

22A:2-7

**LEGISLATIVE HISTORY CHECKLIST**  
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(Supreme Court--Special Civil  
part--reduce certain fees)

**NJSA:** 22A:2-7

**LAWS OF:** 1994 **CHAPTER:** 81

**BILL NO:** S356

**SPONSOR(S):** O'Connor and Cafiero

**DATE INTRODUCED:** Pre-filed

**COMMITTEE:** **ASSEMBLY:** Judiciary; Law and Public Safety  
**SENATE:** Judiciary; Budget

**AMENDED DURING PASSAGE:** Yes  
Second reprint enacted

**DATE OF PASSAGE:** **ASSEMBLY:** June 20, 1994  
**SENATE:** March 15, 1994

**DATE OF APPROVAL:** August 3, 1994

**FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:**

**SPONSOR STATEMENT:** Yes

**COMMITTEE STATEMENT:** **ASSEMBLY:** Yes  
**SENATE:** Yes 2-10-94 & 3-10-94

**FISCAL NOTE:** Yes

**VETO MESSAGE:** No

**MESSAGE ON SIGNING:** No

**FOLLOWING WERE PRINTED:**

**REPORTS:** No

**HEARINGS:** No

KBG:pp

[SECOND REPRINT]

SENATE, No. 356

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senators O'CONNOR and Cafiero

1 AN ACT concerning certain docketing and satisfaction of  
2 judgment fees and amending N.J.S.22A:2-7 <sup>1</sup>and  
3 N.J.S.2A:16-11<sup>1</sup>.

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

7 1. N.J.S.22A:2-7 is amended to read as follows:

8 22A:2-7. a. Upon the filing, entering, docketing or recording  
9 of the following papers, documents or proceedings by either party  
10 to any action or proceeding in the Law Division of the Superior  
11 Court, the party or parties filing, entering, docketing or  
12 recording the same shall pay to the clerk of said court the  
13 following fees:

14 Filing of the first paper in any motion, petition or application,  
15 if not in a pending action or proceeding under section 22A:2-6 of  
16 this Title, or if made after dismissal or judgment entered other  
17 than withdrawal of money deposited in court, the moving party  
18 shall pay \$15.00 which shall cover all fees payable on such  
19 motion, petition or application down to and including filing and  
20 entering of order therein and taxation of costs.

21 For withdrawal of money deposited in court where the sum to  
22 be withdrawn is less than \$100.00, no fee; where the sum is  
23 \$100.00 or more but less than \$1,000.00, a fee of \$5.00; where  
24 such sum is \$1,000.00 or more, a fee of \$10.00.

25 Entering judgment on bond and warrant by attorney and  
26 issuance of one final process, \$15.00 in lieu of the fee required by  
27 section 22A:2-6 of this Title.

28 Recording of judgment in the civil judgment and order docket,  
29 \$25.00 shall be paid to the clerk for use by the State, except as  
30 provided in subsection b. of this section.

31 Docketing judgments or orders from other courts or divisions  
32 except from the Special Civil Part, including Chancery Division  
33 judgments, \$25.00 shall be paid to the clerk for use by the State,  
34 except as provided in subsection b. of this section.

35 Docketing judgments or orders from the Special Civil Part,  
36 \$5.00 shall be paid to the clerk for use by the State, except as  
37 provided in subsection b. of this section.

38 Satisfaction of judgment or other lien, ~~[\$5.00]~~ \$25.00.

39 Recording assignment of judgment or release, \$5.00.

40 Issuing of executions and recording same, except as otherwise  
41 provided in this article, \$5.00.

42 Recording of instruments not otherwise provided for in this  
43 article, \$5.00.

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:

<sup>1</sup> Senate SJU committee amendments adopted February 10, 1994.

<sup>2</sup> Senate SBA committee amendments adopted March 10, 1994.

1 Filing and entering recognizance of civil bail, \$5.00.

2 Signing and issuing subpoena, \$5.00.

3 b. Moneys collected under the provisions of subsection a. of  
4 this section for the recording and docketing of judgments and  
5 satisfactions of judgments or other liens shall be deposited in the  
6 temporary reserve fund created by section 25 of P.L. , c.  
7 (C. )(now pending before the Legislature as section 25 of this  
8 bill). After December 31, 1994, the moneys collected under the  
9 provisions of subsection a. shall be for use by the State.  
10 (cf: P.L.1993, c.275, s.11)

11 12. N.J.S.2A:16-11 is amended to read as follows:

12 2A:16-11. The Clerk of the Superior Court shall keep a book  
13 known as a civil judgment and order docket in which shall be  
14 entered, [without any request,] an abstract of each judgment or  
15 order for the payment of money, submitted for entry, including a  
16 judgment or order to pay counsel fees and other fees or costs,  
17 entered from, or made in, the Superior Court. A judgment of the  
18 Special Civil Part of the Law Division shall not be entered unless  
19 it is docketed in the manner specifically provided for Special  
20 Civil Part judgments. A judgment or order for the payment of  
21 money is one which has been reduced to a fixed dollar amount.  
22 Any judgment for periodic payments where a total amount has  
23 not been fixed shall not be considered as having been reduced to a  
24 fixed dollar amount unless a judgment fixing arrearages has been  
25 entered.

26 The entry required by this section shall constitute the record of  
27 the judgment, order or decree and a transcript thereof duly  
28 certified by the clerk of the court shall be a plenary evidence of  
29 such judgment, order or decree.

30 The clerk shall also make an entry upon the civil judgment and  
31 order docket indicating the nature of every judgment or order and  
32 an entry on return showing execution of process and the date  
33 when such judgment or order was entered.<sup>1</sup>

34 (cf: 1991, c.91, s.35)

35 <sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately <sup>2</sup>[upon the  
36 effective date of P.L. c. (C. )(now pending before the  
37 Legislature as Assembly Committee Substitute for Assembly,  
38 Nos. 1529/2266 4R)]<sup>2</sup>.

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43 Reduces certain fees for Special Civil Part; increases fees for  
44 docketing warrants of satisfaction; requires moving party to file  
45 judgment.

SENATE, No. 356

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1994 SESSION

By Senator O'CONNOR

1 AN ACT concerning certain docketing and satisfaction of  
2 judgment fees and amending N.J.S.22A:2-7.

3

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

6 1. N.J.S.22A:2-7 is amended to read as follows:

7 22A:2-7. a. Upon the filing, entering, docketing or recording  
8 of the following papers, documents or proceedings by either party  
9 to any action or proceeding in the Law Division of the Superior  
10 Court, the party or parties filing, entering, docketing or  
11 recording the same shall pay to the clerk of said court the  
12 following fees:

13 Filing of the first paper in any motion, petition or application,  
14 if not in a pending action or proceeding under section 22A:2-6 of  
15 this Title, or if made after dismissal or judgment entered other  
16 than withdrawal of money deposited in court, the moving party  
17 shall pay \$15.00 which shall cover all fees payable on such  
18 motion, petition or application down to and including filing and  
19 entering of order therein and taxation of costs.

20 For withdrawal of money deposited in court where the sum to  
21 be withdrawn is less than \$100.00, no fee; where the sum is  
22 \$100.00 or more but less than \$1,000.00, a fee of \$5.00; where  
23 such sum is \$1,000.00 or more, a fee of \$10.00.

24 Entering judgment on bond and warrant by attorney and  
25 issuance of one final process, \$15.00 in lieu of the fee required by  
26 section 22A:2-6 of this Title.

27 Recording of judgment in the civil judgment and order docket,  
28 \$25.00 shall be paid to the clerk for use by the State, except as  
29 provided in subsection b. of this section.

30 Docketing judgments or orders from other courts or divisions  
31 except from the Special Civil Part, including Chancery Division  
32 judgments, \$25.00 shall be paid to the clerk for use by the State,  
33 except as provided in subsection b. of this section.

34 Docketing judgments or orders from the Special Civil Part,  
35 \$5.00 shall be paid to the clerk for use by the State, except as  
36 provided in subsection b. of this section.

37 Satisfaction of judgment or other lien, ~~[\$5.00]~~ **\$25.00.**

38 Recording assignment of judgment or release, \$5.00.

39 Issuing of executions and recording same, except as otherwise  
40 provided in this article, \$5.00.

41 Recording of instruments not otherwise provided for in this  
42 article, \$5.00.

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.

1 Filing and entering recognizance of civil bail, \$5.00.

2 Signing and issuing subpoena, \$5.00.

3 b. Moneys collected under the provisions of subsection a. of  
4 this section for the recording and docketing of judgments and  
5 satisfactions of judgments or other liens shall be deposited in the  
6 temporary reserve fund created by section 25 of P.L. , c.  
7 (C. )(now pending before the Legislature as section 25 of this  
8 bill). After December 31, 1994, the moneys collected under the  
9 provisions of subsection a. shall be for use by the State.  
10 (cf: P.L.1993, c.,, s.11)

11 2. This act shall take effect immediately upon the effective  
12 date of P.L. c. (C. )(now pending before the Legislature as  
13 Assembly Committee Substitute for Assembly, Nos. 1529/2266  
14 4R).

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#### STATEMENT

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19 This bill amends N.J.S.22A:2-7 which is currently amended by  
20 section 11 of the pending Assembly Committee Substitute for  
21 Assembly, Nos. 1529/2266 4R. That substitute provides for the  
22 transfer of judicial employees and costs from the counties to the  
23 State. Section 11 of that substitute amends N.J.S.22A:2-7 to  
24 establish a \$25.00 fee for recording of judgments in the civil  
25 judgment and order docket and to increase the current \$5.00 fee  
26 to \$25.00 for docketing judgments or orders from other courts or  
27 divisions. These sums are to be paid to the clerk for use by the  
28 State, except as provided in subsection b. which is newly added.  
29 Subsection b. provides that moneys collected for the recording  
30 and docketing of judgments shall be deposited in the temporary  
31 reserve fund created by Assembly Committee Substitute for  
32 Assembly, Nos. 1529/2266 4R. After December 31, 1994, the  
33 moneys collected shall be for use by the State.

34 This bill increases the present \$5.00 fee for filing a satisfaction  
35 of judgment or other lien to \$25.00 and returns the fee for  
36 docketing a judgment to \$5.00, from the \$25.00 proposed by the  
37 substitute, for judgments from the Special Civil Part. This bill  
38 also adds language in subsection b. to reference the satisfaction  
39 of judgment fee which is increased by this bill.

40 The sponsor believes that this change is beneficial in placing  
41 the financial burden for costs associated with judgments on the  
42 judgment debtor. The cost for persons docketing their judgments  
43 from Special Civil Part will remain at \$5.00. The costs for those  
44 persons seeking to clear their record and record their satisfaction  
45 of judgment will be increased from \$5.00 to \$25.00. The State or  
46 the temporary fund will continue to benefit from additional  
47 money but the cost will be assessed against a different party.

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52 Reduces certain fees for Special Civil Part; increases fees for  
53 docketing warrants of satisfaction.

ASSEMBLY JUDICIARY, LAW AND PUBLIC SAFETY  
COMMITTEE

STATEMENT TO

[SECOND REPRINT]

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SENATE, No. 356

STATE OF NEW JERSEY

DATED: JUNE 16, 1994

The Assembly Judiciary, Law and Public Safety committee reports favorably Senate Bill No. 356 (2R).

This bill changes certain fees recently adjusted by the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.). The purpose of P.L.1993, c.275 was to shift court costs from the counties to the State. It established a \$25.00 fee for the recording of judgments in the Law Division's judgment and order docket and increased from \$5.00 to \$25.00 the fee for docketing judgments or orders with the Law Division from other courts or divisions. Among the judgments affected by these fee increases were judgments from the Special Civil Part, which has jurisdiction over civil claims involving less than \$7,500.00 and includes "small claims court."

This bill returns the fee for docketing Special Civil Part judgments with the Law Division to \$5.00. To offset any loss in revenue resulting from this reduction and to place some of the financial burden associated with the docketing of judgments upon judgment debtors as well as upon judgment creditors, the bill increases the fee for satisfaction of judgments from \$5.00 to \$25.00.

This bill is identical to Assembly Bill No. 200 (1R).

SENATE JUDICIARY COMMITTEE

STATEMENT TO

SENATE, No. 356

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 10, 1994

The Senate Judiciary Committee reports favorably Senate Bill No. 356 with committee amendments.

Recently enacted P.L.1993, c.275 which shifted court costs from the counties to the State established a \$25.00 fee for recording of judgments in the Law Division's judgment and order docket. P.L.1993, c.275 also increased from \$5.00 to \$25.00 the fee for docketing judgments or orders from other courts or divisions with the Law Division. Among the judgments effected by this fee increase were judgements from the Special Civil Part, which has jurisdiction over civil claims involving less than \$7,500.00 and includes "small claims court".

The bill would return the fee for docketing Special Civil Part judgments with the Law Division to \$5.00. To offset any lose in revenue resulting from this reduction and to place some of the financial burden associated with the docketing judgments on judgment debtors as well as judgment creditors. The bill would also increase the fee for satisfaction of judgments from \$5.00 to \$25.00.

The committee adopted amendments which would add a new section 2 which amends N.J.S.2A:16-11 concerning the civil judgment and docket book. The amendment removes the language which provided that the Clerk of Superior Court would automatically enter a judgment without a request and without a fee. Under this amendment, the moving party must file the fee with the abstract of each judgment or order submitted for entry.

This bill was prefiled for introduction in the 1994 session pending technical review. As reported, the bill includes the changes required by technical review which has been performed.

SENATE BUDGET AND APPROPRIATIONS COMMITTEE

STATEMENT TO

[FIRST REPRINT]

**SENATE, No. 356**

with Senate committee amendments

**STATE OF NEW JERSEY**

DATED: MARCH 10, 1994

The Senate Budget and Appropriations Committee reports favorably Senate Bill No. 356 (1R), with committee amendments.

Senate Bill No. 356 (1R), as amended, changes certain fees recently adjusted by the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.). The purpose of P.L.1993, c.275 was to shift court costs from the counties to the State. It established a \$25.00 fee for the recording of judgments in the Law Division's judgment and order docket and increased from \$5.00 to \$25.00 the fee for docketing judgments or orders with the Law Division from other courts or divisions. Among the judgments affected by these fee increases were judgements from the Special Civil Part, which has jurisdiction over civil claims involving less than \$7,500.00 and includes "small claims court."

This bill returns the fee for docketing Special Civil Part judgments with the Law Division to \$5.00. To offset any loss in revenue resulting from this reduction and to place some of the financial burden associated with the docketing of judgments upon judgment debtors as well as upon judgment creditors, the bill increases the fee for satisfaction of judgments from \$5.00 to \$25.00.

COMMITTEE AMENDMENTS

The committee amended the bill to remove the now obsolete reference delaying the effective date of the bill until the enactment of the bill that was pending in the 1992-1993 legislative session that has been enacted as the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.). This bill will take effect immediately upon enactment.

FISCAL IMPACT

According to the Administrative Office of the Courts, the fee changes in this bill would result in a revenue loss of approximately \$200,880 annually. The fees affected by this bill are currently collected by each county and deposited into a special fund created by the county pursuant to the mandate in P.L.1993, 275. The fees will be deposited into the fund until December 31, 1994. That fund, entitled the "County Purposes Tax Relief Fund," is used exclusively by the county to reduce the amount required to be raised for county purposes by the local property tax levy in the county budget year subsequent to the year in which the fees are collected. Beginning January 1, 1995, the fees affected by this bill will be paid to the State Treasurer for the State's use.



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FISCAL NOTE TO  
[SECOND REPRINT]  
SENATE, No. 356

STATE OF NEW JERSEY

DATED: March 29, 1994

Senate Bill No. 356 (2R) of 1994 changes certain fees recently adjusted by the "State Judicial Unification Act," P.L.1993, c.275 (C.2B:10-1 et seq.). The act, which shifted the cost of the courts from the counties to the State, established a \$25.00 fee for the recording of judgments in the Law Division's judgment and order docket and increased from \$5.00 to \$25.00 the fee for docketing judgments or orders with the Law Division from other courts or divisions. Among the judgments affected by these fee increases were judgments from the Special Civil Part, which has jurisdiction over civil claims involving less than \$7,500 and includes "small claims court".

This bill returns the fee for docketing Special Civil Part judgments with the Law Division to \$5.00. To help offset any loss in revenue resulting from this reduction and to place some of the financial burden associated with the docketing of judgments upon judgment debtors as well as upon judgment creditors, the bill increases the fee for satisfaction of judgments from \$5.00 to \$25.00.

The Administrative Office of the Courts (AOC) states that under P.L.1993, c.275, the AOC would have collected an additional \$757,200 for docketing 37,860 judgements in Special Civil part, and \$1,150,000 for docketing all other (46,000) judgments each year, for a total annual revenue increase of \$1,907,200. Under the fee schedule proposed in this bill, it would collect no new revenue for docketing judgments in Special Civil Part, but it would collect an additional \$1,150,000 for docketing all other judgments, and \$556,320 in additional funds for satisfactions of judgments, for a total annual revenue increase of \$1,706,320. Thus, the total difference in revenue collections would be \$200,880.

The Office of Legislative Services concurs.

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