

MAR 8 2006  
WAYS AND MEANS

HOUSE FILE 2714  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 639)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to the judicial branch including the assessment  
2 of court fees and costs.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2714

1 Section 1. Section 252A.10, Code 2005, is amended to read  
2 as follows:

3 252A.10 COSTS ADVANCED.

4 Actual costs incurred in this state incidental to any  
5 action brought under the provisions of this chapter shall be  
6 advanced by the initiating party or agency, as appropriate,  
7 unless otherwise ordered by the court. Where the action is  
8 brought by an agency of the state or county there shall be no  
9 filing fee or court costs of any type either advanced by or  
10 charged to the state or county. However, if the state  
11 prevails in the action, the court or clerk of court shall  
12 assess filing fees and court costs against the respondent.

13 Sec. 2. Section 321.20B, subsection 4, paragraph a,  
14 subparagraph (2), Code 2005, is amended to read as follows:

15 (2) Issue a citation to the driver. ~~If a citation is~~  
16 ~~issued, the citation shall be issued under this subparagraph~~  
17 ~~unless the driver has been previously charged and cited for a~~  
18 ~~violation of subsection 1. A citation which is issued and~~  
19 ~~subsequently dismissed shall be disregarded for purposes of~~  
20 ~~determining if the driver has been previously charged and~~  
21 ~~cited.~~

22 Sec. 3. Section 321.20B, subsection 4, paragraph c, Code  
23 2005, is amended to read as follows:

24 c. An owner or driver cited for a violation of subsection  
25 1, who produces to the clerk of court prior to the date of the  
26 ~~individual's~~ person's court appearance as indicated on the  
27 citation proof that financial liability coverage was in effect  
28 for the motor vehicle at the time the person was stopped and  
29 cited, shall not be convicted of such violation and the  
30 citation issued shall be dismissed by the court. Upon  
31 dismissal, the court or clerk of court shall assess the costs  
32 of the action against the defendant named on the citation.

33 Sec. 4. Section 321.20B, subsection 5, paragraph b, Code  
34 2005, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces to

1 the clerk of court prior to the date of the individual's  
2 person's court appearance as indicated on the citation proof  
3 that the financial liability coverage was in effect for the  
4 motor vehicle at the time the person was stopped and cited, or  
5 if the driver is not the owner of the motor vehicle, proof  
6 that liability coverage was in effect for the driver with  
7 respect to the motor vehicle being driven at the time the  
8 driver was stopped and cited in the same manner as if the  
9 motor vehicle were owned by the driver, shall be given a  
10 receipt indicating that proof was provided, and the citation  
11 issued shall be dismissed by the court. Upon dismissal, the  
12 court or clerk of court shall assess the costs of the action  
13 against the defendant named on the citation.

14 Sec. 5. Section 321.174, subsection 3, Code 2005, is  
15 amended to read as follows:

16 3. A licensee shall have the licensee's driver's license  
17 in immediate possession at all times when operating a motor  
18 vehicle and shall display the same, upon demand of a judicial  
19 magistrate, district associate judge, district judge, peace  
20 officer, or examiner of the department. However, a person  
21 charged with violating this subsection shall not be convicted  
22 and the citation shall be dismissed by the court if the person  
23 produces to the clerk of the district court, prior to the  
24 licensee's court date indicated on the citation, a driver's  
25 license issued to that person and valid for the vehicle  
26 operated at the time of the person's arrest or at the time the  
27 person was charged with a violation of this section. Upon  
28 dismissal, the court or clerk of court shall assess the costs  
29 of the action against the defendant named on the citation.

30 Sec. 6. Section 327B.1, subsection 7, Code Supplement  
31 2005, is amended by striking the subsection and inserting in  
32 lieu thereof the following:

33 7. A motor carrier owner or driver charged with failure to  
34 have proper evidence of interstate authority shall not be  
35 convicted of such violation and the citation shall be

1 dismissed by the court if the person produces to the clerk of  
2 court prior to the date of such person's court appearance as  
3 indicated on the citation, proof of interstate authority  
4 issued to that person and valid at the time the person was  
5 charged with the violation under this section. Upon  
6 dismissal, the court or clerk of court shall assess the costs  
7 of the action against the defendant named on the citation.

8 Sec. 7. Section 582.4, Code 2005, is amended to read as  
9 follows:

10 582.4 LIEN BOOK DOCKET -- FEES.

11 Every clerk of the district court shall, ~~at the expense of~~  
12 ~~the county, provide a suitable well-bound book to be called~~  
13 the maintain a hospital lien docket in which, upon the filing  
14 of any lien claim under the provisions of this chapter, the  
15 clerk shall enter the name of the injured person, the date of  
16 the accident, and the name of the hospital or other  
17 institution making the claim. The clerk shall make a proper  
18 index of the same in the name of the injured person and the  
19 clerk shall collect a fee ~~of ten dollars~~ in the amount  
20 provided for in section 602.8105 for filing each lien claim.

21 Sec. 8. Section 602.1304, subsection 2, paragraph a, Code  
22 Supplement 2005, is amended to read as follows:

23 a. The enhanced court collections fund is created in the  
24 state treasury under the authority of the supreme court. The  
25 fund shall be separate from the general fund of the state and  
26 the balance in the fund shall not be considered part of the  
27 balance of the general fund of the state. Notwithstanding  
28 section 8.33, moneys in the fund shall not revert to the  
29 general fund, unless and to the extent the total amount of  
30 moneys deposited into the fund in a fiscal year would exceed  
31 the maximum annual deposit amount established for the  
32 collections fund by the general assembly. The initial maximum  
33 annual deposit amount for a fiscal year is ~~four~~ six million  
34 dollars. Notwithstanding section 12C.7, subsection 2,  
35 interest or earnings on moneys in the collections fund shall

1 remain in the collections fund and any interest and earnings  
2 shall be in addition to the maximum annual deposit amount.

3 Sec. 9. Section 602.8105, subsection 1, Code Supplement  
4 2005, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. g. For filing and docketing a transcript  
6 of the judgment in a civil case, fifty dollars.

7 Sec. 10. Section 602.8105, subsection 2, paragraph b, Code  
8 Supplement 2005, is amended to read as follows:

9 b. For filing and entering ~~an-agricultural-supply-dealer's~~  
10 ~~lien-and~~ any other statutory lien, twenty dollars.

11 Sec. 11. Section 602.8105, Code Supplement 2005, is  
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 5. The clerk of the district court shall  
14 collect the following fees in connection with probate matters:

15 a. For reports and inventories filed pursuant to section  
16 450.22, for filing and docketing a petition for a  
17 conservatorship or guardianship pursuant to section 633.27A,  
18 for filing and docketing a petition for probate of a will  
19 pursuant to section 633.290, for admission of a will to  
20 probate without administration of the estate pursuant to  
21 section 633.305, for recording a transcript of a record entry  
22 of an order admitting a will to probate in a county other than  
23 the county in which probate is granted pursuant to section  
24 633.306, for filing a petition to set aside the probate of a  
25 will pursuant to section 633.308, for admission of a foreign  
26 probated will pursuant to section 633.496, and for filing a  
27 petition for administration of a small estate pursuant to  
28 chapter 635, one hundred dollars.

29 b. In addition to the fee required by paragraph "a", there  
30 shall be an additional fee if the value of the personal  
31 property and real estate of the decedent or ward who is the  
32 subject of a probate matter exceeds twenty-five thousand  
33 dollars. The additional fee shall be one dollar for each one  
34 thousand dollar increment of value of property in excess of  
35 twenty-five thousand dollars. The additional fee is due and

1 payable at the time of filing of the probate inventory or  
2 initial report and shall be paid in full for the court to  
3 enter an order approving the final report. The additional fee  
4 shall not be applied to any property transferred to a  
5 testamentary trust from an estate that has been administered  
6 in this state and for which court fees have been assessed and  
7 paid.

8 c. For certifying a change of title, twenty dollars.

9 Sec. 12. Section 631.6, subsection 1, paragraph c, Code  
10 2005, is amended to read as follows:

11 c. Postage charged for the mailing of original notice  
12 shall be ~~eight~~ ten dollars.

13 Sec. 13. Section 633.31, Code 2005, is amended to read as  
14 follows:

15 633.31 CALENDAR -- FEES IN PROBATE.

16 1. The clerk shall keep a court calendar, and enter  
17 thereon such matters as the court may prescribe.

18 2. The clerk shall charge and collect ~~the following~~ fees  
19 in connection with probate matters pursuant to section  
20 602.8105, which shall be deposited in the account established  
21 under section 602.8108.

22 ~~a.---For-services-performed-in-short-form~~  
23 ~~probates-pursuant-to-sections-450.22-and-450.44-----\$-15.00~~

24 ~~b.---For-services-performed-in-probate-of-will~~  
25 ~~without-administration-----\$-15.00~~

26 ~~c.---For-filing-and-indexing-a-transcript~~  
27 ~~-----\$-.5.00~~

28 ~~d.---For-taking-and-approving-a-bond, or the~~  
29 ~~sureties-on-a-bond-----\$-20.00~~

30 ~~e.---For-entering-a-rule-or-order-----\$-10.00~~

31 ~~f.---For-certificate-and-seal-----\$-10.00~~

32 ~~g.---For-making-a-complete-record-where-real~~  
33 ~~estate-is-sold-----per-100-words-----\$----20~~

34 ~~h.---For-making-a-transcript-or-copies-of~~  
35 ~~orders-or-records-filed-in-the-clerk's~~

1 office-----per-100-words-----\$---50  
 2 i.--For-certifying-change-of-title-----\$-20.00  
 3 j.--For-issuing-commission-to-appraisers-----\$--2.00  
 4 k.--For-other-services-performed-in-the-settlement-of-the  
 5 estate-of-any-decedent, minor, person-with-mental-illness, or  
 6 other-persons-laboring-under-legal-disability, except-where  
 7 actions-are-brought-by-the-administrator, guardian, trustee,  
 8 or-person-acting-in-a-representative-capacity-or-against-that  
 9 person, or-as-may-be-otherwise-provided-herein, where-the  
 10 value-of-the-personal-property-and-real-estate-of-such-a  
 11 person-falls-within-the-following-indicated-amounts, the-fee  
 12 opposite-such-amount-shall-be-charged:

13 Up-to-\$3,000.00-----\$--5.00  
 14 3,000.00-to--5,000.00-----\$-10.00  
 15 5,000.00-to--7,000.00-----\$-15.00  
 16 7,000.00-to-10,000.00-----\$-20.00  
 17 10,000.00-to-15,000.00-----\$-25.00  
 18 15,000.00-to-25,000.00-----\$-30.00

19 For-each-additional-\$25,000.00-or-major  
 20 fraction-thereof-----\$-25.00

21 l.--For-services-performed-in-small-estate  
 22 administration-----\$-15.00

23 3.--The-fee-set-forth-in-subsection-2, paragraph-"k", shall  
 24 not-be-charged-on-any-property-transferred-to-a-testamentary  
 25 trust-from-an-estate-that-has-been-administered-in-this-state  
 26 and-for-which-court-costs-have-been-assessed-and-paid.

EXPLANATION

28 This bill relates to the judicial branch, including the  
 29 assessment of court fees and costs.  
 30 The bill authorizes the court to assess a filing fee and  
 31 court costs to a respondent ordered to pay child support in an  
 32 enforcement action brought by the state if the state prevails  
 33 in the action.  
 34 The bill authorizes the court to assess costs of an action  
 35 against an owner or driver, including a nonresident driver,

1 who was stopped and cited by a peace officer for failure to  
2 provide proof of financial liability coverage but who later  
3 produces proof that financial liability coverage was in effect  
4 at the time the owner or driver was stopped and cited.

5 The bill provides a procedure for dismissing cases  
6 involving the licensure of a motor carrier owner or driver  
7 consistent with procedures for dismissing similar licensure  
8 violations in Iowa.

9 The bill increases the fee for filing a hospital lien from  
10 \$10 to \$20. This fee is consistent with the fees charged for  
11 all other statutory liens.

12 The bill increases the maximum annual deposit amount for  
13 the enhanced court collections fund from \$4 million to \$6  
14 million.

15 The bill creates a \$50 fee for filing and docketing a  
16 transcript of the judgment in a civil case.

17 The bill eliminates fees charged for certain probate  
18 services associated with small estates, guardianships, and  
19 conservatorships and revises filing fees associated with the  
20 value of the estate. The clerk of the district court is  
21 directed to deposit such fees collected in the account  
22 established in Code section 602.8108.

23 The bill increases the amount charged for the mailing of a  
24 an original notice in a small claims case from \$8 to \$10.

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HSB 639

JUDICIARY

Eichhorn  
Heaton  
Swain

SENATE/HOUSE FILE \_\_\_\_\_

BY (PROPOSED JUDICIAL BRANCH  
BILL)

02714

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

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1 Section 1. Section 252A.10, Code 2005, is amended to read  
2 as follows:

3 252A.10 COSTS ADVANCED.

4 Actual costs incurred in this state incidental to any  
5 action brought under the provisions of this chapter shall be  
6 advanced by the initiating party or agency, as appropriate,  
7 unless otherwise ordered by the court. Where the action is  
8 brought by an agency of the state or county there shall be no  
9 filing fee or court costs of any type either advanced by or  
10 charged to the state or county. However, if the state  
11 prevails in the action, the court or clerk of court shall  
12 assess filing fees and court costs against the respondent.

13 Sec. 2. Section 321.20B, subsection 4, paragraph a,  
14 subparagraph (2), Code 2005, is amended to read as follows:

15 (2) Issue a citation to the driver. ~~If a citation is~~  
16 ~~issued, the citation shall be issued under this subparagraph~~  
17 ~~unless the driver has been previously charged and cited for a~~  
18 ~~violation of subsection 1. A citation which is issued and~~  
19 ~~subsequently dismissed shall be disregarded for purposes of~~  
20 ~~determining if the driver has been previously charged and~~  
21 ~~cited.~~

22 Sec. 3. Section 321.20B, subsection 4, paragraph c, Code  
23 2005, is amended to read as follows:

24 c. An owner or driver cited for a violation of subsection  
25 1, who produces to the clerk of court prior to the date of the  
26 individual's person's court appearance as indicated on the  
27 citation proof that financial liability coverage was in effect  
28 for the motor vehicle at the time the person was stopped and  
29 cited, shall not be convicted of such violation and the  
30 citation issued shall be dismissed by the court. Upon  
31 dismissal, the court or clerk of court shall assess the costs  
32 of the action against the defendant named on the citation.

33 Sec. 4. Section 321.20B, subsection 5, paragraph b, Code  
34 2005, is amended to read as follows:

35 b. Issue a citation. An owner or driver who produces to

1 the clerk of court prior to the date of the individual's  
2 person's court appearance as indicated on the citation proof  
3 that the financial liability coverage was in effect for the  
4 motor vehicle at the time the person was stopped and cited, or  
5 if the driver is not the owner of the motor vehicle, proof  
6 that liability coverage was in effect for the driver with  
7 respect to the motor vehicle being driven at the time the  
8 driver was stopped and cited in the same manner as if the  
9 motor vehicle were owned by the driver, shall be given a  
10 receipt indicating that proof was provided, and the citation  
11 issued shall be dismissed by the court. Upon dismissal, the  
12 court or clerk of court shall assess the costs of the action  
13 against the defendant named on the citation.

14 Sec. 5. Section 321.174, subsection 3, Code 2005, is  
15 amended to read as follows:

16 3. A licensee shall have the licensee's driver's license  
17 in immediate possession at all times when operating a motor  
18 vehicle and shall display the same, upon demand of a judicial  
19 magistrate, district associate judge, district judge, peace  
20 officer, or examiner of the department. However, a person  
21 charged with violating this subsection shall not be convicted  
22 and the citation shall be dismissed by the court if the person  
23 produces to the clerk of the district court, prior to the  
24 licensee's court date indicated on the citation, a driver's  
25 license issued to that person and valid for the vehicle  
26 operated at the time of the person's arrest or at the time the  
27 person was charged with a violation of this section. Upon  
28 dismissal, the court or clerk of court shall assess the costs  
29 of the action against the defendant named on the citation.

30 Sec. 6. Section 327B.1, subsection 7, Code Supplement  
31 2005, is amended by striking the subsection and inserting in  
32 lieu thereof the following:

33 7. A motor carrier owner or driver charged with failure to  
34 have proper evidence of interstate authority shall not be  
35 convicted of such violation and the citation shall be

1 dismissed by the court if the person produces to the clerk of  
2 court prior to the date of such person's court appearance as  
3 indicated on the citation, proof of interstate authority  
4 issued to that person and valid at the time the person was  
5 charged with the violation under this section. Upon  
6 dismissal, the court or clerk of court shall assess the costs  
7 of the action against the defendant named on the citation.

8 Sec. 7. Section 582.4, Code 2005, is amended to read as  
9 follows:

10 582.4 LIEN BOOK DOCKET -- FEES.

11 Every clerk of the district court shall, ~~at the expense of~~  
12 ~~the county, provide a suitable well-bound book to be called~~  
13 maintain a hospital lien docket in which, upon the filing  
14 of any lien claim under the provisions of this chapter, the  
15 clerk shall enter the name of the injured person, the date of  
16 the accident, and the name of the hospital or other  
17 institution making the claim. The clerk shall make a proper  
18 index of the same in the name of the injured person and the  
19 clerk shall collect a fee ~~of ten dollars~~ in the amount  
20 provided for in section 602.8105 for filing each lien claim.

21 Sec. 8. Section 602.1304, subsection 2, paragraph a, Code  
22 Supplement 2005, is amended to read as follows:

23 a. The enhanced court collections fund is created in the  
24 state treasury under the authority of the supreme court. The  
25 fund shall be separate from the general fund of the state and  
26 the balance in the fund shall not be considered part of the  
27 balance of the general fund of the state. Notwithstanding  
28 section 8.33, moneys in the fund shall not revert to the  
29 general fund, unless and to the extent the total amount of  
30 moneys deposited into the fund in a fiscal year would exceed  
31 the maximum annual deposit amount established for the  
32 collections fund by the general assembly. The initial maximum  
33 annual deposit amount for a fiscal year is ~~four~~ six million  
34 dollars. Notwithstanding section 12C.7, subsection 2,  
35 interest or earnings on moneys in the collections fund shall

1 remain in the collections fund and any interest and earnings  
2 shall be in addition to the maximum annual deposit amount.

3 Sec. 9. Section 602.8105, subsection 1, Code Supplement  
4 2005, is amended by adding the following new paragraph:

5 NEW PARAGRAPH. g. For filing and docketing a transcript  
6 of the judgment in a civil case, fifty dollars.

7 Sec. 10. Section 602.8105, subsection 2, paragraph b, Code  
8 Supplement 2005, is amended to read as follows:

9 b. For filing and entering ~~an agricultural supply dealer's~~  
10 ~~lien and~~ any other statutory lien, twenty dollars.

11 Sec. 11. Section 602.8105, Code Supplement 2005, is  
12 amended by adding the following new subsection:

13 NEW SUBSECTION. 5. The clerk of the district court shall  
14 collect the following fees in connection with probate matters:

15 a. For reports and inventories filed pursuant to section  
16 450.22, for filing and docketing a petition for a  
17 conservatorship or guardianship pursuant to section 633.27A,  
18 for filing and docketing a petition for probate of a will  
19 pursuant to section 633.290, for admission of a will to  
20 probate without administration of the estate pursuant to  
21 section 633.305, for recording a transcript of a record entry  
22 of an order admitting a will to probate in a county other than  
23 the county in which probate is granted pursuant to section  
24 633.306, for filing a petition to set aside the probate of a  
25 will pursuant to section 633.308, for admission of a foreign  
26 probated will pursuant to section 633.496, and for filing a  
27 petition for administration of a small estate pursuant to  
28 chapter 635, one hundred dollars.

29 b. In addition to the fee required by paragraph "a", there  
30 shall be an additional fee if the value of the personal  
31 property and real estate of the decedent or ward who is the  
32 subject of a probate matter exceeds twenty-five thousand  
33 dollars. The additional fee shall be one dollar for each one  
34 thousand dollar increment of value of property in excess of  
35 twenty-five thousand dollars. The additional fee is due and

1 payable at the time of filing of the probate inventory or  
2 initial report and shall be paid in full for the court to  
3 enter an order approving the final report. The additional fee  
4 shall not be applied to any property transferred to a  
5 testamentary trust from an estate that has been administered  
6 in this state and for which court fees have been assessed and  
7 paid.

8 c. For certifying a change of title, twenty dollars.

9 Sec. 12. Section 631.6, subsection 1, paragraph c, Code  
10 2005, is amended to read as follows:

11 c. Postage charged for the mailing of original notice  
12 shall be ~~eight~~ ten dollars.

13 Sec. 13. Section 633.31, Code 2005, is amended to read as  
14 follows:

15 633.31 CALENDAR -- FEES IN PROBATE.

16 1. The clerk shall keep a court calendar, and enter  
17 thereon such matters as the court may prescribe.

18 2. The clerk shall charge and collect ~~the following~~ fees  
19 in connection with probate matters pursuant to section  
20 602.8105, which shall be deposited in the account established  
21 under section 602.8108:.

22 ~~a. For services performed in short form~~  
23 ~~probates pursuant to sections 450.22 and 450.44 ----- \$-15.00~~

24 ~~b. For services performed in probate of will~~  
25 ~~without administration ----- \$-15.00~~

26 ~~c. For filing and indexing a transcript~~  
27 ~~----- \$-5.00~~

28 ~~d. For taking and approving a bond, or the~~  
29 ~~sureties on a bond ----- \$-20.00~~

30 ~~e. For entering a rule or order ----- \$-10.00~~

31 ~~f. For certificate and seal ----- \$-10.00~~

32 ~~g. For making a complete record where real~~  
33 ~~estate is sold ----- per 100 words ----- \$-20~~

34 ~~h. For making a transcript or copies of~~  
35 ~~orders or records filed in the clerk's~~

1 office-----per-100-words-----\$---.50  
2 i---For-certifying-change-of-title-----\$-20.00  
3 j---For-issuing-commission-to-appraisers-----\$--2.00  
4 k---For-other-services-performed-in-the-settlement-of-the  
5 estate-of-any-decedent, minor, person-with-mental-illness, or  
6 other-persons-laboring-under-legal-disability, except-where  
7 actions-are-brought-by-the-administrator, guardian, trustee,  
8 or-person-acting-in-a-representative-capacity-or-against-that  
9 person, or-as-may-be-otherwise-provided-herein, where-the  
10 value-of-the-personal-property-and-real-estate-of-such-a  
11 person-falls-within-the-following-indicated-amounts, the-fee  
12 opposite-such-amount-shall-be-charged.  
13 Up-to-\$3,000.00-----\$--5.00  
14 3,000.00-to--5,000.00-----\$-10.00  
15 5,000.00-to--7,000.00-----\$-15.00  
16 7,000.00-to-10,000.00-----\$-20.00  
17 10,000.00-to-15,000.00-----\$-25.00  
18 15,000.00-to-25,000.00-----\$-30.00  
19 For-each-additional-\$25,000.00-or-major  
20 fraction-thereof-----\$-25.00  
21 l---For-services-performed-in-small-estate  
22 administration-----\$-15.00  
23 3---The-fee-set-forth-in-subsection-2, paragraph-"k", shall  
24 not-be-charged-on-any-property-transferred-to-a-testamentary  
25 trust-from-an-estate-that-has-been-administered-in-this-state  
26 and-for-which-court-costs-have-been-assessed-and-paid.

EXPLANATION

28 This bill relates to the judicial branch, including the  
29 assessment of court fees and costs.  
30 The bill authorizes the court to assess a filing fee and  
31 court costs to a respondent ordered to pay child support in an  
32 enforcement action brought by the state if the state prevails  
33 in the action.  
34 The bill authorizes the court to assess costs of an action  
35 against an owner or driver, including a nonresident driver,

1 who was stopped and cited by a peace officer for failure to  
2 provide proof of financial liability coverage but who later  
3 produces proof that financial liability coverage was in effect  
4 at the time the owner or driver was stopped and cited.

5 The bill provides a procedure for dismissing cases  
6 involving the licensure of a motor carrier owner or driver  
7 consistent with procedures for dismissing similar licensure  
8 violations in Iowa.

9 The bill increases the fee for filing a hospital lien from  
10 \$10 to \$20. This fee is consistent with the fees charged for  
11 all other statutory liens.

12 The bill increases the maximum annual deposit amount for  
13 the enhanced court collections fund from \$4 million to \$6  
14 million.

15 The bill creates a \$50 fee for filing and docketing a  
16 transcript of the judgment in a civil case.

17 The bill eliminates fees charged for certain probate  
18 services associated with small estates, guardianships, and  
19 conservatorships and revises filing fees associated with the  
20 value of the estate. The clerk of the district court is  
21 directed to deposit such fees collected in the account  
22 established in Code section 602.8108.

23 The bill increases the amount charged for the mailing of a  
24 an original notice in a small claims case from \$8 to \$10.

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## MEMORANDUM

TO: MEMBERS OF THE GENERAL ASSEMBLY

FROM: IOWA JUDICIAL BRANCH

DATE: January 26, 2006

RE: TLSB 5300DP

This bill would streamline and clarify certain court practices and procedures used in the clerk of district court offices, including the assessment of court fees and costs.

When the state brings an action to enforce child support, under current law the filing fee and court costs are waived. Section 1 of the bill would authorize the court to assess these fees and court costs against the respondent in the event the state prevails.

The proposed amendments to Iowa Code section 321.20B relate to the criminal offense of driving a motor vehicle without liability insurance. Current law provides that the owner or driver issued a citation for failing to have proof of insurance coverage may have the case dismissed by presenting proof of coverage to the clerk of court prior to their scheduled court appearance. The language proposed in sections 3 and 4 of the bill merely clarifies that the court costs in such cases are assessed against the defendant. This will make the law easier to understand and administer. Similar changes are proposed to sections 321.174 and 327B.1 regarding failure to have a valid driver's license and failure to have proper evidence of interstate authority.

Over the years the Judicial Branch has used information technology to achieve substantial operational efficiencies for itself and state and local government, expand public access to the courts, and improve court services. The Judicial Branch is ready to revolutionize the way it gathers, stores, and retrieves information through electronic filing and document management. But a project of this magnitude requires a substantial investment of resources. A significant portion of both the Enhanced Court Collections Fund and the Court Technology Fund are now devoted to on-going operations leaving limited resources for new innovations and programs. For this reason, section 8 of the proposed bill recommends the legislature raise the current cap on the Enhanced Court Technology Fund to provide sufficient funds for electronic filing and document management as well as other innovations to come.

Sections 7 and 10 of the bill equalize the fee for filing a lien at \$20. Section 9 of the bill establishes a fee for filing a transcript of judgment in a civil case. Filing a transcript of judgment is a labor intensive procedure for which the state should charge a separate fee.

Sections 11 and 13 of the bill streamline court costs and fees in probate matters by replacing a variety of separate fees with a flat filing fee. This will be more convenient for representatives and their attorneys because the amount is easy to determine and payable at the front end of the proceeding. This change will be easier and less expensive for clerks to calculate, record and collect. In addition, this change will reduce the incidents of fiduciaries who neglect to pay any court fees. The change appears to be nearly revenue neutral based upon a sample of estates. For consistency, the amendments move the fee provisions from the probate chapter to the section of the Code devoted to court fees and costs.

Section 12 of the bill raises the amount charged by the clerk for serving a small claims case by mail. This increase will cover postal rate increases as well as ensure that the fee covers actual costs.