

# HOUSE BILL 1029

D3

71r2284

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By: **Delegates Taylor, Holmes, and Krebs**  
Introduced and read first time: February 9, 2007  
Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Courts and Judicial Proceedings – Civil Court Cases – Filing Fees**

3 FOR the purpose of establishing certain fee schedules for certain courts; altering  
4 certain filing fees by a certain amount; and generally relating to the altering of  
5 filing fees for civil court cases.

6 BY repealing and reenacting, with amendments,  
7 Article – Courts and Judicial Proceedings  
8 Section 7–202  
9 Annotated Code of Maryland  
10 (2006 Replacement Volume)

11 BY repealing and reenacting, with amendments,  
12 Article – Courts and Judicial Proceedings  
13 Section 7–301(c)  
14 Annotated Code of Maryland  
15 (2006 Replacement Volume)  
16 (As enacted by Chapter 516 of the Acts of the General Assembly of 2005)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Courts and Judicial Proceedings**

20 7–202.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           (a)   (1)   [The] **SUBJECT TO SUBSECTIONS (B) THROUGH (H) OF THIS**  
2 **SECTION, THE** State Court Administrator shall determine the amount of all court  
3 costs and charges for the circuit courts of the counties with the approval of the Board  
4 of Public Works.

5           (2)   The fees and charges shall be uniform throughout the State.

6           [(2)] (3)   The Comptroller of the State shall require clerks of court to  
7 collect all fees required to be collected by law.

8           **(B)   (1)   UNLESS A DIFFERENT FEE IS PRESCRIBED IN PARAGRAPH (2)**  
9 **OF THIS SUBSECTION, A CLERK SHALL COLLECT A \$95 FILING FEE FOR**  
10 **DOCKETING A CIVIL ACTION OR PROCEEDING, NOT INCLUDING AN APPEAL, BUT**  
11 **INCLUDING:**

12                   (I)   **A SUPPLEMENTAL BILL OF COMPLAINT UNDER**  
13 **MARYLAND RULE 9-202(D);**

14                   (II)   **A CERTIFIED COPY OF A PLEADING GIVING RISE TO A**  
15 **LIS PENDENS OR A NOTICE OF LIS PENDENS; AND**

16                   (III)   **A PETITION FOR WRIT OF HABEAS CORPUS.**

17           (2)   **A CLERK SHALL COLLECT:**

18                   (I)   **A \$25 FILING FEE FOR DOCKETING A PETITION FOR**  
19 **CONFIRMATION, CORRECTION, OR MODIFICATION OF AN ARBITRATION AWARD**  
20 **UNDER TITLE 3, SUBTITLE 2 OF THIS ARTICLE FOR CONFIRMATION OF AN**  
21 **ARBITRATION AWARD UNDER § 3-2A-05(I) OF THIS ARTICLE; AND**

22                   (II)   **A \$40 FILING FEE FOR DOCKETING:**

23                           1.   **A MOTION FOR SPECIAL ADMISSION OF AN**  
24 **OUT-OF-STATE ATTORNEY UNDER RULE 14 OF THE RULES GOVERNING**  
25 **ADMISSION TO THE BAR OF MARYLAND;**

26                           2.   **A SUMMONS OR OTHER NOTICE OF A COURT OF**  
27 **ANOTHER STATE FOR APPEARANCE OF A WITNESS FOR DEPOSITION;**

1                   **3. A FOREIGN JUDGMENT UNDER §§ 11-801**  
2 **THROUGH 11-807 OF THIS ARTICLE;**

3                   **4. A CERTIFIED COPY OF A FOREIGN CUSTODY**  
4 **ORDER UNDER §§ 9.5-101 THROUGH 9.5-318 OF THE FAMILY LAW ARTICLE;**  
5 **AND**

6                   **5. A MOTION UNDER MARYLAND RULE 16-732(D)**  
7 **FOR AN ORDER IN CONNECTION WITH A SUBPOENA OF BAR COUNSEL.**

8           **(C) A CIRCUIT COURT MAY INCLUDE A \$95 FILING FEE UNDER §§**  
9 **3-8A-19(G) OR 3-8A-19.2(C)(4) OF THIS ARTICLE, IN WHICH CASE THE CLERK**  
10 **SHALL COLLECT THE ASSESSED FEE.**

11           **(D) A CLERK OF A CIRCUIT COURT SHALL COLLECT A \$95 FILING FEE**  
12 **FOR AN APPEAL FROM AN ADMINISTRATIVE AGENCY.**

13           **[(b)] (E)** The clerk may not charge the State, any county, municipality, or  
14 Baltimore City any fee provided by this subtitle, unless the State, county,  
15 municipality, or Baltimore City first gives its consent.

16           **[(c)] (F)** The clerk is entitled to a reasonable fee **THAT MAY NOT BE LESS**  
17 **THAN \$15** for performing any other service that is not enumerated in this subtitle or  
18 in §§ 3-601 through 3-603 of the Real Property Article.

19           **[(d)] (G)** The State Court Administrator, as part of the Administrator's  
20 determination of the amount of court costs and charges in civil cases, shall assess a  
21 surcharge that:

22                   (1) May not be more than \$25 per case; and

23                   (2) Shall be deposited into the Maryland Legal Services Corporation  
24 Fund established under § 7-408 of this title.

25           **[(e)] (H)** If a party in a proceeding feels aggrieved by any fee permitted  
26 under this subtitle or by §§ 3-601 through 3-603 of the Real Property Article, the  
27 party may request a judge of that circuit court to determine the reasonableness of the  
28 fee.

29 7-301.

1 (c) (1) The filing fees and costs in a civil case are those prescribed by law  
2 subject to modification by law, rule, or administrative regulation.

3 (I) A FILING FEE FOR ASSIGNMENT OF WAGES SHALL BE  
4 **\$25.**

5 (II) A FILING FEE FOR A COMPLAINT FILED IN AN ACTION  
6 **OF:**

7 1. TORT, CONTRACT, DETINUE, CONFESSED  
8 JUDGMENT, ATTACHMENT BEFORE JUDGMENT, AND GRANTEE SUIT FOR  
9 REPLEVIN AND SHOW CAUSE ORDER SHALL BE **\$35;**

10 2. FORCIBLE ENTRY AND DETAINER, BREACH OF  
11 LEASE, TENANT HOLDING OVER, AND INJUNCTION SHALL BE **\$35;**

12 3. SMALL CLAIMS INCLUDING CROSS CLAIMS,  
13 COUNTER CLAIMS, AND THIRD PARTY CLAIMS SHALL BE **\$25;**

14 4. DISTRESS AND SHOW CAUSE ORDER SHALL BE:

15 A. **\$25 IF THE AMOUNT OF RENT IS \$500 OR LESS;**

16 **AND**

17 B. **\$5 SHALL BE ADDED FOR EACH ADDITIONAL \$500**  
18 **OF RENT;**

19 5. REISSUANCE OF A DISTRESS AND SHOW CAUSE  
20 **ORDER SHALL BE \$17;**

21 6. DISTRESS ORDER OF LEVY SHALL BE **\$20;**

22 7. NOTICE OF LIEN SHALL BE **\$30, PAYABLE TO THE**  
23 **CIRCUIT COURT;**

24 8. PETITION FOR SHOW CAUSE ORDER, PER  
25 **DEFENDANT, SHALL BE \$25;**

26 9. RECORDATION OF FOREIGN JUDGMENT SHALL BE  
27 **\$40;**

1                   **10. RENEWAL OF JUDGMENT SHALL BE \$25;**

2                   **11. RENEWAL, PER DEFENDANT, OF AN ORDER FOR**  
3 **ORAL EXAMINATION, SHOW CAUSE ORDER, OR SUMMONS, INCLUDING A NOTICE**  
4 **OF CONFESSED JUDGMENT, SHALL BE \$20;**

5                   **12. REQUEST FOR CERTIFICATION OF JUDGMENT**  
6 **UNDER ACT OF CONGRESS SHALL BE \$25;**

7                   **13. REQUEST FOR ORAL EXAMINATION, PER**  
8 **DEFENDANT, SHALL BE \$25;**

9                   **14. REQUEST FOR WRIT OF EXECUTION OR**  
10 **POSSESSION SHALL BE \$25;**

11                   **15. REQUEST FOR WRIT OF GARNISHMENT OF**  
12 **PROPERTY OR WAGES SHALL BE \$25;**

13                   **16. SUMMARY EJECTMENT IN ALL COUNTIES**  
14 **INCLUDING BALTIMORE CITY SHALL BE \$19; AND**

15                   **17. TRANSMITTAL OF CERTIFIED COPY OF**  
16 **JUDGMENT, ASSIGNMENT OF JUDGMENT, OR RECORDING A LANDLORD AND**  
17 **TENANT JUDGMENT SHALL BE \$25.**

18                   (2) The Chief Judge of the District Court shall assess a surcharge that:

19                   (i) May not be more than:

20                   1. \$5 per summary ejectment case; and

21                   2. \$10 per case for all other civil cases; and

22                   (ii) Shall be deposited into the Maryland Legal Services  
23 Corporation Fund established under § 7-408 of this title.

24                   (3) The Court of Appeals may provide by rule for waiver of  
25 prepayment of filing fees and other costs in cases of indigency.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2007.