

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILL NO. 916

91ST GENERAL ASSEMBLY

Reported from the Committee on Judiciary, February 25, 2002, with recommendation that the Senate Committee Substitute do pass and be placed on the Consent Calendar.

3797S.02C

TERRY L.SPIELER, Secretary.

AN ACT

To repeal sections 488.005 and 488.445, RSMo, relating to surcharges on civil cases/marriages, and to enact in lieu thereof two new sections relating to the same subject.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 488.005 and 488.445, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 488.005 and 488.445, to read as follows:

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

488.445. 1. The governing body of any county, or of any city not within a county, by order or ordinance [to be effective prior to January 1, 2001], may impose a fee upon the issuance of a marriage license and may impose a surcharge upon any civil case filed in the circuit court. The surcharge shall not be charged when costs are waived or are to be paid by the state, county or municipality.

2. The fee imposed upon the issuance of a marriage license shall be five dollars, shall be paid by the person applying for the license and shall be collected by the recorder of deeds at the time the license is issued. The surcharge imposed upon the filing of a civil action shall be two dollars, shall be paid by the party who filed the petition and shall be collected and disbursed by the clerk of the court in the manner provided by sections 488.010 to 488.020. Such amounts

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

shall be payable to the treasuries of the counties from which such surcharges were paid.

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

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