

BILL ANALYSIS

Senate Research Center
82R17060 PMO-D

H.B. 627
By: Woolley (Gallegos)
Jurisprudence
5/5/2011
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The district clerk is responsible for collecting fees related to certified copies for court documents under Chapter 51 (Clerks), Government Code. Currently, the statute requires the clerk to charge \$1.00 per page for any certified copy obtained. There is no flexibility under current statute to charge less than \$1.00 per page for a certified copy even if the copy is obtained electronically.

By amending the current statute, H.B. 627 will allow the district clerk to reduce the cost of a certified copy to promote web site usage through the incentive of a reduced rate.

H.B. 627 is permissive—it provides an option for district clerks, not a requirement. Based upon the needs of each particular county, the district clerk may exercise the option or may choose to maintain existing fees regardless of how the document is obtained.

H.B. 627 amends current law relating to a fee collected by a district clerk for certain certified copies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 51.318(b), Government Code, to include among certain fees, a fee for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page, in a list of certain fees for services performed or requested, not to exceed \$1.

SECTION 2. Amends Section 101.0611, Government Code, to require the clerk of a district court to collect certain fees and costs under the Government Code, including among certain fees, a fee for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, for each page or part of a page (Section 51.318, Government Code), not to exceed \$1.

SECTION 3. Provides that Section 51.318(b), Government Code, as amended by this Act, applies only to a request for a certified copy of a record, judgment, order, pleading, or paper on file or of record in the district clerk's office, including certificate and seal, made on or after the effective date of this Act. Provides that a request made before the effective date of this Act is covered by the law in effect when the request was made, and the former law is continued in effect for that purpose.

SECTION 4. Effective date: upon passage or September 1, 2011.