

By: Representative Watson

To: Ways and Means

HOUSE BILL NO. 385

1 AN ACT TO AMEND SECTION 9-21-43, MISSISSIPPI CODE OF 1972, TO
2 SPECIFY THE SOURCES OF FUNDING FOR THE CIVIL LEGAL ASSISTANCE
3 FUND; TO BRING FORWARD SECTIONS 25-7-9, 25-7-13, 27-19-56.99 AND
4 27-19-56.135, MISSISSIPPI CODE OF 1972, WHICH SPECIFY CHANCERY AND
5 CIRCUIT COURT FEES AND FEES FOR CERTAIN SPECIALIZED MOTOR VEHICLE
6 LICENSE TAGS, FOR THE PURPOSES OF AMENDMENT; AND FOR RELATED
7 PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 9-21-43, Mississippi Code of 1972, is
10 amended as follows:

11 9-21-43. (1) There is * * * created in the State Treasury a
12 special fund designated as the Civil Legal Assistance Fund. The
13 funds shall be administered by the Supreme Court through the
14 Administrative Office of Courts. The special fund shall consist
15 of monies that are directed to be paid into the fund by Sections
16 25-7-9, 25-7-13, 27-19-56.99 and 27-19-56.135, and any other
17 monies made available for the fund by the Legislature. The
18 Administrative Office of Courts may also accept monies from any
19 public or private source for deposit into the fund. Money
20 remaining in the fund at the end of a fiscal year shall not lapse



21 into the State General Fund, and any interest earned from the
22 investment of monies in the fund shall be deposited to the credit
23 of the * * * fund.

24 (2) All monies shall be allocated to only those
25 organizations providing legal services to low income
26 Mississippians. Furthermore, no monies from this fund shall be
27 expended to provide legal services in matters currently prohibited
28 by the Legal Services Corporation, Washington, D.C., and no funds
29 shall be expended on persons who are not financially eligible to
30 receive legal services as directed by the Legal Services
31 Corporation, Washington, D.C.

32 (3) The monies appropriated shall be distributed to eligible
33 legal services programs based on the percentage of poverty
34 population within the program service area, consistent with the
35 formula used by the Legal Services Corporation.

36 (4) Monies appropriated to the fund may be used to promote
37 increased participation by the private bar in the delivery of
38 legal services to the indigent through the Mississippi Volunteer
39 Lawyers Project.

40 (5) Recipients of funds shall have the following duties:

41 (a) To develop, operate and administer programs within
42 their respective service areas that provide free legal services to
43 indigent clients involved in civil matters;

44 (b) To report annually to the Supreme Court, through
45 the Administrative Office of Courts, on its activities, including



46 providing a copy of its annual audit that accounts for the use of
47 the funds; and

48 (c) To refund annually all unused or uncommitted funds.

49 **SECTION 2.** Section 25-7-9, Mississippi Code of 1972, is
50 brought forward as follows:

51 25-7-9. (1) The clerks of the chancery courts shall charge
52 the following fees:

53 (a) For the act of certifying copies of filed
54 documents, for each complete document.....\$ 1.00

55 (b) (i) Recording each deed, will, lease, amendment,
56 subordination, lien, release, cancellation, order, decree, oath,
57 etc., per book and page listed where applicable; for the first
58 fifteen (15) pages.....\$ 10.00

59 Each additional page.....\$ 1.00

60 (ii) Sectional index entries per section or
61 subdivision lot.....\$ 1.00

62 (c) Recording each deed of trust, for the first fifteen
63 (15) pages.....\$ 15.00

64 Each additional page.....\$ 1.00

65 Sectional index entries per section or subdivision
66 lot \$ 1.00

67 (d) (i) Recording oil and gas leases, cancellations,
68 etc., including indexing in general indices; for the first
69 fifteen (15) pages.....\$ 18.00

70 Each additional page.....\$ 1.00



71 (ii) Sectional index entries per section or
72 subdivision lot.....\$ 1.00

73 (iii) Recording each oil and gas assignment
74 per assignee.....\$ 18.00

75 (e) (i) Furnishing copies of any papers of record or
76 on file:

77 If performed by the clerk or his employee,
78 per page.....\$.50

79 If performed by any other person,
80 per page.....\$.25

81 (ii) Entering marginal notations on
82 documents of record.....\$ 1.00

83 (f) For each day's attendance on the board of
84 supervisors, for himself and one (1) deputy, each.....\$ 20.00

85 (g) For other services as clerk of the board of
86 supervisors an allowance shall be made to him (payable
87 semiannually at the July and January meetings) out of the county
88 treasury, an annual sum not exceeding.....\$3,000.00

89 (h) For each day's attendance on the chancery court, to
90 be approved by the chancellor:

91 For the first chancellor sitting only, clerk and
92 two (2) deputies, each.....\$ 50.00

93 For the second chancellor sitting,
94 clerk only.....\$ 50.00



95 Provided that the fees herein prescribed shall be the total
96 remuneration for the clerk and his deputies for attending chancery
97 court.

98 (i) On order of the court, clerks and not more than two
99 (2) deputies may be allowed five (5) extra days for each term of
100 court for attendance upon the court to get up records.

101 (j) For public service not otherwise specifically
102 provided for, the chancery court may by order allow the clerk to
103 be paid by the county on the order of the board of supervisors, an
104 annual sum not exceeding.....\$5,000.00

105 (k) For each civil filing, to be deposited into the
106 Civil Legal Assistance Fund.....\$ 5.00

107 The chancery clerk shall itemize on the original document a
108 detailed fee bill of all charges due or paid for filing, recording
109 and abstracting same. No person shall be required to pay such
110 fees until same have been so itemized, but those fees may be
111 demanded before the document is recorded.

112 (2) The following fees shall be a total fee for all services
113 performed by the clerk with respect to a complaint which shall be
114 payable upon filing and shall accrue to the chancery clerk at the
115 time of filing. The clerk or his successor in office shall
116 perform all duties set forth without additional compensation or
117 fee to wit:

118 (a) Divorce to be contested.....\$75.00
119 (b) Divorce uncontested.....\$30.00



- 120 (c) Alteration of birth or marriage certificate..\$25.00
- 121 (d) Removal of minority.....\$25.00
- 122 (e) Guardianship or conservatorship.....\$75.00
- 123 (f) Estate of deceased, intestate.....\$75.00
- 124 (g) Estate of deceased, testate.....\$75.00
- 125 (h) Adoption.....\$75.00
- 126 (i) Land dispute.....\$75.00
- 127 (j) Injunction.....\$75.00
- 128 (k) Settlement of small claim.....\$30.00
- 129 (l) Contempt in child support.....\$75.00
- 130 (m) Partition suit.....\$75.00
- 131 (n) Any cross-complaint.....\$25.00
- 132 (o) Commitment.....\$75.00

133 (3) For every civil case filed:

134 (a) An additional fee to be deposited to the credit of
 135 the Comprehensive Electronic Court Systems Fund established
 136 in Section 9-21-14.....\$10.00

137 (b) An additional fee to be deposited to the
 138 credit of the Judicial System Operation Fund established in
 139 Section 9-21-45.....\$40.00

140 (4) Cost of process shall be borne by the issuing party.
 141 Additionally, should the attorney or person filing the pleadings
 142 desire the clerk to pay the cost to the sheriff for serving
 143 process on one (1) person or more, or to pay the cost of



144 publication, the clerk shall demand the actual charges therefor,
145 at the time of filing.

146 **SECTION 3.** Section 25-7-13, Mississippi Code of 1972, is
147 brought forward as follows:

148 25-7-13. (1) The clerks of the circuit court shall charge
149 the following fees:

150 (a) Docketing, filing, marking and registering each
151 complaint, petition and indictment.....\$ 85.00

152 The fee set forth in this paragraph shall be the total fee
153 for all services performed by the clerk up to and including entry
154 of judgment with respect to each complaint, petition or
155 indictment, including all answers, claims, orders, continuances
156 and other papers filed therein, issuing each writ, summons,
157 subpoena or other such instruments, swearing witnesses, taking and
158 recording bonds and pleas, and recording judgments, orders, fiats
159 and certificates; the fee shall be payable upon filing and shall
160 accrue to the clerk at the time of collection. The clerk or his
161 successor in office shall perform all duties set forth above
162 without additional compensation or fee.

163 (b) Docketing and filing each motion to renew judgment,
164 notice of renewal of judgment, suggestion for a writ of
165 garnishment, suggestion for a writ of execution and judgment
166 debtor actions and issuing all process, filing and recording
167 orders or other papers and swearing
168 witnesses.....\$ 35.00



169 (c) For every civil case filed, an additional fee to be
170 deposited to the credit of the Comprehensive Electronic Court
171 Systems Fund established in Section 9-21-14.....\$ 10.00

172 (d) For every civil case filed, an additional fee to be
173 deposited to the credit of the Judicial System Operation Fund
174 established in Section 9-21-45.....\$ 40.00

175 (2) Except as provided in subsection (1) of this section,
176 the clerks of the circuit court shall charge the following fees:

177 (a) Filing and marking each order or other paper and
178 recording and indexing same.....\$ 2.00

179 (b) Issuing each writ, summons, subpoena, citation,
180 capias and other such instruments.....\$ 1.00

181 (c) Administering an oath and taking bond.....\$ 2.00

182 (d) Certifying copies of filed documents, for each
183 complete document.....\$ 1.00

184 (e) Recording orders, fiats, licenses, certificates,
185 oaths and bonds:

186 First page.....\$ 2.00

187 Each additional page.....\$ 1.00

188 (f) Furnishing copies of any papers of record or on
189 file and entering marginal notations on documents of record:

190 If performed by the clerk or his employee,
191 per page.....\$ 1.00

192 If performed by any other person, per page.....\$.25

193 (g) Judgment roll entry.....\$ 5.00



194 (h) Taxing cost and certificate.....\$ 1.00

195 (i) For taking and recording application for marriage
196 license, for filing and recording consent of parents when required
197 by law, for filing and recording medical certificate, filing and
198 recording proof of age, recording and issuing license, recording
199 and filing returns.....\$ 20.00

200 The clerk shall deposit Fourteen Dollars (\$14.00) of each fee
201 collected for a marriage license in the Victims of Domestic
202 Violence Fund established in Section 93-21-117, on a monthly
203 basis.

204 (j) For certified copy of marriage license and search
205 of record, the same fee charged by the Bureau of Vital Statistics
206 of the State Board of Health.

207 (k) For public service not particularly provided for,
208 the circuit court may allow the clerk, per annum, to be paid by
209 the county on presentation of the circuit court's order, the
210 following amount.....\$5,000.00

211 However, in the counties having two (2) judicial districts,
212 such above allowance shall be made for each judicial district.

213 (l) For drawing jurors and issuing venire, to be paid
214 by the county.....\$ 5.00

215 (m) For each day's attendance upon the circuit court
216 term, for himself and necessary deputies allowed by the court,
217 each to be paid by the county.....\$ 50.00



218 (n) Summons, each juror to be paid by the county upon
219 the allowance of the court.....\$ 1.00

220 (o) For issuing each grand jury subpoena, to be paid by
221 the county on allowance by the court, not to exceed Twenty-five
222 Dollars (\$25.00) in any one (1) term of court.....\$ 1.00

223 (p) For each civil filing, to be deposited into the
224 Civil Legal Assistance Fund.....\$ 5.00

225 (3) On order of the court, clerks and deputies may be
226 allowed five (5) extra days for attendance upon the court to get
227 up records.

228 (4) The clerk's fees in state cases where the state fails in
229 the prosecution, or in cases of felony where the defendant is
230 convicted and the cost cannot be made out of his estate, in an
231 amount not to exceed Four Hundred Dollars (\$400.00) in one (1)
232 year, shall be paid out of the county treasury on approval of the
233 circuit court, and the allowance thereof by the board of
234 supervisors of the county. In counties having two (2) judicial
235 districts, such allowance shall be made in each judicial district;
236 however, the maximum thereof shall not exceed Eight Hundred
237 Dollars (\$800.00). Clerks in the circuit court, in cases where
238 appeals are taken in criminal cases and no appeal bond is filed,
239 shall be allowed by the board of supervisors of the county after
240 approval of their accounts by the circuit court, in addition to
241 the above fees, for making such transcript the rate of Two Dollars
242 (\$2.00) per page.



243 (5) The clerk of the circuit court may retain as his
244 commission on all money coming into his hands, by law or order of
245 the court, a sum to be fixed by the court not exceeding one-half
246 of one percent (1/2 of 1%) on all such sums.

247 (6) For making final records required by law, including, but
248 not limited to, circuit and county court minutes, and furnishing
249 transcripts of records, the circuit clerk shall charge Two Dollars
250 (\$2.00) per page. The same fees shall be allowed to all officers
251 for making and certifying copies of records or papers which they
252 are authorized to copy and certify.

253 (7) The circuit clerk shall prepare an itemized statement of
254 fees for services performed, cost incurred, or for furnishing
255 copies of any papers of record or on file, and shall submit the
256 statement to the parties or, if represented, to their attorneys
257 within sixty (60) days. A bill for same shall accompany the
258 statement.

259 **SECTION 4.** Section 27-19-56.99, Mississippi Code of 1972, is
260 brought forward as follows:

261 27-19-56.99. (1) Any owner of a motor vehicle, who is a
262 resident of this state, upon complying with the motor vehicle laws
263 relating to registration and licensing of motor vehicles, and upon
264 payment of the road and bridge privilege taxes, ad valorem taxes
265 and registration fees as prescribed by law for private carriers of
266 passengers, pickup trucks and other noncommercial motor vehicles,
267 and upon payment of an additional annual fee in the amount



268 provided in subsection (3) of this section, shall be issued a
269 special license tag for each motor vehicle registered in his name
270 identifying such person as a supporter of the Civil Legal
271 Assistance Fund. The distinctive license tags so issued shall be
272 of such color and design as the Department of Revenue, with the
273 advice of the Administrative Office of Courts, may prescribe, and
274 shall consist of such letters or numbers, or both, as may be
275 necessary to distinguish each license tag.

276 (2) Application for the distinctive license tags authorized
277 by this section shall be made to the county tax collector on forms
278 prescribed by the Department of Revenue. The application and the
279 additional fee imposed under subsection (3) of this section, less
280 Two Dollars (\$2.00) thereof to be retained by the tax collector,
281 shall be remitted to the Department of Revenue on a monthly basis
282 as prescribed by the department. The portion of the additional
283 fee retained by the tax collector shall be deposited into the
284 county general fund.

285 (3) Beginning with any registration year commencing on or
286 after July 1, 2004, any person applying for a distinctive license
287 tag under this section shall pay an additional fee in the amount
288 of Thirty Dollars (\$30.00) for each distinctive license tag
289 applied for under this section, which shall be in addition to all
290 other taxes and fees. The additional fee paid shall be for a
291 period of time to run concurrently with the vehicle's established
292 license tag year. The additional fee is due and payable at the



293 time the original application is made for a distinctive license
294 tag under this section and thereafter annually at the time of
295 renewal registration as long as the owner retains the distinctive
296 license tag. If the owner does not wish to retain the distinctive
297 license tag, he must surrender it to the local county tax
298 collector.

299 (4) The Department of Revenue shall deposit all fees into
300 the State Treasury on the day collected. At the end of each
301 month, the Department of Revenue shall certify to the State
302 Treasurer the total fees collected under this section from the
303 issuance of the distinctive license tags issued under this
304 section. The State Treasurer shall distribute such collections as
305 follows:

306 (a) Twenty-four Dollars (\$24.00) of each additional fee
307 collected on distinctive license tags issued pursuant to this
308 section shall be disbursed to the Civil Legal Assistance Fund
309 created under Section 9-21-43.

310 (b) One Dollar (\$1.00) of each additional fee collected
311 on distinctive license tags issued pursuant to this section shall
312 be deposited into the Mississippi Burn Care Fund created pursuant
313 to Section 7-9-70.

314 (c) Two Dollars (\$2.00) of each additional fee
315 collected on distinctive license tags issued pursuant to this
316 section shall be deposited to the credit of the State Highway Fund



317 to be expended solely for the repair, maintenance, construction or
318 reconstruction of highways.

319 (d) One Dollar (\$1.00) of each additional fee collected
320 on distinctive license tags issued pursuant to this section shall
321 be deposited to the credit of the special fund created in Section
322 27-19-44.2.

323 (5) A regular license tag must be properly displayed as
324 required by law until replaced by a distinctive license tag under
325 this section. The regular license tag must be surrendered to the
326 tax collector upon issuance of the distinctive license tag under
327 this section. The tax collector shall issue up to two (2) license
328 decals for each distinctive license tag issued under this section,
329 which will expire the same month and year as the regular license
330 tag.

331 (6) In the case of loss or theft of a distinctive license
332 tag issued under this section, the owner may make application and
333 affidavit for a replacement distinctive license tag as provided by
334 Section 27-19-37. The fee for a replacement distinctive license
335 tag shall be Ten Dollars (\$10.00). The tax collector receiving
336 such application and affidavit shall be entitled to retain and
337 deposit into the county general fund five percent (5%) of the fee
338 for such replacement license tag and the remainder shall be
339 distributed proportionately in the same manner as funds from the
340 sale of regular distinctive license tags issued under this
341 section.



342 **SECTION 5.** Section 27-19-56.135, Mississippi Code of 1972,
343 is brought forward as follows:

344 27-19-56.135. (1) Beginning with any registration year
345 commencing on or after July 1, 2011, any owner of a motor vehicle
346 who is a member of The Mississippi Bar, upon complying with the
347 motor vehicle laws relating to registration and licensing of motor
348 vehicles, and upon payment of the road and bridge privilege taxes,
349 ad valorem taxes and registration fees as prescribed by law for
350 private carriers of passengers, pickup trucks and other
351 noncommercial motor vehicles, and upon payment of an additional
352 annual fee in the amount provided in subsection (3), shall be
353 issued a special license tag for each motor vehicle registered in
354 his name identifying such person as an attorney. The distinctive
355 license tags so issued shall be of such color and design as the
356 Department of Revenue, with the advice of The Mississippi Bar and
357 the Magnolia Bar Association, may prescribe, and shall consist of
358 such letters or numbers, or both, as may be necessary to
359 distinguish each license tag.

360 (2) Application for the distinctive license tags authorized
361 by this section shall be made to the county tax collector on forms
362 prescribed by the Department of Revenue. The applicant's bar
363 identification card shall be presented at that time as proof of
364 membership in The Mississippi Bar. The application and the
365 additional fee imposed under subsection (3) of this section, less
366 Two Dollars (\$2.00) thereof to be retained by the tax collector,



367 shall be remitted to the Department of Revenue on a monthly basis
368 as prescribed by the department. The portion of the additional
369 fee retained by the tax collector shall be deposited into the
370 county general fund.

371 (3) Any person applying for a distinctive license tag under
372 this section shall pay an additional fee in the amount of Thirty
373 Dollars (\$30.00) for each distinctive license tag applied for
374 under this section, which shall be in addition to all other taxes
375 and fees. The additional fee paid shall be for a period of time
376 to run concurrently with the vehicle's established license tag
377 year. The additional fee is due and payable at the time the
378 original application is made for a distinctive license tag under
379 this section and thereafter annually at the time of renewal
380 registration as long as the owner retains the distinctive license
381 tag. If the owner does not wish to retain the distinctive license
382 tag, he must surrender it to the local county tax collector.

383 (4) The Department of Revenue shall deposit all fees into
384 the State Treasury on the day collected. At the end of each
385 month, the Department of Revenue shall certify to the State
386 Treasurer the total fees collected under this section from the
387 issuance of the distinctive license tags issued under this
388 section. The State Treasurer shall distribute such collections as
389 follows:

390 (a) Twenty-four Dollars (\$24.00) of each additional fee
391 collected on distinctive license tags issued pursuant to this



392 section shall be disbursed to the Mississippi Civil Legal
393 Assistance Fund.

394 (b) One Dollar (\$1.00) of each additional fee collected
395 on distinctive license tags issued pursuant to this section shall
396 be deposited into the Mississippi Burn Care Fund created pursuant
397 to Section 7-9-70.

398 (c) Two Dollars (\$2.00) of each additional fee
399 collected on distinctive license tags issued pursuant to this
400 section shall be deposited to the credit of the State Highway Fund
401 to be expended solely for the repair, maintenance, construction or
402 reconstruction of highways.

403 (d) One Dollar (\$1.00) of each additional fee collected
404 on distinctive license tags issued pursuant to this section shall
405 be deposited to the credit of the special fund created in Section
406 27-19-44.2.

407 (5) A regular license tag must be properly displayed as
408 required by law until replaced by a distinctive license tag under
409 this section. The regular license tag must be surrendered to the
410 tax collector upon issuance of the distinctive license tag under
411 this section. The tax collector shall issue up to two (2) license
412 decals for each distinctive license tag issued under this section,
413 which will expire the same month and year as the regular license
414 tag.

415 (6) In the case of loss or theft of a distinctive license
416 tag issued under this section, the owner may make application and



417 affidavit for a replacement distinctive license tag as provided by
418 Section 27-19-37. The fee for a replacement distinctive license
419 tag shall be Ten Dollars (\$10.00). The tax collector receiving
420 such application and affidavit shall be entitled to retain and
421 deposit into the county general fund five percent (5%) of the fee
422 for such replacement license tag and the remainder shall be
423 distributed proportionately in the same manner as funds from the
424 sale of regular distinctive license tags issued under this
425 section.

426 (7) In order for a distinctive license tag to be issued
427 under this section, the provisions of Section 27-19-44(3) must be
428 satisfied for the distinctive license tag before July 1, 2014.

429 **SECTION 6.** This act shall take effect and be in force from
430 and after July 1, 2018.

