

**CHAPTER 259**

**AN ACT** concerning certain service of process fees 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. From the effective date of the amendments made to this section by section 1 of P.L.2003, c.259 through the fifth year thereafter:

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	\$15.00
Each additional defendant	\$ 2.00
(2) Filing of complaint in tenancy, one defendant	\$25.00
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	\$50.00
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	\$32.00
Each additional defendant	\$ 2.00
(4) Filing of appearance or answer to a complaint or third party complaint in all matters except small claims	\$15.00
(5) Service of Process: Fees for service of process, including: summons by mail, each defendant; summons by mail each defendant at place of business or employment with postal instructions to deliver to addressee only; reservice of summons by mail, each defendant; postage for substituted service of process by the clerk upon the Chief Administrator of the New Jersey Motor Vehicle Commission in addition to the substituted service fee provided below; and wage execution by mail to a federal agency, shall be set by the Administrative Director of the Courts. The fee for service of process shall not exceed the postal rates for ordinary and certified mail, return receipt requested, and may include an administrative fee that shall not exceed \$0.25 for each defendant served with process by mail. The total service of process fee shall be rounded upward to the nearest dollar. For the purposes of this paragraph, service of process means the simultaneous mailing by ordinary and certified mail, return receipt requested, to the defendant at the address provided by the plaintiff.	
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 Chief Administrator of the New Jersey Motor Vehicle Commission	\$10.00

(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
(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. (Deleted by amendment, P.L.2002, c.34).

c. (Deleted by amendment, P.L.2002, c.34).

d. After the fifth year following the effective date of the amendments made to this section by section 1 of P.L.2003, c.259:

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	\$15.00
Each additional defendant	\$ 2.00
(2) Filing of complaint in tenancy, one defendant	\$25.00
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	\$50.00
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	\$32.00
Each additional defendant	\$ 2.00
(4) Filing of appearance or answer to a complaint or third party complaint in all matters except small claims	\$15.00
(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 plus mileage	\$ 3.00
Each additional defendant	\$2.00

plus mileage

Substituted service of process by the clerk upon  
the Chief Administrator of the

New Jersey Motor Vehicle Commission \$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

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

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.

(4) In the event a judgment is vacated for any reason after a court officer has made a levy and thereafter the judgment is reinstated or the case is settled, the dollarage due the court officer on payment of the judgment amount or settlement amount again shall be taxed in the costs and collected.

d. In addition to the foregoing, the clerk of the Special Civil Part shall pay to officers designated by the Assignment Judge to serve wage executions on a federal agency an amount equal to the fee set by either the Administrative Director of the Courts pursuant to paragraph (5) of subsection a. of section 14 of P.L.1991, c.177 (C.22A:2-37.1) or set pursuant to subsection d. of that section, whichever then may be applicable, for each wage execution served.

3. This act shall take effect immediately.

Approved January 14, 2004.