

CHAPTER 129

AN ACT concerning the fees charged in the Special Civil Part of Superior Court and amending P.L.1991, c.177.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 14 of P.L.1991, c.177 (C.22A:2-37.1) is amended to read as follows:

C.22A:2-37.1 Special Civil Part of Superior Court, Law Division, fees; use.

14. a. In all civil actions and proceedings in the Special Civil Part of the Superior Court, Law Division, only the following fees shall be charged by the clerk and no service shall be performed until the specified fee has been paid:

- (1) Filing of small claim, one defendant \$12.00
- Each additional defendant \$2.00
- (2) Filing of complaint in tenancy, one defendant \$20.00
- Each additional defendant \$2.00
- (3) (a) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount exceeds the small claims monetary limit \$45.00
- Each additional defendant \$2.00
- (b) Filing of complaint or other initial pleading containing a counterclaim, cross-claim or third party complaint in all other civil actions, whether commenced without process or by summons, capias, replevin or attachment where the amount does not exceed the small claims monetary limit \$27.00
- Each additional defendant \$ 2.00
- (4) Filing of appearance or answer to a complaint or third party complaint in all matters except small claims . . \$10.00
- (5) Service of Process:
- Summons by mail, each defendant \$4.00
- Summons by mail, each defendant at place of business or employment with postal instructions to deliver to addressee only, additional fee \$4.00
- Reservice of summons by mail, each defendant. \$4.00
- Reservice of summons or other original process by court officer, one defendant \$3.00
- plus mileage
- Each additional defendant \$2.00
- plus mileage
- Substituted service of process by the clerk upon the Director of the Division of Motor Vehicles \$10.00
- Plus postage. \$4.00
- (6) Mileage of court officer in serving or executing any process, writ, order, execution, notice, or warrant, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the State for other State employees and the total mileage fee rounded upward to the nearest dollar
- (7) Jury of six persons \$50.00
- (8) Warrant for possession in tenancy \$15.00
- (9) Warrant to arrest, commitment or writ of capias ad respondendum, each defendant \$15.00
- (10) Writ of execution or an order in the nature of execution, writs of replevin and attachment issued subsequent to summons \$5.00
- Wage execution by mail to a federal agency

additional fee	\$4.00
(11) For advertising property under execution or any order	\$10.00
(12) For selling property under execution or any order . . .	\$10.00
(13) Exemplified copy of judgment (two pages)	\$5.00
each additional page	\$1.00

b. Except as provided in subsection c., the clerk shall pay over to the treasurer of the county in which the action is filed all fees collected pursuant to this section. After December 31, 1994, the clerk shall pay over to the State all fees collected pursuant to this section, including the entire fee collected pursuant to paragraph (3) of subsection a.

c. From July 1, 1991 to June 30, 1993, the clerk shall pay over to the treasurer of the county in which the action is filed \$12.00 of each fee paid to the clerk pursuant to paragraph (3) of subsection a., with the balance made available for use by the State.

2. Section 15 of P.L.1991, c.177 (C.22A:2-37.2) is amended to read as follows:

C.22A:2-37.2 Fees to officers designated by Assignment Judge to serve process.

15.a. From the fees set forth in section 14 of P.L.1991, c.177 (C.22A:2-37.1), the clerk of the Special Civil Part of the Superior Court, Law Division, shall pay to officers designated by the Assignment Judge to serve process the following fees:

(1) Serving summons, notice or third party complaint on one defendant	\$3.00
on every additional defendant	\$2.00
(2) Reserving summons or other original process on any defendant	\$3.00
(3) Warrant to arrest, capias, or commitment, for each defendant served	\$15.00
(4) Serving writ and summons in replevin, taking bond and any inventory, against one defendant	\$6.00
on every additional defendant	\$2.00
(5) Serving writ in replevin when issued subsequent to service of summons, against one defendant	\$5.00
on every additional defendant	\$2.00
(6) Serving order for possession in replevin	\$4.00
(7) Serving writ of attachment and making inventory, one defendant	\$4.00
on every additional defendant	\$2.00
(8) Serving and executing warrant for possession in tenancy	\$10.00
(9) Every execution, or any order in the nature of an execution, on a judgment, for each defendant	\$2.00
(10) Every wage execution to a federal agency, additional fee	\$4.00

b. For every mile of travel in serving or executing any process, writ, order, execution, notice or warrant, the distance to be computed by counting the number of miles in and out, by the most direct route from the place where process is issued, at the same rate per mile set by the State for other State employees and the total mileage fee rounded upward to the nearest dollar.

c. In addition to the foregoing, the following fees for officers of the Special Civil Part shall be taxed in the costs and collected on execution, writ of attachment or order in the nature of any execution on any final judgment, or on a valid and subsisting levy of an execution or attachment which may be the effective cause in producing payment or settlement of a judgment or attachment:

(1) For advertising property under execution or any order	\$10.00
(2) For selling property under execution or any order	\$10.00

(3) On every dollar collected on execution, writ of attachment, or any order, \$0.10.

3. This act shall take effect 30 days following enactment.

Approved September 21, 2000.