

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 916

1 AN ACT

2 To repeal sections 488.005, 488.012, 488.015,
3 488.445, 488.2250 and 488.2253, RSMo, and to
4 enact in lieu thereof six new sections
5 relating to surcharges on civil
6 cases/marriages.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
8 AS FOLLOWS:

9 Section A. Sections 488.005, 488.012, 488.015, 488.445,
10 488.2250, and 488.2253, RSMo, are repealed and six new sections
11 enacted in lieu thereof, to be known as sections 488.005,
12 488.012, 488.015, 488.445, 488.2250, and 488.2253, to read as
13 follows:

14 488.005. Notwithstanding any other provision of law to the
15 contrary, whether enacted before, on or after August 28, 1996, no
16 clerk of any court shall collect any surcharge authorized by or
17 pursuant to any ordinance, order or resolution which provides
18 that the effective date to commence imposition of such surcharge
19 is on or after January 1, 1997, unless such ordinance, order or

1 resolution is authorized by statute.

2 488.012. 1. [Beginning July 1, 1997,] The clerk of
3 each court of this state responsible for collecting court costs
4 shall collect the court costs authorized by statute, in such
5 amounts as are authorized by supreme court rule adopted pursuant
6 to sections 488.010 to 488.020. [Court costs due and payable
7 prior to July 1, 1997, shall not be affected by the adoption of
8 this rule.]

9 2. The supreme court shall set the amount of [court costs]
10 fees and miscellaneous charges authorized by statute, at levels
11 to produce revenue which shall not substantially exceed the total
12 of the proportion of the costs associated with administration of
13 the judicial system defrayed by fees[,] and miscellaneous charges
14 [and surcharges]. The supreme court also shall set the amount of
15 surcharges.

16 3. Prior to adjustment by the supreme court, the following
17 fees, costs and charges shall be collected:

18 (1) Five dollars for the filing of a lien, pursuant to
19 section 429.090, RSMo;

20 (2) Ten dollars for maintaining child support enforcement
21 records, pursuant to section 452.345, RSMo;

22 (3) Ten dollars for a notice to a judgment creditor of a
23 distributee, pursuant to section 473.618, RSMo;

24 (4) Three dollars for receiving and keeping a will,

1 pursuant to section 474.510, RSMo;

2 (5) Seven dollars for the statewide court automation fund,
3 pursuant to section 476.053, RSMo;

4 (6) Twelve dollars for municipal court costs, fifteen
5 dollars for municipal ordinance violations filed before an
6 associate circuit judge and thirty dollars for applications for a
7 trial de novo of a municipal ordinance violation, pursuant to
8 section 479.260, RSMo;

9 (7) Five dollars for small claims court cases where less
10 than one hundred dollars is in dispute, and ten dollars in all
11 other small claims court cases, pursuant to section 482.345,
12 RSMo;

13 (8) Fifty dollars for appeals, pursuant to section 483.500,
14 RSMo;

15 (9) Fifteen dollars in misdemeanor cases where there is no
16 application for trial de novo, pursuant to section 483.530, RSMo;

17 (10) Forty-five dollars for applications for a trial de
18 novo for misdemeanor cases, pursuant to section 483.530, RSMo;

19 (11) Fifteen dollars for each preliminary hearing in felony
20 cases, pursuant to section 483.530, RSMo;

21 (12) Thirty dollars for each information or indictment
22 filed in felony cases, pursuant to section 483.530, RSMo;

23 (13) Fifteen dollars for each associate circuit court case
24 filed, and one dollar for each additional summons issued in such

1 cases, pursuant to section 483.530, RSMo;

2 (14) Forty-five dollars for applications for trial de novo
3 from small claims court and associate circuit court and
4 forty-five dollars for filing of other cases, pursuant to section
5 483.530, RSMo;

6 (15) One dollar and fifty cents for a certificate of
7 naturalization, pursuant to section 483.535, RSMo;

8 (16) When letters are applied for in probate proceedings,
9 pursuant to section 483.580, RSMo, when the value of the estate
10 is:

11	(a) Less than \$10,000.....	\$75.00
12	(b) From \$10,000 to \$25,000.....	115.00
13	(c) From \$25,000 to \$50,000	155.00
14	(d) From \$50,000 to \$100,000.....	245.00
15	(e) From \$100,000 to \$500,000.....	305.00
16	(f) More than \$500,000.....	365.00;

17 (17) Thirty dollars for each additional twelve months a
18 decedent's estate remains open, pursuant to section 483.580,
19 RSMo;

20 (18) In proceedings regarding guardianships and
21 conservatorships, pursuant to section 483.580, RSMo:

22 (a) Twenty-five dollars for each grant of letters for
23 guardianship of a minor;

24 (b) Fifty dollars for each grant of letters for

1 guardianship of an incapacitated person;

2 (c) Sixty dollars for each grant of letters for
3 guardianship of the person and conservatorship of the estate of a
4 minor;

5 (d) Twenty-five dollars for each additional twelve months a
6 conservatorship of a minor's estate case remains open;

7 (e) Seventy-five dollars for each grant of letters in
8 guardianship and conservatorship of incapacitated persons and
9 their estates;

10 (f) Thirty dollars for each additional twelve months an
11 incapacitated person's case remains open;

12 (19) Fifteen dollars for issuing orders refusing to grant
13 letters to a spouse or an unmarried minor child and thirty
14 dollars for a certified copy of such orders, pursuant to section
15 483.580, RSMo;

16 (20) In probate proceedings, pursuant to section 483.580,
17 RSMo:

18 (a) Thirty-five dollars for the collection of small
19 estates;

20 (b) Thirty-five dollars for involuntary hospitalization
21 proceedings;

22 (c) Thirty dollars for proceedings to determine heirship;

23 (d) Fifteen dollars for assessment of estate taxes where no
24 letters are granted;

1 (e) Fifty dollars for proceedings for the sale of real
2 estate by a nonresident conservator;

3 (f) Forty dollars for proceedings to dispense with
4 administration;

5 (g) Twenty dollars for proceedings to dispense with
6 conservatorship;

7 (h) Twenty-five dollars for admitting a will to probate;

8 (i) One dollar per copied page and one dollar and fifty
9 cents per certificate;

10 (21) One dollar and fifty cents per page for testimony
11 transcription, pursuant to section 485.100, RSMo;

12 (22) Fifteen dollars for court reporters, pursuant to
13 section 485.120, RSMo;

14 (23) Three dollars for witness fees per day, and four
15 dollars when the witness must travel to another county, pursuant
16 to section 491.280, RSMo.

17 488.015. The court shall not increase the amount of
18 miscellaneous charges [or surcharges] allowed by law. The
19 amounts of fees payable to the state of Missouri may be annually
20 adjusted as provided in section 488.012 to the extent that
21 projected total collections for all such fees shall not exceed
22 one hundred four percent of such fees assessed or assessable
23 during the previous year less the amount of such assessed fees
24 attributable to any increase in the judiciary's caseload,

1 provided that the amount of the adjusted fee attributable to each
2 case may be rounded to the nearest dollar. The supreme court
3 rule may provide that in the event that any payment of court
4 costs is made in time or installment payments or by credit card
5 or similar method, the clerk may charge an additional fee for
6 such time or installment payments or in order to reflect any
7 transaction cost, surcharge or fee imposed on the recipient of
8 the credit card payment by the credit card company. Any change
9 in the amount of fees made by the court pursuant to this section
10 shall take effect on July first of any particular year, provided
11 that the proposed supreme court rule or amendment to a supreme
12 court rule changing the amount of fees shall be published on or
13 before January first of the year in which the rule or amendment
14 is proposed to take effect. Any such rule may be annulled or
15 amended in whole or part in the manner provided by section 5 of
16 article V of the Constitution of the state of Missouri. Any
17 changes in the amount of fees made by the court pursuant to
18 sections 488.010 to 488.020 shall be presented to the general
19 assembly on or before January first of the year in which the rule
20 or amendment is proposed to take effect.

21 488.445. 1. The governing body of any county, or of any
22 city not within a county, by order or ordinance [to be effective
23 prior to January 1, 2001], may impose a fee upon the issuance of
24 a marriage license and may impose a surcharge upon any civil case

1 filed in the circuit court. The surcharge shall not be charged
2 when costs are waived or are to be paid by the state, county or
3 municipality.

4 2. The fee imposed upon the issuance of a marriage license
5 shall be five dollars, shall be paid by the person applying for
6 the license and shall be collected by the recorder of deeds at
7 the time the license is issued. The surcharge imposed upon the
8 filing of a civil action shall be two dollars, shall be paid by
9 the party who filed the petition and shall be collected and
10 disbursed by the clerk of the court in the manner provided by
11 sections 488.010 to 488.020. Such amounts shall be payable to
12 the treasuries of the counties from which such surcharges were
13 paid.

14 3. At the end of each month, the recorder of deeds shall
15 file a verified report with the county commission of the fees
16 collected pursuant to the provisions of subsection 2 of this
17 section. The report may be consolidated with the monthly report
18 of other fees collected by such officers. Upon the filing of the
19 reports the recorder of deeds shall forthwith pay over to the
20 county treasurer all fees collected pursuant to subsection 2 of
21 this section. The county treasurer shall deposit all such fees
22 upon receipt in a special fund to be expended only to provide
23 financial assistance to shelters for victims of domestic violence
24 as provided in sections 455.200 to 455.230, RSMo.

1 488.2250. 1. For all transcripts of testimony given or
2 proceedings had in any circuit court, the court reporter shall
3 receive the sum of [one dollar and fifty cents] two dollars and
4 twenty-five cents per twenty-five line page for the original of
5 the transcript, and the sum of [thirty-five] fifty cents per
6 twenty-five line page for each [carbon] copy thereof; the page to
7 be approximately eight and one-half inches by eleven inches in
8 size, with left-hand margin of approximately one and one-half
9 inches and the right-hand margin of approximately one-half inch;
10 answer to follow question on same line when feasible; such page
11 to be designated as a legal page. Any judge, in his or her
12 discretion, may order a transcript of all or any part of the
13 evidence or oral proceedings, and the court reporter's fees for
14 making the same shall be paid by the state upon a voucher
15 approved by the court, and taxed against the state. In criminal
16 cases where an appeal is taken by the defendant, and it appears
17 to the satisfaction of the court that the defendant is unable to
18 pay the costs of the transcript for the purpose of perfecting the
19 appeal, the court shall order the court reporter to furnish three
20 transcripts in duplication of the notes of the evidence, for [the
21 original of] which he or she shall receive [one dollar and fifty]
22 two dollars and twenty-five cents per [legal] twenty-five line
23 page and for [the] additional copies [twenty] fifty cents per
24 page. The payment of court reporter's fees provided in this

1 section shall be made by the state upon a voucher approved by the
2 court.

3 2. Beginning January 1, 2004, the amounts a court reporter
4 shall receive for transcripts described in subsection 1 of this
5 section shall be increased or decreased on an annual basis,
6 effective January first of each year, in accordance with the
7 Implicit Price Deflator for Personal Consumption Expenditures as
8 published by the Bureau of Economic Analysis of the United States
9 Department of Commerce. The current value of the limitation
10 shall be calculated by the director of the department of
11 insurance, who shall furnish that value to the secretary of
12 state, who shall publish such value in the Missouri Register each
13 year, as soon after the first day of January as practical, but
14 shall be otherwise exempt from the provisions of section 536.021,
15 RSMo.

16 488.2253. In every contested case, or case in which the
17 evidence is to be preserved, except for the collection of
18 delinquent or back taxes, before any circuit judge when an
19 official court reporter is appointed, the clerk of said court
20 shall tax up the sum of [fifteen] twenty-five dollars, to be
21 collected as other costs, and paid by said clerk to the director
22 of revenue of the state.