cf: P.L.2001, c.275, s.1)	

1 3. This act shall take effect immediately.

2

3

4

5

6 Clarifies fee schedules for certain service of process fees in the Special

7 Civil Part of the Superior Court.

SENATE, No. 1959

STATE OF NEW JERSEY
210th LEGISLATURE

INTRODUCED OCTOBER 17, 2002

Sponsored by:

Senator BERNARD F. KENNY, JR.

District 33 (Hudson)

Senator ROBERT J. MARTIN

District 26 (Morris and Passaic)

Co-Sponsored by:

Senators Palaia and Inverso

SYNOPSIS

Clarifies fee schedules for certain service of process fees in the Special Civil Part of the Superior Court.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/17/2002)

S1959 KENNY, MARTIN

2

1 **AN ACT** concerning certain service of process fees and amending
2 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 P.L.1991, c.177 (C.22A:2-37.1) is amended to read
8 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 \$15.00

14 Each additional defendant \$ 2.00

15 (2) Filing of complaint in tenancy,
16 one defendant \$25.00

17 Each additional defendant \$ 2.00

18 (3) (a) Filing of complaint or other initial
19 pleading containing a counterclaim, cross-claim
20 or third party complaint in all other civil actions,
21 whether commenced without process or by summons,
22 capias, replevin or attachment where the amount
23 exceeds the small claims monetary limit \$50.00

24 Each additional defendant \$ 2.00

25 (b) Filing of complaint or other initial
26 pleading containing a counterclaim, cross-claim
27 or third party complaint in all other civil actions,
28 whether commenced without process or by summons,
29 capias, replevin or attachment where the amount
30 does not exceed the small claims monetary limit \$32.00

31 Each additional defendant \$ 2.00

32 (4) Filing of appearance or answer
33 to a complaint or third party complaint in all
34 matters except small claims \$15.00

35 (5) Service of Process: Fees for service of process, including:
36 summons by mail, each defendant; summons by mail each defendant at
37 place of business or employment with postal instructions to deliver to
38 addressee only; reservice of summons by mail, each defendant;
39 postage for substituted service of process by the clerk upon the
40 Director of the Division of Motor Vehicles in addition to the
41 substituted service fee provided below; and wage execution by mail
42 to a federal agency, shall be set by the Administrative Director of the
43 Courts. The fee for service of process shall not exceed the postal rates

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

Matter underlined thus is new matter.

S1959 KENNY, MARTIN

1 for ordinary and certified mail, return receipt requested, and may
2 include an administrative fee that shall not exceed \$0.25 for each
3 defendant served with process by mail. The total service of process
4 fee shall be rounded upward to the nearest dollar. For the purposes of
5 this paragraph, service of process means the simultaneous mailing by
6 ordinary and certified mail, return receipt requested, to the defendant
7 at the address provided by the plaintiff.

8 [Summons by mail, each defendant \$ 4.00]

9 [Summons by mail, each defendant at place of business
10 or employment with postal instructions to deliver to
11 addressee only, additional fee \$ 4.00]

12 [Reservice of summons by mail, each defendant. \$ 4.00]

13 Reservice of summons or other original process by
14 court officer, one defendant \$ 3.00
15 plus mileage

16 Each additional defendant \$2.00
17 plus mileage

18 Substituted service of process by the clerk
19 upon the Director of the Division of
20 Motor Vehicles \$10.00

21 [Plus postage. \$ 4.00]

22 (6) Mileage of court officer in serving or executing any process,
23 writ, order, execution, notice, or warrant, the distance to be computed
24 by counting the number of miles in and out, by the most direct route
25 from the place where process is issued, at the same rate per mile set by
26 the State for other State employees and the total mileage fee rounded
27 upward to the nearest dollar

28 (7) Jury of six persons \$50.00

29 (8) Warrant for possession in tenancy \$15.00

30 (9) Warrant to arrest, commitment
31 or writ of capias ad respondendum, each defendant \$15.00

32 (10) Writ of execution or an order in
33 the nature of execution, writs of replevin and
34 attachment issued subsequent to summons \$ 5.00

35 [Wage execution by mail to a federal agency
36 additional fee \$ 4.00]

37 (11) For advertising property under execution
38 or any order \$10.00

39 (12) For selling property under
40 execution or any order \$10.00

41 (13) Exemplified copy of judgment
42 (two pages) \$ 5.00
43 each additional page \$ 1.00

44 b. (Deleted by amendment, P.L.2002, c.34)

45 c. (Deleted by amendment, P.L.2002, c.34)

46 (cf: P.L.2002, c.34, s.32.

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 | |
| 8 third party complaint on one defendant | \$ 3.00 |
| 9 on every additional defendant | \$ 2.00 |
| 10 (2) Reserving summons or other | |
| 11 original process on any defendant | \$ 3.00 |
| 12 (3) Warrant to arrest, capias, or | |
| 13 commitment, for each defendant served | \$15.00 |
| 14 (4) Serving writ and summons in | |
| 15 replevin, taking bond and any inventory, against | |
| 16 one defendant | \$ 6.00 |
| 17 on every additional defendant | \$ 2.00 |
| 18 (5) Serving writ in replevin when | |
| 19 issued subsequent to service of summons, | |
| 20 against one defendant | \$ 5.00 |
| 21 on every additional defendant | \$ 2.00 |
| 22 (6) Serving order for possession | |
| 23 in replevin | \$ 4.00 |
| 24 (7) Serving writ of attachment and | |
| 25 making inventory, one defendant | \$ 4.00 |
| 26 on every additional defendant | \$ 2.00 |
| 27 (8) Serving and executing warrant | |
| 28 for possession in tenancy | \$10.00 |
| 29 (9) Every execution, or any order in | |
| 30 the nature of an execution, on a judgment, for | |
| 31 each defendant | \$ 2.00 |
| 32 [(10) Every wage execution to a | |
| 33 federal agency, additional fee | \$ 4.00] |

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

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

- 1 (1) For advertising property
2 under execution or any order \$10.00
3 (2) For selling property under
4 execution or any order \$10.00
5 (3) On every dollar collected on
6 execution, writ of attachment, or any order, \$ 0.10.
7 (4) In the event a judgment is vacated for any reason after a court
8 officer has made a levy and thereafter the judgment is reinstated or the
9 case is settled, the dollarage due the court officer on payment of the
10 judgment amount or settlement amount again shall be taxed in the
11 costs and collected
12 d. In addition to the foregoing, the clerk of the Special Civil Part
13 shall pay to officers designated by the Assignment Judge to serve wage
14 executions on a federal agency an amount equal to the fee set by the
15 Administrative Director of the Courts pursuant to paragraph (5) of
16 subsection a. of section 14 of P.L. 1991, c.177 (C.22A:2-37.1) for
17 each wage execution served.
18 (cf: P.L.2001, c.275, s.1)
19
20 3. This act shall take effect immediately.

21
22
23 STATEMENT
24

25 This bill would allow the Administrative Director of the Courts to
26 set fees for service of process in the Special Civil Part of the Superior
27 Court, provided the fees do not exceed the postal rates for ordinary
28 and certified mail, return receipt requested, plus an administrative fee
29 of \$0.25 per defendant. The fees which will be affected are the fees
30 for: (1) summons by mail, each defendant; (2) summons by mail each
31 defendant at place of business or employment with postal instructions
32 to deliver to addressees only; (3) reservice of summons by mail, each
33 defendant; (4) postage for substituted service of process by the clerk
34 upon the Director of the Division of Motor Vehicles in addition to the
35 substituted service fee of \$10.00 already provided and (5) wage
36 execution by mail to a federal agency.

37 The fee would not exceed the postal rates for ordinary and certified
38 mail, return receipt requested, and the \$0.25 administrative fee. This
39 total service of process fee may be rounded upward to the nearest
40 dollar.

41 Using this approach will permit the Administrative Director of the
42 Courts to respond promptly to increases in the postal rates without the
43 necessity of returning for Legislative authorization for the required
44 statutory amendments each time there is a rate hike. This bill would
45 set the outside limit and be consistent with the policy that an individual
46 filing a claim in the Special Civil Part bear the cost of service of
47 process.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

SENATE, No. 1959

with committee amendments

STATE OF NEW JERSEY

DATED: DECEMBER 11, 2003

The Senate Budget and Appropriations Committee reports favorably and with committee amendments Senate Bill No. 1959.

This bill would allow the Administrative Director of the Courts to set certain fees for service of process in the Special Civil Part of the Superior Court (Law Division), provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant.

The fees that will be affected are those for: (1) summons by mail, each defendant; (2) summons by mail, each defendant at place of business or employment, with postal instructions to deliver to addressees only; (3) reservice of summons by mail, each defendant; (4) postage for substituted service of process by the clerk upon the Chief Administrator of the Motor Vehicle Commission, in addition to the substituted service fee of \$10.00 already provided; and (5) wage execution by mail to a federal agency.

The bill provides that this total service of process fee may be rounded upward to the nearest dollar.

In addition, the bill adds a new paragraph d. in N.J.S.A.22A:2-37.2 to provide that the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by the Administrative Director of the Courts for each wage execution served.

This bill will permit the Administrative Director of the Courts to respond to increases in the postal rates without the necessity of returning for Legislative authorization each time there is a rate hike. This bill would set the outside limit and be consistent with the policy that an individual filing a claim in the Special Civil Part bear the cost of service of process.

COMMITTEE AMENDMENTS

Committee amendments to this bill (1) update references in the bill to the "Division of Motor Vehicles" (DMV) and the "Director" of the division to reflect the enactment, in January 2003, of legislation establishing the New Jersey Motor Vehicle Commission as successor

to the DMV and vesting managerial responsibility for the MVC in a Chief Administrator as successor to the DMV director, and (2) provide that the changes made by the bill will expire five years following enactment of the legislation.

FISCAL IMPACT

The Administrative Office of the Courts (AOC) notes that the current cost of service by mail totals \$5.04 for one ounce packages, and \$5.50 per overweight mailings. Adding the administrative fee of \$.25 to each of these mailers would total \$5.29 for one ounce mailings, and \$5.75 for overweight mailing. Rounding up to the nearest dollar should increase the fee to \$6.00 for all mailings, an increase of \$2.00 per mailing.

The AOC estimates that about 359,000 services of process are conducted each year. Applying the \$2.00 increase to this number would result in annual revenue of about \$718,000.

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 1959

STATE OF NEW JERSEY

DATED: NOVEMBER 25, 2002

The Senate Judiciary Committee reports favorably Senate Bill No. 1959.

This bill would allow the Administrative Director of the Courts to set fees for service of process in the Special Civil Part of the Superior Court, provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant. The fees which will be affected are the fees for: (1) summons by mail, each defendant; (2) summons by mail each defendant at place of business or employment with postal instructions to deliver to addressees only; (3) reservice of summons by mail, each defendant; (4) postage for substituted service of process by the clerk upon the Director of the Division of Motor Vehicles in addition to the substituted service fee of \$10.00 already provided and (5) wage execution by mail to a federal agency.

This total service of process fee may be rounded upward to the nearest dollar.

The bill adds a new paragraph d. in N.J.S.A.22A:2-37.2 to provide that the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by the Administrative Director of the Courts for each wage execution served.

This bill will permit the Administrative Director of the Courts to respond to increases in the postal rates without the necessity of returning for Legislative authorization each time there is a rate hike. This bill would set the outside limit and be consistent with the policy that an individual filing a claim in the Special Civil Part bear the cost of service of process.

FISCAL NOTE
SENATE, No. 1959
STATE OF NEW JERSEY
210th LEGISLATURE

DATED: SEPTEMBER 29, 2003

SUMMARY

Synopsis: Clarifies fee schedules for certain service of process fees in the Special Civil Part of the Superior Court.

Type of Impact: General Fund Revenue

Agencies Affected: Judiciary

Executive Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost	\$0	\$0	\$0
State Revenue	\$718,000	\$718,000	\$718,000

- ! The Office of Legislative Services (OLS) **concurs** with the Executive estimate.
- ! The bill would allow the Administrative Director of the Courts to set fees for service of process in the Special Civil Part of the Superior Court, provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant.
- ! The Administrative Office of the Courts (AOC) states that, service by mail means the simultaneous mailing of process by ordinary and certified mail, return receipt requested, to the defendant at the address provided by the plaintiff.
- ! The AOC notes that the current cost of service by mail totals \$5.04 for one ounce packages, and \$5.50 per overweight mailings. Adding the administrative fee of \$.25 to each of these mailers would total \$5.29 for one ounce mailings, and \$5.75 for overweight mailing. Rounding up to the nearest dollar should increase the fee to \$6.00 for all mailings, an increase of \$2.00 per mailing.
- ! The AOC estimates that about 359,000 services of process are conducted each year. Applying the \$2.00 increase to this number would result in annual revenue of about \$718,000.

BILL DESCRIPTION

Senate Bill No. 1959 of 2002 would allow the Administrative Director of the Courts to set fees for service of process in the Special Civil Part of the Superior Court, provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant. The fees which will be affected are the fees for: (1) summons by mail, each defendant; (2) summons by mail each defendant at place of business or employment with postal instructions to deliver to addressees only; (3) reservice of summons by mail, each defendant; (4) postage for substituted service of process by the clerk upon the Director of the Division of Motor Vehicles in addition to the substituted service fee of \$10.00 already provided and (5) wage execution by mail to a federal agency. This total service of process fee may be rounded upward to the nearest dollar.

The bill also provides that the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by the Administrative Director of the Courts for each wage execution served.

FISCAL ANALYSIS

EXECUTIVE BRANCH

The Administrative Office of the Courts (AOC) states that service by mail means the simultaneous mailing of process by ordinary and certified mail, return receipt requested, to the defendant at the address provided by the plaintiff. Based upon a recommendation of the Committee of Special Civil Part Supervising Judges, the Supreme Court adopted their proposal to have all regular special civil and small claims service by mail effective September 1, 2002. The current fee of \$4.00 has been in effect since July 2000.

The AOC notes that the current cost of service by mail totals \$5.04 for one ounce packages, and \$5.50 per overweight mailings. Adding the administrative fee of \$.25 to each of these mailers would total \$5.29 for one ounce mailings, and \$5.75 for overweight mailing. Rounding up to the nearest dollar should increase the fee to \$6.00 for all mailings, an increase of \$2.00 per mailing.

The AOC estimates that about 359,000 services of process are conducted each year. Applying the \$2.00 increase to this number would result in annual revenue of about \$718,000.

OFFICE OF LEGISLATIVE SERVICES

The Office of Legislative Services (OLS) concurs with the Executive estimate.

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.

ASSEMBLY, No. 3008

STATE OF NEW JERSEY 210th LEGISLATURE

INTRODUCED NOVEMBER 18, 2002

Sponsored by:

Assemblywoman LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Clarifies fee schedules for certain service of process fees in the Special Civil Part of the Superior Court.

CURRENT VERSION OF TEXT

As introduced.



A3008 GREENSTEIN

2

1 AN ACT concerning certain service of process fees and amending
2 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 P.L.1991, c.177 (C.22A:2-37.1) is amended to read
8 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 \$15.00
14 Each additional defendant \$2.00

15 (2) Filing of complaint in tenancy,
16 one defendant \$25.00
17 Each additional defendant \$2.00

18 (3) (a) Filing of complaint or other initial
19 pleading containing a counterclaim, cross-claim
20 or third party complaint in all other civil actions,
21 whether commenced without process or by summons,
22 capias, replevin or attachment where the amount
23 exceeds the small claims monetary limit \$50.00
24 Each additional defendant \$2.00

25 (b) Filing of complaint or other initial
26 pleading containing a counterclaim, cross-claim
27 or third party complaint in all other civil actions,
28 whether commenced without process or by summons,
29 capias, replevin or attachment where the amount
30 does not exceed the small claims monetary limit \$32.00
31 Each additional defendant \$2.00

32 (4) Filing of appearance or answer
33 to a complaint or third party complaint in all
34 matters except small claims \$15.00

35 (5) Service of Process: Fees for service of process, including:
36 summons by mail, each defendant; summons by mail each defendant at
37 place of business or employment with postal instructions to deliver to
38 addressee only; reservice of summons by mail, each defendant;
39 postage for substituted service of process by the clerk upon the
40 Director of the Division of Motor Vehicles in addition to the
41 substituted service fee provided below; and wage execution by mail to
42 a federal agency, shall be set by the Administrative Director of the
43 Courts. The fee for service of process shall not exceed the postal rates

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

Matter underlined thus is new matter.

A3008 GREENSTEIN

1 for ordinary and certified mail, return receipt requested, and may
2 include an administrative fee that shall not exceed \$0.25 for each
3 defendant served with process by mail. The total service of process
4 fee shall be rounded upward to the nearest dollar. For the purposes of
5 this paragraph, service of process means the simultaneous mailing by
6 ordinary and certified mail, return receipt requested, to the defendant
7 at the address provided by the plaintiff.

8 [Summons by mail, each defendant \$4.00]

9 [Summons by mail, each defendant at place of business
10 or employment with postal instructions to deliver to
11 addressee only, additional fee \$4.00]

12 [Reservice of summons by mail, each defendant. \$4.00]

13 Reservice of summons or other original process by
14 court officer, one defendant \$3.00
15 plus mileage

16 Each additional defendant \$2.00
17 plus mileage

18 Substituted service of process by the clerk
19 upon the Director of the Division of
20 Motor Vehicles \$10.00
21 [Plus postage. \$4.00]

22 (6) Mileage of court officer in serving or executing any process,
23 writ, order, execution, notice, or warrant, the distance to be computed
24 by counting the number of miles in and out, by the most direct route
25 from the place where process is issued, at the same rate per mile set by
26 the State for other State employees and the total mileage fee rounded
27 upward to the nearest dollar

28 (7) Jury of six persons \$50.00

29 (8) Warrant for possession in tenancy \$15.00

30 (9) Warrant to arrest, commitment
31 or writ of capias ad respondendum, each defendant \$15.00

32 (10) Writ of execution or an order in
33 the nature of execution, writs of replevin and
34 attachment issued subsequent to summons \$5.00

35 [Wage execution by mail to a federal agency
36 additional fee \$4.00]

37 (11) For advertising property under execution
38 or any order \$10.00

39 (12) For selling property under
40 execution or any order \$10.00

41 (13) Exemplified copy of judgment
42 (two pages) \$5.00
43 each additional page \$1.00

44 b. (Deleted by amendment, P.L.2002, c.34)

45 c. (Deleted by amendment, P.L.2002, c.34)

46 (cf: P.L.2002, c.34, s.32.)

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

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

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

- 1 (1) For advertising property
2 under execution or any order \$10.00
3 (2) For selling property under
4 execution or any order \$10.00
5 (3) On every dollar collected on
6 execution, writ of attachment, or any order, \$0.10.
7 (4) In the event a judgment is vacated for any reason after a court
8 officer has made a levy and thereafter the judgment is reinstated or the
9 case is settled, the dollarage due the court officer on payment of the
10 judgment amount or settlement amount again shall be taxed in the
11 costs and collected
12 d. In addition to the foregoing, the clerk of the Special Civil Part
13 shall pay to officers designated by the Assignment Judge to serve wage
14 executions on a federal agency an amount equal to the fee set by the
15 Administrative Director of the Courts pursuant to paragraph (5) of
16 subsection a. of section 14 of P.L.1991, c.177 (C.22A:2-37.1) for each
17 wage execution served.
18 (cf: P.L.2001, c.275, s.1)
19
20 3. This act shall take effect immediately.

21
22
23 STATEMENT
24

25 This bill would allow the Administrative Director of the Courts to
26 set fees for service of process in the Special Civil Part of the Superior
27 Court, provided the fees do not exceed the postal rates for ordinary
28 and certified mail, return receipt requested, plus an administrative fee
29 of \$0.25 per defendant. The fees which will be affected are the fees
30 for: (1) summons by mail, each defendant; (2) summons by mail each
31 defendant at place of business or employment with postal instructions
32 to deliver to addressees only; (3) reservice of summons by mail, each
33 defendant; (4) postage for substituted service of process by the clerk
34 upon the Director of the Division of Motor Vehicles in addition to the
35 substituted service fee of \$10.00 already provided and (5) wage
36 execution by mail to a federal agency.

37 The fee would not exceed the postal rates for ordinary and certified
38 mail, return receipt requested, and the \$0.25 administrative fee. This
39 total service of process fee may be rounded upward to the nearest
40 dollar.

41 Using this approach will permit the Administrative Director of the
42 Courts to respond promptly to increases in the postal rates without the
43 necessity of returning for Legislative authorization for the required
44 statutory amendments each time there is a rate hike. This bill would
45 set the outside limit and be consistent with the policy that an individual
46 filing a claim in the Special Civil Part bear the cost of service of
47 process.

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3008

STATE OF NEW JERSEY

DATED: MARCH 6, 2003

The Assembly Judiciary Committee reports favorably Assembly Bill No. 3008.

This bill would allow the Administrative Director of the Courts to set fees for service of process in the Special Civil Part of the Superior Court, provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant. The fees which will be affected are the fees for: (1) summons by mail, each defendant; (2) summons by mail each defendant at place of business or employment with postal instructions to deliver to addressees only; (3) reservice of summons by mail, each defendant; (4) postage for substituted service of process by the clerk upon the Director of the Division of Motor Vehicles in addition to the substituted service fee of \$10.00 already provided and (5) wage execution by mail to a federal agency.

The fee would not exceed the postal rates for ordinary and certified mail, return receipt requested, and the \$0.25 administrative fee. This total service of process fee may be rounded upward to the nearest dollar.

Using this approach will permit the Administrative Director of the Courts to respond promptly to increases in the postal rates without the necessity of returning for Legislative authorization for the required statutory amendments each time there is a rate hike. This bill would set the outside limit and be consistent with the policy that an individual filing a claim in the Special Civil Part bear the cost of service of process.

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

ASSEMBLY, No. 3008

with Assembly committee amendments

STATE OF NEW JERSEY

DATED: JANUARY 8, 2004

The Assembly Appropriations Committee reports favorably Assembly Bill No. 3008, with committee amendments.

Assembly Bill No. 3008, as amended, allows the Administrative Director of the Courts to set fees for service of process in the Special Civil Part of the Superior Court, provided the fees do not exceed the postal rates for ordinary and certified mail, return receipt requested, plus an administrative fee of \$0.25 per defendant. This authority to set fees expires five years following enactment of the legislation.

The fees that will be affected are the fees for: (1) summons by mail, each defendant; (2) summons by mail each defendant at place of business or employment with postal instructions to deliver to addressees only; (3) reservice of summons by mail, each defendant; (4) postage for substituted service of process by the clerk upon the Chief Administrator of the New Jersey Motor Vehicle Commission in addition to the substituted service fee of \$10.00 already provided and (5) wage execution by mail to a federal agency.

The fee will not exceed the postal rates for ordinary and certified mail, return receipt requested, and the \$0.25 administrative fee. This total service of process fee may be rounded upward to the nearest dollar.

Using this approach will permit the Administrative Director of the Courts to respond promptly to increases in the postal rates without the necessity of returning for Legislative authorization for the required statutory amendments each time there is a rate hike. This bill sets the outside limit and is consistent with the policy that an individual filing a claim in the Special Civil Part bears the cost of service of process.

In addition, the bill adds a new paragraph d. in N.J.S.A.22A:2-37.2 to provide that the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by the Administrative Director of the Courts for each wage execution served.

FISCAL IMPACT:

The Administrative Office of the Courts (AOC) notes that the current cost of service by mail totals \$5.04 for one ounce packages,

and \$5.50 per overweight mailings. Adding the administrative fee of \$.25 to each of these mailers would total \$5.29 for one ounce mailings, and \$5.75 for overweight mailing. Rounding up to the nearest dollar should increase the fee to \$6.00 for all mailings, an increase of \$2.00 per mailing.

The AOC estimates that about 359,000 services of process are conducted each year. Applying the \$2.00 increase to this number would result in annual revenue of about \$718,000.

COMMITTEE AMENDMENTS:

The amendments: (1) update references in the bill to reflect the enactment, in January 2003, of legislation establishing the New Jersey Motor Vehicle Commission (MVC) as successor to the "Division of Motor Vehicles" (DMV) and vesting managerial responsibility for the MVC in a Chief Administrator as successor to the DMV director, and (2) provide that the power to set fees will expire five years following its enactment.