

Notice

To All District Courts

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Texas Comptroller of Public Accounts

MARCH 2007

In response to a request from the Office of Court Administration, the Texas Attorney General (AG) has issued Opinion GA-0491, dated December 4, 2006, in regard to civil filing fees on civil suits in district court. The opinion states that the district clerk must collect filing fees under both Section 133.151 and Section 133.152 of the Local Government Code.

The pertinent sections of the statutes are as follows:

§133.151. CONSOLIDATED CIVIL FEE ON FILING A CIVIL SUIT IN DISTRICT COURT.

- (a) In addition to each fee collected under Section 51.317(b)(1), Government Code, the clerk of a district court shall collect the following fees on the filing of any civil suit:
- (1) \$45 for family law cases and proceedings as defined by Section 25.0002, Government Code; and
 - (2) \$50 for any case other than a case described by Subdivision (1).

§133.152. ADDITIONAL FILING FEES FOR CERTAIN ACTIONS AND PROCEEDINGS IN DISTRICT COURT FOR BASIC CIVIL LEGAL SERVICES FOR INDIGENTS.

- (a) In addition to other fees authorized or required by law, the clerk of a district court shall collect the following fees on the filing any civil action or proceeding requiring a filing fee, including

an appeal, and on the filing of any counterclaim, cross-action, intervention, interpleader, or third-party action requiring a filing fee:

- (1) \$5 in family law cases and proceedings as defined by Section 25.0002, Government Code; and
- (2) \$10 in any case other than a case described by Subdivision (1).

The fee collected in Section 133.151 is to be reported on lines 10a (\$45) and 10b (\$50) of the *Civil Fees* report form (Form 40-141).

The fee collected in Section 133.152 is to be reported on line 10c of the *Civil Fees* report form.

The AG Opinion states that the caption of Section 133.152 refers to “additional filing fees” and begins with the language: “In addition to other fees authorized or required by law...” The Opinion states that the enacting legislation for these statutes indicated that the Legislature intended that the fees established in both sections 133.151 and 133.152 be collected by a district clerk and, therefore, concludes that both fees must be collected by the district clerk.

In order to allow your courts time to revise procedures and systems as appropriate, the Comptroller will allow counties until April 1, 2007, to begin collecting the additional fee in Section 133.152.

Should you have any questions in this regard, please feel free to call the Comptroller's office toll free at 1-800-531-5441, extension 3-4276, or direct in Austin at (512) 463-4276.