

FILED

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WEST VIRGINIA LEGISLATURE
SEVENTY-NINTH LEGISLATURE
REGULAR SESSION, 2010

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 471

(SENATOR KESSLER, *original sponsors*)

[Passed March 13, 2010; to take effect July 1, 2010.]

SB 471

FILED

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OFFICE OF THE CLERK
WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 471

(SENATOR KESSLER, *original sponsor*)

[Passed March 13, 2010; to take effect July 1, 2010.]

AN ACT to amend and reenact §59-1-11 of the Code of West Virginia, 1931, as amended, relating to increasing the amount circuit clerks may charge for copies.

Be it enacted by the Legislature of West Virginia:

That §59-1-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 1. FEES AND ALLOWANCES.

§59-1-11. Fees to be charged by clerk of circuit court.

1 (a) The clerk of a circuit court shall charge and collect
2 for services rendered by the clerk the following fees which
3 shall be paid in advance by the parties for whom services
4 are to be rendered:

5 (1) For instituting any civil action under the Rules of
6 Civil Procedure, any statutory summary proceeding, any
7 extraordinary remedy, the docketing of civil appeals or

8 any other action, cause, suit or proceeding, \$145, of which
9 \$30 of that amount shall be deposited in the Courthouse
10 Facilities Improvement Fund created by section six, article
11 twenty-six, chapter twenty-nine of this code and \$10 shall
12 be deposited in the special revenue account created in
13 section six hundred three, article twenty-six, chapter
14 forty-eight of this code to provide legal services for
15 domestic violence victims;

16 (2) For instituting an action for medical professional
17 liability, \$260, of which \$10 of that amount shall be
18 deposited in the Courthouse Facilities Improvement Fund
19 created by section six, article twenty-six, chapter twenty-
20 nine of this code;

21 (3) Beginning on and after July 1, 1999, for instituting an
22 action for divorce, separate maintenance or annulment,
23 \$135;

24 (4) For petitioning for the modification of an order
25 involving child custody, child visitation, child support or
26 spousal support, \$85; and

27 (5) For petitioning for an expedited modification of a
28 child support order, \$35.

29 (b) In addition to the foregoing fees, the following fees
30 shall likewise be charged and collected:

31 (1) For preparing an abstract of judgment, \$5;

32 (2) For any transcript, copy or paper made by the clerk
33 for use in any other court or otherwise to go out of the
34 office, for each page, seventy-five cents;

35 (3) For issuing a suggestion and serving notice to the
36 debtor by certified mail, \$25;

37 (4) For issuing an execution, \$25;

38 (5) For issuing or renewing a suggestee execution and
39 serving notice to the debtor by certified mail, \$25;

40 (6) For vacation or modification of a suggestee execu-
41 tion, \$1;

42 (7) For docketing and issuing an execution on a tran-
43 script of judgment from magistrate court, \$3;

44 (8) For arranging the papers in a certified question, writ
45 of error, appeal or removal to any other court, \$10, of
46 which \$5 of that amount shall be deposited in the Court-
47 house Facilities Improvement Fund created by section six,
48 article twenty-six, chapter twenty-nine of this code;

49 (9) For postage and express and for sending or receiving
50 decrees, orders or records, by mail or express, three times
51 the amount of the postage or express charges;

52 (10) For each subpoena, on the part of either plaintiff or
53 defendant, to be paid by the party requesting the same,
54 50¢;

55 (11) For additional service (plaintiff or appellant) where
56 any case remains on the docket longer than three years, for
57 each additional year or part year, \$20; and

58 (12) For administering funds deposited into a federally
59 insured interest-bearing account or interest-bearing
60 instrument pursuant to a court order, \$50, to be collected
61 from the party making the deposit. A fee collected
62 pursuant to this subdivision shall be paid into the general
63 county fund.

64 (c) The clerk shall tax the following fees for services in
65 any criminal case against any defendant convicted in such
66 court:

67 (1) In the case of any misdemeanor, \$85; and

68 (2) In the case of any felony, \$105, of which \$10 of that
69 amount shall be deposited in the Courthouse Facilities

70 Improvement Fund created by section six, article twenty-
71 six, chapter twenty-nine of this code.

72 (d) The clerk of a circuit court shall charge and collect a
73 fee of \$25 per bond for services rendered by the clerk for
74 processing of criminal bonds and the fee shall be paid at
75 the time of issuance by the person or entity set forth
76 below:

77 (1) For cash bonds, the fee shall be paid by the person
78 tendering cash as bond;

79 (2) For recognizance bonds secured by real estate, the fee
80 shall be paid by the owner of the real estate serving as
81 surety;

82 (3) For recognizance bonds secured by a surety company,
83 the fee shall be paid by the surety company;

84 (4) For ten-percent recognizance bonds with surety, the
85 fee shall be paid by the person serving as surety; and

86 (5) For ten-percent recognizance bonds without surety,
87 the fee shall be paid by the person tendering ten percent of
88 the bail amount.

89 In instances in which the total of the bond is posted by
90 more than one bond instrument, the above fee shall be
91 collected at the time of issuance of each bond instrument
92 processed by the clerk and all fees collected pursuant to
93 this subsection shall be deposited in the Courthouse
94 Facilities Improvement Fund created by sections six, article
95 twenty-six, chapter twenty-nine of this code. Nothing in
96 this subsection may be construed as authorizing the clerk
97 to collect the above fee from any person for the processing
98 of a personal recognizance bond.

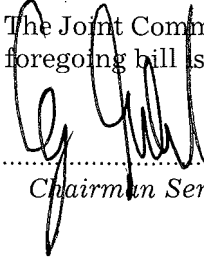
99 (e) The clerk of a circuit court shall charge and collect a
100 fee of \$10 for services rendered by the clerk for processing
101 of bailpiece and the fee shall be paid by the surety at the

102 time of issuance. All fees collected pursuant to this
103 subsection shall be deposited in the Courthouse Facilities
104 Improvement Fund created by section six, article twenty-
105 six, chapter twenty-nine of this code.

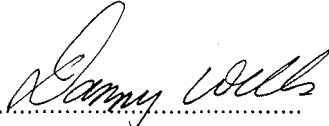
106 (f) No clerk shall be required to handle or accept for
107 disbursement any fees, cost or amounts of any other officer
108 or party not payable into the county treasury except on
109 written order of the court or in compliance with the
110 provisions of law governing such fees, costs or accounts.

Enr. Com. Sub. for S. B. No. 471] 6

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



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Chairman Senate Committee



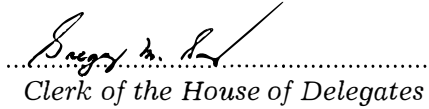
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Chairman House Committee

Originated in the Senate.

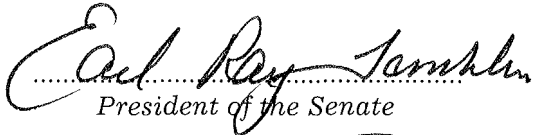
Takes effect July 1, 2010.



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Clerk of the Senate



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Clerk of the House of Delegates



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President of the Senate



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Speaker House of Delegates

The within *is appended* this the *3/12*
Day of *May* 2010.



.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 30 2010

Time 4:20 pm