



ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GENERAL COUNSEL

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MEMORANDUM

TO: Clerks of Superior Court¹
Magistrates
Superior Court Judges
District Court Judges
District Attorneys
Public Defenders

FROM: Tina Krasner, General Counsel
Matt Osborne, Deputy Legal Counsel
Troy Page, Assistant Legal Counsel
Elizabeth Croom, Assistant Legal Counsel
LaToya Powell, Assistant Legal Counsel
Nicole Brinkley, Assistant Legal Counsel
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Matt Kraus, Assistant Legal Counsel
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DATE: November 25, 2019.

RE: 2019 Legislative Changes for Court Costs and Fees

During the 2019 Long Session, the General Assembly enacted a number of important pieces of legislation affecting court costs. This memo will address the changes for costs resulting from the 2019 Long Session that were enacted by the following legislation:

- Session Law 2019-243 (House Bill 470, 2019 AOC Omnibus Changes)²
- Session Law 2019-177 (House Bill 264, General Statutes Commission Technical Corrections)³
- Session Law 2019-150 (House Bill 323, Crime Lab Analysis Costs)⁴
- Session Law 2019-157 (Senate Bill 29, Amber Light Traffic Law Changes)⁵

¹ We ask that clerks provide a copy of this memo to local law enforcement agencies and to personnel in your offices. This memo will be available on the Fees and Payments page on the NCAOC website at <https://www.nccourts.gov/help-topics/fees-and-payments> and on the NCAOC Juno site for Judicial Branch users at <https://juno.nccourts.org/legal-memos>, under the Category for Court Costs Memos.

² <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H470v5.pdf>

³ <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H264v5.pdf>

⁴ <https://www.ncleg.gov/Sessions/2019/Bills/House/PDF/H323v4.pdf>

⁵ <https://www.ncleg.gov/Sessions/2019/Bills/Senate/PDF/S29v5.pdf>



This memorandum addresses only costs and cost procedures that are changing. It does not include a comprehensive description of the costs that apply to a particular case. For the total costs to be assessed in a particular case, see the relevant cost chart for each case type. The current cost charts for each case type were revised in accordance with any statute changes. Previous charts, memos, and FAQs can be found by conducting a specific search based on year on the Administrative Office of the Courts' (NCAOC) website.⁶ The effective dates of these bills vary, as noted below.⁷

Bills of costs will be updated and made available electronically overnight on December 31, 2019.

FMS and Cash Receipting will be updated overnight when the new fees take effect. Any new account numbers will be posted in the FMS Message Center at the appropriate time. Any necessary instructions about changes to other applications will be distributed by the relevant application team.

General Costs and Fees Changes

Technical Corrections Bill. G.S. 7A-308, G.S. 7A-304; S.L. 2019-177, §§ 1, 9(a)

Session Law 2019-177 was the General Statutes Commission's technical corrections bill that became law this year. Sections 1 and 9(a) provided technical and typographical corrections to G.S. 7A-308 (miscellaneous fees and commissions) and G.S. 7A-304 (costs in criminal actions). The technical and typographical corrections to both statutes made no substantive change to any required cost or fee in either statute. The changes became effective on July 26, 2019 when the bill was signed by the Governor.

Criminal Costs and Fees

Local Lab Fees. G.S. 7A-304; S.L. 2019-150, § 1

Session Law 2019-150, Section 1, amended G.S. 7A-304(a)(8),(9b), and (12). Before these changes became law, subdivisions (8), (9b), and (12) provided that these fees were to be assessed when a laboratory was "operated by a local government or group of local governments." It was previously unclear whether "operated by" meant the fees could be assessed only when analysis was performed by a lab operated directly as an agency of local government, or if the fees also were meant to apply when the local government contracted with an external laboratory for services. These changes provide clarity to all three subdivisions by striking the criterion that the lab be "operated by" a local government and instead requires that the fees be assessed when a local government entity "operates the laboratory or paid for the laboratory services." The changes to G.S. 7A-304(a)(8), (9b) and (12) became law on July 22, 2019, were retroactive to July 1, 2019, and apply to costs assessed on or after that date. For further reference, court officials with questions may reference the July 23, 2019 email from NCAOC Assistant Legal Counsel Troy Page titled "2019 legislation – court costs – local lab fees – HB 323."

NEW Amber Light Law Violation Designation. G.S. 20-130.2; S.L. 2019-157, § 3

Session Law 2019-157, Section 3, amended G.S. 20-130.2 (use of amber lights on certain vehicles) by placing the current language of the statute in a new subsection (a), and enacting a new subsection (b) setting out the situations in which it is lawful to operate a vehicle with an activated flashing or strobing

⁶ <https://www.nccourts.gov/help-topics/fees-and-payments>

⁷ The text of a session law can be found on the General Assembly's website at the following link. Select the applicable year and enter the session law number in the "Look-Up" fields at the top of the page. <http://www.ncleg.net/gascripts/EnactedLegislation/ELTOC.pl?sType=Law>



amber light. The NCAOC has determined that the improper equipment fee does not apply to a violation of the new subsection (b). In other words, the improper equipment fee will apply to violations of G.S. 20-130.2(a), but will not apply to violations of G.S. 20-130.2(b). Accordingly, the NCAOC has revised the improper equipment fee table that is attached to the criminal costs and fees chart to reflect this distinction and to specifically cite to subsection (a) of G.S. 20-130.2. These changes apply to offenses committed on or after December 1, 2019.

Civil Court Costs and Fees

There were no changes to amounts of civil costs paid by a party.

Special Proceedings Costs and Fees

There were no changes to amounts of special proceedings costs paid by a party.

Estates Court Costs and Fees

NEW Fee for Small Estate Administration by the Clerk. G.S. 28A-25-6(f), G.S. 7A-307(a)(2b); S.L. 2019-243, §§ 15, 11(a)

Session Law 2019-243, Section 15, amended G.S. 28A-25-6(f) to clarify that clerks of superior court are to administer and distribute funds deposited pursuant to G.S. 28A-25-6(a) either (i) upon the application of an interested party, or (ii) upon the motion of the clerk if no administrator has been appointed. Session Law 2019-243, Section 11(a), amended G.S. 7A-307(a)(2b) to create a new \$20.00 fee to be assessed upon the filing of an application by an interested party pursuant to newly amended G.S. 28A-25-6(f). The new \$20.00 fee is assessed for all applications filed on or after January 1, 2020 and is deposited in the General Fund.

INCREASED Fee for Hearing Petition for Year's Allowance. G.S. 7A-307(b1)(6); S.L. 2019-243, § 11(a)

Session Law 2019-243, Section 11(a), amended G.S. 7A-307(b1)(6) increasing the fee from \$8.00 to \$20.00 for a hearing on petition for a year's allowance filed for a surviving spouse or child, in cases not assigned to a magistrate. The increased fee to \$20.00 is effective January 1, 2020 and applies to petitions filed on or after that date.

Magistrates' Fees

INCREASED Fees for Marriage Ceremonies. G.S. 7A-309(1); S.L. 2019-243, § 11(b)

Session Law 2019-243, Section 11(b), amended G.S. 7A-309(1) to increase the fee for magistrates to perform a marriage ceremony from \$20.00 to \$50.00. The fee increase is effective January 1, 2020.

INCREASED Fees for Hearing Petition for Year's Allowance. G.S. 7A-309(2); S.L. 2019-243, § 11(b)

Session Law 2019-243, Section 11(b), amended G.S. 7A-309(2) to increase the fee from \$8.00 to \$20.00 for a hearing on petition for a year's allowance in cases before magistrates. The fee increase is effective January 1, 2020 and applies to petitions filed on or after that date.



Registrations and Miscellaneous Court Costs and Fees

No Fee for Designation of Secured Leave Registration Filing. G.S. 7A-308(b2); S.L. 2019-243, § 4

Session Law 2019 - 243, Section 4, amended G.S. 7A-308(b2) to codify that a registration fee pursuant to G.S. 7A-308(a)(11) shall not be assessed when an attorney files a designation of secured leave pursuant to the rules adopted by the Supreme Court of North Carolina. This change to G.S. 7A-308(b2) became effective immediately when the Governor signed the bill into law on November 6, 2019. For further reference, court officials with questions may reference the November 8, 2019 email from NCAOC Assistant Legal Counsel Matt Kraus titled "2019 legislation - No Registration fee required for designations of secured leave S.L. 2019-243."

NEW In Rem Tax Foreclosure Fee from Sale Proceeds. G.S. 7A-308(a)(1a) and G.S. 105-375(i1); S.L. 2019-243, §§ 12(a), 12(b)

Session Law 2019-243, Section 12(a) amended G.S. 7A-308(a)(1a) and Section 12(b) amended G.S. 105-375 to require that clerks of superior court assess a new \$300.00 fee out of the sale proceeds of an in rem tax foreclosure whenever a property is sold under execution. The new fee only applies if the real property is sold. The fee is payable to the clerk after completion of the sale and after the sale proceeds have been collected from the purchaser. The new \$300.00 fee is effective December 1, 2019, applies to in rem tax foreclosure execution sales conducted on or after that date, and is deposited in the General Fund.

Conclusion

Court officials with questions or concerns about the costs and fee changes described above should contact NCAOC's Training & Development Field Support Analyst (formerly Court Services Analyst) or Financial Management Analyst (FMA) for the county.⁸

⁸ NCAOC Training & Development County/District Field Assignments can be found at the following Juno link:
<https://juno.nccourts.org/resources/references/training-and-development-bsa-field-support-staff-assignments-map>

