

House Study Bill 639

SENATE/HOUSE FILE _____
BY (PROPOSED JUDICIAL BRANCH
BILL)

Passed Senate, Date _____ Passed House, 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:
4 TLSB 5300DP 81
5 rh/je/5

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1 1 Section 1. Section 252A.10, Code 2005, is amended to read
1 2 as follows:
1 3 252A.10 COSTS ADVANCED.
1 4 Actual costs incurred in this state incidental to any
1 5 action brought under the provisions of this chapter shall be
1 6 advanced by the initiating party or agency, as appropriate,
1 7 unless otherwise ordered by the court. Where the action is
1 8 brought by an agency of the state or county there shall be no
1 9 filing fee or court costs of any type either advanced by or
1 10 charged to the state or county. However, if the state
~~1 11 prevails in the action, the court or clerk of court shall~~
~~1 12 assess filing fees and court costs against the respondent.~~

1 13 Sec. 2. Section 321.20B, subsection 4, paragraph a,
1 14 subparagraph (2), Code 2005, is amended to read as follows:
1 15 (2) Issue a citation to the driver. ~~If a citation is~~
~~1 16 issued, the citation shall be issued under this subparagraph~~
~~1 17 unless the driver has been previously charged and cited for a~~
~~1 18 violation of subsection 1. A citation which is issued and~~
~~1 19 subsequently dismissed shall be disregarded for purposes of~~
~~1 20 determining if the driver has been previously charged and~~
~~1 21 cited.~~

1 22 Sec. 3. Section 321.20B, subsection 4, paragraph c, Code
1 23 2005, is amended to read as follows:
1 24 c. An owner or driver cited for a violation of subsection
1 25 1, who produces to the clerk of court prior to the date of the
1 26 ~~individual's person's~~ court appearance as indicated on the
1 27 citation proof that financial liability coverage was in effect
1 28 for the motor vehicle at the time the person was stopped and
1 29 cited, shall not be convicted of such violation and the
1 30 citation issued shall be dismissed by the court. Upon
~~1 31 dismissal, the court or clerk of court shall assess the costs~~
~~1 32 of the action against the defendant named on the citation.~~

1 33 Sec. 4. Section 321.20B, subsection 5, paragraph b, Code
1 34 2005, is amended to read as follows:
1 35 b. Issue a citation. An owner or driver who produces to
2 1 the clerk of court prior to the date of the ~~individual's~~
2 2 ~~person's~~ court appearance as indicated on the citation proof
2 3 that the financial liability coverage was in effect for the
2 4 motor vehicle at the time the person was stopped and cited, or
2 5 if the driver is not the owner of the motor vehicle, proof
2 6 that liability coverage was in effect for the driver with
2 7 respect to the motor vehicle being driven at the time the
2 8 driver was stopped and cited in the same manner as if the
2 9 motor vehicle were owned by the driver, shall be given a
2 10 receipt indicating that proof was provided, and the citation
2 11 issued shall be dismissed by the court. Upon dismissal, the
~~2 12 court or clerk of court shall assess the costs of the action~~
~~2 13 against the defendant named on the citation.~~

2 14 Sec. 5. Section 321.174, subsection 3, Code 2005, is
2 15 amended to read as follows:

2 16 3. A licensee shall have the licensee's driver's license
2 17 in immediate possession at all times when operating a motor
2 18 vehicle and shall display the same, upon demand of a judicial
2 19 magistrate, district associate judge, district judge, peace

2 20 officer, or examiner of the department. However, a person
2 21 charged with violating this subsection shall not be convicted
2 22 and the citation shall be dismissed by the court if the person
2 23 produces to the clerk of the district court, prior to the
2 24 licensee's court date indicated on the citation, a driver's
2 25 license issued to that person and valid for the vehicle
2 26 operated at the time of the person's arrest or at the time the
2 27 person was charged with a violation of this section. Upon
2 28 dismissal, the court or clerk of court shall assess the costs
2 29 of the action against the defendant named on the citation.

2 30 Sec. 6. Section 327B.1, subsection 7, Code Supplement
2 31 2005, is amended by striking the subsection and inserting in
2 32 lieu thereof the following:

2 33 7. A motor carrier owner or driver charged with failure to
2 34 have proper evidence of interstate authority shall not be
2 35 convicted of such violation and the citation shall be
3 1 dismissed by the court if the person produces to the clerk of
3 2 court prior to the date of such person's court appearance as
3 3 indicated on the citation, proof of interstate authority
3 4 issued to that person and valid at the time the person was
3 5 charged with the violation under this section. Upon
3 6 dismissal, the court or clerk of court shall assess the costs
3 7 of the action against the defendant named on the citation.

3 8 Sec. 7. Section 582.4, Code 2005, is amended to read as
3 9 follows:

3 10 582.4 LIEN BOOK DOCKET == FEES.

3 11 Every clerk of the district court shall, ~~at the expense of~~
3 12 ~~the county, provide a suitable well-bound book to be called~~
3 13 ~~the maintain a~~ hospital lien docket in which, upon the filing
3 14 of any lien claim under the provisions of this chapter, the
3 15 clerk shall enter the name of the injured person, the date of
3 16 the accident, and the name of the hospital or other
3 17 institution making the claim. The clerk shall make a proper
3 18 index of the same in the name of the injured person and the
3 19 clerk shall collect a fee of ~~ten dollars in the amount~~
3 20 provided for in section 602.8105 for filing each lien claim.

3 21 Sec. 8. Section 602.1304, subsection 2, paragraph a, Code
3 22 Supplement 2005, is amended to read as follows:

3 23 a. The enhanced court collections fund is created in the
3 24 state treasury under the authority of the supreme court. The
3 25 fund shall be separate from the general fund of the state and
3 26 the balance in the fund shall not be considered part of the
3 27 balance of the general fund of the state. Notwithstanding
3 28 section 8.33, moneys in the fund shall not revert to the
3 29 general fund, unless and to the extent the total amount of
3 30 moneys deposited into the fund in a fiscal year would exceed
3 31 the maximum annual deposit amount established for the
3 32 collections fund by the general assembly. The initial maximum
3 33 annual deposit amount for a fiscal year is ~~four six~~ million
3 34 dollars. Notwithstanding section 12C.7, subsection 2,
3 35 interest or earnings on moneys in the collections fund shall
4 1 remain in the collections fund and any interest and earnings
4 2 shall be in addition to the maximum annual deposit amount.

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

4 5 NEW PARAGRAPH. g. For filing and docketing a transcript
4 6 of the judgment in a civil case, fifty dollars.

4 7 Sec. 10. Section 602.8105, subsection 2, paragraph b, Code
4 8 Supplement 2005, is amended to read as follows:

4 9 b. For filing and entering ~~an agricultural supply dealer's~~
4 10 ~~lien and any other statutory lien,~~ twenty dollars.

4 11 Sec. 11. Section 602.8105, Code Supplement 2005, is
4 12 amended by adding the following new subsection:

4 13 NEW SUBSECTION. 5. The clerk of the district court shall
4 14 collect the following fees in connection with probate matters:

4 15 a. For reports and inventories filed pursuant to section
4 16 450.22, for filing and docketing a petition for a
4 17 conservatorship or guardianship pursuant to section 633.27A,
4 18 for filing and docketing a petition for probate of a will
4 19 pursuant to section 633.290, for admission of a will to
4 20 probate without administration of the estate pursuant to
4 21 section 633.305, for recording a transcript of a record entry
4 22 of an order admitting a will to probate in a county other than
4 23 the county in which probate is granted pursuant to section
4 24 633.306, for filing a petition to set aside the probate of a
4 25 will pursuant to section 633.308, for admission of a foreign
4 26 probated will pursuant to section 633.496, and for filing a
4 27 petition for administration of a small estate pursuant to
4 28 chapter 635, one hundred dollars.

4 29 b. In addition to the fee required by paragraph "a", there
4 30 shall be an additional fee if the value of the personal

4 31 property and real estate of the decedent or ward who is the
4 32 subject of a probate matter exceeds twenty-five thousand
4 33 dollars. The additional fee shall be one dollar for each one
4 34 thousand dollar increment of value of property in excess of
4 35 twenty-five thousand dollars. The additional fee is due and
5 1 payable at the time of filing of the probate inventory or
5 2 initial report and shall be paid in full for the court to
5 3 enter an order approving the final report. The additional fee
5 4 shall not be applied to any property transferred to a
5 5 testamentary trust from an estate that has been administered
5 6 in this state and for which court fees have been assessed and
5 7 paid.

5 8 c. For certifying a change of title, twenty dollars.
5 9 Sec. 12. Section 631.6, subsection 1, paragraph c, Code
5 10 2005, is amended to read as follows:

5 11 c. Postage charged for the mailing of original notice
5 12 shall be ~~eight ten~~ dollars.

5 13 Sec. 13. Section 633.31, Code 2005, is amended to read as
5 14 follows:

5 15 633.31 CALENDAR == FEES IN PROBATE.

5 16 1. The clerk shall keep a court calendar, and enter
5 17 thereon such matters as the court may prescribe.

5 18 2. The clerk shall charge and collect ~~the following~~ fees
5 19 in connection with probate matters pursuant to section
5 20 602.8105, which shall be deposited in the account established

5 21 under section 602.8108+.

5 22 a. ~~For services performed in short form~~
5 23 ~~probates pursuant to sections 450.22 and 450.44~~ \$ 15.00

5 24 b. ~~For services performed in probate of will~~
5 25 ~~without administration~~ \$ 15.00

5 26 c. ~~For filing and indexing a transcript~~
5 27 \$.50

5 28 d. ~~For taking and approving a bond, or the~~
5 29 ~~sureties on a bond~~ \$ 20.00

5 30 e. ~~For entering a rule or order~~ \$ 10.00

5 31 f. ~~For certificate and seal~~ \$ 10.00

5 32 g. ~~For making a complete record where real~~
5 33 ~~estate is sold~~ per 100 words \$.20

5 34 h. ~~For making a transcript or copies of~~
5 35 ~~orders or records filed in the clerk's~~
6 1 ~~office~~ per 100 words \$.50

6 2 i. ~~For certifying change of title~~ \$ 20.00

6 3 j. ~~For issuing commission to appraisers~~ \$ 2.00

6 4 k. ~~For other services performed in the settlement of the~~
6 5 ~~estate of any decedent, minor, person with mental illness, or~~
6 6 ~~other persons laboring under legal disability, except where~~
6 7 ~~actions are brought by the administrator, guardian, trustee,~~
6 8 ~~or person acting in a representative capacity or against that~~
6 9 ~~person, or as may be otherwise provided herein, where the~~
6 10 ~~value of the personal property and real estate of such a~~
6 11 ~~person falls within the following indicated amounts, the fee~~
6 12 ~~opposite such amount shall be charged.~~

6 13 Up to \$3,000.00 \$ 5.00

6 14 3,000.00 to 5,000.00 \$ 10.00

6 15 5,000.00 to 7,000.00 \$ 15.00

6 16 7,000.00 to 10,000.00 \$ 20.00

6 17 10,000.00 to 15,000.00 \$ 25.00

6 18 15,000.00 to 25,000.00 \$ 30.00

6 19 For each additional \$25,000.00 or major
6 20 fraction thereof \$ 25.00

6 21 l. ~~For services performed in small estate~~
6 22 ~~administration~~ \$ 15.00

6 23 3. ~~The fee set forth in subsection 2, paragraph "k", shall~~
6 24 ~~not be charged on any property transferred to a testamentary~~
6 25 ~~trust from an estate that has been administered in this state~~
6 26 ~~and for which court costs have been assessed and paid.~~

6 27 EXPLANATION

6 28 This bill relates to the judicial branch, including the
6 29 assessment of court fees and costs.

6 30 The bill authorizes the court to assess a filing fee and
6 31 court costs to a respondent ordered to pay child support in an
6 32 enforcement action brought by the state if the state prevails
6 33 in the action.

6 34 The bill authorizes the court to assess costs of an action
6 35 against an owner or driver, including a nonresident driver,
7 1 who was stopped and cited by a peace officer for failure to
7 2 provide proof of financial liability coverage but who later
7 3 produces proof that financial liability coverage was in effect
7 4 at the time the owner or driver was stopped and cited.

7 5 The bill provides a procedure for dismissing cases
7 6 involving the licensure of a motor carrier owner or driver

7 7 consistent with procedures for dismissing similar licensure
7 8 violations in Iowa.
7 9 The bill increases the fee for filing a hospital lien from
7 10 \$10 to \$20. This fee is consistent with the fees charged for
7 11 all other statutory liens.
7 12 The bill increases the maximum annual deposit amount for
7 13 the enhanced court collections fund from \$4 million to \$6
7 14 million.
7 15 The bill creates a \$50 fee for filing and docketing a
7 16 transcript of the judgment in a civil case.
7 17 The bill eliminates fees charged for certain probate
7 18 services associated with small estates, guardianships, and
7 19 conservatorships and revises filing fees associated with the
7 20 value of the estate. The clerk of the district court is
7 21 directed to deposit such fees collected in the account
7 22 established in Code section 602.8108.
7 23 The bill increases the amount charged for the mailing of a
7 24 an original notice in a small claims case from \$8 to \$10.
7 25 LSB 5300DP 81
7 26 rh:nh/je/5.1